



JUDICIARY OF
ENGLAND AND WALES

REGINA v HENRY LONG, ALBERT BOWERS, JESSIE COLE

Note by The Honourable Mr Justice Edis

Central Criminal Court

31st July 2020

On 24th July 2020 these three defendants were acquitted by the jury of murder and Bowers and Cole were convicted by the jury of manslaughter. These verdicts have caused some controversy. I have deliberately avoided reading or viewing reports of the case and comment on it, because I have a duty to do justice in accordance with the law and the evidence which I have heard.

However, I have been made aware that there has been some discussion about the trial and, in particular, the measures which were in place for the protection of the jury. It may be believed in some quarters that the jury was subject to some improper pressure. To the best of my knowledge and belief there is no truth in that at all.

Low level security measures were in place in both trials. The first trial began in March, and the second in July. In reality, these measures were limited to swearing in the juries by number so that their names are not in the public domain. No application for any of the more elaborate jury protection measures which are sometimes necessary was made.

This was because the court was informed in March 2020 that the police held information that associates of the Defendants planned to follow members of the jury with intent to intimidate them. This information was not corroborated and nothing at all untoward happened during the first trial. It was not disclosed to the parties, and has not been made public until now. It is not unusual that such information is received, but actual attempts to subvert the jury process are unusual. It is difficult to intimidate a whole jury and at least ten of this jury agreed that the murder charge had not been proved.

That first jury was directed (as was the second) that if anything happened of that kind they should report it at once. Jurors were also directed that they should raise any concerns they may have about the behaviour of any member of the jury. No complaint was received from

either jury. In a long trial, jurors are able to confide in experienced staff members about this kind of thing privately and a working relationship between staff and jurors develops in which communication is easy. That type of relationship happened here, and there was no report or hint of any worrying event.

There was no repeat of the information at any time following the start of the first trial on 9th March. The measures taken in the second trial were based entirely on the original information.

One juror was discharged during this trial because she had behaved, in open court, in an inappropriate way which gave an appearance of favouring the defendants. This was reported by the prison service staff who saw it and was dealt with entirely in open court. It had nothing to do with the information received prior to the first trial, or any other undisclosed information. A juror who has been subjected to some pressure and wishes to keep the fact secret is hardly likely to behave as she did.

All notes from the jury were disclosed to the legal teams except one which gave me the numbers of those who took one side or the other on the critical question in the case: were they sure that the defendants knew at the time that they were dragging a human body behind the car. The practice is that such notes are not disclosed. I did disclose a note sent out early in the deliberations which said that they were not able to reach a unanimous decision on that question. None of the notes gave any hint of anything inappropriate taking place.