

My letter to the Lord Chief Justice about Stuart Hall

Tuesday, 22 October 2013

Baron Judge
The House of Lords,
London SW1A 0PW

22/10/2013

Dear Baron Judge,

I write being well aware you are no longer in a position to affect change, and copy this to your successor. I'm sure the judges of Great Britain have the most honourable intentions but somewhere along the way, acceptance of media perception has twisted justice.

I refer to your judgement on 26th July 2013 in the appeal case of James Stuart Hall. I fear the ramifications of your decision could prove very damaging.

Did you just not know or suspect, or did you simply choose to ignore, the probable facts?

Accused of historic sex offences anybody, guilty or innocent, may well protest their innocence. Discovering that, with no evidence at all, they will almost certainly be found guilty ("I didn't do it" is such a boring defence), if advised that certain serious charges (like rape) will be dropped if they change their plea to guilty, and that they will get a far lower sentence, as advocated by Parliament and framed in the legislative scheme to reward pleas of guilty, many people, especially the elderly (Hall is 83), will plead guilty to crimes that never took place.

I have no idea whether this defendant was guilty or innocent but, given the reality of plea bargaining, I find your decision to increase the sentence extraordinary and suspect, as in many cases, it was influenced by media pressure.

Did you and your fellow judges, for example, consider whether Hall's protestations of innocence referred to the claims made and subsequently dropped by the police? When you examined his statement, did you discover that he was specifically talking about claims to which he later pleaded guilty? I'm sure Judges cannot have been so careless or foolish not to have considered that the media reported comments may have been about claims subsequently found to be false; but there remains the suspicion that media pressure, rather than a proper examination of specific details, influenced the court.

If he said he was innocent of crimes that he has not been charged with (unless, of course, the official judicial position is now, like the media, "guilty until proven innocent"), should his sentence be increased?

I was advised by my lawyers to plead guilty to crimes that never took place, on the basis that I would get a lower sentence, during my own trial in 2001. I refused to do so, since I could not believe I could be convicted when there could be no evidence of my guilt (there was none).

As a result I was wrongly convicted and given 7 years when, I gather, the guidelines were in the region of 2 years. Again, media pressure seems to have dictated my sentence.

Since my release I've seen confirmation that allegations are now considered evidence. I would like to believe people never lie or exaggerate. Sadly I know that they do.

I've now found proof that I was on another continent during the specific dates of one of my wrongful convictions, for a crime alleged to have taken place in London. The CCRC say "it's not when but whether" a crime took place, so refuse to forward my appeal.

These are the realities of justice today in Great Britain.

You were one of the Judges responsible for constructing this legacy. Are you proud of the situation?
I'm sure the media are delighted that you and your fellow judges obeyed the public outrage, created by the media, at Stuart Hall's sentence and, as a result, they have not attacked you. Very few members of the public would believe anyone could plead guilty to crimes they did not commit.

We know better, don't we?

I fear British justice is no longer of any great concern of yours and, as I approach 70, it should not really be mine either. I believe that the independence of the British judiciary is in jeopardy if it is to be so clearly affected by the popular press.

And despair for our future citizens provokes me to write to you. Feel free to toss this letter into the bin whilst you enjoy your well earned retirement.

Best wishes,

Jonathan (Kenneth George) King.
cc Lord Thomas of Cwmgiedd