

The Case of J's Daughter

J's 27 year old daughter, a senior house doctor, was murdered by her ex-partner in February 2000. J stresses that her daughter had always been a happy, confident, competent person. The aggressor tricked the victim into drinking drain-cleaning fluid (95% sulphuric acid), and she died in agony some 14 hours later. Her mother remains convinced that, because of her daughter's profession, she would never have voluntarily or mistakenly drunk acid. The defence counsel, however, tried to suggest that J's daughter had taken her own life.

In the court case that followed there was an acquittal - contrary to all expectations of the family, the police and the CPS. The verdict also went against the summing up of the Judge. As there are no records of a jury's deliberations and reasons why they reached their verdict, the explanation will never be known. *The victim's family should be party to the reasons for the decision of the jury.*

J blames procedures in the CPS for the fact that the killer was not brought to justice. A victim's advocate would assist in ensuring that the opinions of the victim's family were made known.

J outlines what she sees as the needs of the victim's family in murder trials. She requests that victims' families should have the right, if they choose, to work closely with the CPS and Counsel in preparation of the case. She believes that victims' families should have the opportunity to liaise, throughout the trial; with the prosecuting counsel and that in murder trials the accused must take the witness stand.

J says there needs to be a shift in the CJS from a victim to a client basis. She asks, in particular, for involvement and access to police evidence for the families. There should, she says, be the choice to become actively involved with the CPS in considering and preparing the evidence for the trial relating to their loved one. It should be noted that in some societies victims have the opportunity to be 'co-prosecutors'.

Like very many others, J stresses the need for families to have a copy of the transcript of the court case (at present, this can cost up to many thousands of pounds). This should be an automatic service for families. The offender, the public, the media all have access to the transcript.

J asks for access to legal advice in the case of acquittals, ideally through legal aid. J believes victims' families should have the services of an independent lawyer who specialises in murder, as this is not always the case. The prosecution counsel refused to meet J, stating that he was representing the Crown - not the victim.

In murder cases J asks for flexibility and choice for the victim's family. i.e. whether or not there should be a judge sitting alone, or a panel of judges.

There should be more modern ways of presenting evidence to the jury. Judges should provide hand-outs regarding charges and the evidence of the defence/prosecution. The jury as well as the court should be informed of any previous dangerous history of the defendant. J feels that within a jury, a dominant personality may exert undue influence over other members. The judge should issue a questionnaire which would clarify the

verdict - possibly visual aids could be used. J suggests: see "Justice Auld report". Comments made by the deceased could also be used as evidence.

With regard to appeals: "where a verdict reveals in it's terms that it is perverse, and if the verdict is not guilty, the prosecution should have the right of appeal to the Court on the grounds that the perversity indicates that the verdict is untrue or unfair, such as to merit a re-trial".

The victim's mother asks: when there is a double jeopardy issue, who collects the requisite fresh evidence?

This case demonstrates discriminative practices in the CJS against the families of homicide. Victims' families request equal rights.

After the verdict was given, J and her family were visited once by the FLO. Since then, there has been no contact by police, the CPS, or any agency/service to offer any help.

If the killer had been found guilty, he would have been given legal aid in order to appeal. Some prisoners, having been convicted and sent to prison, have been given legal aid to re-open their case and appeal.

There is no right of appeal against an acquittal. There should be.