Daniel Finkelstein's TIMES column

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Trials of Jonathan King should worry us all

Daniel Finkelstein

The most recent case against the celebrity shows the obvious flaws in the handling of historical sex offence allegations

Any journalist who writes about miscarriages of justice is quite likely to have received a handwritten letter from Jonathan King. Civilised, flattering and containing a polite request to apply the principles in your most recent article to a reconsideration of his own conviction on charges of child abuse.

Iâ€™ve received several, and I suspect most others in the same position have done as I have. Read them carefully, reminded oneself of the facts of his conviction in 2001 and, with a slight shrug, put the letter to one side.

King is an articulate man, and a talented one, but the charges seemed robust and serious. It is important not to cause distress to victims of crime through misplaced scepticism. And it is right to show respect for court judgments. Aside from the fact that a long time elapsed between his crimes and the trial, there didnâ€™t seem a solid reason to question what had gone on.

I no longer feel the same way. I shouldnâ€™t have put his letters to one side. Itâ€™s impossible for me to say that King did not c at least some of what he has been accused of. It would be wrong of me to suggest I was confident of that and itâ€™s important to emphasise this, but I am now clear that the conviction and subsequent police action against the music mogul is a textbook case of everything that should worry us in the treatment of historic sex offences.

A little history. Twenty years ago, Jonathan King was one of the sharpest, most respected men in the music industry. Heâ€™d had his own hit, discovered bands like Genesis and 10cc, steered Decca records and spurred on the Rolling Stones, made successful pop TV shows and helped the UK to win the Eurovision song contest.

He was also quite a celebrity. A famously outspoken, even brash, media figure and newspaper columnist, he mixed with the biggest stars and, being promiscuous and bisexual, enjoyed a party lifestyle.

Then came his downfall. A complaint to the police alleging sexual abuse of a minor made the papers, and this brought forth allegations that his party lifestyle had a sinister undercurrent: the sexual exploitation, rape even, of minors lured by his fame and power.

In 2001, King was found guilty of six charges involving five complainants and sentenced to seven years. He went down, served his time, came out and, letters notwithstanding, that was that. Or at least I think it would have been if the police hadnâ€™t come for him again in 2015, leading to further charges. Eighteen in all.

In June the case against him on these new charges collapsed, and in such a fashion as to make one wonder about the whole way in which the King case has been dealt with from the beginning.

Common to many sexual abuse trials, the complaints which sank Jonathan King in court did not include the original one. This had come to the policeâ€™s attention through the publicist Max Clifford, and was not in the end put before a jury. Having complainants come forward in this way inevitably increases the chance that their evidence will be contaminated. They may gain knowledge of what others are alleging. And there is the enhanced probability that complaints will attract both official compensation and fees from newspapers. One of Kingâ€™s accusers certainly received large sums for his story.

So is the concern justified in this case? Well thatâ€™s where the next problem comes in.

The failings that made the new trial collapse were shortcomings in the disclosure of evidence. These were so bad, and so resistant to court intervention, that the judge began to feel she was being misled.

In the end, she threw out the new charges partly because she could no longer be confident that everything needed for a fair trial was before the court. Indeed she thought it all so scandalous that the court had to put its foot down. Refusing to proceed was striking a blow for justice. Thatâ€™s how serious it was.

The disclosure failings did not just reflect on the new charges. They also meant the court was not initially informed of doubts expressed by a police review of the 2001 King case, in particular of the way the witness statements were taken. The methods police used, which included failing to record questions and not getting statements signed for days if not weeks, â€œincreased the possibility of errorâ€• and left their integrity open to question.

The court had also not been informed that documents had been found on the computer of one of the original officers who offered for sale introductions to Kingâ€™s victims.

The sloppiness of the original King trial was exposed by the late investigative journalist Bob Woffinden in his book The Nicholas Cases. In court almost all the ages and timings of offences turned out to be wrong and, right at the end, the prosecution had to apply to change the dates on four of the six charges.

One change was caused by a complainant producing his motherâ€™s diary to support his evidence. Instead it showed contact on different dates from the ones he had originally given. The problem is that on these new, diary-supported dates, King can show he was in America.

Woffinden also made an important general point which hadnâ€™t before occurred to me (but should have). I have long been deeply concerned about the practice of trying defendants on multiple counts using stronger allegations to make weaker ones, with less evidence, seem more credible.

The defence of trying offences together is that there may be a pattern which helps to make the nature of the offending clear. Usually the requirement to establish any sort of pattern is pretty weak and so it was in the King case, the common thread being that he exploited his fame by inviting young people to his house.

Woffinden observed that it is easy to establish a pattern if you simply discard complaints that donâ€™t fit the narrative. If you

prune carefully enough you will get a neat story. Unless you know all the complainants that come forward you donâ€™t know how seriously to take the contention that a pattern exists. The disclosure failings make it hard to assess any weaknesses in the narrative in the King case. What is certainly true is that the police made so many errors in the latest case as to forfeit the benefit of the doubt. Last week, Surreyâ€™s police and crime commissioner announced an independent review into what went wrong.

Whether or not Jonathan King is a sex offender, it is hard to have much confidence in the way justice has been administered. His case now provides an opportunity, indeed a duty, to reassess our entire way of proceeding.

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