

Case No. T2007 7262

IN THE CROWN COURT
AT LUTON

Luton Crown Court
George Street
Luton

3rd July, 2007

Before:

HIS HONOUR JUDGE BEVAN, Q.C.

REGINA

- v -

GARRY WEDDELL

MISS BROWN appeared on behalf of the Prosecution.

MR. M. MAHER appeared on behalf of the Defendant.

Tape Transcription by Sellers Legal Services
High Holborn House, 52-54 High Holborn, London. WV1V 6RL
Telephone: 020 7405 4512; Facsimile: 020 7405 4526

PROCEEDINGS

PROCEEDINGS


A

MISS BROWN: Your Honour, I appear for the Crown. My learned friend, Mr. Maher, appears for Mr. Weddell.

B

Your Honour, Garry Weddell is forty-seven years of age, and he is charged with the murder of his wife, Sandra Weddell, on 30th January of this year. The couple had been married twenty years. They have three children,

C

. Mr. Weddell is a Metropolitan police inspector, currently suspended following his charge with murder.

D

Your Honour, the Defendant was arrested and interviewed as a suspect in this case for the first time last week, on Tuesday, 26th June. He was charged with murder on Wednesday, 27th June, appearing before Luton Magistrates' Court on Thursday when he was sent for trial pursuant to s.51 of the Crime & Disorder Act.

E

F

JUDGE BEVAN: Is there any reason for the delay from January to June?

G

MISS BROWN: Yes. Your Honour, I was going to mention the fact that there has been an extensive police investigation since that time which has resulted in a substantial amount of evidence being obtained, a lot of expert evidence, and, in fact, inquiries are still ongoing -- the investigation is still ongoing. The investigation is still ongoing. But, as

H

A of last week there was considered to be sufficient evidence
to arrest Mr. Weddell, interview him, and subsequently
charge him with this offence. Your Honour, he was actually
arrested for the first time as a suspect last week.

B JUDGE BEVAN: I am grateful to you for the summary. Albeit
brief, it gives me some idea of what we are concerned with.

C MISS BROWN: Your Honour, I believe a case summary has been made
available to your Honour this morning. It is unfortunate,
but ---- Arrangements were made to have it to you in fact
yesterday, but ----

JUDGE BEVAN: Never mind. I have it now.

D MISS BROWN: A preliminary hearing has been fixed for a week's
time - 10th July, next Tuesday. Your Honour, bail was
opposed in the Magistrates' Court. There was a full bail
application in the Magistrates' Court. The objections that
E were put forward were a fear that Mr. Weddell will fail to
surrender to bail, this having regard to the nature and
seriousness of the offence and probable sentence. He is a
F man, as you would expect, your Honour, of previous good
character. There is a fear of interference with witnesses,
and as a result of interviews with the Defendant last week,
G a reasonable line of inquiry that the police needed to
pursue was the interview certainly of one, if not all of
the three children (the Weddell children). I can advise
your Honour that since last week the eldest child -


H [REDACTED] of Mr. Weddell - has been

A ABE interviewed, and she is now a significant witness. The
fears last week were the possibility of the Defendant
influencing his children and what they might say about
their mother's demeanour and behaviour before her death.
Your Honour, as I say, the eldest child has been
B interviewed. She is now a significant prosecution witness
in that she does contradict her father's account of her
mother's demeanour and behaviour in the lead-up to her
C death, particularly on the morning of her death.

Your Honour, the third ground for opposing bail is for
the Defendant's own protection.

D JUDGE BEVAN: Just pausing a moment. What about interference
with witnesses? The other two children?

E MISS BROWN: I have spoken to the investigating officers this
morning. In view of the interview with

 - the eldest child - it is not
proposed now, at this stage, to interview the two younger
children.

F JUDGE BEVAN: Does that mean that what was the second ground of
interference with witnesses now no longer applies?

G MISS BROWN: It essentially no longer applies in relation to
those children, your Honour.

JUDGE BEVAN: Interference with witnesses would only potentially
apply to the children presumably.

H MISS BROWN: Yes, your Honour. There are a number of witnesses,
obviously. There are relatives and friends, and they have

all made statements in connection with this inquiry. So, their evidence is committed to paper.

A JUDGE BEVAN: Third - own protection?

B MISS BROWN: For his own protection, and, your Honour, it has to be said for that of his children as well, because of the actions of the Defendant following the charge -- or, whilst he was in custody in respect of this matter. He was in custody and interviewed at Ampthill police station.

C Following charge he was transported to Luton police station, and on arrival at Luton police station he was searched, and found to have secreted on him a coaxial cable - it was a TV aerial cable. This was wrapped around his D left ankle. This cable had been removed from a TV within an interview room at interview room - an interview room that was being used as a consultation area with his legal E representative.

F JUDGE BEVAN: So, it would appear that he had removed the cable from an interview room and wrapped it round his ankle, under his sock.

G MISS BROWN: Yes, your Honour. Certainly that was where it was found secreted on his arrival at Luton police station. He was asked about it, your Honour, and -- He was asked what the cable was for, and his reply was, "I just wanted to go to sleep".

H Your Honour, the prosecution say that this was a premeditated, well-planned and executed murder by a

A
B
C
D
desperate man. His relatively idyllic and comfortable lifestyle was being threatened by his wife, who was seeking a separation. Your Honour, as a consequence, he was facing the prospect of being separated from his children, losing half the value of his family home - a house that was paid for and valued at approximately £450,000, and half of a substantial police pension. Now that he faces the charge of murder, he faces an even bleaker future. Once again, he is a desperate man. The fact that he secreted this cable demonstrates how desperate he is. Your Honour, in the absence of any psychiatric assessment, the fears concerning his welfare - and, it has to be said - that of his children, are well-founded.

E
Your Honour, that covers the grounds for opposing bail. Does your Honour wish me to go into some detail now with regard to the facts of the case?

F
JUDGE BEVAN: I do not think so, thank you, at the moment. I will hear what Mr. Maher has to say. But, at the moment, I do not think so. Thank you, Miss Brown.

G
H
Mr. Maher, my instinctive reaction is that I am not concerned about Ground 2 in relation to witnesses because I think the prosecution are effectively conceding that. But, I am concerned about Ground 1, and I am more concerned about Ground 3 at this stage - as Miss Brown points out - absent a psychiatric assessment. Now, at the moment I take it there is no psychiatric assessment.

MR. MAHER: No.

A JUDGE BEVAN: There will be automatically because this is a case
of murder. But, until then, whatever you tell me - and I
am not shutting the door on you, of course, but you have
got to look at it from my point of view - I have got a man
B who appears to have stolen a cable from an interview room
and concealed it round his ankle - a man in a position,
without going into it, for whom a charge of this kind would
C be a nightmare scenario. That is your difficulty.

MR. MAHER: I accept that, and I am grateful for your Honour's
D indication as to your provisional thoughts on the matter.
Of course, your Honour is going to have concerns with this,
the most serious of criminal charges.

Your Honour knows from the background that this
E Defendant has a background of considerable service to this
community for well over two decades. He has a rank of some
substance. He has very firm ties in this community - an
anchor, if you like, with this community. The mortgage had
F recently been paid off.

[REDACTED]

[REDACTED]

G [REDACTED]. I

understand as well that he coaches the local team there.
So, he has been a constructive member of the community for
H a long period of time, with three children who are his
bedrock in this community. The suggestion ----

A JUDGE BEVAN: I follow that, Mr. Maher. I also take on board the fact that a very substantial surety of £200,000 is available. But, that does not really touch on my current concern.

B MR. MAHER: It may be that your Honour feels that the bail application may need to be delayed pending a full psychiatric assessment.

C JUDGE BEVAN: You must take your own course, Mr. Maher. But, if I was to get a psychiatric report from a respected psychiatrist, saying, "Forget the coaxial cable. That's nothing. There are no concerns whatever", then that might be one thing. But, until I have that what am I meant to make of, "I just wanted to go to sleep"?

D MR. MAHER: Well, your Honour, I have to say that so far as this Defendant is concerned, he denies that he said that. In fact, he has told instructing solicitors -- In fact, he denied that to his instructing solicitor that he in fact had said that. Those are not my instructions yet, because E F I have not seen the Defendant. But, as your Honour rightly observes, for a senior police officer to be remanded in custody, even for a short period of time, would be a nightmare. Although I do not have positive instructions, G it is an inference nonetheless that could be made - logically be made - given his status as a police officer that that was for his own protection with the framework of H custody rather than for him to put himself to sleep.

A His brother, who is here -- Both his brothers are in
court here today, your Honour. I have spoken to both of
them. Jeffrey Weddell, who is the common-law barrister,
tells me that he is a very down-to-earth man; he is a very
solid individual. It is, acknowledging, as he does, the
B gravamen of this offence and the circumstances surrounding
it, taking his own life is just not something he would do
with three children that he absolutely dotes on, something
C that he puts a significant premium on. He regularly takes
them, as your Honour will have seen from the papers -- I
do not think your Honour has seen any papers ----

D JUDGE BEVAN: No - only the short summary which I imagine you
have seen.

MR. MAHER: I have, your Honour.

JUDGE BEVAN: That is all I have seen.

E MR. MAHER: Shortly after this incident - and I know that the
Crown will put a cynical interpretation on this - that he
was trying to maintain a veneer of normality - he takes his
F children to [REDACTED] lessons within the local community, and
he places a very solid premium on their welfare and their
well-being. He says - and it is part of his case - that he
G was very concerned that his wife had not picked them up
from school. That, of course, is his case.

H But, there is good evidence, if your Honour wished to
hear it today from his own family, as to the sort of person
he is; as to the fact that he is not somebody that would

A take his own life; who has a lot to live for, given the fact that his three children are very much alive, and he very much wants to see them grow up.

B So, of course, I appreciate your Honour will rightly have concerns about that evidence that the Crown put forward. I hear what your Honour says. I appreciate what your Honour says - that I must take my own course. Of course, I only have one bite at the cherry at this stage, and I do not want to waste that if your Honour felt that you would be assisted potentially in some way by a full psychiatric assessment. I can, of course, call ----

C
D JUDGE BEVAN: Mr. Maher, I am not going to be prescriptive about bail applications. I would regard a psychiatric assessment as a potential change of circumstances. Therefore, if you make an application today and fail, it will not inhibit you from making a further application on further psychiatric information.

E
F MR. MAHER: I am very grateful to your Honour for that indication.

G JUDGE BEVAN: But, I would expect it to be a full-blown expert psychiatric report - not just a medical certificate from a doctor, saying, "He's fine".

H MR. MAHER: Understood, your Honour. Having regard to your Honour's observations ----

H JUDGE BEVAN: I am making no promises. I am merely saying that at the moment this is a hurdle which -- I mean, let us face

A it, Mr. Maher, being brutally realistic about it, as long
as there is a prospect that if I was to grant him bail he
might do something to himself, then where would we be? I
mean, the question only needs to be asked at this stage in
the light of, "What on earth was the Judge doing, absent a
B psychiatric report, granting this man bail where he appears
to have taken steps to try to end his life?" Just imagine
the headlines, if you like.

C Now, I do not judge cases based on potential
headlines, but if there is a realistic risk of that
scenario, then it would be folly for me to take it, would
it not?

D MR. MAHER: I understand that, your Honour. I will certainly
make a bail application. If your Honour refuses it, then I
will take on board the observations your Honour makes.

E JUDGE BEVAN: Well, it may take a little time, and it may not be
appropriate to do it either at the -- I am told the
preliminary hearing is on 10th, next week. Monday -- early
F next week anyway. That would be too soon for a psychiatric
report. But, if it is anything to do with me - and if you
want to make a note on the brief that I would regard the
G advent of a full psychiatric report as a change of
circumstances - then the bail application can be made
whenever is appropriate. But, I make absolutely no promises
either way.

H MR. MAHER: I am grateful for those observations, your Honour.

I can do no better than really summarising what I have said
so far as ----

A JUDGE BEVAN: I am grateful to you, Mr. Maher. Are there any
other points you want to make at this stage?

B MR. MAHER: Your Honour knows as well, I think, that after this
Defendant was initially regarded as a significant witness,
my understanding - and I will be corrected if I am wrong -
is that he continued to work as a serving police officer
C for five months. As your Honour has observed, the second
ground that the Crown had advanced in relation to
interference with witnesses really falls by the wayside.

D JUDGE BEVAN: I do not think the Crown are pursuing that any
longer, now that the daughter has made a statement.

E MR. MAHER: Your Honour, the Defendant's brother, as I say, has
significant monies. Your Honour has had evidence of that.
I have shown that ----

F JUDGE BEVAN: I do not need to see that at this stage. It may be
that I would want to hear from him were we looking at bail
in principle ----

MR. MAHER: I am very grateful for that indication.

JUDGE BEVAN: -- on a future occasion.

G MR. MAHER: Thank you, your Honour.

H So far as the Defendant's injuries are concerned, of
course, the Defendant was physically quite strong. I have
to concede that. In his own statements, the Defendant says
that he had his own gym and that he regularly worked out,

but I am bound to say that I understand from the
Defendant's brother himself, that the victim herself was
quite a fit woman; she had a purple belt in karate. I am
no expert, but I think that is a fourth or a fifth belt.
She was no beginner. One might have expected to have seen
substantial defence injuries to the complainant. I accept
that it is said that there were some injuries to her
fingers -- some bruises to her fingers, but so far as the
Defendant was concerned, he had very little injuries, and
one might have expected, given her own particular stature
and her own particular strength, as I understand it, from
the Defendant's family, one might have expected to have
seen rather more injuries if there was a struggle, as the
Crown suggest that there was, rather than ----

JUDGE BEVAN: We can have as much equality of the sexes as we
like, Mr. Maher, but you are never going to get equal
physical strength, are you?

MR. MAHER: No, of course not, your Honour.

JUDGE BEVAN: Was she a big woman?

MR. MAHER: I don't -- All I am told is that she was physically
quite a strong woman.

JUDGE BEVAN: And the Defendant?

MR. MAHER: As I have conceded from the outset, he was
physically quite strong - stocky and strong.

JUDGE BEVAN: Height?

MR. MAHER: Five foot ten. It is a small point, your Honour,

but just something to put into your Honour's consideration.

Your Honour has seen the evidence that has been advanced so far as handwriting styles, for example. It is suggested that the suicide note is more likely to have been the Defendant's style of handwriting ----

JUDGE BEVAN: Yes. I was not entirely clear about the computer use.

MR. MAHER: My understanding ----

JUDGE BEVAN: Is the computer use alleged to be significant?

MR. MAHER: It is significant inasmuch as the Crown say that the computer was used at 10.13 a.m., at the time when the Defendant himself was only at the house - because there is no evidence, as I understand it, at that time, that that suicide note was generated - simply that the computer was used shortly before, the Crown would say, the victim's death. The irresistible inference, they say, is that the suicide note was generated at that time by the Defendant before the victim was ... (overspeaking) ...

JUDGE BEVAN: I am being very dull, but I do not understand the combination of handwriting evidence and of computer use.

MR. MAHER: It is two separate matters.

JUDGE BEVAN: Ah! Two separate documents.

MR. MAHER: No. No. Two separate matters in terms of the suicide note that was generated, your Honour -- The computer was examined which was attached to the printer, which the Crown say generated that suicide note, and the

computer was used at 10.13 p.m.(sic) and contact was made with the printer, but there is no evidence as to what document it generated - simply that the computer was activated at that time and made contact with the printer at that time. It is said that the suicide note **per se** is more likely to be in the style of the handwriting -- the use of language, so to speak, of the Defendant rather than that of ----

JUDGE BEVAN: That is handwritten.

MR. MAHER: That is typed, your Honour.

JUDGE BEVAN: That is typed.

MR. MAHER: The language that is used, and the phraseology, is more likely to be that used by the Defendant rather than the victim. I am bound to say your Honour may take judicial notice of the fact that when couples have been together for a significant period of time - as these two people had - people have similar fashions, similar use of language, similar phraseology. I simply indicate to your Honour - and it is not a strong point - that that is not the strongest evidence of its kind. Of course, the printer use -- they do not have evidence of what document was actually generated at that time. It was very much a family printer.

This is very much a case, your Honour, I would respectfully submit, that stands very strongly in relation to the scientific evidence. It is significant that shortly

A after the event there must have been - and I will be
corrected if I am wrong -- But, the body was released to
the Defendant's family for cremation within four weeks of
this allegation. So, if they had had at that stage evidence
of a struggle -- or cogent evidence that there could
B probably have been a murder, then one might have expected
that he would have been charged - simply on that evidence -
putting aside whether there was a realistic prospect of
C conviction. Surely, we, the defence, say that that delay
is very significant - that five month delay when he
continued to work as a police officer. The body was
released. The body was cremated, and we are told now -- my
D solicitor has been told, and was told in interview on 26th
January, that the pathology -- There was still outstanding
pathology evidence.

E Whilst your Honour may feel that the bail application
is made rather early in the day, we submit that the delay
in these proceedings is quite significant and the fact that
F the body was released for cremation perhaps betrays the
fact that the Crown's evidence at an early stage in these
proceedings was not as strong as the Crown now say it is.
G That is something that I would certainly invite your Honour
to consider at this stage.

H Your Honour has the point about the significant surety
that is put forward, and that it really does underline and
illustrate the ties to his family. It is better, I would

respectfully submit, that this Defendant be in the bosom of his family rather than living in a nightmare in custody.

A If there are concerns for his own protection, better that he be with his brother in Surrey, away from a prison environment, and away from his own children as well. As a
B long-standing police officer, your Honour, he knows only too well how important court orders are. If your Honour
C orders that he does not return to the family home, or have any contact with his children, then I understand that he
D will abide by that. But, in a sense, the Crown cannot have it both ways. If he at his lowest ebb, then better he is
E with his family than he is living in a nightmare in custody. His family say that he is a solid man; he is a
F down-to-earth man; he is a practical man; he is not somebody who would take his own life.

Your Honour, those are the submissions I make on his behalf. I respectfully submit that notwithstanding the gravity of this case, that he is a suitable candidate for
presumption to be applied.

JUDGE BEVAN: Yes. Thank you.

G Miss Brown, just help me on this: I am not entirely clear about the scientific evidence in relation to suicide
note and computer. What is the significance from the Crown's point of view of the use of the computer at 10.14
H on the following morning?

MISS BROWN: In fact, your Honour, it is believed that the

victim was murdered on 30th January. That morning she went to work. She worked part-time as an invigilator of exams at a school. She went to work at nine o'clock in the morning. She returned around about eleven-thirty. During that time Mr. Weddell was the only person at the family home.

JUDGE BEVAN: Does this merely demonstrate that somebody was using the computer at that time?

MISS BROWN: There is expert evidence to show that the computer was used for a period -- I do not know the precise times, but it certainly would have been when Mrs. Weddell was at work. It was used for a period of time - for about fifteen minutes. A Word document was created. A Word document was printed. But, the actual text of that document has not been saved to the hard drive. There are technical explanations for that - it is all to do with the length of time that the computer was on. The suicide note that was found by the body was -- was typed. Initial tests on it comprised of ESDA tests that revealed no fingerprints, but revealed glove marks. So, it has been handled by a person with gloves. This led to the police then going on to make inquiries to establish the provenance of the note, and led to inquiries and an examination of the family computer, which then resulted in establishing that this computer had been used by someone at the home address in that period of time when Mrs. Weddell was out of the house.

JUDGE BEVAN: No, the note cannot be linked to the computer, but it could have been printed during -- at 10.34 ----

A
MISS BROWN: It can be linked to the computer attached to the computer because of, again, a separate examination of the ink cartridge and documents -- test documents printed using the cartridge.

B
JUDGE BEVAN: So, it can be linked to the printer, but not to the computer.

C
MISS BROWN: Not at this stage, your Honour.

JUDGE BEVAN: Therefore, at the moment it is a matter of inference.

D
MISS BROWN: It is a matter of inference, yes, your Honour. Inquiries are still ongoing. Although it is not saved to the hard drive, there is a possibility that it may be saved in what is known as a virtual memory. My knowledge does not go beyond that.

E
JUDGE BEVAN: I know. I have had cases at the Bar where it is amazing what they can retrieve out of the bin, one way and another. Thank you. I understand. I am not criticising Mr. Maher, but I now understand it a little more clearly than I did.

F
G
MR. MAHER: Not at all. In fact, to complete the picture, I think in interview the Defendant accepted that he may have generated a document, but it certainly was not a suicide note.

H
MISS BROWN: Your Honour, the only other comment I would make -

A just to complement Mr. Maher in relation to the forensic
linguist who has examined the note with the known writings
of the victim and the Defendant - he concluded that it was
highly likely that the Defendant was the author of the
note, and highly unlikely that Mrs. Weddell was the author
B of the note. The significance of those -- that rating -- It
is the highest rating the expert can give in terms of when
we see moderate/strong/weak -- Highly likely is the
C highest the expert can put it at.

JUDGE BEVAN: Thank you.

D Well, for reasons already discussed, I regard the first
ground of objection to bail as a potential ground. The
second ground falls away. But, at present, and without pre-
judging any future bail application I am convinced that
there are substantial grounds to believe that it would be
E wrong to grant bail in relation to his own protection. I
am not so concerned about the children, but in the case of
him there is a comment, which is denied, in relation to
F this cable secreted around his ankle, which gives me
genuine cause for concern about his own welfare. That may,
or may not, be resolved in the light of the psychiatric
G report. I have already indicated that a full-blown
psychiatric report I would regard as a change of
circumstances.

H However, I am not pre-judging the issue, and I am
certainly not saying that if there is a favourable

psychiatric report, he will get bail. But, at the moment
that I regard as an insuperable hurdle. I am proposing to
take this case, as it were, one step at a time. If that
hurdle can be overcome then bail can be reconsidered. That
will not happen at the preliminary hearing. Whether it
will happen at the plea and case management hearing, we
will have to wait and see. But, whenever there is a
psychiatric report available, I, or whoever else deals with
it, would be prepared to deal with a bail application.

This application is refused.
