

Judges must be scrupulous

Regina v Reid

Before Lord Justice Beldam, Mr Justice Maurice Kay and Mr Justice Jackson

[Judgment July 22]

Where the case against a defendant was strong and his defence correspondingly weak, a trial judge had to be scrupulous to ensure that the defence was presented to the jury in an even-handed and impartial manner.

The Court of Appeal, Criminal Division, do held when allowing an appeal by Hugo Maurice Reid against his conviction on December 4, 1998 at Bristol Crown Court (Judge Crompton Darwell Smith and a jury) of rape, by a majority of 10 to two, and drugs offences.

Mr S. J. Mooney, assigned by the Registrar of Criminal Appeals, for the appellant; Mr M. A. Horton for the Crown.

MR JUSTICE BELDAM, giving the judgment of the court, said that no complaint was made of the directions on the law or the summary of facts in the summing up.

However, the judge reached a

point when he sent the jury home for the night, saying that he would add a few remarks the following morning.

In the morning he said he would add very little, but set out four questions that he said the jury might find helpful in relation to the case.

For the appellant it was submitted that it was quite wrong for the judge at that stage to put the four questions in the form he did, which suggested to the jury clearly that they could be answered only in a manner which supported the prosecution case, and which indicated the judge's own opinion of the matter.

The case against the appellant was strong and his defence correspondingly weak.

But it was just in those circumstances, his Lordship said, that a judge had to be scrupulous to ensure that an accused's defence was presented to the jury in an even-handed and impartial manner.

Justice was not served by a one-sided account given to the jury shortly before they retired to consider their verdict. It was best

served by constant striving to give the accused what was his absolute right, a fair trial by an impartial judge.

Counsel for the Crown, while submitting that in all the circumstances the conviction was safe, conceded that it was not suitable for the judge to leave the four questions for the jury in the way he did.

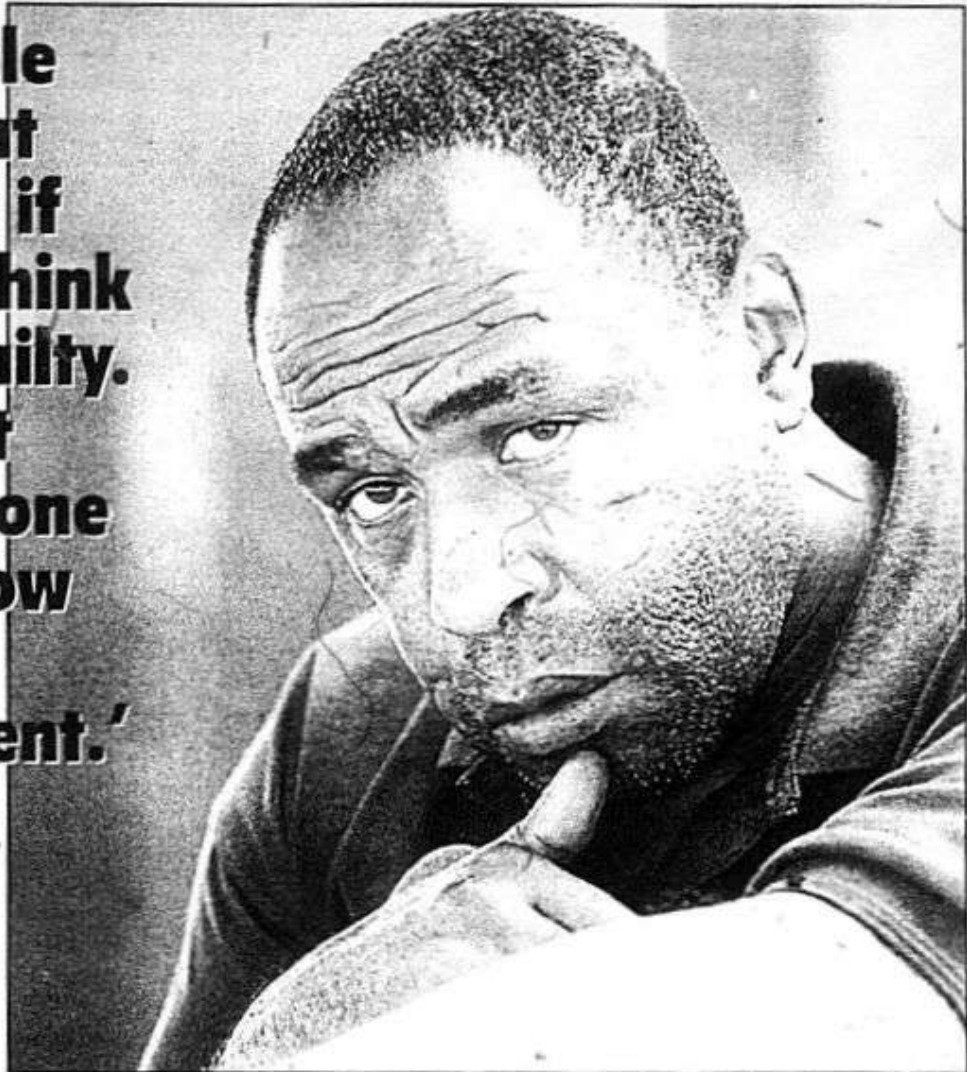
If the judge wished to pose the questions in those vital moments just before the jury retired it was his duty to draw their attention to other evidence or argument which had been put before them on the appellant's behalf.

Bearing in mind the questions, the way they were left, and the fact that there was no attempt to put before the jury at that moment aspects of the case which told in the appellant's favour, it was impossible to say what verdict the jury might have come to had they been left with a more balanced picture.

In the circumstances the conviction was unsafe.

Solicitors: Crown Prosecution Service, Avon and Somerset.

'People look at me as if they think I'm guilty. I want everyone to know I am innocent.'



Life in tatters: Artist Hugo Reed whose life fell apart after he was falsely accused of rape

THE RAPE LIES THAT WRECKED MY LIFE

A ST PAUL'S man told today how his life had been ruined after being falsely accused of rape.

Artist Hugo Reed, aged 43, was freed from jail by the Court of Appeal after a judge ruled he had been wrongly convicted.

He now plans to seek compensation for the 15 months he spent in prison on remand and after being sentenced.

Mr Reed said he had lost his home in Bevan Court after being jailed and all his possessions had been stolen.

He was found guilty of raping a 16-year-old girl by a majority verdict of 10-2 at Bristol Crown Court last December and jailed for eight years.

He was also convicted of supplying crack cocaine to the girl, offering to supply it to a 15-year-old and possessing the drug with intent to supply it.

He was cleared of all offences at the Court of Appeal.

The girl, who cannot be named for legal reasons, told the jury at Bristol Crown Court that she had gone back to

by **JULIE HARDING**

Mr Reed's home with a friend but had not consented to sex.

She claimed she was unable to resist after he gave her crack cocaine.

She admitted she had a heroin habit and that she had tried to rob a 71-year-old woman with a knife in order to buy drugs.

Mr Reed said she made up the story because she was late returning to her bail hostel that night and had accused him of rape and keeping her at his home against her will.

He said: "I didn't touch her. Me and her never had sex.

"What happened was I left the house and went to a cafe and by the time I got back she had found some crack in the house and smoked it.

"She was on bail for trying to rob an old woman and was on a curfew. She was late getting back to the bail hostel in Henleaze and totally invented this tale.

"She did the same thing before to someone else."

There was no forensic evidence linking Mr Reed to the girl but her story was believed and he ended up in prison.

While in Dartmoor, he was attacked by another prisoner and needed 16 stitches to his ear.

It was the second time he had been wrongly jailed. In 1982 he was attacked by three men. While he was fighting off one man, a second pulled out a gun but accidentally shot his friend.

The trio blamed Mr Reed for the shooting. He spent 10 months in jail before being acquitted of the crime.

He said: "My life has been totally destroyed. The only thing that kept me going while I was in prison was that I knew in my heart I was innocent.

"But now I am out I can't hold my head up in my own community. People look at me funny as though they still think I am guilty. I want everyone to know I am innocent."