

Britain's Longest Running Miscarriage Of Justice

In October of this year, the Criminal Cases Review Commission declined to refer the case of Michael Stone back to the Court of Appeal. Michael John Stone – not to be confused with the convicted “Loyalist” murderer Michael Stone – is detained at Full Sutton high security prison near York. In 1997, he was charged with the Chillenden Murders after being arrested on an unrelated charge.

This was a very high profile case; full details can be found on a number of websites, but very briefly, on July 9, 1996, Dr Lin Russell and her two young daughters were attacked in a quiet country lane near Chillenden, Kent. The mother and youngest daughter, Megan, were brutally murdered, their pet dog was killed, and 9 year old Josie was left for dead, although miraculously she survived, but such was the severity of the assault – she actually lost brain tissue – that she had no meaningful memory of the attack except to say that the assailant (or one of them?) was a big man “like my father”.

This led at least one conspiracy-minded individual to claim that the perpetrator was Shaun Russell, but although the police may be knaves they are not total fools, and he was soon ruled out, having a cast iron alibi. There were *bona fide* suspects, including one very strong one, a local man I will allude to as Mr F. He was arrested later in the year and grilled for three days before being released without charge.

Michael Stone was put in the frame by someone who thought he needed to be excluded from the investigation, but it didn't turn out like that. After he was charged with the attack and remanded to Canterbury Prison, he asked to be placed in segregation, not for fear of being attacked by other inmates, but because people were making up confessions to the murders left, right and centre.

At trial, the case against Stone looked reasonably strong, but it crumbled under cross-examination, even though his barrister was not a specialist in criminal litigation. All the same, he was convicted on a majority verdict by dint of three confessions he was alleged to have made to other inmates.

Immediately after the trial, one of these “confessees” went to the media and claimed he'd made up his particular confession out of the whole cloth. Stone's legal team announced they would launch an immediate appeal. This appeal was not heard until February 6, 2001, when Lord Justice Kennedy quashed Stone's convictions in a heartbeat. In September, 2001, Michael Stone stood trial for the Chillenden Murders for the second time, and the following month he was again convicted; this time by dint of one – yes one – confession he was alleged to have shouted through a prison wall to another inmate while in segregation.

As far as can be ascertained, this is the only time in the history of British justice that a man has been convicted of murder or indeed of any crime because of an unsolicited confession he was alleged to have shouted through a prison wall. It is symptomatic of the depth of corruption of the people who run our criminal justice system – though not of the system itself – that the police would charge on such nonsense, that the CPS would allow it, that any Crown prosecutor would proceed with it, and that any judge would rule such “evidence” admissible.

It is ironic that since the implication of *PACE*, if Stone had allegedly made such a confession in the back of a police car, even to the Chief Constable, it would have been automatically

excluded. Yet the man who claims he made it, Damien Daley, is a many times convicted recidivist, and a heroin addict. He may also be delusional, because in May 1998, he was arrested on a minor charge of criminal damage after going on a drunken binge, and at the police station he tried to telephone his mother. Who had been dead for two years!

Some blame must be attached to Stone's Counsel for the outcome of the second trial. At the first trial, Stone's legal team had kept him out of the witness box because they didn't want his previous convictions to come out under cross-examination. It would be difficult to find a more unappealing character than Stone, who has two previous convictions for serious violence, but he has no history of violence against women, and in fact one of his previous convictions was for attacking a child molester.

After Stone's first conviction for the Chillenden Murders, his rap sheet had of course been splashed all over the media, but in spite of attempts to ensure he received a fair trial, by for example moving the hearing to Nottingham, there can be no doubt that a jury would have been severely prejudiced against him.

All the above is by the by. Stone has himself written an essay arguing against the use of "cell confessions", and others, particularly the distinguished American forensic scientist Greg Hampikian (who has been consulted on this case) have argued in extremely strong terms that "snitch testimony" should be excluded from criminal trials without strong corroboration. Here, I wish to raise other points, namely that as well as the victim of a malicious "snitch", Stone has been consciously railroaded by the powers-that-be, in particular by both Kent Police and quite likely elements within the CPS.

What little forensic evidence exists in this case tends to indicate that Stone is not the Chillenden Murderer. There was hope that the latest DNA tests would be able to if not exclude him totally then put someone else in the frame - I will return to this shortly – but the samples for these tests are now apparently no longer available, for whatever reason. There is though the distinct possibility that extant forensic records of an entirely different kind may put him in the clear.

Stone was arrested just over a year after the murders. Being a small time professional criminal, he was unable to account for his movements with any degree of accuracy, except to say that he was nowhere near Chillenden. Having said that, some of his criminal activity involved dealing in drugs, which led to him using public telephones, including one in a certain public house. Stone has spent the past thirteen years reconstructing his movements on the day of the murders as best he can, and believes that he almost certainly made phone calls – plural – from said telephones on the day of the murders to customers and criminal associates. If even one such phone call traceable to Stone or an associate could be shown to have been made at around the time of the murders from a payphone in Gillingham or Rochester, it would seriously undermine his conviction. There may also have been an ATM withdrawal at around the same time.

In its rejection of Stone's application, the CCRC said that no such phone records were available before 2001. I know from personal experience that itemised phone records from archived public telephones - time, duration, destination – are extant from 1998, and almost certainly many years before that, because I published an article about the introduction of itemised billing as long ago as October 1989.

I am not suggesting that the CCRC are lying, simply that this august organisation has been seriously misled. Again, I have personal – and painful – experience that both the police and

the CPS do things like this, and that they will go to extreme lengths to cover their tracks, and to prevent access to telephone (and other) records when their existence provides clearly exculpatory evidence. Furthermore, Stone insists that the police traced some phone records at the time, including phone calls from his mother's landline. Like his ATM records, these have now been quietly consigned to the memory hole.

The letter [linked here](#) is the somewhat evasive reply I received from British Telecom last year. It is clearly a form letter, because its wording is strikingly similar to that of a similar letter I received from them a decade and more earlier in connection with an entirely different matter. It remains to be seen if the police were consulted directly on either occasion, or if the company has standing directions from the authorities.

Leaving all the above aside, there are cogent reasons for believing both that Michael Stone is not the Chillenden Murderer, and that another individual currently serving life is the man responsible.

As stated, Stone has no history of violence against women, or children. At the time of the Chillenden Murders his criminal activity was limited to drug dealing and burglary. When they were attacked, Dr Russell and her daughters were on their way home from a swimming gala on a quiet country lane. The motive for the crime was clearly not robbery. Although Michael Stone was not the sort of person she or anyone would like to meet in a dark alley, he was not the sort of individual who could have dominated an intelligent, educated woman, her two daughters *and* the family dog. When the attack happened, Dr Russell must have realised that at the very least the assailant(s) would rape her, and she would have fought tooth and claw to protect her daughters. It would have taken someone as formidable as Arnold Schwarzenegger to subdue her under such circumstances. Or as formidable as Levi Bellfield. In February 2008, Bellfield was convicted of the murders of the French student Amelie Delagrang and nineteen year old Marsha McDonnell as well as the attempted murder of schoolgirl Kate Sheedy. Both murder victims were battered to death, probably with a hammer, a *modus operandi* not that dissimilar from that of the Chillenden Murderer. Bellfield had worked as a bouncer, was a bodybuilder, physically formidable, and the sort of man who could cause even a strong woman to freeze in his presence. At the time of writing he is awaiting trial for the 2002 murder of thirteen year old Amanda Dowler.

The legal scholar John Aidiniantz has built up a profile of Bellfield, who bears a close resemblance to a person seen in the area at the time of the crime.

On December 28, Michael Stone phoned me from Full Sutton; his legal team are preparing a judicial review of the CCRC's decision, which is expected to take place around Easter. This man has now spent well over a decade behind bars convicted of one of the most heinous and high profile crimes of the 1990s on the sort of non-evidence that could be used to convict any one of us.

He can be contacted at the following address:

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He is a voracious reader, so if anyone would like to send him anything of a legal nature, especially articles about DNA profiling, forensic science...

There are two Michael Stone websites, mine: <http://www.ismichaelstoneguilty.info/>

and <http://www.michaelstone.co.uk/>

The former has been on-line since December 4, 2002; on May 21, 2003 it moved to its own domain where it was sponsored by a London businessman; it is currently sponsored by a provincial businessman. Like myself, both these men have been on the wrong end of British so-called justice, though none of us has paid as heavy a price as Michael Stone.

December 30, 2010

*** For a discussion of the issues raised by this, see [The Framing Of Michael Stone For The Chillenden Murders](#)**