

Mr. Howard →
Janov excluded → witness in south Ocheundon.

Sworn in:

- Gareth Garner
- Gill Barber
- Alan Hodds.
- Rita Posley
- Medea Boyle
- Alexander Hunt
- Kenneth Hart.
- Alan Watkinson.
- Daniel Smith
- Gary Harris
- Peter Taylor
- Terresa B.

Kerry
Victoria Bennett

gives a first statement where she does not mention Craig McKee. Makes a subsequent statement after Bennett's gave statement.

→ re: BRIAN BOLGER

details of Dr Eastman

25.1.99.

Court mins.

Potential my problem
one of firms is b-in-law of barrister
who shares an office with (P) ~~barrister~~ junior

Came to court's attention because brother
in-law spoke to m-in-law + then she
passed it on.

The brother in-law + ~~the~~ partner has
separated.

(P) not minded to do anything at the
moment unless evidence at-blow.

Appⁿ made would be to discharge that
juror.

JB wants appⁿ to get rid, concerned about
that juror.

AP suggests that there is a possibility that
the brother in-law is a (ex) police inspector.

(P) counsel says they have not spoken in years.

wait 10-11.20 (-5)

(D) info received this morning about one
of the firms

↳ b-in-law of barrister who shares room

with (P) junior

conversations with TB \Rightarrow as a result of it \Rightarrow appⁿ to remove that junior,

not only must justice be done but seen to be done

Archbold (1999) p 30393 ~~para~~

↓
para 4-256

Court should ask self \Rightarrow "real danger of bias?" Having ascertained the relevant circumstances

J \Rightarrow relevant to say (P) + (d) leaders saw in chambers, asking for time.

P \Rightarrow Juror is the barrister's wife's brother.

~~late~~ ↓

Juror has been estranged from wife and brother for 15 years due to family dispute. no contact

↓
counsel and his wife have not talked for some months, during certainly the time of this case.

↓
Juror took over towards very end of last year

↓
And the barrister who shares is based in

Clifford but been in a long fraud case
in Woodgreen and away from room
may have been seeking contact between
them but no more

↳ previous junior was London based.

(b) : those facts been chased.
seem to be appropriate.

J : chances of Juron knowing anything
about person who shares a room with
the brother in law.

b : case of WILSON

↓

cases . . . junior was wife of prisoner in other car
at the prison where prisoner remained.
facts came to light at end of trial ⇒ appeal.

may be "unconsciously or unconsciously" guilty
of bias.

"real danger" is the better test to "real
likelihood" (ie) possibility not probability.
Also the Pouchet appeal.

J : this junior is b-in-law to someone who
is member of bar practice in international
chambers

↓ that does not at itself satisfy
test

b : junior has discussed in brief terms.

D:

contact through mother in law who speaks to all parties. That is how attention at the court.

P ⇒ Miss Lynch ⇒ effectively neutral no possibility of contamination, but (d) accept. will go by will of (J).

J ⇒ Ruling ⇒

one of the juror (s nameless) is the brother of a woman married to counsel who shares room with juror in this case.

↓

(d) asks for juror to be discharged for bias.

↓

referred to Archbold 4-256 ~~Wason~~,
also cites ~~Wason~~ graph
to Wison (Cot-A)

~~Wason~~

preliminary view not to make enquiry of juror and that is not a case encouraged by counsel.

(P) set out the relevant facts and QCs accepted that those relevant facts were accurate as far as he could check.

Miss Lynch indicated the ~~fact~~ the juror had been removed from bar in law +

sister. sister is also estranged from husband for some months

Also juror did come in Dec. Premier's juror based in London.

Accepted juror may have spoken to other barrister to effect that he ~~he~~ gave a brief description of case.

Re MPD came from counsel not the juror's mother

Re chambers are predominantly criminal \Rightarrow mixture of (P) + (10)

These contrast with specific cases in Wilson \Rightarrow husband close contact with do. ~~do~~ Every case must be decided on own facts.

This court has to consider if justice seen to be done. Must consider that a member of public ~~is~~ has duty / right to jury service. would not be right to disqualify a juror ~~if~~ as anything other than substantial evidence that justice not seen to be done.

This evidence of relevant facts is short of what the position was in Wilson does not mean judge must disqualify juror.

If fresh info comes the matter can be raised again

The court recognises appn was to discharge one jury + court put back matter so that this could be dealt with at once.

Murray

Dr Oladimeji

Attended to James Buchanan
1 21-10 ⇒ 7.45

read

Dr Ian John Humphreys

forensic scientist for 26 years
Spec in alcohol drinks analysis -
Dealt with many hundreds of cases.

Given a brief outline of case +
allegations + suggested that there
were drinks had been spiked with drugs.

the 1st sample of blood - 9 B
" " " " - JB

urine sample - JB

samples of drinks remaining in glasses,
tested for common drugs + abuse (MC)
diag / DF have any of the drinks been
spiked?