

TRIAL AND ERROR: THE CASE OF BARRY GEORGE

Scott Lomax



Barry Michael George

Scott Lomax is a student at the University of Sheffield, England. He is studying Archaeology and Prehistory and writes about crime in his spare time.

**Legal Notes No. 040
ISBN 1 85637 569 2
ISSN 0267-7083**

© 2003: Libertarian Alliance & Scott Lomax

The views expressed in this publication are those of the author and not necessarily those of the Libertarian Alliance, its Committee, its Advisory Council, or its subscribers.

**Director: Dr Chris R. Tame
Deputy Director: Brian Micklethwait
Director of Communications: Dr Sean Gabb
Public Affairs Director: Dr Tim Evans
Editorial & Membership Director: Nigel Meek**

***Libertarian
Alliance***

For Life, Liberty, and Property

**Suite 35
2 Lansdowne Row
Mayfair
London
W1J 6HL**

**Telephone: 0870 242 1712
Email: admin@libertarian.co.uk
Website: www.libertarian.co.uk**

TRIAL AND ERROR: THE CASE OF BARRY GEORGE

Scott Lomax

During the afternoon of Monday 26 April 1999 news of a terrible crime began to be spread around Britain. At 11:30 that morning the television presenter Jill Dando was shot dead on her doorstep, at 29 Gowan Avenue, Fulham, London, after a shopping trip. She no longer lived on Gowan Avenue (she had moved in with her fiancé and had placed the house on the market) but she needed to make a brief visit on that morning. Before she was able to unlock her door Jill had been held to the ground by her assailant, who pressed a gun into her head and fired a single shot.

The public were shocked to hear that a woman could be murdered, in broad daylight, in a brutal manner outside her home. What made it even sadder was that Miss Dando had recently announced her plans to marry her gynaecologist partner Alan Farthing. What followed was one of the largest and most expensive police investigations to ever take place in Britain. The team of up to fifty officers traced, interviewed, and eliminated thousands of suspects in the months following the incident. In total approximately £2,000,000 was spent on the police operation, which was named Operation *Oxborough* and headed by Detective Chief Inspector Hamish Campbell.

The gunman had been seen as he left Miss Dando's garden. Two of her neighbours saw him walk away, one of these, Richard Hughes, describing his manner as "calm." Neither realised the significance of their sightings at the time and Miss Dando's body was not discovered until at least ten minutes later. Other witnesses reported seeing a man, in and around Gowan Avenue, that morning. Whether they saw the killer or not remains uncertain, but the police believed that, due to similarities in the descriptions, they probably each saw the man responsible. He was described as white in colour, with thickset broad shoulders and thick collar-length black hair which was pushed back. The man was clean-shaven and did not wear glasses. He appeared to be in his mid to late thirties. He was taller than 5'7" (probably a little under 6'0") and medium build. The gunman was wearing a dark (probably black) wax jacket or Barbour style jacket and he looked respectable. Some described him as Mediterranean, whilst others reported a man who was not of Mediterranean appearance. Some saw a man with a blue shirt less than two hours before the crime, whilst another saw a man wearing a white shirt around the same time. It is highly likely that several men were seen but *Oxborough* placed all of the sightings into their scenario of the crime.

Three men were involved they originally said, but after a

few months they believed a lone gunman must have been responsible. After all, if three people were involved in a plot to murder the presenter then surely the police would have heard something from the criminal world would they not? Campbell believed so but surely his reasoning is dubious. Multiple individuals certainly were acting in a suspicious manner in that area at that time.

A large range of motives were suggested. At one point, Jill's killer was a hit man, hired by an ex-boyfriend who had become jealous when he heard of Miss Dando's engagement. At other times he was believed to be an ex-boyfriend himself. As Britain was at war with Serbia at the time, in the Kosovo conflict, and because Jill had made an appeal for money to help the Kosovar refugees, the theory that she was killed by a Serbian hit man had to be followed up. Other theories included a spurned Mafia boss who had approached the victim and shown an interest in her, and a criminal who had a grudge against the presenter because of her work on *Crimewatch UK*. Although none of these theories could be eliminated with certainty, eliminated they all were. Eventually the police placed an emphasis on the view that Miss Dando was murdered by an obsessed fan who must have had a very strong interest in his victim.

On 11 April 2000 Barry George was interviewed by Detective Constable John Gallagher in connection with the murder of Miss Dando. George had emerged as a suspect because he had been agitated on the day of the crime when discussing problems with his GP and housing association, and also because he had become worried two days after the crime and had asked people to verify his movements on the day of the murder. However, he was satisfied when those he asked were able to prove that he had an alibi for the time of the murder.

In addition to this, one woman had informed *Oxborough* that Barry was odd and had owned air rifles. However, he had not been considered to be someone who needed to be interviewed quickly and therefore he was placed on a low priority amongst other people who should be interviewed at some point in the future. Over a month after being interviewed by Gallagher, on 25 May 2000, George was arrested on suspicion of murdering the presenter. Three days later he was charged with this offence and on 2 July 2001 he was found guilty by a majority of 10 to 1. However, this case has proven to be one of the most controversial cases in criminal history. Despite having his appeals dismissed at the Court of Appeal and the House of Lords there is a large amount of information, much of which the jury never heard and

some of which the appeal judges misinterpreted, to prove that beyond doubt Barry Michael George had no involvement in causing Miss Dando's death.

Orlando Pownall informed the jury that George was a loner who had an obsession with firearms and the victim. To 'prove' his claims he relied upon evidence obtained during searches and through questioning people who had, in the past, known the defendant.

It transpired that George was in possession of gun magazines and some books upon the subject of firearms. These all dated to the 1980s. Barry had joined the Territorial Army in 1981, but he left the following year after failing his basic training. He attempted to join a gun club in 1982, but he was refused membership because he could not find a suitable referee for his application. In the mid 1980s he had shown a gun to a friend, and on a separate occasion he had fired a blank round at another friend. Just to remind you, Miss Dando was shot in 1999. There is no evidence to suggest that George had an interest in firearms, which could be classed as anything remotely resembling an obsession, during the 1990s. By this time his interests had moved on to music and his idol Freddie Mercury, an interest which lasted beyond 1999. George is only able to focus his mind on one interest at a time and so his life is filled with different periods where he was interested in one subject. When this period closes he ceases to be interested with the subject any longer, or at least his interest diminishes so that he no longer actively involves himself with the interest. The magazines were found in his flat because he is a hoarder; unless he absolutely had to remove something from his flat, he never removed it. For this reason it took the police many days to conduct searches of his flat.

As far as his 'obsession' with Miss Dando is concerned, there was very little evidence to suggest that he had any interest in her. George is the type of man who enjoys sharing his interests with people. He informed friends and strangers that he liked Freddie Mercury. George finds it impossible to keep his interests and hobbies to himself and he talks with such enthusiasm that it can escape no one's attention of what it is that occupies his mind. Campbell told the public that Miss Dando's killer would have had "an unhealthy interest in Jill Dando and more importantly it is unlikely to have been kept a secret." However, no one has been able to inform the police that George had ever mentioned the woman he allegedly killed. George had taken thousands of photographs of women and television presenters. However, none of these were of Miss Dando yet the jury was never told this. George collected newspapers: the police found over eight hundred newspapers in his flat. In all of these only eight articles were found which referred to Miss Dando. It would have taken George many hours, if not days, to work his way through all of the rubbish and all of the many pages in the newspapers, to find

these articles, none of which were highlighted or marked out in any way. Would an obsessed man want to search for lengthy periods of time for articles that discussed the target of his affection? Is it the case that eight articles from eight hundred newspapers indicates 'compelling' evidence of an obsession? Or could it be their presence be coincidental? It must be remembered that Miss Dando was in the media frequently, especially when her engagement was announced. If George had evidence of an obsession then, with his incredibly untidy flat, he would have been unable to find and remove it. An obsessed man would have clear signs of an obsession. Barry George did not.

The particle of alleged Firearms Discharge Residue (FDR) found in the pocket of one of George's jackets, was seen to be compelling proof of his guilt. The particle matched those found on the victim inasmuch as they were composed of the same elements. This means that the particle in the jacket came from a source of powder that was of the same type as that used in the cartridge used in the murder weapon. It does not at all prove that the particle came from the murder weapon. The possibility that the particle had come from a blank firing gun, or even a firework, could not be ruled out.

The scientist who studied the particles, Dr Keeley, told the court that it was possible that contamination was responsible for the presence of the particle. He claimed that the possibility was small but the possibility could never be ignored. The defence scientist, Dr Lloyd, a forensic scientist with over thirty years of experience, told the court that "*It is my view that this evidence is not reliable as evidence of the defendant's involvement in the shooting... There is no particular reason why this particle can be so related to the shooting of Miss Dando.*"

The jacket had been removed from its protective bag and had been placed upon a work surface in a photographic studio that housed ammunition. Items found at the crime scene, such as the bullet and cartridge as well as Miss Dando's front door (which is where the bullet hit after passing through the victim's head) were photographed in the studio. Contamination could have occurred here. The search team, who recovered the jacket, had not worn forensic clothing whilst searching George's flat. One of the officers who was present, and who had handled the jacket, had handled ammunition whilst wearing the same clothing.

The vehicle in which the jacket was taken away had not been sampled, contrary to procedure, and therefore it may have contained forensic evidence which found its way on to the packaging and eventually on to the jacket itself.

Recent evidence has come to light that could explain how the particle could have found its way in to the jacket pocket. George has always maintained that the

police took firearms in to his flat when they first searched it. This is common police procedure when it is believed that a suspect may own weapons. It was during this first search that the jacket was found and taken away for examination. The jacket's pockets were opened inside the flat whilst particles of FDR could have been in the air as a result of the presence of armed officers. Numerous witnesses, including a church minister, have spoken about how they each saw armed police enter on that day. It would seem that the slight possibility is now appreciably larger.

Only one witness was able to say that she was "very sure" that she saw George on the day of Jill Dando's murder. Susan Mayes saw a man across the road from 29 Gowan Avenue at 07:00, four and a half hours before the shooting. This man may not have been responsible for the crime. Mayes told the court that she looked at the man for five to six seconds. During some of this time his face was turned away. However, eighteen months later she identified George as the man she had seen.

The integrity of this witness's evidence is questionable, partly because she had originally described the man she had seen as having a "short and smart haircut" yet later she described it as long and untidy. There is significant evidence to suggest that the police influenced Mayes' identification. This is not an unknown occurrence. A trial recently collapsed in Sheffield when it emerged that the police had told a witness to pick out a particular man from a parade. Importantly neither of the witnesses who saw the killer, immediately following the crime, identified George as the man they had seen.

Can the evidence against George be described as 'compelling'? It would seem not. It would also appear that his actions on the day of the murder can be accounted for.

Susan Bicknell claimed that George was with her at 11:50am, on 26 April 1999, at a disability centre known as Hammersmith and Fulham Action for Disability (Hafad). Hafad is located approximately half a mile away from 29 Gowan Avenue (around one mile away from George's flat). It must be remembered that the shooting occurred at 11:30. The court heard that, because of the distances involved, if George's actions could be accounted for any time between 11:00 and 12:00 then there was no chance whatsoever that he could be responsible. George does not drive and the gunman would have certainly been covered in blood. When he entered Hafad, George was wearing a yellow shirt and an anorak type jacket; the killer was wearing very different clothing. The prosecution claimed that Bicknell was wrong about her timing of the visit. They stated that other women had told the police that the visit could have been as late as 14:00. These women had only introduced the late times after a year had elapsed, and

none had a reason to remember the time (other than the £250,000 reward for information leading to a conviction) whilst Bicknell (who had dealt with George, who incidentally was her first client because it was her first day of working at Hafad, and therefore she had a reason to remember the time) had maintained that the visit was made at 11:50. A second woman was equally certain that the time was "around midday."

George did have a criminal record before he was found guilty of murder. In 1983 he had been found guilty of attempting to rape a woman. This crime, for which he pleaded guilty, is completely inexcusable. However, after his release from prison (he was sentenced to thirty-three months) he became a reformed character. All of the evidence suggests that he did not commit any illegal activity from 1985 onwards. George had been interviewed in connection with the murder of Rachel Nickell in 1992. This was because of his criminal record. It was determined that he had no involvement in this crime. However, George suffers from paranoia and therefore such an experience with the police deeply worried him. From this point on he feared that he would be blamed for crimes committed near where he lived.

When Miss Dando was shot less than half a mile from where he lived, and when the police provided a description of the man they were hunting that matched the appearance of George, then he expected the police to turn up at his home at any time. He told people that he feared 'they' would blame him for Miss Dando's murder. After all, this would explain why George felt he had to verify his movements on the day of the murder. He told the police "I went back there basically to account for my movements so if a situation did come up, I could address it to my solicitor." The jury no doubt wondered why a man could be worried that the police would approach him. However, they were not at all aware of his paranoia and the fact that he had been interviewed in connection with a murder he had no involvement in.

Neither the police nor the prosecution have ever discovered a reason why George would wish to shoot Jill Dando. A murder weapon has never been found and at no point has George made a mistake by providing incriminating information. After his first appeal hearing was dismissed Barry George issued the following statement. Please remember these words:

"I did not murder Jill Dando and I believe that one day the truth will come out. I only hope and pray that this happens in my lifetime. I have spent over two years in prison for a crime I simply did not commit. I have struggled hard during this prosecution against me to keep my faith in the British criminal justice system. Today, that faith and belief has been destroyed."