

NOTE FOR FILE

Bordy
 R v McBURNEY AND OTHERS

Consultation: 4.00 pm 13 May 1997

Present: D/Superintendent McBurney - Divisional police
 P39 - Divisional police
 D/Superintendent [REDACTED] RUC HQ
 [REDACTED] - DPP
 R A Kitson - DPP

1. The evidence was opened by police.

Medical evidence was discussed. It was noted that the cause of death had not yet been established conclusively. Professor Crane had indicated his preliminary findings as 'head injury'. This was not to be taken as cause of death. He had during an informal conversation with D/Inspector Irwin referred to septicaemia as being a possible cause. No conclusive findings would be available for 2-3 weeks.

Police confirmed that the case against the defendants rested essentially on the evidence of two witnesses - Miss Clarke and Richard Timothy Jameson. Police stated that as of that time both witnesses were available and willing to give evidence and were standing by their statements. Police stated that so far there had been no attempts of intimidation of the witnesses. (Query whether defendants knew who they were?) Police were well aware of previous cases of this nature where intimidation had taken place and could not rule out intimidation in this case. There was a strong possibility it would occur.

As to witnesses:

Clarke: 17 years of age. Respectable background. No criminal record. Police assessed her as a reasonable/good witness whose credibility was intact.

Jameson: 19 years of age. No criminal record. Good background. Reasonable witness.

2. THE ISSUE OF BAIL

Main concern was interference with witnesses if granted bail and possible repetition of offences. Police had serious concerns about intimidation if bail granted.

Disclosure of statements of witnesses at bail application. Caution had to be observed. Names of witnesses not to be disclosed. Possible that defendants did not know who had made witness statements to police. Contents of witness statements could be made known at bail application. Judge could be shown statements. But caution against disclosure to defence.

3. POLICE ENQUIRIES

Still continuing re (a) other witnesses to attack and (b) other persons involved.

Additionally, forensic evidence (pathology and fibre evidence) still ongoing.

4. CONCLUSIONS

- a. On evidence available it was proper to seek a further remand.
- b. The Pathologist's evidence was of significance. The question of a further remand or remands was to be looked at when the Pathologist's findings were finalised.
- c. Bail - present objections to bail were likelihood of interference with witnesses and possible repetition of offences. (This was in addition to the seriousness of the offence.) Bail position would also have to be looked into in the light of concluded forensic findings.

Disclosure of witness statements at Bail Court - not to defence but only to Judge.

NB: Bail Section requested by Mr Kitson to inform him as soon as any of the defendants applied for bail. He would brief counsel.



R A KITSON

19 May 1997

NB: Further handwritten minutes made at time - attached hereto.