

The Case of L's Son

On 22 April 2004 at 8pm the victim waved goodbye to us before setting out with his friends for a birthday celebration. That was the last time we saw him alive. He was attacked on the way home at the bus stop three miles from where we live. It was a completely unprovoked attack by seven youths (16 & 18 years old) - they were in two cars and proceeded to chase them.

L says: "At the trial we learned that they had with them a broken tennis racket and car crook locks - drugs were also involved, but this was 'inadmissible' in court". L's son was punched, fell and sustained a head injury: he never regained consciousness and, sadly, died three days later. The victim's friends, too, were beaten, but fortunately their injuries were not fatal.

L says they had a marvellous family liaison officer (FLO) at the outset, who showed both sensitivity and compassion throughout the whole time they were in the hospital. However, the day after they returned from hospital L says the family were surprised to learn that they were passed on to another FLO, the original one having been "taken off" the case.

L says this was their first encounter with the system - they were treated not as individuals, but as case numbers, even though the second FLO tried his best. L says they were not satisfied. They protested and, eventually, the FLO who they had originally worked with was put back on their case.

When a family is disempowered and vulnerable, continuity is important throughout the case. Families cannot 'share' their feelings on an ad hoc basis.

The victim's mother says that although they did not want to get involved with the investigation, they wanted to know what was happening. **They felt the Police should have automatically kept the family informed.** She says they had to telephone for updates. The perpetrators were caught and charged with manslaughter and violent disorder - and given bail for 15 months awaiting trial. During this time L says the family begged to meet with the prosecutor, without success. **Victims' families should have access to the prosecutor.**

However, on the day of the trial the prosecutor approached the family to order them not to make a scene in the court and not to mention the word murder, and the two drivers pleaded not guilty.

The court case lasted two weeks - L's family had to listen to lies and the victim's reputation being torn apart. L's son and his friends were accused of being potential rapists: the reason given for the killing of L's son was that the aggressors thought girls were going to be raped. L says there were no girls anywhere near the scene. She says she and her family felt utterly helpless and powerless to refute these lies. **An advocate was needed here.**

Ultimately, the jury found just one defendant guilty - although two had committed the crime together.

L says during mitigation a character witness was called who spoke of the perpetrators' 'virtues' - but nobody spoke on behalf of L's son. *Lies amounting to defamation of character of the victim (presumably in order to make the offender seem the injured party) are heard unchallenged - a law-abiding victim may thus be 'condemned' without redress.* Indeed, the defence lawyer cited a case whereby two friends were drinking, one punched the other who died as a result - and on hearing this the judge called for a recess before passing sentence.

When the court resumed, L's family heard him tell the defendants that theirs was a serious crime and, in order to curb 'job culture' they should be punished.

One perpetrator received a sentence of 18 months, reduced on appeal to 12 months. The other defendants received variously 10, 8 and 6 months each for violent disorder.

L says her family were given 28 days to appeal, but did not get to see the prosecutor until one week before the deadline, when they were told there was no cause for an appeal....

L says she and her family were made to feel they were on a conveyor belt and that he (the prosecutor) could not wait to get them off his workload. The family say they felt they could only take the prosecutor's advice - they did not know where to look for independent help.

They have since learned that, whilst on bail awaiting trial for their son's death, one of the defendants committed a second, very similar crime ...

The FLO asked if the family would like to know the progress of the defendant in this second crime.

L comments that their son's death was treated as nothing more than a statistic by the authorities. Yob culture is on the increase, with defendants getting younger and attacks more violent. When the punishment which results is so light, where is the deterrent?

The silencing of families of homicide victims in court means that the vicious act of murder is downplayed: no one is very bothered that a precious life has been taken.

An advocate for the family, alongside the victims personal statement, may have gone some way towards focusing on the reality, highlighting the fact that a young life has been brutally ended, a young man murdered - but, without punitive laws, how far does this go?