

UNANIMOUS VERDICT FROM JURY ON MEANING

12.15pm, Friday 14 June 2002

Has the Claimant proved on the balance of probabilities that a person who knew that it was he who had discovered the "practice noose" in the garage and was responsible for following up the statement of Maureen Piper, would have understood the programme to mean that, in the course of the police investigation into the suspicious death of Paula Gilfoyle, the Claimant:-

1. (a) had corruptly planted a vital piece of evidence, namely a "practice noose", at the crime scene, *Answer: NO*

IF NO:

- (b) that there were strong grounds to suspect him of doing so; *Answer: YES*

2. (a) had improperly suppressed potentially crucial evidence, namely a statement from an alibi witness, Maureen Piper, *Answer: NO*

IF NO:

- (b) that there were strong grounds to suspect him of doing so; *Answer: NO*

IF YOU HAVE ANSWERED "YES" TO ANY OF THE ABOVE QUESTIONS, GO ON TO QUESTIONS 3 AND 4

3. (a) had thereby knowingly assisted in bringing about the wrongful conviction of Eddie Gilfoyle for the murder of his wife, Paula Gilfoyle

Answer: NO

IF NO:

- (b) that there were strong grounds to suspect him of doing so *Answer:* YES

4. (a) was therefore guilty of attempting to pervert the course of justice

Answer: NO

IF NO:

- (b) that there were strong grounds to suspect him of being so *Answer:* NO

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(In the presence of the jury)

MR. JUSTICE MORLAND: Members of the jury, when the jury bailiff has been resworn, I will ask you to retire again and continue your deliberations.

(The jury bailiff having been resworn, the jury retired from court at 10.38 a.m.)

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2 (The jury returned into court with a verdict at 12.11 p.m.)

3 THE ASSOCIATE OF THE COURT: Madam foreman, to the following
4 question simply answer yes or no. Have you reached
5 a decision in respect of the questions upon which you are all
6 agreed?

7 THE FOREMAN OF THE JURY: Yes, we have.

8 THE ASSOCIATE: I shall now recite the preface to the questions
9 and I shall then proceed straight on to ask you to answer the
10 questions. Has the claimant satisfied you on the balance of
11 the probabilities that a person who knew that it was he who
12 discovered the practice noose in the garage and was
13 responsible for following up the statement of Maureen Piper
14 would have understood the programme to mean that, in the
15 course of the police investigation into the suspicious death
16 of Paula Gilfoyle 1(a) that the claimant had corruptly
17 planted a vital piece of evidence, namely a practice noose at
18 the crime scene. Do you answer yes or no?

19 THE FOREMAN OF THE JURY: No.

20 THE ASSOCIATE: 1(b) that there were strong grounds to suspect him
21 of doing so, do you answer yes or no?

22 THE FOREMAN OF THE JURY: Yes.

23 THE ASSOCIATE: 2(a) that the claimant had improperly suppressed
24 potentially crucial evidence, namely a statement from an
25 alibi witness, Maureen Piper. Do you answer yes or no?

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2 THE FOREMAN OF THE JURY: No.
3 THE ASSOCIATE: 2(b) that there were strong grounds to suspect of
4 him doing so. Do you answer yes or no?
5 THE FOREMAN OF THE JURY: No.
6 THE ASSOCIATE: 3(a) that the claimant had thereby knowingly
7 assisted in bringing about the wrongful conviction of Eddie
8 Gilfoyle for the murder of his wife, Paula Gilfoyle. Do you
9 answer yes or no?
10 THE FOREMAN OF THE JURY: No.
11 THE CLERK OF THE COURT: 3(b) that there were strong grounds to
12 suspect him of doing so. Do you answer yes or no?
13 THE FOREMAN OF THE JURY: Yes.
14 THE CLERK OF THE COURT: 4(a) that the claimant was therefore
15 guilty of attempting to pervert the course of justice. Do
16 you answer that question yes or no?
17 THE FOREMAN OF THE JURY: No.
18 THE ASSOCIATE: 4(b) that there were strong grounds to suspect
19 him of doing so. Do you answer yes or no?
20 THE FOREMAN OF THE JURY: No.
21 MR. JUSTICE MORLAND: Ladies and gentlemen, thank you very much
22 for your very careful consideration of the questions that you
23 had to answer. The position is that the Court of Appeal on
24 Monday are deciding a point of law in this case, and so we
25 cannot sit here on Monday, and we will recommence on Tuesday.

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What issues you will have to decide on Tuesday, and thereafter, we will not know until Tuesday. Could you all be good enough to come back on Tuesday. Thank you. 10.30 on Tuesday.

So far as Monday is concerned, if it is substantially inconvenient for you to go back to work, those of you who are working on Monday, you will get your allowances for Monday. If you can go back to work on Monday, all well and good, but of course you will not get your allowances. I do not think I need say anything else, except I look forward to see you all on Tuesday morning.

1 DISCUSSION

2 (In the absence of the jury)

3 MR. JUSTICE MORLAND: Is there anything anybody wants to say? As
4 I understand it and as I heard it was yes to 1(b) and yes to
5 3(b), and no to everything else.

6 MR. BROWNE: Yes.

7 MR. JUSTICE MORLAND: We will adjourn until 10.30 on Tuesday.

8 MR. BROWNE: I was just wondering, presumably if the Court of
9 Appeal announce on I think we are listed for three hours on
10 Monday, we are trying to get any result to your Lordship
11 through the usual channels as quickly as possible.

12 MR. JUSTICE MORLAND: So far as the jury is concerned, they have
13 to come back on Tuesday and have to be, in effect, discharged
14 if your appeal is unsuccessful.

15 MR. BROWNE: Yes, that is true.

16 MR. JUSTICE MORLAND: I gave them the opportunity to voice any
17 objections and it was clear that, as often happens with
18 juries once they get interested in a case, they do not want
19 to leave it.

20 MR. BROWNE: I think they are becoming fonder of the
21 personalities.

22 (Adjourned to 10.30 a.m. on Tuesday, 18th June)

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