



R v Vincent Tabak [2011]-a murder case in Bristol, England

CHAPTER ONE

Introduction

Joanna Yeates was a 25 year old woman who was murdered on 15 December 2010. Her body was discovered on 26 December 2010 and on 23 January 2011 her next door neighbour Dr Vincent Tabak, a highly qualified Dutch architectural engineer (working in Bath, England, United Kingdom) was arrested and charged with her murder. The murder trial began on Monday 10 October 2011. Court One was court where the murder trial took place at Bristol Crown Court, Small Street, Bristol. The jury was sworn in a few days before the trial began. There were no black persons among the jury even though Bristol has a huge representation of black persons among its citizens.[1]

The Court

Bristol Crown Court is a modern, busy court. The Crown Court is the correct jurisdiction for a murder trial. The status, jurisdiction and administration of the Crown Court is governed by the Constitutional Reform Act 2005, section 59 (5) and Schedule 11, paragraphs 1 and 26, and by certain sections of the Criminal Procedure Rules 2005. See the Statutory Instrument 2005 Number 384 (SI 2005/384).

Violence

The concept of violence concerns most law-abiding citizens in all countries. Defining violence has long been debated among criminologists for most of this century and before this time. The term 'violence' some argue, lacks precision, which is why it is difficult to define, coupled with the fact that, embedded in events and actions which are perceived and understood as violent, are variable and conflicting conceptions of social and moral order. Consider some of the academic definitions of violence:

*Violence is any behaviour by an individual that intentionally threatens, attempts to inflict, or does cause, physical, sexual, or psychological harm to others or to themselves.

Stanko, E. (1998) Taking stock: what do we know about violence?, Swindon: Economic and Research Council (at page 3).

Vulnerability to violent crime victimisation varies across the age spectrum. The victimisation rate increases through the teenage years, crests at around age 20, and steadily decreases through the remaining years. This pattern, with some exceptions, exists across all race, sex, and ethnic groups. [2]

The city of Bristol in England, United Kingdom

Bristol is a city in the region of Avon. It is an area of England with much crime. As for sexual related crimes, the following illustrate the problem that Bristol has with sex crimes. On Saturday 1 October 2011, a serious sex assault took place in Bristol between 9.15 pm and 10.30 pm when a woman dressed in 'fancy dress' became separated from a group of friends as they entered a nightclub in Park Street. A man who led her into an alleyway and subjected her to a serious sexual

assault then befriended her. Police described the suspect as a 'stocky, broad shouldered, clean-shaven, six foot, and fair-haired, white male, aged in his thirties, with short hair, who was wearing a black bomber jacket and black jeans and who spoke with a local accent'. This sex assault had occurred in a very busy part of Bristol. On 18 the September 2011, police released news of another sex assault which occurred in an underpass near the Young Men's Christian Association (YMCA) building in Lawrence Hill in Bristol on 18 th September, 2010. The suspect was described by police as 'male, black, bald, skinny, about 5ft 7in tall, has bad teeth and a strong African accent'.

Joanna Yeates, Landscape Designer

Joanna Yeates was a 25 year old woman who was murdered on 17 December 2010. Dr Vincent Tabak, a highly qualified Dutch architect/engineer, working in Bath, near Bristol, at the international architectural consultants Buro Happold Ltd, was the second person who was arrested on suspicion of Joanna Yeates' murder. Police charged Dr Tabak on 23 January 2011 with the murder of Joanna Yeates. This was five weeks after the victim had been found dead by a roadside, some two miles from her rented accommodation in Bristol, UK.

Landlord Chris Jeffries arrested on suspicion of murder

At first the Bristol police arrested the landlord Chris Jeffries, (partly because Vincent Tabak and Tanja Morson reported to the police that they saw Chris Jefferies spying through windows and letting himself in with his own keys to Apartment One where Yeates and Reardon lived). Then later, police arrested and charged Vincent Tabak, who lived with cohabitee Miss Tanja Morson in the adjoining apartment to Joanna Yeates and Greg Reardon.

The residents at the 44 Canynge Road: Jefferies, Reardon, Yeates, Tabak, Morson, Hardyman, Bland and Mr & Mrs Woodman-Smith

The house at 44 Canynge Road, Bristol, had been converted into six apartments. The main entrance to upper-floor apartments is a short stairway up to an imposing front door and into a shared foyer. Christopher Jefferies owned three of the apartments. Christopher Jefferies is a retired English teacher of a local English fee-paying school, Clifton College, and he had lived in one of the upper floor apartments at 44 Canynge Road since 1990. Later on, in the year 2001 Christopher Jeffries had bought the two downstairs apartments for £300,000 each. He then formed a limited company for the purpose of managing rent income, expenses and income tax relating to his ground floor apartments. [3]

On the upper floor of the house at 44 Canynge Road lived Geoffrey Hardyman who was a 79 years old in 2011. Mr Hardyman had supplied the legal defence lawyers with a statement which was read out at Vincent Tabak's trial by a defence barrister. Mr Hardyman stated that he was in bed with a cold on that Friday evening of 17 December 2010 and (in contrast to the two persons who told police that they had heard screams coming from the property on the Friday night, 17 December 2010) Mr Hardyman stated that heard nothing all that weekend and did not learn that Joanna Yeates had been reported as missing until Christopher Jefferies had told him about it on Monday 20 December 2010.

Richard Bland who also owned an apartment at 44 Canynge Road was the former headmaster of Clifton College and Michael and Gillian Woodman-Smith owned the other upper-floor apartment at 44 Canynge Road. Mr Michael Woodman-Smith, Mr Bland and Mr Jefferies and Mr Hardyman had all been teachers at nearby Clifton College.

Neighbours to 42 Canynge Road

At 42 Canynge Road lived Peter Stanley. Peter Stanley was the man who had supplied the jump leads for Greg Reardon on the Friday, 17 December, 2010 at around 6pm. Peter Stanley's vehicle was a 'Jeep'. Laurence Penney lived at Clifton Down, Trinmore (Garden Apartment) Bristol BS8 3HT.[4]He is said to be a font designer and a world expert in his field..

Newspaper frenzy

This particular murder trial aroused intensive interest and the English newspapers profited hugely from the reporting of this case. Newspaper and television carried this story almost daily from the day that Joanna Yeates was reported as a missing person to the days after Vincent Tabak was convicted of her murder. After the conviction, the newspapers again went wild with salacious reports and double page spreads on this case. At trial, the press room was overcrowded.

Joanna Yeates' mother even wore a t-shirt supporting the press. In this murder trial, the majority of the prosecution evidence, apart from the post-mortem, was circumstantial and the only real evidence was the post mortem result and the oral evidence out of the mouth of the defendant himself, who seemed in an automated state and psychiatrically distressed state, in the author's opinion, totally ignored by his defence barrister, William Clegg, QC; by the judge, Justice Field, whilst the prosecuting counsel, Nigel Lickley, QC rudely and crudely, verbally and psychologically badgered the defendant for hours and hours in the witness box.

Voir Dire

The Defence counsel, William Clegg, QC, had earlier pleaded with the judge, Justice Field, to accept the plea of 'manslaughter' but Justice Field was adamant that the charge of 'murder' must remain.

It is to be noted that this point cannot be raised as a 'point of law' for appeal because in R v Archer [2011] EWCA Crim 2252, it was held that the judge had not erred in rejecting a submission of 'no case to answer' where there was 'sufficient evidence' for a jury to convict a defendant. In this

particular case, a 22 year old man, appealed his conviction for kidnapping. The appellant had admitted in his evidence that he had lied in his police interview, but he maintained that there had been no discussion or planning in relation to the robbery on the victim, and that he was not involved in any way with it.

Vincent Tabak, at trial, also maintained that he had not planned to meet with Joanna Yeates that fateful evening when she died. He insisted that Joanna Yeates had invited him into her Apartment and that he was forced to put his hand over her mouth to stop her from screaming, thus suffocating her. He explained that all he had done was to attempt to kiss her in her kitchen where they stood chatting for over ten minutes before he moved to kiss her and she screamed.

Judge Field, the trial judge in *R v Vincent Tabak* [2011] refused during the voir dire to allow a plea of manslaughter and insisted that the charge of murder must stay. However, in *R v Archer* [2011], paragraph 11 of the Court of Appeal's decision, stated:

‘The appellant ... then gave evidence in line with the defence cases we have already summarised. The appellant admitted in his evidence that he had lied in his police interview but he maintained that there had been no discussion or planning in relation to the. It seems that in the course of his evidence he sought to give the impression that he did not usually behave in the way alleged, which led to the admission into evidence of the fact that he had previous convictions...’

The point here is that, like the Appellant in *R v Archer* [2011], Vincent Tabak had admitted telling lies during the police interview, but unlike the Appellant in *R v Archer*, in the course of his evidence, he sought to give the impression that he did not usually behave in the way alleged. Vincent Tabak was correct in giving that impression, but disregarded by judge and jury.

No previous criminal convictions whatsoever

Indeed, he had no previous convictions for sex offences or for any other criminal offences and in fact was a virgin when he met his then partner Miss Morston. The judge cannot be said to have

correctly directed the jury in their conviction of Dr Vincent Tabak for murder, because the trial judge, had been told beforehand by police officers, that a prostitute in Los Angeles had telephoned the Avon and Somerset police to identify Vincent Tabak as her one-time client for prostitution in Los Angeles and requested 'strangulation sex'. This self-confessed prostitute had neither been sworn in to give witness nor had she been cross-examined, yet the trial judge had decided without a trial that she was telling the truth.

However, whilst R v Archer [2011] was an application for leave to appeal, in fact, Vincent Tabak should apply thus, yet no legal counsel has put an appeal forward for Vincent Tabak. In R v Tabak, the only 'sufficient evidence' came in the form of Vincent Tabak's self-confession. The evidence in the murder trial was wholly circumstantial but for what came out of the mouth of this Defendant, a curious case indeed.

Murder (Abolition of Death Penalty) Act 1965

In English law, it is unlawful to kill a person unless in circumstances where reasonable force was used in self-defence or by misadventure. Murder is unlawful homicide 'with malice aforethought', ie, if the defendant intended to kill that person or intended to cause grievous bodily harm to that person. Murder carries a mandatory sentence of imprisonment for life and murder is triable only on indictment. Hence Dr Tabak's trial by jury in October 2011. The sentence that Dr Tabak received must take account of time already spent in custody on remand, awaiting trial[5].

A miscarriages of justice

With the numerous miscarriages of justice in present day English courts, it is a very good thing that capital punishment has been abolished by the statute Murder (Abolition of Death Penalty) Act 1965, the same statute that imposed a life sentence for murder. This statute, and Article 1 of the Thirteenth Protocol to the European Convention on Human Rights, continues to prohibit any consideration of the re-introduction of the death penalty. A mandatory life sentence means that the

sentence of imprisonment is not for a fixed period at the outset. However, the trial judge, after the defendant has been convicted, may decide to specify a minimum term to be served and the Home Secretary must release the offender on licence, once the stipulated period of sentence has been served.

Could Vincent Tabak have pleaded provocation?

If Dr Tabak was not drugged in prison and led to say that he 'did it' and 'was sorry' to an unqualified and unlicensed 'chaplain'; if it is true, was he provoked as per the Homicide Act 1957, section 3?

Section 3 states:

'Where on a charge of murder there is evidence on which the jury can find that the person charged was provoked (whether by things done or by things said or by both together) to lose his self-control, the question whether the provocation was enough to make a reasonable man do as he did shall be left to be determined by the jury and in determining that question the jury shall take into account everything both done and said according to the effect which, in their opinion, it would have on a reasonable man.'

Section 3 of the 1957 Homicide Act assumes the defence of provocation which reduces murder to manslaughter and which contains a subjective test and an objective test. Provocation is only allowed as a plea if 'there is a temporary loss of self control, rendering the accused so subject to passion as to make him or her for the moment not master of his mind.'^[6]

How might a person lose his self-control?

A person can have a sudden^[7] and temporary loss of self-control through words or conduct of another^[8] or self-induced^[9] anger^[10] despair^[11] or frustration^[12].

Heated legal debate about sentencing

It is argued that a mandatory life sentence is a fitting reflection of the seriousness of the offence; that it will deter others; and reflect the gravity of murder. Arguments as to sentencing gave rise to a study of the matter and in 1989, the Nathan Committee, a Select Committee of the House of Lords recommended that the mandatory sentence should be abolished and replaced with a maximum sentence of life imprisonment, thus giving the trial judge leeway to adjust the sentence to take account of the circumstances.

Again, in 1993, another committee, the Lane Committee on the Penalty for Homicide (Prison Reform Trust) made similar recommendations. However, it was not until the year 2005 that the UK government asked the Law Commission to review the law of murder and in 2006 the Law Commission completed its review and published paper number 304, titled Murder, Manslaughter and Infanticide.

In its recommendations, the Law Commission proposed an introduction of a three-tier ladder of general homicide offences to reflect different degrees of culpability and recommended that the mandatory life sentence should only apply to the most serious, first-degree murders.

The Law Commission recommended two degrees of murder. 'First degree murder' would include intentional killings and killings with the intent to cause serious injury where the killer was aware that his or her conduct involved a serious risk of causing death. [\[13\]](#)

Lickley said Tabak looked on Internet for words 'murder' and 'manslaughter'

As to definitions of murder, as Mr Lickley QC alleged that Dr Tabak had searched for on the internet, the definition is contained in the Law Quarterly Review, Volume 104 at page 30[\[14\]](#) in the year 1988 and the Law Quarterly Review, Volume 105 at 387 in the year 1989[\[15\]](#). something that

Vincent Tabak could never have known because he is not a lawyer. Such a spurious link in this murder case is despicable.

The Law Commission's recommended third tier of murder is a redefined offence of manslaughter, consisting of two offences of manslaughter to replace involuntary manslaughter. These two offences, the Law Commission recommended as being:

'(1) killing another person through gross negligence ("gross negligence manslaughter") or
(2) killing another person:(a) through the commission of a criminal act intended by the defendant to cause injury, or (b) through the commission of a criminal act that the defendant was aware involved a serious risk of causing some injury ("criminal act manslaughter")'

The Jury

Six men and six women were selected after a three-day process to pick jurors for the four-week trial at Bristol Crown Court. Six men and six women were chosen, none being black or elderly. The jury was sworn on 7 October, 2011. The trial was postponed for a day because Tabak's defence team, led by William Clegg QC, pleaded for time to read an extra 1,300 pages of evidence thrust upon the defence by the prosecution at the last minute.

The court clerk told the jury that Vincent Tabak was charged with murdering Joanna Yeates between 16 and 19 December last year. He informed the jury that the defendant had pleaded 'not guilty' and that it was the jury's job to say whether he was guilty or not.

The judge warned the jurors to avoid reading any background material and not to speak to anyone about the case.

When prosecution counsel opened the case, he produced copies of a A3 bound document which consisted of colour-coded pages of the timeline of the alleged murder: every incident from emails,

mobile texts, landline telephone calls, travel , shopping, etc of the parties involved , ie. Joanna Yeates and her cohabitee; and

Vincent Tabak and his cohabitee. Importantly, these schedules also included alleged internet searched by Dr Tabak. This A3 document looked dauntingly complex and it is believed that not all members of the jury followed this document; were on the right page and the right time as narrated by prosecuting counsel Mr Lickley. One juror at the end of the front row was almost asleep toward the end of Monday 10th speech by prosecuting counsel; Justice Field yawned several times during that day and it is arguable whether the document was used in be reproduced in any material form (including photocopying or storing it in any medium by electronic means and whether or not part or at all by the jury, although it appeared to be a very impressive document of listings, as alleged by the prosecution counsel, Mr Lickley. On Wednesday, 13 October 2011, His Honour Justice Field, the jury and a selection of journalists visited the crime scenes, accompanied by police officers.

Jury visiting protocol

After prosecuting counsel had summed up his case against Dr Tabak by mid-morning on Tuesday 12 October 2010, the rest of the day was taken up with agreeing a jury visiting protocol. There is no precedent jury visiting protocol in the United Kingdom but in cases such as this, a protocol must be agreed between the judge, the prosecuting counsel and the defence counsel. During the visiting protocol discussion, defence counsel William Clegg QC (of 2 Paper Buildings chambers, London) requested that the jury take note of how many minutes it takes to walk from the Hophouse pub in Clifton, the Bristol Ram, to 44 Canynge Road where Joanna Yeates, Greg Reardon, Tanja Morston and Vincent Tabak lived.

Defence counsel William Clegg, QC, also requested that the jury take a particularly close look at the view from Miss Yeates's kitchen window, which looks on to the path to the front door because Dr

Tabak had made a statement that Miss Yeates and Dr Tabak first saw each other through this window. Defence counsel William Clegg, QC, also asked the jury to walk from 44 Canynge Road, BS 8 3 LQ, Bristol, to the front door of number 53 Canynge Road in order to ascertain whether, in the jury's judgment, they thought it possible that a scream that was made inside Apartment 1, 44 Canynge Road could possibly be heard if you are standing outside number 53 Canynge Street, BS8 3LY, Bristol.

The judge, jury and news reportees visit crime scene

Whilst Justice Field travelled in an unmarked police car, the jury travelled in a secure coach with blacked-out windows, to hide the identification of the jury. The judge and the jury visited the Apartment, Apartment 1, 44 Canynge Road, Bristol, where Joanna Yeates lived. The six-man, six-woman jury was taken from Bristol Crown Court to key locations in the case.

Press reporters chosen to accompany the party of judge, police and jury, reported that the Apartment where Miss Yeates lived has not been tampered with, everything remaining as it was on that night of 17 December 2010, apart from the belongings of Greg Reardon which have been removed. At the time of the murder, the house to the right had scaffolding on and the top two storeys have bathrooms with windows that overlook the front door of Apartment One.

With the numerous miscarriages of justice in present day English courts, it is a very good thing that capital punishment has been abolished by the statute Murder (Abolition of Death Penalty) Act 1965, the same statute that imposed a life sentence for murder. This statute, and Article 1 of the Thirteenth Protocol to the 1950 European Convention on Human Rights, continues to prohibit any consideration of the re-introduction of the death penalty. A mandatory life sentence means that the sentence of imprisonment is not for a fixed period at the outset. However, the trial judge, if a defendant is convicted of the offence of murder, can specify a minimum term to be served and the

Home Secretary must release the offender on licence, once the stipulated period of sentence has been served.

The Defendant

The accused, Vincent Tabak was in 2011, a 33 year-old professional man – who holds a Doctorate university degree in software programming for architecture and engineering. He is specialist in people flow engineering. He denied the premeditated killing of Miss Yeates, whose body was found on a snowy verge on Christmas morning, 25 December 2010.

Dr Vincent Tabak was a recent neighbour of Miss Yeates and her cohabitee Greg Reardon, both employed by an architects's firm in Bristol. Dr Tabak and his cohabitee Miss Morson (a qualified analyst) had been living at Apartment 2 of the detached house at 44 Canynge Road, Bristol, whilst Miss Yeates and Mr Reardon had recently moved into the next-door Apartment 1 in November 2010. During the time between Joanna Yeates move to 44 Canynge Road and the day before her disappearance, Dr Tabak was out of the country, working in Los Angeles, United States (US).

Therefore, Dr Tabak did not know Yeates and Reardon. Dr Tabak returned to the United Kingdom on 11 December 2010. Miss Yeates had taken a few days off at the same time, having had a cold and had returned to work on 14 December 2010.

Greg Reardon

Joanna Yeates' cohabitee, Greg Reardon, had decided to visit his half-brother in Sheffield on the weekend beginning Friday 17 December 2010. Joanna Yeates, as was her usual routine every Friday evening after she finished work, went to The Bristol Ram, a public house near her place of work, in order to socialise and have some alcoholic drinks with people she knew. Having imbibed in several alcoholic drinks there, she decided at 8.00 pm to go home and proceeded to walk home in the snow,

stopping at one shop to buy two bottles of cider and at another shop to buy one ready-prepared and uncooked pizza.

Greg Reardon was away for the weekend

At 5.00 pm on Friday 17 December 2010, Joanna Yeates' cohabitee, Greg Reardon, travelled to Sheffield (using Yeates' car) to visit his half- brother. He is alleged to have returned home to Apartment 1 on Sunday, 19 December 2010 in the evening at 8.00 pm. As Miss Yeates was not at home he waited, drank a half-empty bottle of cider he saw in the kitchen and cooked a pizza from their freezer, he later told police. He did not contact anybody about Joanna Yeates' disappearance for four hours even though she had not returned any of his mobile phone calls to her made from the Friday to the Sunday evening before he returned home.

Missing person report made Monday 20 December 2010

When she did not arrive back at their Apartment at midnight, he telephoned the police to report her as a missing person. He did this at 1.00 am on Monday morning, 20 December 2010. Before he telephoned the police to report Miss Yeates as a 'missing person', he had telephoned his own mother and also Miss Yeates' mother. Miss Yeates' parents lived in Ampfield in the county of Hampshire, England, and they travelled to Bristol, their car journey taking some two hours.

Dr Vincent Tabak's movements

Dr Vincent Tabak returned to the United Kingdom from Los Angeles, US, on Tuesday 14 December 2010. He returned to his usual work routine the following day, Wednesday 15 December 2010, riding on his bicycle from Apartment 2 to the Bristol Temple Meads train station where he travelled by train to his place of work in the nearby city of Bath.

On that Friday evening after she returned from the public house and whilst his own girlfriend Miss Marston was attending the annual pre-Christmas party held, at the employer's invitation for all employees of the company she worked for. Dr Tabak's girlfriend had travelled to the Christmas party by coach, arranged for the staff by her employers. Dr Tabak had planned to collect Miss Morston from the coach after midnight on its return at the end of the staff party. Miss Morston owned a grey car, a Renault Megane, which they both used, in a similar way that Greg Reardon and Joanna Yeates used Miss Yeates' car.

Dr Tabak is alleged to have killed Miss Yeates whilst his girlfriend was at Dyson's staff Christmas party; to have gone shopping in an Asda supermarket at about 22.30 that evening, having driven around Bristol to look for a suitable place to deposit Miss Yeates' body and having found one, did the deed before collecting his girlfriend from the coach after midnight and returning home, stopping off briefly to buy them both beef-burgers which they ate on their way home in the car, the prosecuting counsel told the court on the first day of the murder trial, Monday 10 October, 2011.

Opening Speech by Nigel Lickley QC

This is what the Prosecuting Counsel, in his Opening Speech, told the Court on the first day of the murder trial, Monday 10 October 2011. His Opening Speech lasted until Tuesday 11 October after Judge Field reminded Lickley QC to make sure his Speech was complete before the end of Tuesday 11 October 2011. During this Opening Speech Mr Lickley used prolific slide shows including many of the same slide of a dead body apparently that of Joanna Yeates. This one can only surmise was done to draw emotion and sympathy from the jury over and over again. Were this a Road Traffic case, one would not have seen a slide show of a dead body repeatedly forced onto the court audience of visitors, press reporters, jury, judge, witnesses and defence legal team in the courtroom.

The Lower Court Trial Judge

The trial judge was Judge Field. During this trial it seemed as if the verdict had already been decided.

The judge appeared bored and I can swear that he appeared asleep in parts.

When asked by Defence QC, Mr William Clegg, an internationally acclaimed lawyer, whether he had a particular document before him, he replied, that it was in his judges chamber! Also, Judge Field dismissed the jury just before the Defence QC was due to present his opening speech and the court clerk had to quickly message the front lobby to catch them before they departed Bristol Crown Court.

I have never seen such disrespect to a Defence QC in my life. It took about half an hour whilst the court was in recess to settle back the jurors in their places so that the trial could continue.

The Jury

Six men and six women had been selected after a three-day process to choose the jurors for the murder trial at Bristol Crown Court. The jury was sworn-in on 7 October, 2011. The court clerk told the jury that the Defendant, Vincent Tabak, was charged with the murder of Joanna Yeates between 16 and 19 December 2010.

The Court Clerk informed the Jury that the Defendant had pleaded 'not guilty' and that it was the jury's job to decide whether Vincent Tabak was guilty or not. Judge Field warned the jurors to avoid reading any background material and not to speak to anyone about the case. This was a folly, bearing in mind that the jury had been chosen until December 2010 whilst Joanna Yeates death was heavily publicised in local newspapers, national and international newspapers and on the television in an intensive manner from from 17 December 2010 for the next six weeks until Dr Tabak was arrested and charged at the end of January 2011. Most normal person in the UK would have read

and seen salacious publishings about this case on the television, in free local newspapers, and on the Internet much before this jury was chosen on October 2011.

Mr William Clegg QC, Defence Lead Counsel

William Clegg of 2 Bedford Row Chambers in London is one of the best criminal barristers in the United Kingdom. Under his belt are some of the most important criminal cases of this century, namely, R v S (acquitted of gang related murder); R v N Ltd, O & O (corporate and gross negligence manslaughter plus related health and safety offences, corporate and individual, following death of worker in machine); R v Patel (defence of Patel, a surgeon charged with manslaughter); R v Wardell; R v Stagg (acquitted of the murder of Rachel Nichol); R v Stone (charged with the Chillingdon murders (Russell family); and R v Duckenfield (defending the police superintendent charged with regard to the deaths at Hillsborough Football Stadium).

2 Bedford Row is indubitably one of the best criminal sets in the country. These barristers work on some of the highest-profile cases in the world. William Clegg's chambers enjoy an unrivalled reputation for providing advice and representation in criminal trials. Recognised for its depth of ability at all levels, Number 2 Bedford Row's service is highly specialised providing insightful advice to those accused of criminal offences together with outstanding advocacy at a criminal trial. Each member of the team strives to ensure that the client is provided with the best possible service. Number 2 Bedford Row chambers pay particular attention to identifying appropriate defences and preparing legal arguments; ensuring compliance with the prosecution's duty of disclosure; first-class court room advocacy; and taking all steps necessary to ensure that the client's best interests are maximised.

The Judge and Jury, Police, and Press reporters visited places as part of murder trial

On Wednesday, 13 October 2011, His Honour Justice Field; the jury; and a selection of journalists; visited the crime scenes, accompanied by police officers and including the Apartment where Joanna Yeates and Greg Reardon, her cohabitee, lived . The six-man, six-woman jury was taken from Bristol Crown Court to key locations in the case. The jury retraced the route Joanna Yeates allegedly took that evening of 15 December 2010- up Park Street and past the Bristol Ram public house, where she had met work colleagues and had had a few drinks with them The judge and the jury also visited the Waitrose grocery shop Miss Yeates had visited, as well as the Tesco Express grocery shop where she bought a pizza on her way home on Friday evening 17 December 2010.

This court visit included:

- Apartments 1 at 44 Canynge Road, the place where Dr Vincent Tabak and his cohabitee lived;
- Apartment 2 at 44 Canynge Road, the place where Joanna Yeates and Greg Reardon lived;
- 53 Canynge Road, where a party was held on the night of 17 December 2010 (and a witness claimed to have heard screams);
- Percival Court (adjacent to the rear of Miss Yeates's Apartment because a witness from that building claimed to have heard screams that night);
- Longwood Lane in Failand, North Somerset where Joanna Yeates's body was allegedly found on 25 December 2010.

Whilst Judge Field travelled in an unmarked police car, the jury travelled in a secure coach with blacked-out windows- to hide the identification of the jury.

Press reporters had been chosen to accompany the party of judge, security police and jury.

Newspapers and television news reported that the Apartment where Joanna Yeates lived 'had not been tampered with, everything remaining as it was on that night of 17 December 2010'. This was

not a proven fact because Greg Reardon had been in the Apartment for four hours before he reported to police that Yeates was missing. He had moved items; he had eaten; he had tidied up; he had attended to the per cat; he had found Yeates earrings-one on the bed and another elsewhere; he had continued to live in the apartment; he had taken showers; he had cooked meals, etc. Yet some of the press photographs, now taken down from the Internet, had shown that the police had fingerprinted the whole of the bathroom and the kitchen.

Visiting Protocol agreed in Tabak trial

During the visiting protocol discussion, defence counsel William Clegg QC, made several documented requests:

1. He requested that the jury take note of how many minutes it takes to walk from the Hophouse pub in Clifton, The Bristol Ram, to 44 Canynge Road where Joanna Yeates lived.
2. He requested that the jury take a particularly close look at the view from Miss Yeates's kitchen window, which looks on to the path to the front door because Dr Vincent Tabak had made a statement to Somerset & Avon police that Miss Yeates and Dr Vincent Tabak first saw each other through this window on that Friday evening as he walked to the front gate to drive in his car to Asda shop.
3. Defence counsel also asked the jury to walk from 44 Canynge Road to the front door of number 53 Canynge Road in order to ascertain whether in the jury's judgment they thought it possible that a scream that was allegedly made inside the Apartment of number 44 could possibly be heard by the party-goer standing outside number 53 Canyne Street, Bristol.^[17]

Jury sent home for the rest of the day 13 October 2011

Following the site visits, the jurors were sent home for the day and trial continued in Court 1, Bristol Crown Court, the following day, 14 October 2010.

The Defendant, Dr Vincent Tabak

The accused, Vincent Tabak, aged 33 had denied the premeditated killing of Miss Yeates, whose body was found by dog walkers on a snowy verge on Christmas morning, 25 December, 2009.

The prosecuting counsel claimed that Dr Tabak, who lived in the ground-floor Apartment adjoining Miss Yeates's home in Clifton, Bristol, murdered the 25-year-old woman after she returned home from having festive drinks with colleagues on Friday 15 December 2010.

Her cohabitee Greg Reardon had gone to Sheffield for the weekend to visit his brother for the weekend. Joanna Yeates and Greg Reardon had planned to spend Christmas holiday 2010 with Yeates' parents.

Salient points in this trial

- Neighbours at a party said that they had heard screams on the night of Yeates' death. A priest is alleged to be the last person to see Yeates alive outside of her home.
- Yeates had allegedly consumed a plate of chips at lunchtime. The post-mortem examination allegedly found no food in her stomach.
- Prosecuting counsel told the court in his Opening Speech that Dr Vincent Tabak had accused the forensic science service of forgery and corruption.
- The prosecuting counsel alleged that Dr Vincent Tabak had searched the Internet for information about murder and manslaughter sentences.
- Lickley, prosecuting counsel said that at some point during the evening of Friday 15 December 2010, Dr Vincent Tabak had moved Joanna Yeates' body, put her in the boot of his car and left the body at Longwood Lane.
- A forensic examination of the scene where Yeates' body was found allegedly located Yeates' blood on a wall of a neighbouring quarry.
- Prosecutor concluded that Dr Vincent Tabak tried to lift her corpse to throw the body into the quarry over the wall.
- Nigel Lickley, QC his story by saying that in the days after Yeates' murder, Dr Vincent Tabak attended parties and dinners and coolly maintained the pretence of a worried neighbour.

Legislation in Chapter One

Constitutional Reform Act 2005

Criminal Procedure Rules 2005

Statutory Instrument 2005 Number 384

Chapter TWO- The setting: Bristol

Bristol

This murder case was tried at Bristol Crown Court in October 2011. The Crown Court is the correct jurisdiction for a murder trial. The status, jurisdiction and manning of the Crown Court is governed by the Constitutional Reform Act 2005,s.59(5), and Schedule 11, paragraphs 1 and 26 and by certain sections of the Criminal Procedure Rules 2005 See the Statutory Instrument 2005 No. 384.

Vulnerability to violent crime victimization varies across the age spectrum. The victimization rate increases through the teenage years, crests at around age 20, and steadily decreases through the remaining years. This pattern, with some exceptions, exists across all race, sex, and ethnic groups. See the American Justice article by C.S. Perkins, titled, “The vulnerability of victims of serious violent crimes” in Issue 163021, NCJ, July 1997.

Bristol is an area of England with much crime. As for sexual related crimes, the following illustrate the problem that Bristol has with sex crimes. On Saturday 1 October 2011, Avon a serious sex assault took place in Bristol between 9.15pm and 10.30pm when a woman dressed in fancy dress became separated from a group of friends as they entered a nightclub in the Park Street; was befriended by a man who led into an alleyway and subjected to a serious sexual assault. Police described the suspect as a stocky, broad shouldered, clean-shaven, six foot, and fair- haired, white male, aged in his thirties, with short hair, who was wearing a black bomber jacket and black jeans and who spoke with a local accent. This sex assault occurred in a very busy part of Bristol. On 18 September 2011, police released news of a sex assault which occurred in an underpass near the

YMCA in Lawrence Hill on September 18. The suspect is male, black, bald, skinny, about 5ft 7in tall, has bad teeth and a strong African accent.

Joanna Yeates, Landscape Designer at BDP

Joanna Yeates was a 25 year old woman who was murdered on 17 December 2010. Her body was discovered on 26 December 2010 and on 23 January, her next door neighbour Dr Vincent Tabak, a highly qualified Dutch architect/engineer, working in Bath, near Bristol, at the international architectural consultants Buro Harrap Ltd, was the second person arrested on suspicion of the Yeates' murder and then charged on 23 January 2011 with her murder. The trial began at Bristol Crown Court, Small Street, Bristol, on Monday 10 October 2011. At first the Bristol police arrested the landlord Chris Jeffries, (partly because Vincent Tabak and Tanja Morson reported to the police that they saw Chris Jefferies spying through windows and letting himself in with his own keys to Flat 1 where Yeates and Reardon lived). Then later, police arrested and charged Vincent Tabak, who lived with cohabitee Tanja Morson in the flat next door to Joanna Yeates. This trial was stupendous in that the majority of prosecution evidence, apart from the post-mortem, was circumstantial and the only real evidence was the post mortem result and out of the mouth of the defendant who seemed in an automated state and psychiatrically distressed state, totally ignored by his defence barrister, William Clegg, QC, the judge, Justice Field, and the prosecuting counsel, Nigel Lickley, QC as Mr Lickley rudely and crudely verbally and psychologically badgered the defendant for hours and hours in the witness box.

Mr William Clegg, QC, had pleaded with the judge, Justice Field, to accept the plea of manslaughter but Justice Field was adamant that it should be murder. This point cannot be raised as a point of law for appeal because in *R v Archer* [2011] All ER (D) 130 (Sept), the Court of Appeal, Criminal Division, held that the judge had not erred in rejecting a submission of no case to answer where there was sufficient evidence for a jury to convict a defendant.

In *R v Tabak*, this 'sufficient evidence' came in the form of Vincent Tabak's self-confession.

Murder in English law

In English law, it is unlawful to kill a person unless in circumstances where reasonable force was used in self-defence or by misadventure. Murder is unlawful homicide 'with malice aforethought', i.e. if the defendant intended to kill that person or intended to cause grievous bodily harm to that person. Murder carries a mandatory sentence of imprisonment for life and murder is triable only on indictment, hence Dr Tabak's trial by jury in October 2011. Any sentence that Dr Tabak received must take account of time already spent in custody on remand, awaiting trial. See the caselaw report of *R v McKenzie* [2011] All ER (d) 143 (Sept).

Murder (Abolition of Death Penalty) Act 1965

With the numerous miscarriages of justice in present day English courts, it is a very good thing that capital punishment has been abolished by the statute Murder (Abolition of Death Penalty) Act 1965, the same statute that imposed a life sentence for murder. This statute, and Article 1 of the Thirteenth Protocol to the 1950 European Convention on Human Rights, continues to prohibit any consideration of the re-introduction of the death penalty. A mandatory life sentence means that the

sentence of imprisonment is not for a fixed period at the outset. However, the trial judge, if a defendant is convicted of the offence of murder, can specify a minimum term to be served and the Home Secretary must release the offender on licence, once the stipulated period of sentence has been served.

Could Vincent Tabak have pleaded provocation?

After Dr Tabak had strenuously denied anything to do with the murder of Joanna Yeates, he, in prison, astonishingly confessed to a voluntary, unqualified “chaplain”, without telling his solicitors. The volunteer chaplain informed the police. If Tabak, aged 33, (who holds a doctorate degree (PhD) in architecture and computer science) was not drugged in prison and led to say that he ‘did it’ and ‘was sorry’ to an unqualified and unlicensed ‘chaplain’; if it is true, was he provoked as per the Homicide Act 1957, section 3? Section 3 states:

‘Where on a charge of murder there is evidence on which the jury can find that the person charged was provoked (whether by things done or by things said or by both together) to lose his self-control, the question whether the provocation was enough to make a reasonable man do as he did shall be left to be determined by the jury and in determining that question the jury shall take into account everything both done and said according to the effect which, in their opinion, it would have on a reasonable man.’

UK Homicide Act 1957, section 3

Section 3 of the 1957 Homicide Act assumes the defence of provocation which reduces murder to manslaughter and which contains a subjective test and an objective test. Provocation is only allowed as a plea if ‘there is a temporary loss of self control, rendering the accused so subject to passion as to make him or her for the moment not master of his mind.’

How might a person lose his self-control?

A person can have a sudden and temporary loss of self-control through: words or conduct of another or self-induced anger, despair or frustration. See the caselaw report of Johnson [1989] 2 All ER 839, CA. Anger is here defined as ‘things done or said may be done or said by the deceased or anyone else’. See also the caselaw report of R v Davies [1975] Q.B. 691. and also the caselaw report Morgan Smith [2001] 1 AC 146 at 168.

Heated debate about sentencing in English courts

It is argued that a mandatory life sentence is a fitting reflection of the seriousness of the offence; that it will deter others; and reflect the gravity of murder. Arguments as to sentencing gave rise to a study of the matter and in 1989, the Nathan Committee; a Select Committee of the House of Lords recommended that the mandatory sentence should be abolished and replaced with a maximum sentence of life imprisonment, thus giving the trial judge leeway to adjust the sentence to take account of the circumstances.

UK policy of “Imprisonment for Public Protection”

There is the Imprisonment for Public Protection (IPP) policy to be considered. In the caselaw report *R v Smith* [2011] UKSC 37, the court said that it was not unlawful to impose an IPP sentence on the defendant who had been recalled under a life sentence from which he must only be released if he satisfies the Parole Board that he no longer posed a danger to the public.

Where the offender is liable for life imprisonment and is dangerous then he must get a life sentence, subject to the minimum tariff. Where he is not liable for life but is dangerous, then he may get an indeterminate sentence for public protection (IPP) or an extended prison sentence or an ordinary prison sentence, subject to the minimum tariff as per the Criminal Justice Act 2003 (CJA 2003) sections 224-226, 229-230, as amended by Criminal Justice and the Immigration Act 2008 sections 13-18 and 25 and schedule 5.

Because judges were finding the pre-conditions readily satisfied, life and IPP were frequently being imposed. An alarming number of IPP sentences were being handed down, causing pressure on prison places, and so the Government decided to render IPP a discretionary and not a mandatory sentence. The complexity of the new law, coupled with on the already existing complex sentencing law, created problems in the criminal justice system for all concerned with sentencing.

To sum up the IPP sentence, it can be described as a sentence of imprisonment for an indeterminate period, the pre-conditions for imposing the IPP being:

- (a) that the offender is aged 18 or over;
- (b) he is convicted of a serious offence (schedule 15);
- (c) that the serious offence took place after 4 April 2005;

- (d) that the offence carries a notional minimum term of at least 2 years, the threshold, or the offender has a previous conviction for a serious violent or sexual crime (schedule 15A) and
- (e) that the court is of the opinion that there is a significant risk to members of the public of serious harm of further violent or sex offence, i.e. he is dangerous.

The critical issue lies in the assessment of dangerousness, at the time of the imposition of the sentence, during the sentence, and when release is being considered. The leading case on dangerousness is *R v Lang* (2005) EWCA Crim 2864, (2006) 2 Cr App R(S) 3, (2006) 1 WLR 2509, (2006) 2 All ER 410, Rose LJ paragraphs 5-22. The conditions, that the Defendant is convicted of a serious offence, namely a specified offence carrying life or 10 years or more, and that it carries for the future a significant risk of serious harm of further specified offences; although the risk of a specified offence does not necessarily carry the risk of serious harm in itself, though may well do so. The pattern of offending and lifestyle are relevant. There is no presumption or assumption of significant risk of serious harm arising from previous convictions. The IPP is not intended for the not so serious offences.

Serious offence

A serious offence is therefore a specified offence carrying a sentence of life or a determinate period of 10 years or more s 225 and schedule 15. (See the caselaw report of *R v Edwards* [2006] EWCA Crim 3362, [2007] 1 Cr App R(S) 106).

Serious harm

Serious harm is defined section 224(3) and means death or serious personal injury, whether physical or psychological. The ‘sex pest’, whose behaviour and likely future behaviour could be described as anti-social, unpleasant, distressing, erratic, unpredictable, upsetting, and even violent does not necessarily qualify (See the caselaw report of R v Fulton [2006] EWCA Crim 960, [2007] 1 Cr App R(S) 5).

The trial judge must be satisfied that there is a significant risk of serious harm, not necessarily by way of serious offences. For significant harm, see the caselaw report of R v Lang [2005] EWCA Crim 2864, [2006] 2 Cr App R(S) 3. For example, conviction for a firearms offence might indicate a significant risk of serious harm as in the caselaw reports of R v Marriott [2006] EWCA Crim 1000, [2006] 2 Cr App R(S) 101 and R v Bennett [2006] EWCA Crim 210, [2006] 2 Cr App R(S) 72. The concept of dangerousness is a value judgement, a subjective matter.

The trial judge must take into account all such information as is available about the current offence, the offender, his record, any pattern of behaviour, and information from psychiatrists and psychologists and other medical people and from the probation service (section 229). Note that in Tabak’s case, the authorities and the defence team sought no psychiatric, medical or psychological reports on Dr Tabak, a very worrying state of affairs.

The risk must be of further violent or sex offences, one or more of the 153 specified offences as per Schedule 15. A previous conviction for a previous offence of violence or sex (such as a specified offence in Schedule 15-for example, unlawful sexual activity with children) is indicative of seriousness but it is not conclusive or mandatory. (See the caselaw reports of R v Johnson [2006]

EWCA Crim 2486, [2007] 1 WLR 585 and R v Greaves [2006] EWCA Crim 641, [2006] 2 Cr App R(S) 89.

UK Domestic Violence, Crime and Victims Act 2004

As per section 5 of the Domestic Violence, Crime and Victims Act 2004, in a domestic situation, an IPP may be imposed when the defendant has either caused the death, or should have been aware that the deceased was at significant risk of serious harm and failed to take reasonable steps to prevent that harm. This offence was introduced to resolve the problem that arose when it cannot be shown which member of the household caused the death and all members of the household will be liable for such a death. It is noted that the term 'significant risk' in this offence has been defined to be one of 'serious physical harm', but sadly, the term 'serious physical harm' is not defined and so what must be shown is that the defendant failed to take such steps as could reasonably be expected to be taken to protect the victim from the risk. This IPP offence carries a maximum sentence, on indictment and conviction, of 14 years imprisonment, an unlimited fine, or both. This section 5 offence was used in the case of R v Uzma Khan, Nazia Naureen and Majid Hussain [2009] EWCA Crim, in which Sabia Rani had been murdered by her husband and her family utterly failed to protect her in the face of repeated violence. Note that this case has no similar facts to the case of R v Tabak because Dr Tabak did not know Joanna Yeates. They were not living together. They were simply new neighbours, Yeates moving to her flat at 44 Canynge Road, Bristol in October or November 2010, whilst Tabak had moved into his flat at 44 Canynge Road, Bristol in November 2009.

The Lane Committee on the Penalty for Homicide

In 1993 the Lane Committee on the Penalty for Homicide (Prison Reform Trust) made recommendations that the mandatory sentence should be abolished and replaced with a maximum sentence of life imprisonment, in line with the recommendations of the 1989 Nathan Committee.

UK Law Commission review of the law on murder

In 2005, the UK government asked the Law Commission to review the law of murder and in 2006 the Law Commission completed its review and published paper number 304, titled Murder, Manslaughter and Infanticide. In its recommendations, the Law Commission proposed an introduction of a three-tier ladder of general homicide offences to reflect different degrees of culpability and recommended that the mandatory life sentence should only apply to the most serious, first-degree murders. The Law Commission recommended two degrees of murder. 'First degree murder' would include intentional killings and killings with the intent to cause serious injury where the killer was aware that his or her conduct involved a serious risk of causing death. See paragraph 2.69 of the report. The Law Commission's recommended third tier of murder is a redefined offence of manslaughter, consisting of two offences of manslaughter to replace involuntary manslaughter. These two offences, the Law Commission recommended as being: (1) killing another person through gross negligence ("gross negligence manslaughter") or (2) killing another person (a) through the commission of a criminal act intended by the defendant to cause injury, or (b) through the commission of a criminal act that the defendant was aware involved a serious risk of causing some injury ("criminal act manslaughter").

Definition of murder and place where trial may be held

At Dr Tabak's trial at Bristol Crown Court in October 2011, prosecuting barrister Nigel Lickley, QC, told the jury on 10 October 2011, that Vincent Tabak had done much Internet research, including the definition of the word 'murder' in English law. The definition of the word 'murder' in English law is contained in the Law Quarterly Review, Volume 104 at page 30 in the year 1988 and the Law Quarterly Review, Volume 105 at 387 in the year 1989, something that Vincent Tabak could never have known because he is not a lawyer. Such a spurious link is despicable, except to possibly illustrate Tabak's motivations in his Internet research.

The UK Offences against the Person Act 1861

Section 9 of the Offences against the Person Act 1861 states that:

'Where any murder or manslaughter shall be committed on land out of the United Kingdom, whether within the Queen's dominions or without, and whether the person killed were a subject of Her Majesty or not, every offence committed by any subject of Her Majesty, in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, may be dealt with, inquired of, tried, determined and punished in England or Northern Ireland or Scotland. Provided, that nothing herein contained shall prevent any person from being tried in any place out of England or Northern Ireland or Scotland for any murder or manslaughter committed out of England or Northern Ireland or Scotland in the same manner as such person might have been tried before the passing of this Act.'

Charged with murder of Joanna Yeates

The defendant, Vincent Tabak, was charged with the murder of Joanna Yeates.

New criminal procedure rules in force

Note that a new Statutory Instrument 1709/2011 has amended the UK Criminal Procedure Rules and is now in force: SI 1709/2011 The Criminal Procedure Rules 2011 consolidates the Criminal Procedure Rules 2010, SI 2010/60, with the amendments made by SI 2010/1921 and 2010/3026. This SI reproduces the rules that they supersede. Rule 2.1(3) is amended to provide for the transition to these new rules and Rule 2.2(1) is amended to include a definition of the word registrar. Rule 3.5(2) (e) is amended, to provide for the giving of directions in public or in private, or without a hearing. Rule 3.11(3) is added, to provide generally for the giving of notice of hearings; Rules 4.2, 4.3, 4.5, 4.6, 4.10 and 4.12 are amended to make new provision for the electronic service of documents and for consistency of expression. The title of rule 4.6 is changed, and the table of contents is amended correspondingly. Part 5 has been replaced. Rule 10.5(1) (c) is amended to omit references to legislation now repealed. Part 15 has been replaced and Part 19: Rule 19.17(12) is added, to allow for a hearing in public or in private. Rule 19.18(1) is amended to enlarge the scope of the rule; the title of the rule is changed; and rule 19.18(10) is added, to allow for a hearing in public or in private. The table of contents is amended correspondingly. Part 20: Rule 20.2 has been added, to allow for a hearing in public or in private. The table of contents is amended correspondingly. The time limit in Part 29: Rule 29.3(a) has been changed. Rule 29.13(4) has been amended to refer to the statutory ground of objection to admitting video recorded evidence.

Changed time limit in criminal procedure

The time limit in Part 34: Rule 34.2(3) has been changed. The time limit in Part 35: Rule 35.4(3) has been changed. Part 52: Rule 52.1(1) (a) has been amended, for consistency of expression. Rule 52.10 is new and has been added to provide for the enforcement of financial penalties imposed in other European Union member States. Part 57: Rule 57.15(1) has been amended to enlarge its scope. Part 59: Rules 59.1 and 59.4 have been amended to provide for separate applications for restraint and ancillary orders. The other rules in the Part 59 have been amended correspondingly. Part 60: Rule 60.1(3) (d) has been amended for consistency of expression. Rule 60.2(3) has been amended to require further details of an application under that rule. Part 64: Rule 64.6(16) is new and has been added to allow for the settling of a case stated without a hearing. Part 65: Rules 65.1(2), 65.8 and 65.9 have been amended as a consequence of the new rules in Part 5. Part 68: Rule 68.1(1) (a) has been amended to include a reference to section 274(3) of the Criminal Justice Act 2003. The time limits in rules 68.2(2) and 68.6(4) have been changed. Part 76: Rules 76.1(1) and 76.7(1) (b) have been amended, to include references to section 4 of the Dangerous Dogs Act 1991. The table of contents has been amended to reflect all of the above.

The Defendant Vincent Tabak in R v Tabak [2011]

Dr Tabak denied premeditated killing of Joanna Yeates. Dr Tabak has always denied the premeditated killing of Miss Yeates, whose body was found by ordinary residents whilst walking their dog on a roadside verge on Christmas morning, 25 December 2010, noting that Vincent Tabak

was but a recent neighbour of cohabitees Yeates and Reardon, both architectural assistants in Bristol.

William Clegg QC, defendant's barrister

William Clegg, QC, defending, asked Dr Tabak how long he had kept his hand around Miss Yeates neck. He said he did so for a very short time, less than a minute. The barrister asked him to “relive” the moment in court, close his eyes and estimate how long he held her for. Tabak held his eyes shut for 15 seconds. Dr Tabak said Miss Yeates went limp. Vincent Tabak said: ‘She fell to the floor. I was in a state of panic, shock. I still can’t understand what happened.’ Dr Tabak said all this happened in the kitchen. He said that he then carried Miss Yeates’s body into the bedroom, where he placed it on the bed, then carried her into his own flat. He said he then returned to Flat 1, switched off the oven and television and picked up a pizza that Miss Yeates had left on the table and one of her socks that had fallen off. He then put her body into a bicycle bag and put it in his car boot before driving to Asda. Asked why he had done so, he said: ‘I can’t believe I did that. I wasn’t thinking straight.’

Body in boot of car in trip to supermarket

Dr Tabak drove towards Bristol airport and stopped at Longwood Lane. He said: ‘I did something horrendous. I decided to leave her body there.’ He said he tried to heave the body over a wall but could not, because Miss Yeates body was very heavy and so he covered the body with leaves.

Disposal of body

William Clegg, QC, his defence counsel, asked him about Miss Yeates's clothing being 'rucked up', exposing part of one breast. Dr Tabak said it must have happened when he moved her body. He said that the low copy number DNA traces found on the outside of Miss Yeates's jeans and on her breast area must also be the result of him moving her body because he never at any time, used any gloves. He cried as he apologised for dumping the Miss Yeates' body, saying: 'I'm so sorry for doing that. I know I put Joanna's parents and Greg through hell for a week. I still can't believe I did it.'

Disposal of evidence

Dr Tabak said he returned to his flat after leaving Miss Yeates's body somewhere by the roadside. He collected the bicycle bag, pizza and sock and disposed of these at a corporate rubbish bin. Later, he went to collect his partner Tanya Morson and he then tried to carry on with life as normal.

Constant fears of police knock on his door

He said he expected the police to come for him at any moment. He told the court that he began to drink very heavily and to take herbal, off-the-counter sleeping pills. He told the court that before he was arrested on 20 January 2011, he had considered killing himself by jumping off Clifton Suspension Bridge. After his arrest, he admitted he lied to police, saying that he hoped they would not find the evidence to convict him.

William Clegg, QC, concluded his opening examination by again asking Dr Tabak if he had meant to kill Miss Yeates or cause her serious harm. ‘Definitely not,’ was Dr Tabak’s reply.

The prosecuting counsel cross examined the defendant



Nigel Lickley QC, for the prosecution, began his cross-examination of Dr Tabak by saying that the defendant was ‘calculating, dishonest and manipulative’. Dr Tabak accepted that he had been dishonest after killing Miss Yeates. Prosecuting counsel Nigel Lickley put it to Dr Tabak that if he was like that after the event, he was probably like it before, but Dr Tabak disagreed. The prosecutor suggested there was a sexual element to the case. Dr Tabak had said he wanted to kiss Miss Yeates. ‘Were you thinking of having sex with Joanna?’ Nigel Lickley asked Dr Tabak. ‘No,’ Vincent Tabak replied. Nigel Lickley asked Dr Tabak if he was attracted to Miss Yeates. Dr Tabak said he liked her face and when pressed by Nigel Lickley as to whether he was attracted to what she was wearing (jumper, and denim jeans and thick long socks) Dr Tabak said: ‘Maybe’.

Defendant Tabak is a global expert in his field as architectural consultant

The defendant Dr Vincent Tabak is a doctor in the fields of architecture and computer sciences and one of the very few qualified world experts in people flow engineering for architectural purposes. As such, Dr Tabak's knowledge and professional skills are extremely rare in the world and meet the urgent needs of the United Kingdom, by way of airport traffic study and solutions; prison people flow and security.

Design of spaces

The environment created within buildings touches every occupant and every activity that happens inside. It affects the bottom line in the form of organisational performance and operating costs and also plays its part in creating the experience of well being, similar to 'the Highline' project, a 1.5 mile-long Elevated Park on an abandoned railway in New York, from what was a rusting structure on the verge of being torn down. The "highline" project spanned 22 blocks through the west side of Manhattan. A new platform elevated 2.5 metres above the main High Line now overlooks a canopy of trees and plants. This is not one of Dr Tabak's project but could well have been. Dr Tabak's strong and proven analytical capability is backed by a focus on delivering simple, practical, innovative solutions to the complex architectural, engineering and fabrication problems in airports, football stadiums, hospitals, and shopping centres.

Circulation modelling consultant

He provided at Buro Happold Ltd, a circulation modelling consultancy service to architects, transport planners, airport planners, urban designers, fire engineers and security advisors. Dr

Tabak's work assists architects by identifying potential problems in terms of space provision and its effects on comfort, safety and management, by forecasting activity patterns throughout the design. His most valuable knowledge is that he can optimise the provision of routes, entrances, exits and stairways to improve ease of circulation and mitigate against congestion risks. This can be urgently useful in these days of terrorism and so Dr Tabak is in fact, an expert consultant in this aspect of homeland security and anti-terrorism. Buro Happold was his first commercial employment. Previously his activities were purely academic and he had held the position of an associate professor at the University of Utrecht Architecture Department in the Netherlands.



Picture: In the dock: ross-examined by his barrister

Dr Tabak began by answering questions from his barrister, William Clegg QC. He spoke of his childhood and education in Holland, saying he grew up in a small town, went to university and became an expert in the flow of people through buildings and public areas. He said he studied until

he was 29, when he came to England and got his first commercial job at a design and engineering company in Bath. When asked, he answered that he had no girlfriends in Holland but met Tanja Morson online via 'Guardian Newspaper Soulmates Section' and they began living together in Clifton, Bristol.

Denied attacking Jo Yeates

Dr Vincent Tabak has denied claims that there was an attack by him on Miss Yeates. Dr Tabak denied that his move toward Miss Yeates in her kitchen was sexually motivated - but said he was attracted to his next-door neighbour when she invited him into her flat for an impromptu Christmas drink that evening at 44 Canynge Road, Clifton, Bristol. He told the court that she was 'cheery, happy.' Dr Tabak told the court that Miss Yeates, when, talking about the incident when her cat had slipped into Dr Tabak's flat whilst he was away, which he learnt of from Miss Morson, that Miss Yeates flirtatiously commented that her cat was like her in some ways- going into places she was not supposed to.

Standing in her kitchen close to each other and chatting

He said that at the time he believed Miss Yeates was attracted to him and that they were standing close to each other in her kitchen, after she had invited him in, and offered him a drink he had refused because he had to drive to collect Miss Morson later.

On that Friday night, Tanya Morson was out at a staff party- her firm's annual Christmas party. She and her colleagues were taken by coach to have dinner, courtesy of her employers. Dr Tabak told

the court that he ate pizza and drank a bottle of beer when he returned home after work that Friday evening before deciding to go to Asda to get himself some small treats.

Tabak's bicycle

He usually rode his bicycle to the train station, parked it there and usually catches a train to Bath to Buro Happold, his employer. He said that he felt a bit lonely and did not want to stay home alone. After his supper, he rode his bicycle to look for local snow scenes which he wanted to send to his work colleagues and friend in Los Angeles in the United States of America. He said that most of the snow around his street was 'dirty' and so he did not take any photos.

Invited into Jo Yeates flat next door

Then as he walked down his path, on his way to his car which was parked on the street, to visit the Asda supermarket, Dr Tabak said Miss Yeates waved and indicated that he should come into her flat, which he did. He said he took off his coat and hung it on the coat stand. He said that Miss Yeates offered him a drink, having invited him in. (The evidence from her mobile calls shows that she too, was looking for company that evening). He said he told her he was 'a bit lonely and a bit bored' because his partner Tanya Morson was away. Jo Yeates said she was also 'bored at home' because Mr Reardon was not there.

Asked to demonstrate how Jo Yeates died

Under cross-examination from prosecutor Nigel Lickley QC, Dr Tabak was questioned about the flirtatious comment Miss Yeates made, likening herself to her cat. Dr Tabak repeatedly told the court that he did not intend to kill Miss Yeates, and he said that he will be haunted by the incident for the rest of his life. Nigel Lickley, prosecuting, asked him to demonstrate how he put an arm around Yeates and how he put his right hand around her neck.

He cried throughout the trial

Dr Tabak was mostly in tears during this trial at Bristol Crown Court. Throughout the trial, Dr Tabak seemed in emotional and mental distress, depressed and non-alert. He seemed an automaton; he often lost the thread of the prolonged questioning and asked for the question to be repeated. To many questions, he told the court he could not remember (exactly 82 times), yet the trial continued as if he were not a part of it. Dr Tabak said: 'I got the impression that she wanted to kiss me. She had been friendly. I leaned forward and I think I put one of my hands on her back and tried to kiss her. She started to scream quite loudly.' He said he panicked when she screamed. He said he put his hand over her mouth, said he was sorry and asked her to stop screaming. He said he took his hand away and she began to scream again.

Omission of real evidence

Miss Yeates took short sick leave from work to 14 December 2010, it was reported. Curiously, the fact that Miss Yeates took a few days sick leave from work with a 'very bad cold' and returned to work on 14 December 2010, was never mentioned during the trial by the defence or the prosecution. Yet this reported fact may have been the cause of her speedy collapse and death on the evening of 17 December 2010 in her flat.

Congested nasal tract at the time

Whether the factor of a congested nasal tract was a factor in her speedy death in less than a few seconds was never considered during the trial. A second odd factor was the fact that defence barrister never once pleaded when prosecution counsel repeatedly badgered Dr Tabak who was clearly in deep distress. Mr Lickley asked Vincent Tabak questions in a very rude and perhaps crude manner and addressed the defendant as 'Tabak' or 'Vincent Tabak' whilst at the same time speaking of Miss Yeates as 'Jo' a fact which must have had emotional bearing on the jury, the press and the court at large. Not once was he objected to by Justice Field or William Clegg, QC for the defendant! Not once was Nigel Lickley, QC, ever corrected. Not once was he ever challenged by the defence counsel, a most strange situation. Justice Field gave the jury many small breaks especially because the court was shown repeatedly the same film slides of Miss Yeates dead body and repeated slide shows of the same road where the body was found.

The fatal weekend- 17 to 19 December 2010

Mr Reardon decided to pay a visit to his half-brother in Sheffield on the weekend before Christmas 2010 where he had planned to meet his parents also. Mr Reardon's half-brother had become a father of twin girls in September 2010. Because of the poor weather conditions however, Mr Reardon's parents did not make the journey from Infracombe to Sheffield as planned, but Mr Reardon stayed with his half-brother and family, Helen and twins Beth and Alice, until Sunday 19 December 2010. He used Miss Yeates's car to travel to Sheffield.

The cohabitee of Miss Yeates, Mr Greg Reardon, 'was born in Derby, England to 67 year-old parents Lydia and John Reardon; he has one stepbrother 33 year-old Francis from Lydia Reardon's previous marriage. They lived in Ilfracombe in north Devon. Greg Reardon attended Repton State primary school, and then John Port Comprehensive School, after when Mr Greg Reardon enrolled as an undergraduate at Manchester University; graduated on 2004 and as an architect's assistant, is working towards RIBA chartered qualifications. Mr Reardon and Miss Yeates became friends and lovers after they began to work together at a firm of landscape architects Hyland Edgar Driver. They started dating on December 11th, 2008, and when their firm relocated to Clifton, Bristol, Reardon and Yeates rented a flat elsewhere in Bristol and then in October 2010, they moved to the rented Flat 1, at 44 Canynge Road, Clifton, Bristol. Mr Reardon remained an employee at Hyland Edgar Driver and Miss Yeates moved to a new employer, Building Design Partnership (BDP) in Bristol.'

Mr Reardon's alibi

It is a mystery why Greg Reardon did not invite his cohabitee Jo Yeates to accompany him to his half-brother's house, especially since they had been cohabiting at Flat 1 and elsewhere before October 2010 for almost two years. Had he included Miss Yeates in his Sheffield visit, she would have been alive today. Mr Reardon had never been considered a suspect by Avon and Somerset police as they investigated this death. During the trial, Mr Reardon and Miss Yeates' family received the privilege of police escort in compliance with ACPO Family Liaison guidelines.

On the evening of Friday 17 December 2010, one week before Christmas, Mr Reardon drove to Sheffield in Miss Yeates motor vehicle, which, at first, would not start- causing the helpful neighbour from 42 Canynge Road and Greg Reardon's landlord, who lived in a flat upstairs, at 44 Canynge Road, to assist him to start the car engine. Miss Yeates, he told them, was planning to stay at home in Bristol and finish her Christmas shopping.

Greg Reardon: trial witness

Mr Reardon told the court that he texted Miss Yeates on her mobile telephone several times during the weekend but received no reply. He stated that he was not alarmed because this was often how she behaved. Mr Reardon told the court that he returned to Flat 1 at 44 Canynge Road, Bristol on Sunday evening by 20:00 hours. Mr Reardon found their cat, named Bernard, inside the flat but hungry and neglected. Mr Reardon later noticed that Miss Yeates' purse and rucksack, coat and boots were in the flat. He saw two bottles of cider, one partly used. He drank the remains of the

partly used cider and he too, like Vincent Tabak, said that he ate a supper of pizza, from their freezer.

When Jo Yeates did not return that Sunday evening, Greg Reardon did not telephone her family to raise concern, but rather, he telephoned his own mother and told her that Miss Yeates was not in the flat when he returned home that Sunday evening. He later telephoned his and her friends and penultimately, Miss Yeates parents, who immediately set off in the deep snow in the middle of the night from their home in Ampfield, Worcester to Bristol. Then at 1.00 am, early on Sunday morning, Mr Reardon telephoned Avon and Somerset Police to report Miss Yeates as a missing person. The police responded immediately and arrived soon after. They conducted their usual procedure in a missing person report, including a full search of the flat. Later, they searched the outside of the house and at 4.00 am they knocked on the door of Flat 2 at 44 Canynge Road to ask if anyone had seen Miss Yeates. They also conducted a full search of Flat 2, where Miss Morson and Dr Tabak had been asleep when they knocked on their door.

Miss Yeates body discovered 3 miles away

On Friday 17 December 2010, as Greg Reardon left for Sheffield after work, Miss Yeates went to The Bristol Ram, a public house near her place of work, in order to socialise and have some drinks with people she knew. She always did that every Friday evening after work. Having imbibed in several drinks of cider there, she decided at 20.00 hours to go home and proceeded to walk home, stopping en route to buy two bottles of cider and one uncooked, ready-made cheese and tomato pizza. She is alleged to have been seen by a vicar on her way home in the snow, Father George

Henwood who told police that he saw Miss Yeates and exchanged pleasantries. Below is the map of the route to Miss Yeates flat.

Chapter THREE

Chapter Four - Tabak gives evidence

This is the Defence Counsel, Mr William | Clegg, QC's opening speech:

“If Jo Yeates had stayed for just one more drink she would be alive today. If Vincent Tabak had gone to Asda as he had planned that same time, he would not in the dock today. ...

She turned on the oven to bake.

She phoned several male friends and told how she was bored.

She texted Samuel Ashcroft:

“Where are you this fine eve?”

His reply was “Home- sorry”.

She then texted Peter: “Where are you?”

Peter replied “On my way to a wedding. Where are you?”

She replied: “At home- on my todd”!

She texted a third male friend.

She has said she was bored and she was looking for company.

It was the Christmas period and many people were at parties.

In the next flat was Vincent Tabak.

They never really knew each other, save for a nod.

Vincent Tabak was also alone- and bored.

He decided to go to Asda – not for anything special but to fill in time .

He left his flat; was walking towards his car and went past her kitchen window.

The kitchen blind was broken and so stayed up all the time, as Greg Reardon had confirmed.

She beckoned to him to come in.

Joanna invited Vincent in, as all the evidence indicated.

She had opened the door and invited him in.

He took off his coat.

He hung it on her coat rack.

She offered him a drink and he declined as he was driving.

She said her boyfriend was away and she was alone and he said that his girlfriend was away and he was alone.

Vincent Tabak misread her friendliness toward him and made a move towards her as if he was about to kiss him on her lips.

He put one hand in the middle of her back as if he was about to kiss her, and she screamed fiercely.

He put his hand over her mouth and said sorry and when he moved his hand away she screamed again.

He put his hand to her mouth and throat and she went limp. She was dead.

He had never touched her before other than to shake hands as he went into her flat.

That one minute was all it took and she was dead.

Nothing was timed.

He thinks that maybe he was in the flat for 10 minutes before she screamed.

The incident when he put her hand on his throat was far less than a minute.

Defence expert Dr Carey will give evidence on Friday 21 December 2010 on this matter.

Prosecution pathologist expert witness, Dr Delaney, said on 18 October that it may well have been 10 seconds.

Those arriving at the party at Number 53 said they heard screams.

It is for the jury to decide whether a scream from inside Flat 1 could be heard from outside 53 Canynge Road.

The jury will have to decide whether anybody could have heard

But one thing is that three witnesses heard screams spread out over some ten minutes. This cannot be.

The couple arriving outside number 53, a short time after they were filmed on CCTV at number 83.

....

But the weather conditions were icy. How long did it take them to get there?

Warren Sweet said he did not arrive at Number 53's party until 8.50pm on Friday 17 December 2010.

When he arrived at No. 53, Warren Sweet said he heard a scream. That cannot be the same scream that the couple heard.

The reaction of all four people who heard screams was initially put down to students out celebrating as term had finished that day.

You may think that the whole of those screams is totally unconnected.

You just couldn't hear anybody from that distance....

This does mean that one really hasn't got a real clue as to when Tabak went into Joanna's flat except that it was between the time he went to Asda and the time he texted his girlfriend, say, between 9.00 pm and 11.00 pm.

Were you to conclude that the couple heard Joanna's screams and not the scream that Mr Sweet heard; if the Laymans and Sweet's evidence were to be dismissed, it would tie in with the scientific evidence.

One thing is certain. Joanna Yeates was killed between 21.00 and 21.30 pm on Friday 17 December 2010.

It was not something he planned.

It was, in the words of Dr Delaney, expert prosecution pathologist witness, that death had occurred in less than half a minute; less than 20 seconds, less than 10 seconds even.

A very important piece of evidence is that what Tabak wrote in his statement is nearly the same and corroborated the undisputed pathologist expert witnesses.

But his conduct afterwards was frankly disgusting.

He took her body and disposed of it.

He caused anguish to her family.

His defence will not be heard to excuse this behaviour.

He was obviously concerned with the incident, trying to track everything.

It was only a matter of time before the police came to arrest him.

Again he told lie after lie and you will hear no excuse from me about that. It shows a very calculating person trying to wriggle out of her death but it does not help in thinking of what happened at the flat....

He went to his flat and left Joanna's flat door on the latch.

He returned.

He turned off the oven that she had turned on.

He took the Tesco pizza that was in the kitchen.

He carried the body from her flat to his flat.

He then put her body in the bag that he used to cover his bike.

He then went to get his car, placed the body in the boot of his car, went to Asda, a trip he formerly planned, and drove aimlessly around whilst deciding what to do.

He tried to put the body over the wall.

It was too heavy and so he left it by the roadside.

When he got back home, he put the pizza, the cycle cover and the sock into a corporate dustbin.

And then, despite the awful secret that he was carrying, he tried to carry on as before: going to parties, living with his girlfriend, etc, instead of going to the police.

There will be no excuse from me for that. He will be called to give evidence on Thursday 20 October 2011. He is not being tried for his behaviour after Joanna died. He is not being tried for dumping the body. What he is being tried for is whether he killed Joanna Yeates, intending to kill or cause really serious harm to her, or whether, he panicked and did it without thinking of the consequences.

Most of what the prosecution has stated does not go this fact: it goes to what happened afterwards.'

This is a transcript of Vincent Tabak on the witness stand on 20 October 2011 during his trial for the murder of Joanna Yeates:

10.10 am

Call Mr Tabak (Clegg QC)

Vincent Tabak was sworn in.

Are you a Dutch National?

Yes.

Where did you live in Holland?

In Uden.

Would you say that Uden was a town or village?

I don't know- perhaps a village maybe. It's population is only 30,000 inhabitants.

How old are you\?

Thirty-three years old.

Did you go to school in Uden?

Yes.

Did you live there since childhood with your parents?

Yes. I lived there with my parents, three sisters and brother.

You went to the University of Technology (???CHECK) in Utrecht. Did you have to leave home then? Utrecht is about 30 kilometres away..

Yes. I lived away. I studied architecture for seven years.

What qualifications did you pass?

Equivalent to a combined Master Degree in Architecture and Computer Science.

Did you then obtain employment?

No.

What did you do then?

I studied for a PhD in people behaviour in the corporate environment.

How long did that degree take?

It took 4 years to receive my PhD.

How old were you then?

Twenty nine years old.

Then you sought employment? Where were you employed?

My first employment was at Buro Happold in Bath, England.¹

Had you been to England before?

Yes, on holiday several times.

And do you consider that you were fluent in English then?

Yes.

¹ However an Internet search reveals that his first job was as an Associate Professor at the Utrecht University.

When did you begin your employment at Buro Happold in Bath?

I began in September 2007².

What was your job title at Buro Happold in 2007?

I was employed as a people flow analyst.

What was your job title in 2010?

People flow analyst.

Did you have any girlfriends whilst at university?

No.

Did you have any girlfriends before Tanya Morston?

No.

How did you meet Tanja?

We met online from a group called "soul -mates".

When did you first meet Tanja?

On 1 November 2008.³ We moved to 44 Canynge Road, Clifton, Bristol together in June 2009. 44

Canynge Road was first home for the two in June 2009

Always lived in Flat 2.

Tell me, what is the building, 44 Canynge Road made of?

Stone.

Answer: stone, good insulation; hardly can hear others in other flats in the bldg.

Yeates & Reardon moved in 25 October 2010

² Tabak was therefore only in full employment for a period of three years in total.

³ This meant that Tabak lived alone for one year in Bath before moving to Clifton, Bristol to share a flat with Tanja.

He left for Los Angeles on 14 Nov to 14 Dec 2010. He only once saw them before at the small garden gate.

Normally always went to his car via route past Flat 1.

Does not wear a watch

Not known either Reardon or Yeates.

CAT came into Flat 2 whilst he was in LA.

He & Tanja constantly emailed, tel, text several times a day incl all the time he was in LA.

(given unmarked copy of the timeline chart)

Clegg: Turn to entries 6 & &

Incoming txt message 7.35 and reply 7.40

Entry 11- seen past the flat at 9.05 where Tanja had already left for work in a 'lift-share'.

Message from Tabak

Answer: - Love you too. Pretty snow etc

He left for work at 9.00 am.

Always accessed Internet for weather reports in LA etc.

Had Internet set up for that.

Friday 17 December:

Time line 11- left for work

12- Cycled to Bristol T Stn

13- Train to bath

16- Arrive Bath 9.41

Accessed Internet for weather at work

18 & 19 (am) accessed weather report

20-call to Tanja

21- another` call to Tanj

(Often phoned each other during the day)

Working on a very big project- Holy Mosque in Mecca- some analysis on it (flow of pilgrims to the Holy Mosque).

Buro Happold was tendering for the project.

24- Divert voicemail

27- call

28- Txt message from T to Tanja at 4 pm

29- Much longer call at 4.23pm

30- Internet use at home- Tanja used the laptop -=NOT HIM- HE WAS STILL AT WORK

31- He txt her "How are you? Getting ready for party?"

37- Leave work

38...

39...

40...

41...

42...

44...

45 journey home- 6.54 at Constitution Hill. Home just after 7pm by which time Tanja already left.

Text message to Tanja- Just got home, xxx etc

Did you remain at home or did you go out.

Went out

Sent message after he went out

Just after 7.15pm

Went for a quick walk to take pictures of snow

Out through small garden gate to Bristol Road then returned.

Didn't take photos- snow was dirty

7.25 – returned by then

Internet- bank account etc

until 7.37pm.

Clegg (can we just put timeline to one side)

What did you do after 7.37?

Drank a beer; watched TV- couldn't remember what.

Had supper- ready made pizza.

Then he decided to go out again.

Why?

Lonely; bored so decided to go to the big ASDA in Bedminster to buy myself some drinks (by car)

Car parked on the street

Clegg: without any help from the timeline, are you able to say what time it was you decided to go to

Asda?

No.

Clegg: Look at timeline again.

No 76. Jo Yeates did not get back to her flat until 8.37 or thereabouts.

Timeline 39- You ultimately went to Asda at approx 10.13 pm.

Can you help by telling what time you believe you went to Asda?

No not exactly

Can you look at item where you sent message to Tanja "missing you"

Can you remember if you sent it before you decided to go to Asda.

Recapping- you come off the Internet at 7.37pm (our entry 47) & remain in your flat until 9.29pm (our entry 88).

How soon before that did you left your flat?

Phone?

Did you normally take the phone when you went out?

Yet

When at home, where was the phone kept?

In a little room

She invited me in

Clegg: Did she open the door?

Yes

Did you take off your coat?

Yes

What room did you go into?

Kitchen- both of us

What did you talk about?

Being bored.

About the cat- she was flirty- “the cat went into places she shouldn’t go- a bit like me”, she said.

LA; sunshine;

Etc

Clegg: How long did you converse

Did you decide to do something?

Yes, I did

What did you decide to do?

To make a pass at her

Did you think she would respond?

Yes

Did she offer me a drink?

Yes

I declined

Doing as best you can describe to the court exactly what you did

I put my hand in the small of her back and went to kiss her

Did you kiss her?

Nooooo

What did she do?

She started to scream quite loudly

What did you say?

I'm sorry. Please stop.

Kept his hand to her mouth

Clegg: when you took your hand away what happened

She continued to scream

What did you do then?

I put my hand around her neck. I panicked.

What did J do?

Nothing at all

Why did you put your hand around her neck?

I was just trying to stop her screaming- to calm her down

How long did keep your hand there?

Only for a short time.

Clegg: I will tell you to start to remember what you did and when you took your hand away from Joanna's neck...

Now he said

When you took your hand away, what did she do?

She went limp and fell

Did she hit herself as she fell?

I can't remember- I was still in a state of panic

What did you do?

I put her on her bed in her bedroom

Where did you go?

I went back to my flat

How did you leave her door?

Open.

How long were you in your flat?

Only a couple of minutes maybe.

Where did you go then?

I went back to J's flat

What did you do

I was hoping she was alive but clearly she wasn't.

Accepting that she was dead, what did you do?

After a couple of minutes I lifted the body and carried it over to my flat.

Your hand being on what part of her body?

One arm was underneath her knees.

Were you able to carry her to your flat?

No she was too heavy I tried again?

Where did you take her body?

To my flat.

Did you leave Joanna's door shut or open?

Open.

What did you do next?

I decided to put her body in my bicycle cover.

Was it your bicycle cover or Tanja's?

No- it was mine.

How easy was it to put the body in the bicycle cover?

Very difficult but eventually I did it.

Why did you put her body in the bicycle cover?

I didn't want anyone to find out and I put the body in my car.

Was Joanna's door still open?

Yes.

After you put the body in the boot of your car, what did you do next?

I went back to Joanna's flat and switched off the TV and the oven; I took away the sock and the pizza.

Why did you take the pizza and sock?

I was not thinking straight.

Where did you take the pizza and sock?

In my car.

You decided to take the body away. How were you going to do that?

In the car.

Where was the car?

On the street.

Then you took the body out to the street?

No. I backed the car into the drive.

Was the car facing Canynge Road?

No. The back of the car was facing Canynge Road.

Then what did you do?

I went back to my flat.

Then what did you do?

I put the body into the car.

Was it easy to put the body into the car?

No.

How many attempts did you make at placing the body into the boot of the car?

I think two.

Then when you put the body into the boot of your car, what did you do?

I went into the car.

Look at our timeline 89. Did you drive with the body in the boot of your car?

Yes.

Look at our timeline 90-96. Why did you go to Asda?

I was not thinking straight I think I took upon my original plan to go to Asda.

At timeline 100 you sent a text message to Tanja

“How are you? I am at Asda. Buyung some crisis.”

How did you feel ?

I just wanted to hear her voice; to get support etc

As we can see you sent many messages

You never made typing errors. Why did you type the word Crisis

That’s how I felt. I was in complete shock. Didn’t know what to do.

Timeline 108-11—a journey that would take you home. Is that where you went? As the timeline suggests?

Yes

Timeline 113 when car is seen at Clifton Down- a period of 20 minutes or so. How did you feel

In a state of despair; panic; unbelief at what had happened.

When you left where did you drive then

I drove away from home; drove in direction of airport; and ended up in Longwood lane

Did you know Longwood Lane at all

No

Was it a quiet area, did you think?

What did you decide to do?

I did something horrendous. I decided to leave her there.

Did you park your car?

Yes

What did you do then

I took the body out of the boot.

Having got it out of the boot, what did you do with the cover?

I put the cover eventually back into the car.

Did the cover become inverted.

I can't remember

What did you do

I tried to hide the body. I tried to put the body over the fence.

Were you able to?

No it was too heavy

Did the body come into contact with the wall

Yes. But she was too heavy

Part of her breast was exposed- how did that happen

Perhaps carry her body

Your DNA was found on the breast of the body- how did that come about

I think as I was trying to put the body over the wall

There were many marks on the body How did that happen,

I at first left her by the roadside and two or 3 cars went past and I was in a state of complete panic.

I'm sorry for doing that. I put her parents through hell. I'm so sorry for that. I can't believe I did that.

How were you feeling then?

I was exhausted at carrying the body- my body was in a state of sweat. I took off my black jacket.

How did you hide the body?

I put leaves over it.

Timeline 113 – your car was seen on the road and so you must have reached your flat around 10 minutes past midnight.

Clegg: at 18 minutes past we can see on the timeline a text from you to Tabja- "Are you on the bus?" Then landline call to Tanja. What did you do?

I realised that I still had the bicycle cover in my car and the pizza and sock in my flat

What did you decide to do?

I decided to dispose of them.

What did you do then?

I remember that there were some disposal containers on the road in Clifton

What colour ?

Green I think

Was it on wheels?

I can't remember

Was it a private or Council container

I don't know

Why were you research about rubbish

I read that police were sifting through rubbish and I was afraid they would find the pizza.

Clegg: Then what did you do?

I went back home

Clegg: Tanja phone on the landline.

Why did you go for Tanja in the car?

I didn't want her TO WALK HOIME IN THE COLD!!!!

Clegg: You were on the Internet later.

Why did you do that?

Clegg: Conbstant contact by phone. I.38 am- you were leaving again in the hatchback. This is to collect Tanja from the Coack?

Yes

We can see the journey to collect her.

We can see you turn right at Park st into a lane that does not lead anywhere, Two minutes later- you came out. Why did you go there?

I was not paying attention to where I was going- so I took a wrong turning and then to Park Street.

Clegg: We can see the video of you going out of Park Street. Then you made a call to Tanja. That was to ask her directions as to where to collect her.

yes

We can see that you travelled to a burger bar. Why did you go there

Tanja was hungry- she wanted something to eat.

Clegg Was it eaten there or in the car?

In the car

After you got home did you tell Tanja what happened

No

BREAK OF 15 minutes

Clegg: you and Tanja continued living at Flat 2. How did you manage?

I was drinking a lot of alcohol and doing a lot of internet research.

Clegg: why did you think would happen?

I was sure I would be arrested. Tanya kept me going. Can I say that I am really sorry for being responsible for her death. I am really sorry for putting her parents through all that worry that week before she was found.

Clegg: you went with Tanja and stayed with her parents in Cambridge.

Yes

And you went to Holland over Christmas

Yes

Then in Holland the police took your DNA . What did you think would happen?

I was thinking I would be arrested anytime.

Clegg: Do you know what DNA is?

Yes

What did you think if they found DNA on Joanna?

A sure match.

What did you do in the days before the police arrested you?

I was drinking very large amounts of Vodka. I was taking herbal sleeping tablets.

Were you eating?

Hardly. I think I lost 7 kg during that time before my arrest.

When you were taken to prison, you were on what they call "suicide watch". How did you feel?

I was in a state of total despair. I didn't know what to do. But I just hung on. I decided not to do anything.

Were you in despair at any other time?

Yes- when the papers reported that police found DNA on Joanna's body. I was drinking serious amounts of alcohol.

Clegg: when you were arrested on 20 Jan 2011. You were put in contact with a duty solicitor. It was somebody you had never met before, is that correct?

#Yes.

Clegg: you never answered any of the police questions except about the telephone calls. Why was that?

I was following the advice of my solicitor who told me not to say anything at all.

Clegg: In your first statement, you lied, Why did you lie?

I was hoping that they didn't have enough evidence and was hoping they would let me go.

Clegg: When did you realise that they had enough evidence

When I learnt that they found DNA on the body.

You met Brother Tom and told him what you did.

Did you want to kill Joanna:

No definitely not

The weather in December 2010

Christmas day fell on a Saturday in 2010. It was a very white Christmas in England that year. One couple had opened their Christmas presents early that morning and by 9.00 am they had taken their dog for a walk in the deep snow which in the previous week, had fallen, and settled. The couple noticed that a mound of snow on the verge of the roadside resembled a body shape and on closer inspection, they realized that it was a body and immediately telephoned the police on their mobile telephone. The area where Miss Yeates' frozen body was discovered was known as the Failand area of North Somerset, three miles from Flat 1, 44 Canynge Road, Bristol, where Miss Yeates lived.

The post-mortem results four days later, on 29 December 2010, revealed that Miss Yeates had been strangled. The landlord, Mr Chris Jefferies was later arrested and then released on police bail on 1 January 2011. The matter of whether the couple who discovered the body had walked that route the week before was never introduced in court, not who else had usually walked their dog along that route. No cars passing along that road were ascertained for the seven days before Christmas day 2010.

Anonymous caller's identity not revealed in trial

Then the police received an anonymous telephone call from a female in the latter part of January 2011, after which, on 20 January 2011, the police arrested Mr Vincent Tabak in Bristol and on 23 January 2011, charged him with the murder of Miss Yeates.

To this day, the name of the female anonymous telephone caller has never been released, even though this led to the most serious charge of murder on purely circumstantial evidence, until Dr Tabak's self-confession whilst in custody in prison, to a volunteer non-qualified, unlicensed, person,

acting as chaplain in Her Majesty's Long Lartin Prison- a "Category A" men's prison, located in the village of South Littleton, near the town of Evesham in Worcestershire, England.

CHAPTER FIVE- Chapter Five: Prosecuting Counsel Cross- examines Tabak

MR NIGEL LIUCKLEY WC: You were called yesterday “a verey calckulating person, making calculating decision; thinking od the consequenses. Is that right?

Yes

#LIVKLEY: Were were also dishonesat. You lied to the police.

Yes

You kept up that pretence with your girlfriend

Yes

You manipulated her

Yes

You manipulated your own family- your sister .

Yes

So you are very calculating , manipulative and dishonest.

No

You were like that before, were you not?

No

You were like that today- calculating manipulative and dishonest

No that is not my normal self.

You began when you texted your girlfriend at 9.30 when you said your were bored.Far from bored,

Vincent Takak?

Far from bored.

Why did you use the word “bored”

I wanted her love, her sympathy, support.

What about the young lady you killed?

That also

And that continued for over a month- manipulating her feelings to gfeel sorry for you.

Yes

In fact she came home early one day because she did not want you left alone- because there was a killer on the loose. You manipulated her feeling

NIGEL: There was a sexual element to the case.- we heard yesterday

NO

But you attempted to kiss Joanna Yeates.-That was sexual.

No

What did you intend to do after one kiss?

Kiss her again.

But that isNo

But you found her attractive before that evening?

No.

What did you find attracxtive about her when you saw her in the kitchen?

I thought she was attractive.

Did you find her attraxctive before

No

You found her attractive since October 2010 when they moved in.

No.

What doid you find attractive about Joanna that evening?

Her hair, her face, etc.

You wanted sex with her.

No

That evening, did you look into the kitchen window?

Yes

But that was their private space, was it not?

Yes

Why did you look in.

In saw movements .

What made you wave?

I saw her in the kitchen.

Did she wave back?

Yes.

Show us how she waved

(one have oup five fingers spread)

So you thought that that indicatred that she wanted you inside?

no. She waved me into the door.

|| What happened then?

I went to the door.

Did you knock on the door

N|o she had opened the door.

Then what happened then?

She took me into the kitchen.

You told the jury earlier that she made a flirtatious comment about the cat going where it shouldn't

go.

Yes

And you're both in the kitchen

yes

Standing up

Yes

And you were offered a drink |?

#Yes

And you declined

yes

What happened then.

We were standing close.

Tell us what you did then.

I put my hand at the middle of her back to try to kiss her.

And then what happened?

SAhe creamed.

Then what did you do?

I put my hand over her mouth.

How long were you with your hand over her mouth,

#Cant remember

And you took your hand away from herv mouth? And what happened?

She screamed again.

Then what did you do?

I put my hand over her mouth

Was she frightened.

I cant remember.

Did you see her face?

Yes

Was she frightened

I cant remember

You could have just walked away.

I don't know

But instead you put your hand over her throat?

Yes,

And what did she do?

I can't remember

You continued to keep her hand on her throat.

I cant remember

That young lady was resisting you.

No

She was fighting you.

No

That young woman suffered all those bruises when you pushed her against a hard surface.

I cabnt remember

That young woman was oin pain and struggling to breathe.

I cant remember

What were you doing with your other hand?

It was over her mouth.

So your hand was on her throat and other other hand over her mouth, making it impossible for her to breathe.

Maybe that was so but I was in a state of panic.

You were looking into her face

I can't remember

Did you look into her eyes

I can't remember

You made no attempt to resuscitate her. You're standing there in the kitchen over her dead body.

And then you decided to move her to her bed.

Yes

Did you do that immediately

No not for awhile.

So you place her onto her bed and what did you do ?

I went back to my flat

Did you take your coat.

the coat rack had fallen over, so I picked it up.

Then you began to plan what you would do? you went to Asda so you would be seen?

No

When you took her to your flat where did you put her down?

Half way between the flats on the ground.

You picked her up and put her down in the spare room?

No I put her down by the front door. Then I put her down on your spare bed.

Yes.

Did you put her down on your bed?

No

The bed with that special duvet cover found in your boot?

No.

Look at the items set out in timeline 104.

Nigel Lickley QC: I want you to look at this picture of her kitchen. Where were you standing with her in the kitchen?

I can't remember.

Or did it happen elsewhere in the flat?

No in the kitchen.

Or was it in the hall?

No in the kitchen.

What about the bedroom?

No.

There were two earrings found in the bedroom.

No it wasn't in the bedroom.

Look at this photo of deceased Joanna with a huge abrasion to her nose?

You caused those abrasions , did you not?

I don't know/. I cant rememnber.

But you visualised it with Mr Clegg this morning.

I did my best to visualise.

You visualised it then.

I don't know.

(image 80, image 34, 35, 41, etc,

Fingernail bruises at the back of her neck.

Quite clear in these images- that is exactly what you wanted to do- nto hurt her.

No.

Series of images relating to her arm. (3 small bruises) Gripmarks the suggestion made.. I make that suggestion to you.

I don't know.

Image 68- oval mark- pink bruise.

The dr found internal injuries.

tio the l side of her head. Was it because of a strugglke?

I don't know.

A struggle of a young woman fighting for her life. You caused it, didsn't you?

I don't lknow.

Because you are taller and stronger than she was.

Taller yes.

And stronger.

Maybe.

Part of procedure of pleading guilty to manslaughter is that you had to produce a statement. You signed such a statement.

I don't know.

A copy of the doc to each jury. You have a copy, don't you My Lord?

I believe I left it on my desk.

In your statement, the statement reads:

The defendant said that he unlawfully killed her. But you did not explain how you killed her.

No details no. I was following legal advice.

On 22 Sept 2011, a full statement, signed (BUT NOT WRITTEN BY TABAK)

...

They knew each other by sight.

She screamed. He put his hand over her mouth; then screams again so he put hand to mouth and other hand on throat with moderate force.

How do you determine the level of force from 1 to 3. Where does that come from (light, moderate and severe).

Following advice of legal team. (in Statement signed on 22-9-11).

Nigel:

There is no mention in the statement of flirtatious remark. Why not?

Following advice by legal team.

(rest of statement read out by Nigel Lickley).

... “He does not think he turned off the personal computer? (WHICH COMPUTER FLAT 1 or 2???)

etc.

thre tries to lift the body over the wall but unsuccessful. Not aware that there was a large ledge and past that a Quarry) All answers were at this poinyt:

“ following replies from my legal team, I think”

Let’s look at the time line.

Prosecution Timeline .

Beginat Timeline 70.

Yeates enters Tesaco at 8.20 & buys pizza.

At 20.33 she walks up to cliften towards home. It would take her just a few minutes to walk home.

I don’t know how long it will take.

Mr & Mrs Lane took 4 minutes 30 seconds to do that distance. So it will take just 4 mins 30 seconds to walk home.

I don’t know.

Mrs Lay ‘s statement re walking past no 44. Do you remember her saying that?

Yes.

So if screams were 20.40, was it you attacking Joanna Yeates.?

No.

As she opened the door?

No

#She had been home onbly a few minutes Vincent Tabak?

I don't know.

...

I don't know.

The screams were heard 40 minutes before you texted Sonja.

No. I don't know.

The apron dropped near to the door?

I don't know?

Shhards of console- did you do that?

I don't know.

POr of her knickers by the door. Did you put them there?

I don't know.

Earrings in the bedroom

....

Why did you keep your hands to her throat ? You could have let go.

I was not in my senses. I don;t know. But it was a short time.

Why did you buy rock salt?

To deice, because I had slipped just past the garden gate.

Where did you use the rocksalt?

Cant remember

Did you put some by the garden gate?

Cant remember

Where did you put it

cant remember

Did you think there was a mark where you lay her down on your way to your flat – so that you

can melt the ice

Cant remember.

Why did you use your girlfriend's email?

I don't have her password so I cant access it.

Then why would you be going to your girlfriend's webmail?

Webmail.

I cant remember.

You went out on your bike to take photos of snow. Why didn't you take photos?

Because the snow was dirty. (your words)

No.

Did you hear Ms Yeates coming home- shutting the rather difficult door as Mr Reardon told us..

No.

Where were you then.

I was in at approx that time.

Did you SEE THE CAT?????

No.

Why did you go out again?

I was going to Asda.

Why didn't you go closer to home?

I like big supermarkets- I wanted to pass a bit of time.

And that's when you found yourself past her window?

Yes.

Did you speak to anyone else?

Yes. Mt Jeffries.

What did you talk about?

The mildew in the flat.

...

I suggest to you if you look at my timeline

Period of time when Joanna body is lying in your house. What did you do?

I cant remember.

typo CRISIS instead of crisp.

I cant remember if "prescriptive text" was switched on my mobile at the time.

Why did you phone Tanja?

I wanted support from btANYA.

But there's a dead woman in your boot.

Were you trying to get a signal to your phone?

Cant remember

Beginning to cover your tracks I am suggesting?

Nigel: Far from panicking- thinking rather carefully what you were doing.

Cant remember

Did you go back to the car?

Cant remember

& then you wiped your face as you entered Asda.

wiping your face again.

Then got bottle of beer. Do you see it? (film rolling)

Yes, you make your way to the crisps (coolly)

“That's you in panic, is it, Mr Tabak?”

Yes I was.

Driving around.

Did you in fact go home?

Yes I went back.

What did you do at home?

I parked in the street I think.

Were you creating a false trail with the car moving in different directions?

No- I was not creating a false trail.

ine 117.

You go home. Tanja phoned the landline- very short comm..

What did you say to her?

I cant remember

Line 125 Again on the Internet. Lookerd up the weather (Line 146)

You speak to her again for 40 secs.

Then you go out to collect Tanja.

Look at rolling film.

You two were walking arm in arm.

Were you wearing the same coat as earlier?

Between 2 (when you arrived home and 3am) did you have sex?

No I don't think I had sex.

On Sat 18 Dec 2010, you go oyut to lunch.

Correct.

That evening you went out to a restaurant party .

Hostess recalls you were not talkative.

I can't remember.

Had you been watching out for Bernard the cat that weekend?

No.

But you locked the cat in Joanna Flat 1?

I cant remember.

Did you hear Greg Reardon come in on Siunday evening and shut the door?

I cant remember

Line 121

You start looking up images of Longwood Lane. What made you do it Sunday evening?

I don't know.

You were starting to google Longwood Lane on Google Maps. Did you find the spot where you left her?

Yes.

were you looking to see if there was any CCTV there?

But why?

Don't know.

It must be for a reason?

As to how remote it was?

Possibly- yes. I was looking up to find which road I had left her at.

(film rolling of Longwood Road)

Did you recognise the spot where you left her?

Yes.

What did you feel?

Guilt.

(Judge-take a ten minute break)

3.15 to 3.25.

Judge: Mr` Tabak, will you go back to the dock please?

Court rise.

On Friday 21 October 2011, Tabak was in the witness stand for a second day. He continued to deny that he was sexually aroused as he killed Joanna Yeates, although he admitted that after her death he did research the definition of 'sexual assault'. He said that although he wanted to kiss her, he never intended to commit a sexual act. He said "I wanted to kiss her. It's nice to kiss".

During the prosecution's cross examination, it was clear the the witness was being badgered for hours, yet, Mr Tabak's defence lawyer, William Clegg QC never once interrupted or objected.

During this badgering oif Dr Tabak in the witness box, he repeatedly rejected Nigel Lickley's allegation that he had meant to kill or seriously harm the 25-year-old landscape architect. Nigel Lickley QC, for the prosecution questioned Tabak about his attempt to kiss Yeates. Tabak told the jury that he made a pass at Joanna after she made a 'flirty' remark. he said that he thought she wanted him to kiss her. When the prosecution asked him if he had intended an intimate kiss., he said

"I was not thinking of that at that moment".

The prosecuting counsel put to Dr Tabak that he had derived sexual gratification from choking Joanna Yeates and was sexually aroused while he did it and Dr Tabak repeated his absolute denial of it.

The prosecutor suggested to Tabak that, rather than being invited in as he had told the court, he may have knocked on her door with an excuse that the cat had strayed into his flat and Tabak fiercely rejected this scenario. The defendant admits manslaughter but denies murder. He repeated apologised to Yeates's family and boyfriend, Greg Reardon, his own fault and his girlfriend Tanja Morson.

Chapter Six: Witnesses

Then the next witness was called to the witness stand – the forensic pathologist Nat Carey for the defence. The pathologist's evidence is that there was no evidence that Yeates's genital area had been interfered with. He could not exclude the possibility that her breasts had been interfered with but there was nothing positive to suggest that. He said Yeates's top could have been rucked up as her body was moved. It was largely speculative that Tabak's motive for killing Yeates was sexual, Cary said. He told the jury that asphyxiation could, however, form part of a sexually motivated attack. Cary said Yeates's death would not have been "instantaneous" but likely to have taken a period of time such as 20 seconds or more.

Neighbours gave Evidence in Witness Box

On Monday 24 October 2011, Jo Yeates neighbour 'said he heard nothing' on the night she was killed Mr Hardiman, neighbour of Joanna Yeates, did not hear any screams on the night she died at the hands of Vincent Tabak, a court heard, as his statement was read out by junior defence counsel. The retired teacher, who has owned his flat for 20 years, said he had met Miss Yeates and her boyfriend Greg Reardon briefly. He wrote :

‘On Friday December 17 2010 I fell ill with a cold and stayed in all day I was unaware of any activity outside my flat. I went to bed at 11pm. I slept really well until 6.30am. The following morning I felt worse and cancelled a lunch appointment that day. I sat in my flat all day Saturday and Sunday and was unaware of anything out of the ordinary outside of my flat. I finally become aware that Joanna was missing when Christopher Jefferies told me on Monday 20 October 2011 in the morning. I actually only met Greg and Joanna on three occasions while I was working in the garden. I have had

a friendly conversation with Joanna about her cat who I like to see in the garden. I would describe them both as nice and friendly and I was impressed with them.’

3:31pm UK, Monday October 24, 2011

During the trial the prosecution tried to demonstrate that he intended to kill or at least seriously harm Miss Yeates to secure a murder conviction. They claimed this was exactly what Tabak intended and that the killing was sexually motivated.

Prosecution counsel badgered the witness Tabak and put to him that he had been sexually aroused as he strangled Miss Yeates in her flat on 17 December 2010.

In his own defence as he gave evidence, Dr Tabak insisted that this was not the case and that Miss Yeates had invited him into her flat that night. He told the court that he misread her friendliness and tried to kiss her, prompting her to scream. He claimed that he panicked and accidentally strangled her as he tried to stop her screaming and calm her down.

After Mr Hardiman’s statement was read out to the court on Monday 24 October 2011, the jurors were dismissed and instructed to return to court on Tuesday 25 October 2011, when closing speeches by prosecutor Nigel Lickley QC and Mr Clegg QC, were made.

As the case drew to its close some comments online were as follows:

“the very idea that a man who knew he was picking up his girlfriend in a short while would contrive to murder a woman in a slow way indicative of torture with a view to clearing up the mess before setting off is a psychological impossibility. Either he didn't do it- or there was some quick, dreadful

accident which is a forensic impossibility.

He is innocent."

and

Vincent Tabak accused police of "fraud and forgery" in January, after he was interviewed after his arrest

Cases in which there was false evidence

Crewe murders

In June 1970 A Pukekawa, Lower Waikato, couple were killed and their bodies dumped in the Waikato River. Arthur Allan Thomas, a local farmer, was twice convicted of their murders but following massive publicity was later given a Royal Pardon.

Two bullet cases presented by senior policemen Hutton and Johnston were crucial evidence for the conviction. In 1980, after Thomas' pardon a Royal commission into the convictions concluded:

‘Mr Hutton and Mr Johnston planted the shellcase, exhibit 350 in the Crewe garden, and that they did so to manufacture evidence that Mr Thomas's rifle had been used for the killings’.

People vs. Michael Jackson 2005 Child molestation allegations

In the 2005 child molestation case against Michael Jackson, District Attorney of Santa Barbara County at the time, Thomas W. Sneddon Jr. has been accused of falsifying evidence during the trial before the grand jury. The accuser, Gavin Arvizo, accused Michael Jackson of showing him "girlie" magazines, leading to acts of molestation, masturbation and sexually lewd acts. However, the magazines had not even been published during his stay at Neverland, the place where the alleged crimes took place.

During the testimony in the court, Sneddon handed it to Arvizo, who held the magazine in his hands without any gloves, clearly manipulating the evidence, raising suspicion in the grand jury. After the touching had occurred, Sneddon submitted this copy of the magazine to the forensic lab to make sure whether or not Arvizo had touched the magazine previously when the malicious acts took place. However, the magazine had not been published at all during Gavin's stay at Neverland. The boy had never even been there to see the magazines, according to the accusation. It was published after the Arvizos had left Neverland. This was one of the reasons Jackson was found "not guilty" of any malicious act of child molestation. Jackson was acquitted of all charges. No particular action has been taken against Sneddon.

New York State Police Troop C scandal

In the New York State Police Troop C scandal of 1993, Craig D. Harvey a New York State Police trooper was charged with fabricating evidence. Harvey admitted he and another trooper lifted fingerprints from items the suspect, John Spencer, touched while in Troop C headquarters during booking. He attached the fingerprints to evidence cards and later claimed that he had pulled the fingerprints from the scene of the murder. The forged evidence was used during trial and John Spencer was sentenced to 50 years to life in prison. After the truth came out, it was discovered that they had been falsifying evidence in cases for many years. At least three officers were convicted. Every case the department had been involved in had to be reinvestigated.

FBI scandal

In the 1990s, the fingerprint, DNA, and explosive units of the Federal Bureau of Investigation Laboratory had written reports confirming local police department theories without actually performing the work.

Such laws and regulatory procedures stipulating the conditions under which evidence can be handled and manipulated fall under a body of due process statutes called chain of evidence rules. It is crucial for law enforcement agencies to scrupulously collect, handle and transfer evidence in order to avoid its falsification. In most jurisdictions, chain of evidence rules require that the transfer of criminal evidence be handled by as few persons as possible. To prevent error or improper tampering, chain of evidence rules also stipulate that those authorized to experiment with collected evidence document the nature, time, date and duration of their handling.

I still find all that tricky to get my head round as well.

Vincent Tabak is a PHD computing systems engineer who according to the Prosecution is very wily and dastardly. Yet at the same time he didn't know that computer hard drives and mobile sim cards keep a record? Or that mobile engineers at O2/Vodafone/wherever do too?

Assuming he was guilty, he had six weeks to get rid of his hard drive and phone and didn't? He didn't think to dump his hard drives in a river in Holland? No of course not. Why would he, he was doing the Highland Fling.

It may be that Vincent simply researched goings on after the case got started in the public domain, in order to follow it, like so many people did. He might have considered himself to be a possible suspect- understandably, he was living in the flat next door- and an innocent abroad, and possibly a police target- and so perhaps he tried to inform himself of a number of things on the web, to try to safeguard his vulnerable position. This simple innocent motive would explain virtually all the evidence the prosecution have put forward to date including a stream of texts and emails he sent his girlfriend and quotes from statements he made to friends just before he was arrested (e.g. he joked to friends about how police were possibly looking for a body in a drawer in his flat, letting them make the assumption that police were looking for evidence in his flat for no good reason). (see links

and comments box comments). There are two 'searches' on the computer that he is supposed to have made before the news of Jo's disappearance broke, however, which are supposed to relate to murder, and these are incriminating, the prosecution say. The prosecution say that before the news broke that Joanna Yeates had disappeared, Vincent looked at the differences between murder and manslaughter, and looked at a google map of the area where Jo's body was dumped. Perhaps Vincent did use the terms 'fraud and 'forgery' very coherently if he felt that police had taken his innocent hard drives, which he evidently did not seek to hide, found some data relating to innocent searches he had made and then added fabricated evidence on to it to make it look as if all his searches on the computer were suspicious.

The prosecution are saying that the Google map search is significant because either before or after the killing Vincent looked at a map which showed where her body was found lain. (More on this in the comments box.)

Jo's killer or killers had to have known about the place for dumping Jo in advance. They knew there was a dumping ground where you could leave a body the other side of a wall in a confined space so it would not be discovered. (It would probably have taken two men to dump the body. Didn't the police initially think the killing must have been done by two people?)

The killer/killers knew that the exact place where he dumped Jo's body was potentially a very good place so he/they very probably didn't look for it on Google maps at the last minute. And what would it have served the killer to look at maps after dumping the body? If he didn't know where he had dumped the body in the countryside, what could a Google map tell him?

Some of Vincent's early allegations about police, which he possibly also made before being brutalized for a week (we don't know what happened to him under police interrogation), seem to hinge on the sole evidence that the Prosecution appear (thus far) to be putting forward against him, which they say constitutes mobile phone and computer records of searches that he made shortly after Joanna Yeates' murder. See also BBC report [here](#).

The Prosecution alleges Vincent made a number of searches after the murder. They say that directly after the murder, within the weeks prior to his arrest, obviously, he searched for the difference between sentences given for murder and manslaughter. (Did police make this 'discovery' made before or after he pleaded guilty to manslaughter? Why would he make such a legal technical search so early after Joanna's death, especially if he wasn't worried?) They also state that he searched for the exact road where Joanna Yeates was found lain, on google maps, before driving up there in what they state was 'his Renault Megane.' (Why would he have specifically planned on such a road, when the body is obviously dumped in a random place to no great effect, being lain for all to see?- but some reports are saying that he looked the location up afterwards; how would he have done that? If you don't know where something is you can't look it up can you.) They also state that he searched for information and facts about body decomposition in an effort to ascertain the number of days a body would take to decompose, (which facts, as Molesworth sa, any fule kno. Bodies do not decompose entirely for many months and Vincent with his interest in detective science would have known this for certain surely.) They also state that he researched the times and dates kept by bin men and monitored Bristol's bin activity, which the police themselves were doing to a detailed extent, using computer technology, to much mockery from Joe Public.

We know that Vincent was detained for over a week, (while we all did a great deal of research

ourselves, without being arrested, though not into the hours kept by bin men, because being bright young things we thought the lost pizza clue was a waste of time.)

The newspaper reports all demonstrate that the Prosecution are alleging that Vincent was extremely calculated and devious. The all too simple seeming text 'I'm bored' which he apparently sent to his girlfriend on the night of the murder, constitutes, they say, an attempt on his dastardly part to cover his psychological tracks. (Not very extensive though is it. I can't do anything with that.)

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Assuming he was guilty, he had six weeks to get rid of his hard drive and phone and didn't? He didn't think to dump his hard drives in a river in Holland? No of course not. Why would he, he was doing the Highland Fling.

Old report here, as far back as 1995: ' fake evidence becomes a real problem; from fingerprints to photos to computer data, lawyers are learning to be vigilant.'

It may be that Vincent simply researched goings on after the case got started in the public domain, in order to follow it, like so many people did. He might have considered himself to be a possible suspect- understandably, he was living in the flat next door- and an innocent abroad, and possibly a police target- and so perhaps he tried to inform himself of a number of things on the web, to try to safeguard his vulnerable position. This simple innocent motive would explain virtually all the

evidence the prosecution have put forward to date (see the links) including a stream of texts and emails he sent his girlfriend and quotes from statements he made to friends just before he was arrested (e.g. he joked to friends about how police were possibly looking for a body in a drawer in his flat, letting them make the assumption that police were looking for evidence in his flat for no good reason). (see links and comments box comments). There are two 'searches' on the computer that he is supposed to have made before the news of Jo's disappearance broke, however, which are supposed to relate to murder, and these are incriminating, the prosecution say. The prosecution say that before the news broke that Joanna Yeates had disappeared, Vincent looked at the differences between murder and manslaughter, and looked at a google map of the area where Jo's body was dumped. Perhaps Vincent did use the terms 'fraud and 'forgery' very coherently if he felt that police had taken his innocent hard drives, which he evidently did not seek to hide, (which is very significant surely), found some data relating to innocent searches he had made and then added fabricated evidence on to it (pertaining to the week end of Jo's murder) to make it look as if all his searches on the computer were suspicious.

The prosecution are saying that the Google map search is significant because either before or after the killing Vincent looked at a map which showed where her body was found lain. (More on this in the comments box.)

Jo's killer or killers had to have known about the place for dumping Jo in advance. They knew there was a dumping ground where you could leave a body the other side of a wall in a confined space so it would not be discovered. (It would probably have taken two men to dump the body. Didn't the police initially think the killing must have been done by two people?)

The killer/killers knew that the exact place where he dumped Jo's body was potentially a very good place so he/they very probably didn't look for it on Google maps at the last minute. And what would it have served the killer to look at maps after dumping the body? If he didn't know where he had dumped the body in the countryside, what could a Google map tell him?

But if Vincent had looked the area up on Google after the news broke out of simple interest like the rest of the public, and out of kind concern for Jo, it would have been easy for police to change the date on the record of his Google search. They may have no such evidence of said Google search at all.

FINAL CHAPTER- after sentencing- extradition?

The US terrorist problem that lingers is the issue of Guantánamo and the many dozens of prisoners there; prisoners such as Khalid Sheikh Mohammed and four others accused of the being involved in the September 2001 air crashes in New York's World Trade Centre.

The issue is whether these men should stand trial in a military commission or in a federal court. Some officials favour a military trial, thus treating these men as soldiers at war, whilst others favour civilian criminal trials for these persons suspected of involvement in terrorism.

In 2009, the new US administration decided that Khalid Sheikh Mohammed and the others would be tried in the New York federal district court in Manhattan; six would face military commissions in

a place yet to be decided; and 48 others would be held indefinitely without charge. This decision was made between the President and the Attorney General.

The separate issue of the Guantánamo Bay detention facility lingers since the would-be president had promised its expiration. Recently, the European Court of Human Rights in Strasbourg stated that no suspect should ever be extradited to the US if there were any risk that he might face non-civilian trials and the fight against extradition to the US will reveal the inconsistencies in the American Federal Criminal Justice system, besides which there is a third issue of the cruel and inhuman practices in everyday US prisons, notwithstanding the death penalty in many of its states.

Of the Guantanamo arrestees, some British persons there have since discovered that the United States had been carrying out covert surveillance on them for years before the 9/11 terrorist outrage. Two such individuals, Babar Ahmad and Syed Talha Ahsan, discovered that whilst at home in the UK, having contributed to a website from home, the US officials viewed this as terrorist behaviour. A third British man, Haroon Aswat, had holidayed for two weeks on a farm in Oregon in 1999. The US officials viewed that as Muslim military training. Another two British men Adel Abdel Bary and Khalid al-Fawwaz, one of whom had in 1998 received faxes in an Islamic information office in London in which was mentioned news that two US embassies in East Africa had been bombed, were charged with conspiring to cause those explosions.

For these reasons the United States wanted these six men to be extradited to the US post haste. In each case, the extradition court, at Bow Street, London, found that the extraditee met the criteria which would permit the president of the United States to make an order designating the defendant as an 'enemy combatant', and thereby extraditable to the US. The Bow Street court decided that any

individual who ran a serious risk of being designated as an 'enemy combatant' would lose his rights to a fair trial before an independent tribunal. If a man could be detained indefinitely 'subject to Military Order No. 1', it meant he would be 'deprived of his European Convention rights and extradition would be barred'. The US officials later changed the meaning of 'enemy combatant'. The cases went to the Appeal Court and then to the European Court of Human Rights. These, and other cases have now been postponed for nearly three years.

Article 6 -right to a fair trial

For the European Court of Human Rights, required to address cases from 40 Member States, each with a different system (some are inquisitorial, with an investigative judge d'instruction, others adversarial; some have lay juries, others professional judges), achieving a case law of precedent and setting minimum standards through its jurisprudence for Article 6 of the Convention is problematic.

Ocalan v Turkey

Cases such as that of Abdullah Ocalan, the Kurdish leader of the PKK, kidnapped in Kenya by Turkish intelligence agents, went to the European Court of Human Rights. Once captured, Ocalan was held in complete isolation, and his first hearing was before a panel of three judges, one of them a Turkish military officer. At the full trial he was convicted and sentenced to death. The Strasbourg court found against Turkey. Ocalan's right to a fair trial, guaranteed by Article 6 of the European Convention, had been irretrievably violated by his being held in isolation before the trial and by the military presence at his first hearing, and that in turn vitiated all claims to legitimacy for the sentence of death.

A miscarriage of Justice against Dr Tabak?

We are reminded that a film was made about a convicted man, prisoner Colin Norris.

BBC Scotland Investigations Correspondent Mark Daly was reunited with former Rough Justice producer Louise Shorter to make Hospital Serial Killer - A Jury in the Dark about prisoner Colin Norris. (See Mark Daly, 'Hospital Serial Killer: A Jury in the Dark', BBC Rough Justice, October 2011). Mark Daly stated that he had investigated miscarriage of justice cases before, but never when the prisoner claiming innocence is a convicted serial killer. This case, like the case of Dr Vincent Tabak is a deeply troubling case.

Here is a male nurse, bright and with no history of violence, accused of a six-month murdering rampage. He was convicted of poisoning with insulin five frail, elderly patients in his care in hospital.

He was predictably dubbed the "Angel of Death" and got 30 years in 2008. Few would shed any tears for such a monster.

However, if one of the central scientific assumptions which underpin the whole case is flawed - which is what my BBC investigation alleges - then we are potentially looking at one of the worst miscarriage cases in recent history.

Our programme team listened to more than a dozen hours of police interviews and read through 35 boxes of evidence. We spoke to witnesses, and to former colleagues of Colin's.

Few believed him capable of these crimes.

On November 20th 2001 Colin had told colleagues he thought one of his patients, Ethel Hall, would not last the night. Common staff parlance, according to nurses we spoke to.

But that night she suffered an unexplained hypoglycemic episode (extreme low blood sugar) which led to her death three weeks later. A blood test appeared to show high levels of insulin. Colin was immediately in the frame.

West Yorkshire Police started working backwards, and produced another four cases where the women involved suffered unexplained hypoglycemic episodes. They had all been hitherto certified as having natural deaths but now police had learned Colin Norris had been on shift for each incident, they were being treated as murders.

This was on the basis that unexplained hypoglycemias were believed to be so rare, that a cluster of five within six months was so suspicious, it must mean foul play.

The new scientific evidence revealed in our programme seriously undermines that case.

Professor Vincent Marks, the world's most experienced insulin expert, found that up to 10% of elderly sick in hospital suffer this condition – meaning it is not that rare at all. He believes Colin's convictions are unsafe.

Additionally, the film features concerns over the insulin test on Ethel Hall. Despite Colin's five convictions, it could be that none of the women involved in this case were murdered.

Digging through the boxes of files, we also found evidence over the way Colin's alleged victims had been selected. We learned claims that police had told one family their relative's death was suspicious and Colin was in the frame. The family were later told the death was no longer suspicious, after police discovered Colin was not working that night.

Lawyers accuse the police of focusing their investigation too narrowly on Colin and cherry picking evidence. The police, for their part, are sure the right man is in prison.

This is a transcript of Vincent Tabak on the witness stand on 20 October 2011 during his trial for the murder of Joanna Yeates:

10.10 am

Call Mr Tabak (Clegg QC)

Vincent Tabak was sworn in.

Are you a Dutch National?

Yes.

Where did you live in Holland?

In Uden.

Would you say that Uden was a town or village?

I don't know- perhaps a village maybe. It's population in only 30,000 inhabitants.

How old are you\?

Thirty-three years old.

Did you go to school in Uden?

Yes.

Did you live there since childhood with your parents?

Yes. I lived there with my parents, three sisters and brother.

You went to the University of Technology (???) in Utrecht. Did you have to leave home then? Utrecht is about 30 kilometres away..

Yes. I lived away. I studied architecture for seven years.

What qualifications did you pass?

Equivalent to a combined Master Degree in Architecture and Computer Science.

Did you then obtain employment?

No.

What did you do then?

I studied for a PhD in people behaviour in the corporate environment.

How long did that degree take?

It took 4 years to receive my PhD.

How old were you then?

Twenty nine years old.

Then you sought employment? Where were you employed?

My first employment was at Buro Happold in Bath, England.⁴

Had you been to England before?

Yes, on holiday several times.

And do you consider that you were fluent in English then?

Yes.

When did you begin your employment at Buro Happold in Bath?

⁴ However an Internet search reveals that his first job was as an Associate Professor at the Utrecht University.

I began in September 2007⁵.

What was your job title at Buro Happold in 2007?

I was employed as a people flow analyst.

What was your job title in 2010?

People flow analyst.

Did you have any girlfriends whilst at university?

No.

Did you have any girlfriends before Tanya Morston?

No.

How did you meet Tanja?

We met online from a group called “soul -mates”.

When did you first meet Tanja?

On 1 November 2008.⁶ We moved to 44 Canynge Road, Clifton, Bristol together in June 2009. 44

Canynge Road was first home for the two in June 2009

Always lived in Flat 2.

Tell me, what is the building, 44 Canynge Road made of>

Stone.

Answer: stone, good insulation; hardly can hear others in other flats in the bldg.

Yeates & Reardon moved in 25 October 2010

He left for Los Angeles on 14 Nov to 14 Dec 2010. He only once saw them before at the small garden gate.

⁵ Tabak was therefore only in full employment for a period of three years in total.

⁶ This meant that Tabak lived alone for one year in Bath before moving to Clifton, Bristol to share a flat with Tanja.

Normally always went to his car via route past Flat 1.

Does not wear a watch

Not known either Reardon or Yeates.

CAT came into Flat 2 whilst he was in LA.

He & Tanja constantly emailed, tel, text several times a day incl all the time he was in LA.

(given unmarked copy of the timeline chart)

Clegg: Turn to entries 6 & &

Incoming txt message 7.35 and reply 7.40

Entry 11- seen past the flat at 9.05 where Tanya had already left for work in a 'lift-share'.

Message from Tabak

Answer: - Love you too. Pretty snow etc

He left for work at 9.00 am.

Always accessed Internet for weather reports in LA etc.

Had Internet set up for that.

Friday 17 December:

Time line 11- left for work

12- Cycled to Bristol T Stn

13- Train to bath

16- Arrive Bath 9.41

Accessed Internet for weather at work

18 & 19 (am) accessed weather report

20-call to Tanja

21- another` call to Tanj

(Often phoned each other during the day)

Working on a very big project- Holy Mosque in Mecca- some analysis on it (flow of pilgrims to the Holy Mosque).

Buro Happold was tendering for the project.

24- Divert voicemail

27- call

28- Txt message from T to Tanja at 4 pm

29- Much longer call at 4.23pm

30- Internet use at home- Tanja used the laptop -=NOT HIM- HE WAS STILL AT WORK

31- He txt her "How are you? Getting ready for party?"

37- Leave work

38

41

42

44

45 journey home- 6.54 at Constitution Hill. Home just after 7pm by which time Tanja already left.

Text message to Tanja- Just got home, xxx etc

Did you remain at home or did you go out.

Went out

Sent message after he went out

Just after 7.15pm

Went for a quick walk to take pictures of snow

Out through small garden gate to Bristol Road then returned.

Didn't take photos- snow was dirty

7.25 – returned by then

Internet- bank account etc

until 7.37pm.

Clegg (can we just put timeline to one side)

What did you do after 7.37?

Drank a beer; watched TV- couldn't remember what.

Had supper- ready made pizza.

Then he decided to go out again.

Why?

Lonely; bored so decided to go to the big ASDA in Bedminster to buy myself some drinks (by car)

Car parked on the street

Clegg: without any help from the timeline, are you able to say what time it was you decided to go to

Asda?

No.

Clegg: Look at timeline again.

No 76. Jo Yeates did not get back to her flat until 8.37 or thereabouts.

Timeline 39- You ultimately went to Asda at approx 10.13 pm.

Can you help by telling what time you believe you went to Asda?

No not exactly

Can you look at item where you sent message to Tanja “missing you”

Can you remember if you sent it before you decided to go to Asda.

Recapping- you come off the Internet at 7.37pm (our entry 47) & remain in your flat until 9.29pm

(our entry 88).

How soon before that did you left your flat?

Phone?

Did you normally take the phone when you went out?

Yet

When at home, where was the phone kept?

In a little room

She invited me in

Clegg: Did she open the door?

Yes

Did you take off your coat?

Yes

What room did you go into?

Kitchen- both of us

What did you talk about?

Being bored.

About the cat- she was flirty- “the cat went into places she shouldn’t go- a bit like me”, she said.

LA; sunshine;

Etc

Clegg: How long did you converse

Did you decide to do something?

Yes, I did

What did you decide to do?

To make a pass at her

Did you think she would respond?

Yes

Did she offer me a drink?

Yes

I declined

Doing as best you can describe to the court exactly what you did

I put my hand in the small of her back and went to kiss her

Did you kiss her?

Nooooo

What did she do?

She started to scream quite loudly

What did you say?

I'm sorry. Please stop.

Kept his hand to her mouth

Clegg: when you took your hand away what happened

She continued to scream

What did you do then?

I put my hand around her neck. I panicked.

What did J do?

Nothing at all

Why did you put your hand around her neck?

I was just trying to stop her screaming- to calm her down

How long did keep your hand there?

Only for a short time.

Clegg: I will tell you to start to remember what you did and when you took your hand away from Joanna's neck...

Now he said

When you took your hand away, what did she do?

She went limp and fell

Did she hit herself as she fell?

I can't remember- I was still in a state of panic

What did you do?

I put her on her bed in her bedroom

Where did you go?

I went back to my flat

How did you leave her door?

Open.

How long were you in your flat?

Only a couple of minutes maybe.

Where did you go then?

I went back to J's flat

What did you do

I was hoping she was alive but clearly she wasn't.

Accepting that she was dead, what did you do?

After a couple of minutes I lifted the body and carried it over to my flat.

Your hand being on what part of her body?

One arm was underneath her knees.

Were you able to carry her to your flat?

No she was too heavy I tried again?

Where did you take her body?

To my flat.

Did you leave Joanna's door shut or open?

Open.

What did you do next?

I decided to put her body in my bicycle cover.

Was it your bicycle cover or Tanja's?

No- it was mine.

How easy was it to put the body in the bicycle cover?

Very difficult but eventually I did it.

Why did you put her body in the bicycle cover?

I didn't want anyone to find out and I put the body in my car.

Was Joanna's door still open?

Yes.

After you put the body in the boot of your car, what did you do next?

I went back to Joanna's flat and switched off the TV and the oven; I took away the sock and the pizza.

Why did you take the pizza and sock?

I was not thinking straight.

Where did you take the pizza and sock?

In my car.

You decided to take the body away. How were you going to do that?

In the car.

Where was the car?

On the street.

Then you took the body out to the street?

No. I backed the car into the drive.

Was the car facing Canynge Road?

No. The back of the car was facing Canynge Road.

Then what did you do?

I went back to my flat.

Then what did you do?

I put the body into the car.

Was it easy to put the body into the car?

No.

How many attempts did you make at placing the body into the boot of the car?

I think two.

Then when you put the body into the boot of your car, what did you do?

I went into the car.

Look at our timeline 89. Did you drive with the body in the boot of your car?

Yes.

Look at our timeline 90-96. Why did you go to Asda?

I was not thinking straight I think I took upon my original plan to go to Asda.

At timeline 100 you sent a text message to Tanja

“How are you? I am at Asda. Buyung some crisis.”

How did you feel ?

I just wanted to hear her voice; to get support etc

As we can see you sent many messages

You never made typing errors. Why did you type the word Crisis

That’s how I felt. I was in complete shock. Didn’t know what to do.

Timeline 108-11—a journey that would take you home. Is that where you went? As the timeline suggests?

Yes

Timeline 113 when car is seen at Clifton Down- a period of 20 minutes or so. How did you feel

In a state of despair; panic; disbelief at what had happened.

When you left where did you drive then

I drove away from home; drove in direction of airport; and ended up in Longwood lane

Did you know Longwood Lane at all

No

Was it a quiet area, did you think?

What did you decide to do?

I did something horrendous. I decided to leave her there.

Did you park your car?

Yes

What did you do then

I took the body out of the boot.

Having got it out of the boot, what did you do with the cover?

I put the cover eventually back into the car.

Did the cover become inverted.

I can't remember

What did you do

I tried to hide the body. I tried to put the body over the fence.

Were you able to?

No it was too heavy

Did the body come into contact with the wall

Yes. But she was too heavy

Part of her breast was exposed- how did that happen

Perhaps carry her body

Your DNA was found on the breast of the body- how did that come about

I think as I was trying to put the body over the wall

There were many marks on the body How did that happen,

I at first left her by the roadside and two or 3 cars went past and I was in a state of complete panic.

I'm sorry for doing that. I put her parents through hell. I'm so sorry for that. I can't believe I did that.

How were you feeling then?

I was exhausted at carrying the body- my body was in a state of sweat. I took off my black jacket.

How did you hide the body?

I put leaves over it.

Timeline 113 – your car was seen on the road and so you must have reached your flat around 10 minutes past midnight.

Clegg: at 18 minutes past we can see on the timeline a text from you to Tabja- "Are you on the bus?" Then landline call to Tanja. What did you do?

I realised that I still had the bicycle cover in my car and the pizza and sock in my flat

What did you decide to do?

I decided to dispose of them.

What did you do then?

I remember that there were some disposal containers on the road in Clifton

What colour?

Green I think

Was it on wheels?

I can't remember

Was it a private or Council container

I don't know

Why were you researching about rubbish

I read that police were sifting through rubbish and I was afraid they would find the pizza.

Clegg: Then what did you do?

I went back home

Clegg: Tanja phone on the landline.

Why did you go for Tanja in the car?

I didn't want her TO WALK HOIME IN THE COLD!!!!

Clegg: You were on the Internet later.

Why did you do that?

Clegg: Conbstant contact by phone. I.38 am- you were leaving again in the hatchback. This is to collect Tanja from the Coack?

Yes

We can see the journey to collect her.

We can see you turn right at Park st into a lane that does not lead anywhere, Two minutes later- you came out. Why did you go there?

I was not paying attention to where I was going- so I took a wrong turning and then to Park Street.

Clegg: We can see the video of you going out of Park Street. Then you made a call to Tanja. That was to ask her directions as to where to collect her.

yes

We can see that you travelled to a burger bar. Why did you go there

Tanja was hungry- she wanted something to eat.

Clegg Was it eaten there or in the car?

In the car

After you got home did you tell Tanja what happened

No

BREAK OF 15 minutes

Clegg: you and Tanja continued living at Flat 2. How did you manage?

I was drinking a lot of alcohol and doing a lot of internet research.

Clegg: why did you think would happen?

I was sure I would be arrested. Tanya kept me going. Can I say that I am really sorry for being responsible for her death. I am really sorry for putting her parents through all that worry that week before she was found.

Clegg: you went with Tanja and stayed with her parents in Cambridge.

Yes

And you went to Holland over Christmas

Yes

Then in Holland the police took your DNA . What did you think would happen?

I was thinking I would be arrested anytime.

Clegg: Do you know what DNA is?

Yes

What did you think if they found DNA on Joanna?

A sure match.

What did you do in the days before the police arrested you?

I was drinking very large amounts of Vodka. I was taking herbal sleeping tablets.

Were you eating?

Hardly. I think I lost 7 kg during that time before my arrest.

When you were taken to prison, you were on what they call “suicide watch”. How did you feel?
I was in a state of total despair. I didn't know what to do. But I just hung on . I decided not to do anything.

Were you in despair at any other time?

Yes- when the papers reported that police found DNA on Joanna's body. I was drinking serious amounts of alcohol.

Clegg: when you were arrested on 20 Jan 2011. You were put in contact with a duty solicitor. It was somebody you had never met before, is that correct?

#Yes.

Clegg: you never answered any of the police questions except about the telephone calls. Why was that?

I was following the advice of my solicitor who told me not to say anything at all.

Clegg: In your first statement, you lied, Why did you lie?

I was hoping that they didn't have enough evidence and was hoping they would let me go.

Clegg: When did you realise that they had enough evidence

When I learnt that they found DNA on the body.

You met Brother Tom and told him what you did.

Did you want to kill Joanna:

No definitely not

The weather in December 2010

Christmas day fell on a Saturday in 2010. It was a very white Christmas in England that year. One couple had opened their Christmas presents early that morning and by 9.00 am they had taken their

dog for a walk in the deep snow which in the previous week, had fallen, and settled. The couple noticed that a mound of snow on the verge of the roadside resembled a body shape and on closer inspection, they realized that it was a body and immediately telephoned the police on their mobile telephone. The area where Miss Yeates' frozen body was discovered was known as the Failand area of North Somerset, three miles from Flat 1, 44 Canynge Road, Bristol, where Miss Yeates lived.

The post-mortem results four days later, on 29 December 2010, revealed that Miss Yeates had been strangled. The landlord, Mr Chris Jefferies was later arrested and then released on police bail on 1 January 2011. The matter of whether the couple who discovered the body had walked that route the week before was never introduced in court, not who else had usually walked their dog along that route. No cars passing along that road were ascertained for the seven days before Christmas day 2010.

Anonymous caller's identity not revealed in trial

Then the police received an anonymous telephone call from a female in the latter part of January 2011, after which, on 20 January 2011, the police arrested Mr Vincent Tabak in Bristol and on 23 January 2011, charged him with the murder of Miss Yeates.

To this day, the name of the female anonymous telephone caller has never been released, even though this led to the most serious charge of murder on purely circumstantial evidence, until Dr Tabak's self-confession whilst in custody in prison, to a volunteer non-qualified, unlicensed, person, acting as chaplain in Her Majesty's Long Lartin Prison- a "Category A" men's prison, located in the village of South Littleton, near the town of Evesham in Worcestershire, England.

CHAPTER FIVE- Chapter Five: Prosecuting Counsel Cross- examines Tabak

MR NIGEL LIUCKLEY WC: You were called yesterday “a verey calckulating person, making calculating decision; thinking od the consequenses. Is that right?

Yes

#LIVKLEY: Were were also dishonesat. You lied to the police.

Yes

You kept up that pretence with your girlfriend

Yes

You manipulated her

Yes

You manipulated your own family- your sister .

Yes

So you are very calculating , manipulative and dishonest.

No

You were like that before, were you not?

No

You were like that today- calculating manipulative and dishonest

No that is not my normal self.

You began when you texted your girlfriend at 9.30 when you said your were bored.Far from bored,

Vincent Takak?

Far from bored.

Why did you use the word “bored”

I wanted her love, her sympathy, support.

What about the young lady you killed?

That also

And that continued for over a month- manipulating her feelings to gfeel sorry for you.

Yes

In fact she came home early one day because she did not want you left alone- because there was a killer on the loose. You manipulated her feeling

NIGEL: There was a sexual element to the case.- we heard yesterday

NO

But you attempted to kiss Joanna Yeates.-That was sexual.

No

What did you intend to do after one kiss?

Kiss her again.

But that isNo

But you found her attractive before that evening?

No.

What did you find attracxtive about her when you saw her in the kitchen?

I thought she was attractive.

Did you find her attraxctive before

No

You found her attractive since October 2010 when they moved in.

No.

What doid you find attractive about Joanna that evening?

Her hair, her face, etc.

You wanted sex with her.

No

That evening, did you look into the kitchen window?

Yes

But that was their private space, was it not?

Yes

Why did you look in.

In saw movements .

What made you wave?

I saw her in the kitchen.

Did she wave back?

Yes.

Show us how she waved

(one have oup five fingers spread)

So you thought that that indicatred that she wanted you inside?

no. She waved me into the door.

|| What happened then?

I went to the door.

Did you knock on the door

N|o she had opened the door.

Then what happened then?

She took me into the kitchen.

You told the jury earlier that she made a flirtatious comment about the cat going where it shouldn't

go.

Yes

And you're both in the kitchen

yes

Standing up

Yes

And you were offered a drink |?

#Yes

And you declined

yes

What happened then.

We were standing close.

Tell us what you did then.

I put my hand at the middle of her back to try to kiss her.

And then what happened?

SAhe creamed.

Then what did you do?

I put my hand over her mouth.

How long were you with your hand over her mouth,

#Cant remember

And you took your hand away from herv mouth? And what happened?

She screamed again.

Then what did you do?

I put my hand over her mouth

Was she frightened.

I cant remember.

Did you see her face?

Yes

Was she frightened

I cant remember

You could have just walked away.

I don't know

But instead you put your hand over her throat?

Yes,

And what did she do?

I can't remember

You continued to keep her hand on her throat.

I cant remember

That young lady was resisting you.

No

She was fighting you.

No

That young woman suffered all those bruises when you pushed her against a hard surface.

I cabnt remember

That young woman was oin pain and struggling to breathe.

I cant remember

What were you doing with your other hand?

It was over her mouth.

So your hand was on her throat and other other hand over her mouth, making it impossible for her to breathe.

Maybe that was so but I was in a state of panic.

You were looking into her face

I can't remember

Did you look into her eyes

I can't remember

You made no attempt to resuscitate her. You're standing there in the kitchen over her dead body.

And then you decided to move her to her bed.

Yes

Did you do that immediately

No not for awhile.

So you place her onto her bed and what did you do ?

I went back to my flat

Did you take your coat.

the coat rack had fallen over, so I picked it up.

Then you began to plan what you would do? you went to Asda so you would be seen?

No

When you took her to your flat where did you put her down?

Half way between the flats on the ground.

You picked her up and put her down in the spare room?

No I put her down by the front door. Then I put her down on your spare bed.

Yes.

Did you put her down on your bed?

No

The bed with that special duvet cover found in your boot?

No.

Look at the items set out in timeline 104.

Nigel Lickley QC: I want you to look at this picture of her kitchen. Where were you standing with her in the kitchen?

I can't remember.

Or did it happen elsewhere in the flat?

No in the kitchen.

Or was it in the hall?

No in the kitchen.

What about the bedroom?

No.

There were two earrings found in the bedroom.

No it wasn't in the bedroom.

Look at this photo of deceased Joanna with a huge abrasion to her nose?

You caused those abrasions , did you not?

I don't know/. I cant rememnber.

But you visualised it with Mr Clegg this morning.

I did my best to visualise.

You visualised it then.

I don't know.

(image 80, image 34, 35, 41, etc,

Fingernail bruises at the back of her neck.

Quite clear in these images- that is exactly what you wanted to do- nto hurt her.

No.

Series of images relating to her arm. (3 small bruises) Gripmarks the suggestion made.. I make that suggestion to you.

I don't know.

Image 68- oval mark- pink bruise.

The dr found internal injuries.

tio the l side of her head. Was it because of a strugglke?

I don't know.

A struggle of a young woman fighting for her life. You caused it, didsn't you?

I don't lknow.

Because you are taller and stronger than she was.

Taller yes.

And stronger.

Maybe.

Part of procedure of pleading guilty to manslaughter is that you had to produce a statement. You signed such a statement.

I don't know.

A copy of the doc to each jury. You have a copy, don't you My Lord?

I believe I left it on my desk.

In your statement, the statement reads:

The defendant said that he unlawfully killed her. But you did not explain how you killed her.

No details no. I was following legal advice.

On 22 Sept 2011, a full statement, signed (BUT NOT WRITTEN BY TABAK)

...

They knew each other by sight.

She screamed. He put his hand over her mouth; then screams again so he put hand to mouth and other hand on throat with moderate force.

How do you determine the level of force from 1 to 3. Where does that come from (light, moderate and severe).

Following advice of legal team. (in Statement signed on 22-9-11).

Nigel:

There is no mention in the statement of flirtatious remark. Why not?

Following advice by legal team.

(rest of statement read out by Nigel Lickley).

... "He does not think he turned off the personal computer? (WHICH COMPUTER FLAT 1 or 2???)

etc.

thre tries to lift the body over the wall but unsuccessful. Not aware that there was a large ledge and past that a Quarry) All answers were at this poinyt:

" following replies from my legal team, I think"

Let's look at the time line.

Prosecution Timeline .

Beginat Timeline 70.

Yeates enters Tesaco at 8.20 & buys pizza.

At 20.33 she walks up to cliften towards home. It would take her just a few minutes to walk home.

I don't know how long it will take.

Mr & Mrs Lane took 4 minutes 30 seconds to do that distance. So it will take just 4 mins 30 seconds to walk home.

I don't know.

Mrs Lay 's statement re walking past no 44. Do you remember her saying that?

Yes.

So if screams were 20.40, was it you attacking Joanna Yeates.?

No.

As she opened the door?

No

She had been home only a few minutes Vincent Tabak?

I don't know.

...

I don't know.

The screams were heard 40 minutes before you texted Sonja.

No. I don't know.

The apron dropped near to the door?

I don't know?

Shards of console- did you do that?

I don't know.

POr of her knickers by the door. Did you put them there?

I don't know.

Earrings in the bedroom

....

Why did you keep your hands to her throat ? You could have let go.

I was not in my senses. I don't know. But it was a short time.

Why did you buy rock salt?

To deice, because I had slipped just past the garden gate.

Where did you use the rocksalt?

Cant remember

Did you put some by the garden gate?

Cant remember

Where did you put it

cant remember

Did you think there was a mark where you lay her down on your way to your flat – so that you

can melt the ice

Cant remember.

Why did you use your girlfriend's email?

I don't have her password so I cant access it.

Then why would you be going to your girlfriend's webmail?

Webmail.

I cant remember.

You went out on your bike to take photos of snow. Why didn't you take photos?

Because the snow was dirty. (your words)

No.

Did you hear Ms Yeates coming home- shutting the rather difficult door as Mr Reardon told us..

No.

Where were you then.

I was in at approx that time.

Did you SEE THE CAT?????

No.

Why did you go out again?

I was going to Asda.

Why didn't you go closer to home?

I like big supermarkets- I wanted to pass a bit of time.

And that's when you found yourself past her window?

Yes.

Did you speak to anyone else?

Yes. Mt Jeffries.

What did you talk about?

The mildew in the flat.

...

I suggest to you if you look at my timeline

Period of time when Joanna body is lying in your house. What did you do?

I cant remember.

typo CRISIS instead of crisp.

I cant remember if "prescriptive text" was switched on my mobile at the time.

Why did you phone Tanja?

I wanted support from btANYA.

But there's a dead woman in your boot.

Were you trying to get a signal to your phone?

Cant remember

Beginning to cover your tracks I am suggesting?

Nigel: Far from panicking- thinking rather carefully what you were doing.

Cant remember

Did you go back to the car?

Cant remember

& then you wiped your face as you entered Asda.

wiping your face again.

Then got bottle of beer. Do you see it? (film rolling)

Yes, you make your way to the crisps (coolly)

“That's you in panic, is it, Mr Tabak?”

Yes I was.

Driving around.

Did you in fact go home?

Yes I went back.

What did you do at home?

I parked in the street I think.

Were you creating a false trail with the car moving in different directions?

No- I was not creating a false trail.

ine 117.

You go home. Tanja phoned the landline- very short comm..

What did you say to her?

I cant remember

Line 125 Again on the Internet. Lookerd up the weather (Line 146)

You speak to her again for 40 secs.

Then you go out to collect Tanja.

Look at rolling film.

You two were walking arm in arm.

Were you wearing the same coat as earlier?

Between 2 (when you arrived home and 3am) did you have sex?

No I don't think I had sex.

On Sat 18 Dec 2010, you go oyut to lunch.

Correct.

That evening you went out to a restaurant party .

Hostess recalls you were not talkative.

I can't remember.

Had you been watching out for Bernard the cat that weekend?

No.

But you locked the cat in Joanna Flat 1?

I cant remember.

Did you hear Greg Reardon come in on Siunday evening and shut the door?

I cant remember

Line 121

You start looking up images of Longwood Lane. What made you do it Sunday evening?

I don't know.

You were starting to google Longwood Lane on Google Maps. Did you find the spot where you left her?

Yes.

were you looking to see if there was any CCTV there?

But why?

Don't know.

It must be for a reason?

As to how remote it was?

Possibly- yes. I was looking up to find which road I had left her at.

(film rolling of Longwood Road)

Did you recognise the spot where you left her?

Yes.

What did you feel?

Guilt.

(Judge-take a ten minute break)

3.15 to 3.25.

Judge: Mr` Tabak, will you go back to the dock please?

Court rise.

On Friday 21 October 2011, Tabak was in the witness stand for a second day. He continued to deny that he was sexually aroused as he killed Joanna Yeates, although he admitted that after her death he did research the definition of 'sexual assault'. He said that although he wanted to kiss her, he never intended to commit a sexual act. He said "I wanted to kiss her. It's nice to kiss".

During the prosecution's cross examination, it was clear the the witness was being badgered for hours, yet, Mr Tabak's defence lawyer, William Clegg QC never once interrupted or objected.

During this badgering oif Dr Tabak in the witness box, he repeatedly rejected Nigel Lickley's allegation that he had meant to kill or seriously harm the 25-year-old landscape architect. Nigel Lickley QC, for the prosecution questioned Tabak about his attempt to kiss Yeates. Tabak told the jury that he made a pass at Joanna after she made a 'flirty' remark. he said that he thought she wanted him to kiss her. When the prosecution asked him if he had intended an intimate kiss., he said

"I was not thinking of that at that moment".

The prosecuting counsel put to Dr Tabak that he had derived sexual gratification from choking Joanna Yeates and was sexually aroused while he did it and Dr Tabak repeated his absolute denial of it.

The prosecutor suggested to Tabak that, rather than being invited in as he had told the court, he may have knocked on her door with an excuse that the cat had strayed into his flat and Tabak fiercely rejected this scenario. The defendant admits manslaughter but denies murder. He repeated apologised to Yeates's family and boyfriend, Greg Reardon, his own fault and his girlfriend Tanja Morson.

Chapter Six: Witnesses

Then the next witness was called to the witness stand – the forensic pathologist Nat Carey for the defence. The pathologist's evidence is that there was no evidence that Yeates's genital area had been interfered with. He could not exclude the possibility that her breasts had been interfered with but there was nothing positive to suggest that. He said Yeates's top could have been rucked up as her body was moved. It was largely speculative that Tabak's motive for killing Yeates was sexual, Cary said. He told the jury that asphyxiation could, however, form part of a sexually motivated attack. Cary said Yeates's death would not have been "instantaneous" but likely to have taken a period of time such as 20 seconds or more.

Neighbours gave Evidence in Witness Box

On Monday 24 October 2011, Jo Yeates neighbour 'said he heard nothing' on the night she was killed Mr Hardiman, neighbour of Joanna Yeates, did not hear any screams on the night she died at the hands of Vincent Tabak, a court heard, as his statement was read out by junior defence counsel. The retired teacher, who has owned his flat for 20 years, said he had met Miss Yeates and her boyfriend Greg Reardon briefly. He wrote :

‘On Friday December 17 2010 I fell ill with a cold and stayed in all day I was unaware of any activity outside my flat. I went to bed at 11pm. I slept really well until 6.30am. The following morning I felt worse and cancelled a lunch appointment that day. I sat in my flat all day Saturday and Sunday and was unaware of anything out of the ordinary outside of my flat. I finally become aware that Joanna was missing when Christopher Jefferies told me on Monday 20 October 2011 in the morning. I actually only met Greg and Joanna on three occasions while I was working in the garden. I have had

a friendly conversation with Joanna about her cat who I like to see in the garden. I would describe them both as nice and friendly and I was impressed with them.’

3:31pm UK, Monday October 24, 2011

During the trial the prosecution tried to demonstrate that he intended to kill or at least seriously harm Miss Yeates to secure a murder conviction. They claimed this was exactly what Tabak intended and that the killing was sexually motivated.

Prosecution counsel badgered the witness Tabak and put to him that he had been sexually aroused as he strangled Miss Yeates in her flat on 17 December 2010.

In his own defence as he gave evidence, Dr Tabak insisted that this was not the case and that Miss Yeates had invited him into her flat that night. He told the court that he misread her friendliness and tried to kiss her, prompting her to scream. He claimed that he panicked and accidentally strangled her as he tried to stop her screaming and calm her down.

After Mr Hardiman’s statement was read out to the court on Monday 24 October 2011, the jurors were dismissed and instructed to return to court on Tuesday 25 October 2011, when closing speeches by prosecutor Nigel Lickley QC and Mr Clegg QC, were made.

As the case drew to its close some comments online were as follows:

“the very idea that a man who knew he was picking up his girlfriend in a short while would contrive to murder a woman in a slow way indicative of torture with a view to clearing up the mess before setting off is a psychological impossibility. Either he didn't do it- or there was some quick, dreadful

accident which is a forensic impossibility.

He is innocent."

Vincent Tabak is a PHD computing systems engineer who according to the Prosecution is very wiley and dastardly. Yet at the same time he didn't know that computer hard drives and mobile sim cards keep a record? Or that mobile engineers at O2/Vodafone/wherever do too?

Assuming he was guilty, he had six weeks to get rid of his hard drive and phone and didn't? He didn't think to dump his hard drives in a river in Holland? No of course not. Why would he, he was doing the Highland Fling. Jo's killer or killers had to have known about the place for dumping Jo in advance. They knew there was a dumping ground where you could leave a body the other side of a wall in a confined space so it would not be discovered. (It would probably have taken to men to dump the body. Didn't the police initially think the killing must have been done by two people?)

The killer/killers knew that the exact place where he dumped Jo's body was potentially a very good place so he/they very probably didn't look for it on Google maps at the last minute. And what would it have served the killer to look at maps after dumping the body? If he didn't know where he

In the 1990s, the fingerprint, DNA, and explosive units of the Federal Bureau of Investigation Laboratory had written reports confirming local police department theories without actually performing the work.

Such laws and regulatory procedures stipulating the conditions under which evidence can be handled and manipulated fall under a body of due process statues called chain of evidence rules. It is crucial for law enforcement agencies to scrupulously collect, handle and transfer evidence in order to avoid

its falsification. In most jurisdictions, chain of evidence rules require that the transfer of criminal evidence be handled by as few persons as possible. To prevent error or improper tampering, chain of evidence rules also stipulate that those authorized to experiment with collected evidence document the nature, time, date and duration of their handling.

I still find all that tricky to get my head round as well.

Why did he come home and not find it odd that she wasn't there? Several hours passed before anything was reported.

Vincent Tabak is a PHD computing systems engineer who according to the prosecution counsel is very wily and dastardly. Yet at the same time they stated, by their evidence put to the court, that Dr Tabak didn't know that computer hard drives and mobile sim-cards keep a record and that he did not know that mobile engineers at O2/Vodafone and elsewhere, also keep records.

It is known and as been published that 'fake evidence becomes a real problem; from fingerprints to photos to computer data, and defence lawyers are learning to be vigilant. This report was published since 1995.

Did Dr Tabak do what we all did out of curiosity?

It may be that Vincent simply researched goings on after the case got started in the public domain, in order to follow it, like so many people did. He might have considered himself to be a possible suspect- understandably, he was living in the flat next door- and an innocent abroad, and possibly a police target- and so perhaps he tried to inform himself of a number of things from the Internet, to try to safeguard his vulnerable position. This simple innocent motive would explain virtually all the

evidence the prosecution have put forward including a stream of texts and emails he sent his girlfriend and quotes from statements he made to friends just before he was arrested (for example, he said to friends, in jest, that the police searched his apartment, looking for a body in a drawer in his flat. Prosecuting counsel said that there were two 'searches' on the computer that he is supposed to have made before news of Joanna Yeates' disappearance was released by police to the media. The prosecution said that before the news broke that Joanna Yeates had disappeared, that Dr Tabak looked at the differences between murder and manslaughter, and looked at a Google Map of the area where the body was dumped. Some say that perhaps Dr Tabak did use the terms 'fraud and 'forgery' coherently if he felt that police had taken his innocent hard drives, which he evidently did not seek to hide, and police found some data relating to innocent searches he had made and then added fabricated evidence on to it (pertaining to the weekend when Joanna Yeates was killed) to make it look as if all his searches on the computer were suspicious.

The prosecution argued that the Google Map search on Dr Tabak's computer records was significant because either before or after the death of Joanna Yeates, that Dr Tabak had looked at a map which showed where her body was found lain.

If indeed he did the crime and knew that here was a dumping ground where a body could be left over the wall so it would not be discovered he could not have physically performed tat task alone. The police initially did think the killing must have been done by two people.

The killer/killers knew that the exact place where he dumped Jo's body was potentially a very good place so he/they very probably didn't look for it on Google maps at the last minute. So if that killer had been Dr Tabak, what would it have served him to look at maps after dumping the body? Also,

had he been the killer and didn't know where he had dumped the body in the countryside, what could a Google map tell him? But if Dr Tabak had looked the area up on Google.com after the news broke- out of simple interest- like the rest of the public- and out of kind concern for his neighbor- then it would have been easy for police to change the date on the record of his Google search. They may have no such evidence of a Google search at all.

Prosecution alleged that Dr Vincent Tabak was in Asda supermarket while Joanna Yeates' body was in the boot of his car but they offered no DNA evidence from the boot of the Renault Megane car not CCTV evidence of this car en route to the place where Yody was found. Such CCTV evidence, or any lack of it, would have been extremely important.

Ensuring Dr Tabak on a Sex Offender's Register after the murder trial was a way of stopping any appeal or retrial of his case: Imprisonment in English Prison Long Lartin may cause Dr Tabak to commits suicide

Although prosecutions against doctors for the offence of gross negligence manslaughter are rare, there has been a significant increase over the last twenty years. As recently as on 5 November 2013, a consultant surgeon was sentenced to two and a half years imprisonment for this offence. As far as ordinary negligence is concerned the following factors have to be proved:

- (1) Did the doctor owe a duty of care to the patient?
- (2) Was that duty breached?
- (3) Did that breach cause damage to the patient?

If the patient does not die as a result of this type of negligence, a civil action may follow. If the damage results in the death of the patient, there is the possibility that the doctor may be prosecuted for the criminal offence of gross negligence manslaughter. In order to secure a conviction for this

offence, all aspects of this three part test for ordinary negligence have to be proved. However, the jury in such a case has to be satisfied that the breach of the duty of care (by an act or omission) was so bad as to constitute a crime. Technically at least, this offence could attract a maximum of life imprisonment, although the vast majority of doctors convicted of this offence have been given suspended prison sentences.

In *Barnet v Chelsea & Kensington Hospital* [1969] 1 QB 428, three night watchmen had been drinking tea but started vomiting soon afterwards. They then went to the hospital but the duty doctor would not attend. Instead the doctor told the nurse to instruct the men to go home and see their general practitioner in the morning. Unfortunately, one of the men died later that night of arsenic poisoning. However, the claim for negligence failed because although the doctor owed a duty of care to examine the patient, he would have died anyway because in those times there was no antidote for arsenic poisoning.

Would Dr Tabak face inhuman conditions in imprisonment in the Netherlands?

As is the law, Dr Tabak should be returned to the Netherlands to serve out this prison sentence metered out by the United Kingdom. But the authorities refuse to do so for some reason.

It is doubtful if prison conditions in the Netherlands are comparable to the poor prison conditions in Latvia as were shown in the human rights case of *Sorokins v Latvia* [2010] where evidence of prison conditions in Latvia contained within a United States State Department report fell far short of proving that a requested person faced a real risk of inhuman or degrading treatment contrary to the European Convention on Human Rights 1950 article 3 (if extradited to Latvia). As a Member State of the Council of Europe, Latvia could be assumed to endeavour to fulfil its obligations in respect of prison conditions in compliance with article 3 of the European Human Rights

Convention 1950.

A 'Miscarriage of Justice' against Dr Tabak?

We are reminded that a film was made about another convicted man, prisoner Colin Norris.

'BBC Scotland Investigations' Correspondent Mark Daly was reunited with former 'Rough Justice' producer Louise Shorter to make the film titled 'Hospital serial killer - a Jury in the dark'; a film about prisoner Colin Norris which was aired in October 2011. Mark Daly stated that he had investigated miscarriage of justice cases before, but never when the prisoner claiming innocence is a convicted serial killer. This case, like the case of Dr Vincent Tabak is a deeply troubling case.

'The justice system does not like to admit it has made a mistake and will, as always, drag out appeals until every avenue has been exhausted', is one public sentiment.. 'Surely judges and the police should be held accountable for hindering justice, dragging appeals on keeping an innocent man in prison for as long as possible' is another public sentiment.

Some say that the Prosecution Service just want 'someone to blame and to charge, and just to bring success and closure, they may accuse anyone and fix the 'facts' to the case.

What if there had been consensual risky, kinky sex?

Taking into account public policy and the potential for the spread of diseases, the Lords ruled that sadomasochistic practices were unpredictably dangerous, degrading, violent, and injurious to individuals and harmful to society generally. In the case of *R v Dica*, the parties were not intent on indulging in serious violence for the purposes of sexual gratification. They were simply prepared, knowingly, to run the risk and have sexual intercourse. It is logical that consensual acts of intercourse are not unlawful merely because there may be a known risk to the health of a participant.

Offences against the Person Act

Section 20 of this Act states:

‘Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of an offence...’.

The rules regarding consent when bodily harm occurs during sexual encounters have been strict in the past. The case of *Attorney-General’s Reference (No.6 of 1980)* decided that it was not in the public’s interest to allow people to ‘cause and/or intend to cause’ each other bodily harm ‘for no good reason’. Consent was held to be a defence to non-sexual common-law assault, but the difficult issue for the House of Lords in *R v Brown* was whether the defence of consent could be extended to cover assault causing actual bodily harm in the course of sadomasochistic encounters.

Whilst the case of *R v Dica* supports the issue of autonomy by establishing that an individual can knowingly consent to a dangerous act, it is not clear whether this is a public policy consideration. Lord Justice Judge distinguished the case of *R v Dica* from case of *R v Brown* on the basis of violence, but the cases are not dissimilar. Whilst it may be true that sadomasochistic activities are more violent than ‘conventional’ sexual intercourse, was not the decision in *R v Brown* based on

public policy? The activities in *R v Brown* were likely prohibited because they were dangerous. An alternative argument raised in *R v Brown* discussed a potential new offence under the 1861 Act in order to protect those who engaged in dangerous sexual activities. Considerations for this new offence includes matters getting out of hand between couples and groups who engage in dangerous sexual activities, and the protection of young people who may be easily influenced. However, balancing personal right against taking risks was considered to be ‘a Parliamentary matter’ and Lord Mustill was met with considerable dissent. The public interest is also the reason why the Human Rights Act 1998 contains limitations. Although the UK Human Rights Act 1998 does not actually contain a general limitation clause, it does contain a number of qualified rights which are subject to broadly framed limitations permitting them to be overridden on specified public interest grounds as well as to secure the rights and freedoms of others. Rights which are not expressly qualified, such as the prohibition of discrimination under Article 14, have been qualified in practice.

In testing whether a measure which interferes with one of the qualified rights is proportionate to the pursuit of a legitimate aim, the European Court of Human Rights investigates a number of factors. Typically, it asks whether the measure is likely to be effective in achieving the government’s purpose, whether there are less restrictive ways of achieving the purpose, and whether the cost to the right is justified by the public interest benefits.²⁶ These three prongs of the proportionality test are sometimes known as the tests of suitability, necessity and proportionality in the narrow sense.

When a court finds that a measure which infringes rights is either ineffective or unnecessary, it would not be protecting rights in preference to the public interest, but rather eliminating the conflict between rights and the public interest altogether by announcing that it is possible to respect rights and achieve the government’s goals. If a court finds that a measure which infringes rights is effective

in achieving the government's purpose, and that there is no less restrictive way of achieving the purpose, then it does have to choose between the right and the public interest. If a court has to decide between a defendant's rights and the public interest it must weigh the consequences of protecting the right against the consequences of restricting it, with the aim of promoting the greatest balance of good over bad consequences.

General conclusion

The death of Joanna Yeates highlights several legal issues- one is that of forged computer evidence; the other is one of risky kinky sex which was not mentioned at this trial but which was the silent undertone throughout. The third is the matter of abuse of legal process.

There is much amiss with the British Criminal Justice System. There are the known hundreds of miscarriages of justice as well as the thousands that are buried deep in the system which need whistle-blowers to speak out about them. This book is but a drop in the ocean of corruption, double-dealing and fudged English law. It has been rumoured that the Criminal Cases Review Commission (CCRC) has moved into the offices of the Crown Prosecution Service's Building in Birmingham, West Midlands, England, United Kingdom. That speaks for itself.

