

# Amicus

Assisting Lawyers for  
Justice on Death Row

## THE ANATOMY OF AN EXECUTION

Monday, 25th November 2013

Inner Temple Great Hall



An examination of a US capital case,  
from arrest to death

First hand accounts from the people involved;  
Juror, Lawyer, Warden, and attempted murder victim

# Tonight's Programme

|      |   |
|------|---|
| 6.00 | <b>Introduction</b><br>Host Sir Anthony Hooper                                    |
| 6.10 | <b>The Juror</b><br>Don 'Joe' Hedgecock   |
| 6.25 | <b>Video</b><br>One for Ten<br><i>Kirk Bloodsworth: DNA Evidence</i>              |
| 6.35 | <b>The Lawyer</b><br>Robert Morrow  |
| 6.50 | <b>The Warden</b><br>Jeanne Woodford  |
| 7.05 | <b>The Attempted Murder Victim</b><br>Rais Bhuiyan                                |
| 7.20 | <b>Video</b><br>One for Ten<br><i>Delbert Tibbs: Eyewitness Misidentification</i> |
| 7.30 | <b>Panel Discussion</b><br>Q&A  |
| 8.00 | <b>Close</b><br>Drinks Reception<br>Charity Art Auction                           |

# A message from Amicus

**Amicus is a small legal charity which helps provide representation for those facing the death penalty in the United States. Amicus was founded in 1992 in memory of Andrew Lee Jones, who was executed in Louisiana in 1991.**

**We believe the death penalty is disproportionately imposed on the most vulnerable in society, violating their right to due process and the concept of equal justice before the law. We work to provide better access to justice for those who could not otherwise afford it.**

*"The Constitution says that everyone's entitled to the attorney of their choice. ... The Constitution doesn't say that the lawyer has to be awake."*

***District Judge Doug Shaver, McFarland v. State of Texas (1992)***

The quality of representation in a capital trial is literally a matter of life and death. Unfortunately capital defence lawyers in the US are generally overworked and underpaid. Some are also woefully inexperienced and a significant number of US citizens have gone to their deaths because of poor legal representation.

*"All are equal before the law and are entitled, without any discrimination, to equal protection of the law."*

***Article 7, Universal Declaration of Human Rights***

The US has executed almost 700 people since 2000 and 34.2% of them were black, although the recent 2010 US census figures show that only 12.6% of the general population is black.

A recent Louisiana study concluded that, even after taking other variables into consideration, "the odds of a death sentence are still 97% higher for those who kill whites than for those who kill blacks". All are equal before the law?

90% of death row inmates are classed as indigent and cannot afford their own lawyer.

*"The death penalty remains fraught with arbitrariness, discrimination, caprice, and mistake."*

***U.S. Supreme Court Justice Harry A. Blackmun, 1994***

Since 1973, 143 people in 26 states have been released from death row with evidence of their innocence.

Amicus helps save lives - but we need your support.

# Our Guests

## The Host - Sir Anthony Hooper



Sir Anthony Hooper retired from the Court of Appeal of England and Wales in September 2012. He is the inaugural Judicial Fellow of the Judicial Institute of University College, London, where he is also an honorary Professor.

Sir Anthony offers his services in the United Kingdom, the United States and other countries to national and international corporations and organizations (both civil and military). As a former Lord Justice of Appeal he may act as an independent investigator, expert witness, mediator, arbitrator and monitor and as an advisor on compliance programmes. He will lecture and lead discussion groups on issues of fraud, bribery, confiscation, money laundering and related criminal and civil

activity arising in the United Kingdom and in other countries. He is currently a consultant to the Stolen Assets Recovery Initiative, a joint programme of the World Bank and the United Nations Office on Drugs and Crime. He is helping in the planning and organisation of training for East African judges on stolen asset recovery. He will lead the first course to be given in January 2014.

Sir Anthony read law at Trinity Hall, Cambridge, of which he is now an Honorary Fellow.

## The Attempted Murder Victim - Rais Bhuiyan



Just 10 days after the attacks of Sept. 11, 2001, Rais Bhuiyan was working at a gas station in Dallas when he was shot in the face by a man named Mark Stroman. Stroman was on a shooting spree, targeting people who appeared to be Muslim or of Middle Eastern descent.

Rais was the only survivor of the attacks; he required medical attention for years after he was shot. The bullet hit him on the right side of the face, leaving severe injuries, particularly to his right eye. He has created a website called World Without Hate to educate others about hate crimes as a means of preventing them. He also works with Amnesty International and assisted Stroman's defense attorney, who had filed several appeals on

Stroman's death sentence. Rais campaigned to have Mark Stroman's death penalty commuted to life in prison with no parole. He was unsuccessful in his efforts.

## The Lawyer - Robert Morrow



Robert Morrow has been practicing criminal law since 1978. He has been counsel for the accused in over 20 capital murder cases at trial, as well as counsel for the accused in more than 15 capital murder appeals or other post conviction matters. He currently serves on the Board of Directors for The Texas Defender Service and also serves on the 2nd Judicial Regional Committee on Standards for Capital Murder Counsel.

Robert has previously served on the Capital Litigation Committee for the State Bar of Texas as well as on the Capital Murder Peer Review Committee for Harris County, Texas. Additional service also includes his involvement as a CLE Chair for the Houston Bar Association Criminal Law and Procedure

Section, on the Grievance Committee for the State Bar of Texas, on the Board of Directors for Harris County Criminal Lawyers, on the Capital Murder Committee for the Texas Criminal Defense Lawyers Association and as Co-Chair on the Committee on Appellate Issues for the Texas Criminal Defense Lawyers Association.

He has been actively involved in the continuing legal education program for many years as a lecturer and has written numerous articles regarding almost every aspect of the capital murder trial and appellate process. The topics addressed in these papers and seminars include jury selection, motions practice, investigation aspects, mitigation presentation, all aspects of penalty phase representation, charge practice at both guilt and punishment, and detailed examination of current case law as it applies to every aspect of capital murder representation. With Janet Morrow, Robert wrote In A Narrow Grave: Texas Punishment Law in Capital Murder Cases, South Texas Law Review, Volume 43, Number 4, Fall 2002.

For more than ten years, his clients have benefited greatly from the work of the wonderful interns sent to Texas by Amicus. Working along with Gerald Bourque, Janet Morrow, and Amy Martin, these Amicus interns have made a tremendous difference in the lives of dozens of clients. Robert, on behalf of these clients, wishes to thank Amicus for its unwavering commitment to justice in Texas and all over the world.

## The Juror - Don 'Joe' Hedgecock



Joe Hedgecock was a juror in the first trial of Ray Krone in 1992, 'the snaggletooth killer'. At this trial, Ray Krone was found guilty and sentenced to death. Subsequently Ray was fully exonerated and released from prison in 2002. Joe speaks of his experience as a juror from voir dire to present day; the aftermath of the trial and the effects the entire process has had on him.

Joe is employed by Otis Elevator Co. as a service technician and is a member of the International Union of Elevator Constructors.

## The Warden - Jeanne Woodford



Jeanne Woodford retired as the Chief of the San Francisco Adult Probation Department on May 30, 2008 completing 30 years of work at the state and county level of government in the field of criminal justice. She has worked for the administrations of both Governor Davis and Governor Schwarzenegger as well as for Mayor Gavin Newsom and the Superior Court of San Francisco.

Jeanne has extensive experience in Corrections and Rehabilitation. She began her career at San Quentin State Prison in 1978 following graduation from Sonoma State University with a Bachelors degree in Criminal Justice. She was promoted through the ranks and was appointed Warden of San Quentin State Prison by Governor Davis in 1999. During her time as Warden, she oversaw four executions. She remained Warden of San Quentin until called upon by Governor Schwarzenegger in 2004 to serve as the Director of the California Department of Corrections. Her mission was to bring reform and rehabilitation to the California Department of Corrections. She was appointed to the position of Undersecretary of the California Department of Corrections and Rehabilitation, the largest correctional system in the United States, in July of 2005.

Jeanne is considered a national expert on Prison Management and Administration. She is also recognized for her leadership skills and ability to lead staff toward a shared vision. She brought mission based management and data driven decision making to the California Department of Corrections. She is an expert in community corrections having implemented new and innovative programs to improve community outcomes and public safety. She is utilizing her expertise in her new role at the Berkeley Center for Criminal Justice.

Jeanne has been featured in many newspapers and magazines including the New York Times Magazine in an article titled, The Good Jailer, published in March of 2004. She recently completed her work as the Executive Director of Death Penalty Focus, a national organization committed to ending the death penalty. She was the proponent and primary spokesperson in support of the 2012 campaign to end the death penalty in California, Proposition 34. This proposition was defeated by a small margin of votes. She is a Senior Fellow at the Berkeley Law School University of California's Chief Justice Earl Warren Institute on Law and Social Policy as well as offering her expertise on several criminal justice re-entry and policy projects in the state of California. Jeanne graduated from Sonoma State University with a Bachelors Degree in Criminal Justice in 1978.



# Facts about the Death Penalty

Death Penalty Information Center  
 1015 18th Street NW, Suite 704 | Washington, DC 20036  
 Phone: 202-289-2275 | Fax: 202-289-7336  
 Email: [dpic@deathpenaltyinfo.org](mailto:dpic@deathpenaltyinfo.org)  
 Website: <http://deathpenaltyinfo.org>

## 1. States with / without the Death Penalty

| <b>States With The Death Penalty (32)</b> |                |                 |
|---|----------------|-----------------|
| Alabama                                   | Louisiana      | South Carolina  |
| Arizona                                   | Mississippi    | South Dakota    |
| Arkansas                                  | Missouri       | Tennessee       |
| California                                | Montana        | Texas           |
| Colorado                                  | Nebraska       | Utah            |
| Delaware                                  | Nevada         | Virginia        |
| Florida                                   | New Hampshire  | Washington      |
| Georgia                                   | North Carolina | Wyoming         |
| Idaho                                     | Ohio           |                 |
| Indiana                                   | Oklahoma       | ALSO            |
| Kansas                                    | Oregon         | U.S. Government |
| Kentucky                                  | Pennsylvania   | U.S. Military   |

| <b>States Without The Death Penalty (18)</b> (year abolished in parentheses) |                                |                                  |
|--|--------------------------------|----------------------------------|
| Alaska (1957)  | Massachusetts (1984)           | Rhode Island (1984) <sup>^</sup> |
| Connecticut <sup>**</sup> (2012)   | Michigan (1846)                | Vermont (1964)                   |
| Hawaii (1957)  | Minnesota (1911)               | West Virginia (1965)             |
| Illinois (2011)  | New Jersey (2007)              | Wisconsin (1853)                 |
| Iowa (1965)  | New Mexico <sup>*</sup> (2009) |                                  |
| Maine (1887)   | New York (2007) <sup>#</sup>   | ALSO                             |
| Maryland <sup>***</sup> (2013)   | North Dakota (1973)            | Dist. of Columbia (1981)         |

<sup>\*</sup> In March 2009, New Mexico voted to abolish the death penalty. However, the repeal was not retroactive, leaving two people on the state's death row.

<sup>\*\*</sup> In April 2012, Connecticut voted to abolish the death penalty. However, the repeal was not retroactive, leaving 11 people on the state's death row.

<sup>\*\*\*</sup> In May 2013, Maryland abolished the death penalty. However, the repeal was not retroactive, leaving five people on the state's death row.

<sup>^</sup> In 1979, the Supreme Court of Rhode Island held that a statute making a death sentence mandatory for someone who killed a fellow prisoner was unconstitutional. The legislature removed the statute in 1984.

<sup>#</sup> In 2004, the New York Court of Appeals held that a portion of the state's death penalty law was unconstitutional. In 2007, they ruled that their prior holding applied to the last remaining person on the state's death row. The legislature has voted down attempts to restore the statute.

## 2. Death Row Inmate Population by Year (1968 - present)

|             |     |             |       |             |       |             |       |
|-------------|-----|-------------|-------|-------------|-------|-------------|-------|
| <b>1968</b> | 517 | <b>1980</b> | 691   | <b>1992</b> | 2,575 | <b>2004</b> | 3,315 |
| <b>1969</b> | 575 | <b>1981</b> | 856   | <b>1993</b> | 2,716 | <b>2005</b> | 3,254 |
| <b>1970</b> | 631 | <b>1982</b> | 1,050 | <b>1994</b> | 2,890 | <b>2006</b> | 3,228 |
| <b>1971</b> | 642 | <b>1983</b> | 1,209 | <b>1995</b> | 3,054 | <b>2007</b> | 3,215 |
| <b>1972</b> | 334 | <b>1984</b> | 1,405 | <b>1996</b> | 3,219 | <b>2008</b> | 3,207 |
| <b>1973</b> | 134 | <b>1985</b> | 1,591 | <b>1997</b> | 3,335 | <b>2009</b> | 3,173 |
| <b>1974</b> | 244 | <b>1986</b> | 1,781 | <b>1998</b> | 3,452 | <b>2010</b> | 3,158 |
| <b>1975</b> | 488 | <b>1987</b> | 1,984 | <b>1999</b> | 3,527 | <b>2011</b> | 3,082 |
| <b>1976</b> | 420 | <b>1988</b> | 2,124 | <b>2000</b> | 3,593 | <b>2012</b> | 3,146 |
| <b>1977</b> | 423 | <b>1989</b> | 2,250 | <b>2001</b> | 3,581 | <b>2013</b> | 3,108 |
| <b>1978</b> | 482 | <b>1990</b> | 2,356 | <b>2002</b> | 3,557 |             |       |
| <b>1979</b> | 539 | <b>1991</b> | 2,482 | <b>2003</b> | 3,374 |             |       |

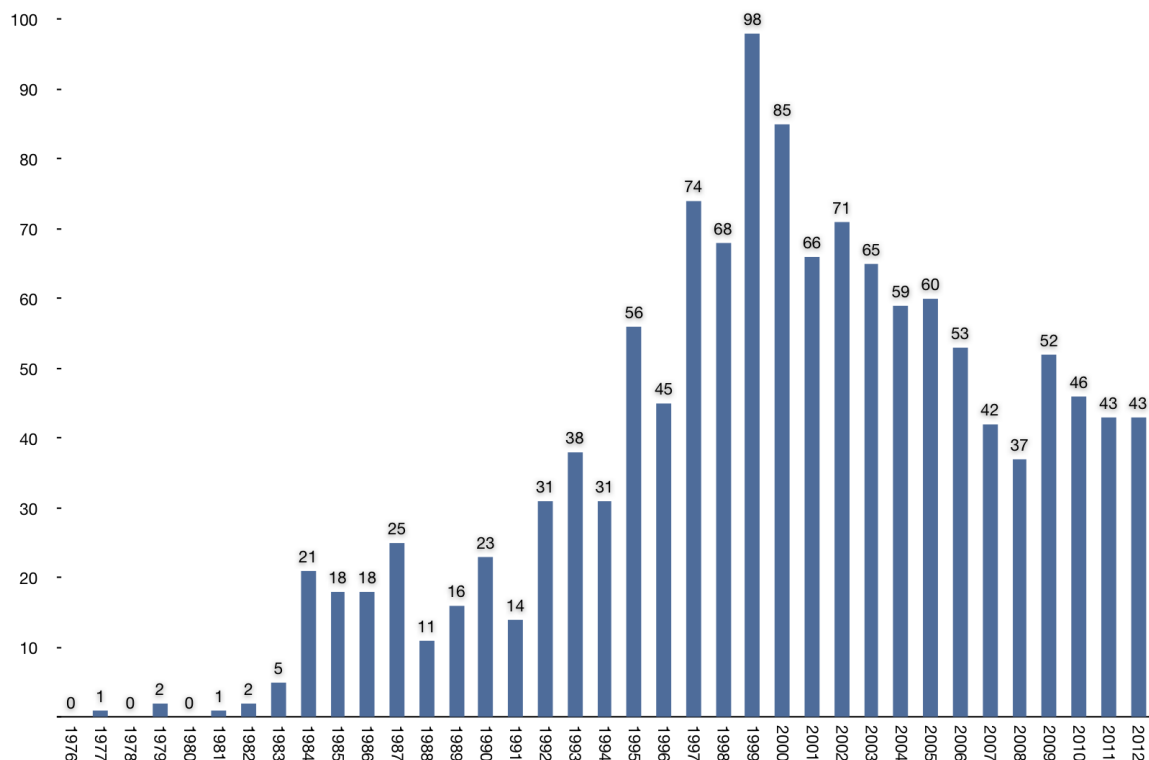
## 3. Executions by Year since 1976 (Information as of November 13, 2013)

Total since 1976 (including 2013): 1354

Executions in 2013: 34

Executions in 2012: 43

Executions in 2011: 43

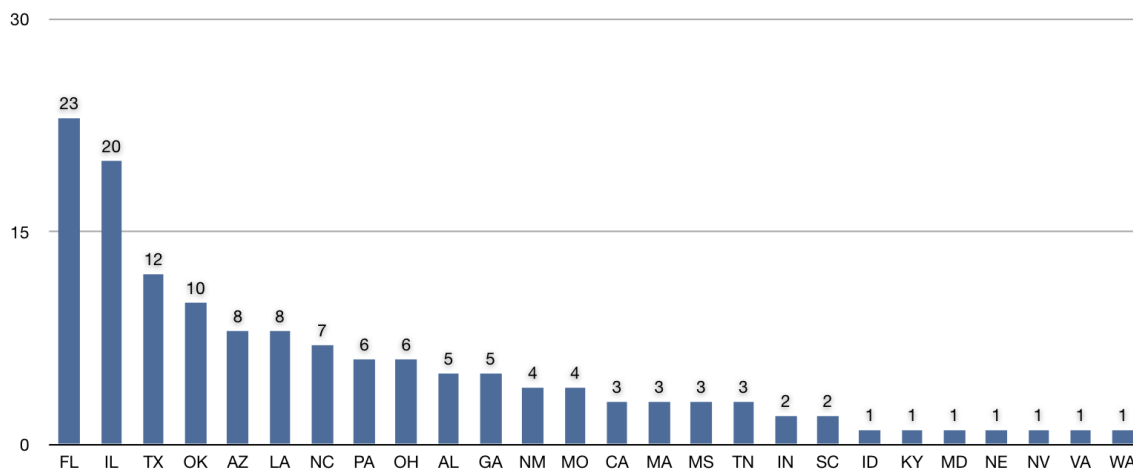




#### 4. Exonerations by State (Table as of October 25, 2013, Graph as of Jan. 1, 2013)

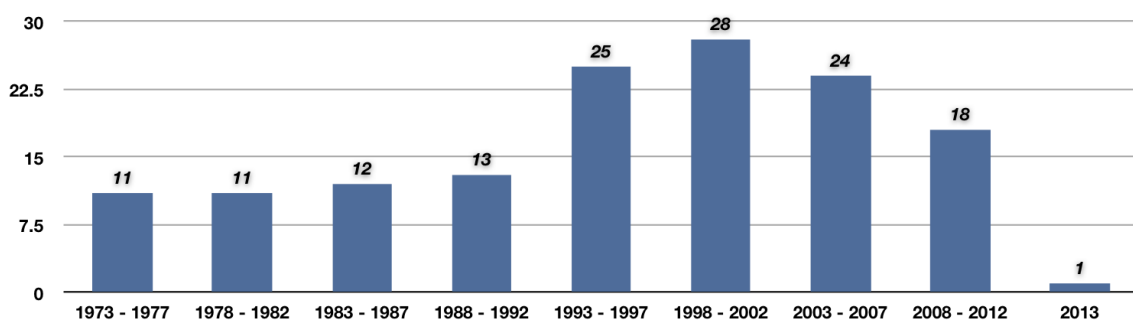
As of October 25, 2013 there have been 143 exonerations in 26 different States.

|                |    |               |   |                |   |
|----------------|----|---------------|---|----------------|---|
| Florida        | 24 | Alabama       | 5 | South Carolina | 2 |
| Illinois       | 20 | Georgia       | 5 | Idaho          | 1 |
| Texas          | 12 | New Mexico    | 4 | Kentucky       | 1 |
| Oklahoma       | 10 | Missouri      | 4 | Maryland       | 1 |
| Louisiana      | 9  | California    | 3 | Nebraska       | 1 |
| Arizona        | 8  | Massachusetts | 3 | Nevada         | 1 |
| North Carolina | 7  | Mississippi   | 3 | Virginia       | 1 |
| Pennsylvania   | 6  | Tennessee     | 3 | Washington     | 1 |
| Ohio           | 6  | Indiana       | 2 |                |   |



#### 5. Exonerations By Year (Graph as of Jan. 1, 2013)

From 1973-1999, there was an average of 3.03 exonerations per year. From 2000-2013, there has been an average of 4.29 exonerations per year.



# About Our Work

- Casework
- Training
- Educational Events
- Raising Awareness
- Internships
- Legal Research and Drafting
- Fundraising
- The Amicus Journal

## How Members Can Get Involved

**Casework:** Members can work on individual cases and play a direct role in helping save a person from execution. Caseworkers also get involved in research projects and developing legal toolkits. The work ranges from summarising trial transcripts to drafting motions and briefs. The type of work a member can do depends on their qualifications and experience but all contributions make a real difference to the individuals involved.

**Internships:** Every year we train and place approximately 30 interns with capital defence organisations in the US. Capital defence attorneys are generally overworked and under-resourced so our interns provide vital support and carry out work that would not be done without them. This support can make all the difference to a case:

*"[Our Amicus intern] shared his work with the Texas office and another Amicus intern over there [Texas]. They used it and this guy didn't die last night. I can't think of a way to overstate the importance of this work. The guy didn't die. Kind of says it all. Everyone over there [UK] ought to know about this. It makes it all worthwhile. Thank you."*

**Training:** Our spring and autumn death penalty training programmes are accredited by The Bar Standards Board and Solicitors Regulation Authority for 26 CPD points.

**Fundraising:** Amicus events range from wine tasting and film screenings to conferences and reading nights. There's something for everyone.

**Journal and Newsletter:** We need regular contributions for our academic journal and our monthly newsletter.

**Membership Fees and Donations:** As a small charity we are very much dependent upon our members for the funds that keep us going. Your support will help us expand and improve our work, ensuring better access to justice for more people facing capital punishment in the USA.

# The story of Andrew Lee Jones

Andrew was born in rural Louisiana, the fifth son of a black share-cropping family. His life changed on the death of his father, when the family was evicted from their home. Homeless and devastated by the death of a much-loved father, Andrew took off to Baton Rouge, where he fell into a life of petty crime.

In 1984, he was convicted of murdering his girlfriend's daughter. The main evidence offered at his trial – which lasted less than a day – was that he knew the victim. There was no scientific evidence linking him to the crime.

During sentencing, his attorney told the court that Andrew had been drunk on the night of the crime but did not offer any further mitigating evidence. He could have told the court that:

- Andrew had an IQ of 77 and had never progressed beyond the second grade in school;
- He suffered from organic brain damage;
- He had become addicted to drugs as a teenager and experienced psychotic episodes throughout his adult life, for which he was never treated;
- A state psychiatrist concluded Andrew was psychotic at the time of the crime.

The attorney could also have interviewed the mother of the victim, who called Andrew just before his execution to say she was really sorry, she had never meant for this to happen...

However, Andrew's attorney had never conducted a capital trial before and had been out of law school for less than five years. He did not have the time, the experience or the funds to mount an adequate defence during the guilt phase of the trial or to gather the mitigating evidence that could have saved Andrew from a death sentence during the penalty phase. This is where Amicus can help. If our interns and caseworkers had been around in the 80s then Andrew might still be alive today.

# Supporters

Amicus wishes to thank the following organisations for their generous support for this event.

**The Honourable Society of the Inner Temple**

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**Nottingham Trent Law School  
Nottingham Trent University**

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# 6KBW

## COLLEGE HILL

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The Chambers of David Fisher QC and David Perry QC, 6KBW College Hill, has a long and distinguished history. It was established by a small group of outstanding lawyers in the immediate aftermath of the Second World War. First situated at 4 King's Bench Walk, then 6 King's Bench Walk, and now at 21 College Hill, it has produced some of the leading criminal lawyers in the country.

Members of Chambers combine outstanding academic ability with persuasive courtroom advocacy and regularly appear in the most high-profile cases, both in this jurisdiction and overseas. The following cases provide some indication as to the nature of the work undertaken by Members of Chambers in the course of the last twelve months: *R v Dale Cregan* (trial of a number of individuals for multiple murder, including the killing of two police officers); *R v Levi Bellfield* (the abduction and murder of schoolgirl, Millie Dowler); *R v Gary Dobson & David Norris* (the murder of teenager, Stephen Lawrence); *R v Rolf Harris* (allegations of sexual assault); *R v Kweku Adoboli* (the UBS rogue trader who perpetrated a \$2.3 billion fraud on the bank); *R v Asil Nadir* (trial of the former CEO of Polly Peck); *R. (Nicklinson) v Ministry of Justice* (assisted suicide); *Abdul-Hakim Belhaj & others v Rt Hon Jack Straw MP & others* (civil claims arising from allegations of rendition and unlawful detention of Libyan nationals); *Her Majesty's Attorney General v MGN Ltd* (the Christopher Jefferies / Joanna Yates contempt case); the *Al Sweady Inquiry* (alleged abuse of Iraqi nationals by British troops), the *Inquest into the London bombings in 2005*, the *Litvinenko Inquest* into the death of the former Russian intelligence operative from radiation poisoning; *R v Nightingale* (trial of an SAS soldier for possessing a firearm and ammunition) and *R v Tony Chan* (trial in Hong Kong of a feng shui consultant who forged the will of Nina Wang, one of Asia's richest businesswomen).

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**The Chambers of David Fisher QC and David Perry QC**

6KBW College Hill

21 College Hill, London, EC4R 2RP

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# COMMITMENT

Due process, the protection of rights and justice are fundamental to a credible legal system. Baker & McKenzie is pleased to support Amicus by providing them with a serviced office.

With our best wishes for an enjoyable evening!

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# Reed Smith is proud to support Amicus

International law firm Reed Smith is committed to providing pro bono work and is a charter signatory to the Pro Bono Institute's Law Firm Pro Bono Challenge—to devote at least 3 percent of billable time to pro bono work. In 2012, 68 percent of lawyers in our US, European and Middle Eastern offices did pro bono work valued—if expressed at normal billable rates—at more than \$25 million. The firm performed more than 60,000 pro bono hours in 2012.

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By joining Amicus or making a donation, you will provide valuable support for the work that the charity does. If you become a member, you will receive regular information about Amicus events and also a copy of the Amicus Journal on publication. If applicable, please fill in the Gift Aid Declaration.

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**Membership:** Please pay to Amicus the sum of ..... on ..... (date) and the same sum on 2<sup>nd</sup> of every month / year (please delete as appropriate) thereafter until further notice.

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All donations that I make to Amicus on or after the date of this declaration should be treated as Gift Aid donations until further notice. I am currently paying UK income tax and/or capital gains tax that is equal to or more than the tax reclaimed by Amicus (28p for every pound).

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|-----------|--|
| Signature |  |
| Date      |  |



# Amicus

Assisting Lawyers for  
Justice on Death Row

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