



## **“The Case of Stephen Downing: The Worst Miscarriage of Justice in British History.”**

Book review by Dr Mike Sutton (Dec 27<sup>th</sup>, 2019)

This book, published by Pen and Sword in 2019, authored by Stephen Downing, sets out the facts and its author’s opinions and personal insights surrounding his arrest in 1973, conviction for murder, 27 years served in prison and eventual release in 2001. Stephen’s conviction was overturned based on his confession to murder (as a 17-year-old, with the reading age of an 11-year-old) resulting from illicit police coercion/induced duress and from forensic blood splatter pattern evidence being unsafe. Downing also reveals that further key knowledge about the evidence that the murder victim, Wendy Sewell, was strangled prior to being bludgeoned was not revealed by the prosecution.

I find this most important book very difficult to review. When reading my review please bear in mind that these are simply my own idiosyncratic personal thoughts and reflections on how some of the information in this book enlightens me but how other information in it puzzles me. I am not even claiming that I am right to be puzzled and perplexed by some of the information and lack of further explanation. It is simply that I am. Readers of this review should buy and read the book for themselves to make up their own minds. I strongly encourage you to do so.

When reading a book of this kind, by its very title one perhaps expects to find everything needed to know the author was 100 per cent innocent of the crime. Instead, what I found is that the reader is given everything they need to know that the book’s author was most certainly 100 per cent unfairly convicted on the evidence presented. But without another perpetrator being proven guilty, it is impossible to know with any degree of probability that Stephen Downing is innocent of the crime. Such a conclusion, of course should not point the finger at Stephen Downing any more than anyone else in the general vicinity of the murder at the time, who could have done it. So, where does that lead me in this book review? It leaves me asking lots of questions, based on what Stephen writes, and that retired police officer Chris Clark writes in the book’s foreword, which perplex me. I explain why later in this review.

My main criticism of this important book is that anomalies and uncertainties of innocence raised by these perplexing questions are not answered. Moreover, the thoughts and beliefs of the police officers, expert witness, defence and prosecution lawyers, who effectively stage-managed Stephen’s subsequently overturned, unsound, conviction, are not included in the book, for the obvious reason that they would probably (if still living) not provide us with them. In short then, we are lacking essential data to reach any sound opinion, never mind data-led conclusions, on the question of why they saw fit to blame Stephen for this crime and to fit him up in court as the murderer, which, arguably, they effectively did. In short, why did they think he was guilty? Or, alternatively, perhaps they never cared about actual guilt or innocence? I don’t know. Maybe they did what they did for nothing more than personal police officer, expert witness and lawyer career development? Maybe they reasoned that a jury needed only to be convinced of Stephen’s guilt. Again, I just don’t know. What I do know is that these are telling questions to which we have no answers.

The other equally important, more precise, perplexing questions raised are numbered in what follows in this book review, with relevant page numbers provided:

1. On page 18 we are told that the local, Bakewell in Derbyshire, police officer PC Charlesworth took a dislike to Stephen Downing from the boy's earlier childhood. But why did he do that? Based on what? What is/are their relevant prior shared experience/s?
2. Why on Earth would Stephen's father believe his son has committed the crime of attacking an innocent woman from the outset and say he was proud of him for confessing to it? Stephen says that because his confession to attacking Wendy Sewell (who subsequently died of her injuries) pleased his father, he took two weeks to retract it (see page 117).
3. Did Stephen ever once before or else occasionally, regularly go home in his lunch break and do such things as ask his mother to buy him a bottle of lemonade, as he did on the day of the murder? If not, this could be taken as circumstantial evidence of possible fabrication of an alibi.
4. Did Stephen ever once before, occasionally or regularly go home to change his shoes/boots at lunchtime as we are told on page 13 that he did on the day of the murder? More so, were the boots he changed out of at lunchtime, at home, taken for forensic analysis? Were any of his shoes/boots/clothes – or anything else - taken from his home for forensic analysis? Did he tell the police about this lunchtime change of his dress boots into heavy work boots? This question is important because on page 24 we are told the pathologist's report said it looked like the victim had possibly been kicked in the head by heavy boots.
5. Why does the book hardly at all deal with what must have been innocent young man's years of sense of absolute outrage for being imprisoned for a crime he did not commit? Why would he say on his release (see page 120) that he does not feel any bitterness for Derbyshire Constabulary because they are today a different force? Why would he say "...let's just forget it"?
6. Does Stephen not realise that to write of considering "accepting the guilt" (page 66) to get parole is arguably not the best turn of phrase for an innocent man to use?
7. Stephen has been accused (but denies) making obscene phone calls by several different women. Is it usual for men innocent of this offence to be accused by several different women of doing this? See page 85.
8. We are told by Stephen that he has been wrongly accused of confessing to the murder by admitting to it to two prison doctors (see p. 116). Are there any known cases where prison doctors have fabricated such confessions?
9. Why does Stephen, who mentions it several times in the book, and why does the writer of the foreword to the book (retired police officer Chris Clark) not address the elephant in the room - regarding Clark's theory that the Yorkshire Ripper was the murderer? Said "elephant" being that Stephen writes on page 14 of being threatened by a male with a sharp object stuck in his back, as he tried to help the injured victim and that this same mysterious person threatened to attack Stephen's sister and then ran off and escaped by jumping over a wall. And that this mystery person, of tall athletic build with sandy coloured hair, was accompanied by another mystery person with a high-pitched voice, who might have been a woman.
10. Did Peter Sutcliffe, the Yorkshire Ripper, who was 5 foot 8 inches tall and with dark hair, ever somehow fit the above physical description? Is there any hard evidence Sutcliffe, who always claimed he acted alone, ever committed his murders with an accomplice?

To conclude, more data is needed, in my opinion. I am left with too many unanswered questions that I think should have been addressed in this most interesting and thought provoking book.