

Murder

The offence of murder is committed when a person of sound mind and discretion unlawfully kills any reasonable creature in being under the King's Peace with intent to kill or cause grievous bodily harm.

The Jury

A jury is made up of twelve people who are chosen at random to hear evidence and decide if the accused is guilty or not guilty. The prosecution must prove the defendant has committed the offence beyond reasonable doubt; a defendant does not have to prove his or her innocence. A defendant is innocent until proven guilty. Upon hearing all the evidence in a case, the jury retires to consider its verdict. A defendant may usually only be found guilty or not guilty (acquitted) when all twelve jurors unanimously agree.

Following a prolonged period of deliberation, a judge may accept a majority verdict. When this happens, combinations of 11–1 or 10–2 are acceptable.

Solicitors

Solicitors provide legal advice in different areas of law. They represent clients in the lower criminal courts and hire ('instruct') barristers for serious cases. Solicitors prepare paperwork, gather evidence, and assist the barrister.

Barristers

Barristers are specialist legal advisers and courtroom advocates. They advise clients on the strengths and weaknesses of their case and represent them in court. Some barristers act on behalf of the Crown Prosecution Service (CPS). They wear wigs and robes.

Most barristers practise from a set of chambers; this building is their professional home. Because they are self-employed, a barrister might prosecute in a case defended by a colleague from the same chambers.

The bridge between law school and practice is called ‘pupillage’: a twelve-month training period within chambers where a student (‘pupil’) is assigned to a mentor (‘pupil supervisor’, previously known as ‘pupilmaster’). King’s Counsel (KC) or ‘silks’ are elite barristers appointed by the King.

All barristers are subject to the Bar Standards Board Code of Conduct, a regulatory body that imposes the highest standards of ethics upon all advocates. Integrity, honesty, and confidentiality are at the foundation of every honourable barrister.

This is how the criminal trial system works in England and Wales.

But not always . . .

Prologue

The Accused

WHAT IS JUSTICE?

That's the question I've asked myself, repeatedly, over the past eight days.

Is it following the law to the letter? Or is it ensuring *real* justice is carried out, even if it means slightly bending the rules? Most people never need to think about it.

Would I class myself as a rebel? Yes, I suppose I would. A rulebreaker? No.

I know which rules I can twist without getting caught. But it's only ever been for the greater good. Selling this concept to a jury, however, is another matter. What they need to see isn't necessarily the 'truth', but whatever *appears* just. You think those are the same things, don't you? They're not. Especially in this case.

I know from experience that if jury members turn around to look at you when they enter the courtroom to deliver their verdict, you're about to be acquitted. If they don't, they're going to find you guilty.

It makes sense, I suppose. You wouldn't want to look directly into the eyes of someone you're about to send to prison.

A killer.

I've studied them all, sitting in the jury box to my left. Seven

men and five women. Together, twelve ordinary members of society will decide my fate, having listened to the gruesome evidence that has stained the air of Court 1 with its squeaky spring benches and windowless walls.

It's a modern courtroom, not like the old ones you see on TV. I imagine it was designed to feel spacious, going by the abnormally high ceilings and soft grey panelling, but, at the end of the day, it's still a room where people are forced to pay for their sins under the glare of fluorescent strip lights.

The prosecutor stands to address the jury for what will be his closing speech. He's one of those aggressive lawyer types – cocky, full of himself. Brash and arrogant. He kept me in the witness box for an entire day during cross-examination and acted as if he'd already won. There was no doubt in his mind that the evidence he placed before the jury was strong enough to convict me. He stood, leaning against the bench, arms folded as he fired questions like a machine gun. The temptation to punch someone in the face has never been stronger. I couldn't do that, though. I couldn't show any signs of anger whatsoever because, to the ordinary people watching, aggression would indicate I'm a murderer.

My barrister is the prosecutor's opposite. She is quiet but firm, clever with her tactics and cool under pressure. Personable. I've a feeling the jurors have warmed to her. I hope they have.

'Ladies and gentlemen,' the prosecutor says in a patronizing tone, gripping the lectern for additional gravitas. 'You've now heard all the evidence in this case, and it is time for you to reach your verdict. The defendant before you is accused of murdering Anton Smythe, a fifty-six-year-old Crown Court judge. It is alleged that on Friday, 6 September 2024, he was killed by the defendant after suffering a fatal blow to the head.'

'Now,' he goes on, adopting the sinister tone he's used

throughout this spectacle. ‘This trial has not been conducted free of drama. You will recall the defendant’s evidence was “colourful”, to say the least.’

Sitting in the dock, my eyes flick towards the jury. The man in the front row, who barely looks old enough to vote – I’ve named him ‘Young Hannibal Lecter’ – raises his eyebrows in a way he obviously wants me to see. ‘Sad Susan’ – who seems about to burst into tears any second – glances over to see my reaction. She looks very stressed. *I know how you feel, love.* I don’t move an inch – it’s not like I can smile at her.

‘If this trial has taught you anything, ladies and gentlemen, it’s that not everything is as it seems. One thing you *can* be sure of, however, is that this defendant is not trustworthy. The Crown rejects the preposterous tale offered by the accused. It is one of a fantasist. One of a liar. One of a killer. And in due course, I will invite you to return a guilty verdict.’

I remain silent as he bangs the nails even further into my coffin. While he runs through the evidence against me, I watch the jurors stare at him intently. The judge’s eyes scan the packed courtroom. Each day has been busier than the last. They’re all waiting to see: guilty or not guilty?

In a case like this, a jury starts not with a presumption of innocence, as they should, but with a presumption of guilt. The evidence against me is damning. The plan was always to sow a tiny seed of doubt in their heads, then water it and watch it grow.

Twelve jurors. Even if the majority are against me, all we have to do is plant enough doubt in at least three of their heads and they can’t convict me.

Three. That’s it.

Did it work? I’ll find out soon enough.

The official nature of everything, rehashed and retold in this

clinical setting, unsettles me as I sit imprisoned within the dock at the back of the courtroom.

As the prosecutor outlines the main pieces of evidence that ended Anton Smythe's life – which have led to my ruin – snapshots of that night flash through my head like a strobe light.

I see his body lying on the floor; you wouldn't have even known he was hours from death if it weren't for the delicate yet fatal trickle of blood coming out of his nose.

I knew then that everything would change. That I'd end up here.

My eyes scanned the room that night – 'the crime scene' – knowing every inch of it would be investigated. I'd been in the system long enough to know this was the calm before the storm. Everything I did from that second onwards would be scrutinized. Next time I saw the injuries, they would be in photos, only everything would look brighter because of the flash from the scenes-of-crime officer's camera. Rulers would be placed next to inanimate objects and take on names like 'the murder weapon'.

I thought I'd been so careful.

My downfall was the phone.

But what if all the evidence points towards you and it was more complicated than it seems? Are we just to accept you're either the victim or the killer and there's nothing in between?

That is not real justice.

The prosecution can tell whatever story they want, but I know what really happened. Don't get me wrong – it all got completely out of hand. When I think about the lies I've told, the people I've involved, the lives I've destroyed, I despise myself. But a life sentence for this wouldn't be justice.

I killed him, yes. But it wasn't my fault. I had to do it.

I never had a choice.

Part One

The Arrest

A jury consists of twelve persons chosen
to decide who has the better lawyer.

ROBERT FROST

I

Leila

Monday, 9 September 2024

126 days before trial

THE PARTY HAS already started by the time I arrive back at chambers.

Well, I say party; ‘sombre gathering’ is a more accurate description, given the circumstances of the last seventy-two hours. I don’t understand why he didn’t cancel it. Then again, coming together in times of crisis is something the Bar is incredibly good at.

Besides, Chester Vernon would never allow the murder of a Crown Court judge to come between him and a good drink.

The sound of low-volume chatter spills out of the chambers lounge into the corridor. It’s because of Chester – our illustrious, wildly eccentric, wine-loving head of chambers – that we’re known for boozy bashes. Any day ending in a ‘y’ has been used as a reason to party in the past. Today, though, is his fifty-ninth birthday. To have your absence noted would be professional suicide, and he’s not the kind of man you want to make an enemy of. While not technically our ‘boss’ – barristers are self-employed – he is our elected, professional leader. What he says, goes. Every set of chambers has one.

‘Chambers’ is a fancy word for ‘offices’, but you’re not allowed to call it that. Just another part of the tradition that comes with

this job. I did actually call it an office once, during pupillage, and heads turned. I never did it again.

I scurry into one of the conference rooms. Well, as quickly as you *can* scurry while pulling a wheely suitcase behind you that contains a wig, robes, and a load of heavy books. Even after all these years, it still gets caught on chairs, tables, and, on one unfortunate occasion, a condom display in Boots.

‘Leila!’

Poking my head out of the door, I see Chester beckoning me towards the lounge in the arrogant way a mafia boss might summon a waiter. God, I can’t be bothered with this tonight. I won’t be allowed to leave until I’ve had at least three glasses of wine. My icy blonde hair hangs down my back, untamed and wet from the rain. After five hours under a horsehair wig, it’s not looking slick. The last thing I want to do is parade myself in front of some of the most important people in the legal profession like a kind of bedraggled peacock.

‘Five minutes, Chester!’ I yell back, furious with myself. I should have gone straight home.

No sooner do I close the door than it’s thrown wide open again. I can tell by the way it’s done that it’s Jim, our senior clerk. He’s always in a rush to get somewhere. Jim runs at least four marathons a year and is in his late fifties but looks younger because all he eats is fruit and lean meats – and he likes to tell you about it.

‘Been waiting for you to get back. You going in?’ he asks, nodding towards the lounge. In his hand he’s clutching a thin brief, held together by pink tape.

Jim is responsible for getting cases in and distributing them to the barristers he thinks will be the best fit. Maintaining good relationships with clerks is vital if you want a healthy career. Thankfully, I get on with mine.

‘Not really in the mood,’ I tell him. After a long day in court defending a man accused of sexually assaulting his daughter, I have a banging headache.

‘Great result today.’ He smiles, alluding to the acquittal I secured for my client. ‘Already had the solicitor on, singing your praises.’

‘Really?’

‘Said you were hypnotic to watch.’

‘Hypnotic?’ I repeat, delighted. ‘I’ve never been called that before.’

Jim knows how excited I am to hear this. It’s been so difficult to carve out a name for myself.

‘And . . .’ he says, pausing for dramatic effect, leaning against the oak bookshelves that spread across the wall, ‘you’ve received a quote in the Legal 500.’

‘Oh my god. Are you joking?’ I squeal, before immediately clawing it back and composing myself.

Jim loves it when one of his barristers makes it into the Legal 500. It’s a professional guide for clients that ranks sets of chambers. If you impress the right people, they single you out with a glitzy quote that can do wonders for your career. At thirty-six years old, this is a long time coming, given I’ve been a criminal barrister for thirteen years.

‘What does it say?’ I ask, urgently.

Peeling a neon pink sticker from the brief in his hand, he peers through the glasses perched on the end of his nose. His short, silver-white hair sticks up at peculiar angles.

‘Leila Reynolds executes intuitive style and is an exceptional jury advocate. She approaches cases with a forensic eye and has a very clever way of interpreting evidence. Future bright star and KC in the making.’

It feels surreal, hearing those words describe me. Being professionally recognized is so important and this is the highest form of it.

‘Who nominated me?’

He knows why I’m asking.

‘I don’t know,’ he replies, fiddling with an elastic band from his trouser pocket.

‘Can you find out?’

‘I can try, but it’s not always possible,’ he says sternly, letting me know he will not be taking my request any further. ‘This is fantastic news, Leila. Take it for what it is. The opportunities it’ll send your way. You’re an exceptional advocate – I’m hearing great things. Someone has obviously recognized that.’

He normally calls me Miss Reynolds, only ever calls me Leila when he’s gone into ‘dad mode’, which I never really mind. Despite the fact that Jim is a clerk, I have more in common with him than the other barristers. We both come from working-class backgrounds around Newcastle. He has a thick Geordie accent, similar to mine. I’ve been advised to ‘water it down’ over the years, but I refuse to get rid of it. I’m fiercely proud of my roots and have always found clients and jurors relate to me more than my privileged colleagues because of it.

‘You’re right.’ I smile at him. ‘I’m grateful.’

‘Anyway, I’ve got a new brief for you. Came in an hour ago. Client was very specific that he wanted you and nobody else.’

He holds the brief out towards me, and I take it.

IN THE CROWN COURT AT NEWCASTLE

R v Millman.

That’s all it says on the front. When you’ve represented as many people as I have, most of the names blend together. Some spark

recognition, but you can't connect them to a face. Others, you don't forget.

Like this one.

'Are you going to bloody look at it, or what?' Jim asks. I pop the bow on the ribbon and open the brief. A chill radiates through my body when I see the full name.

Both of them. On the *same* indictment.

I read the instructions from the solicitor:

PARTICULARS OF OFFENCE:

On Friday, 6 September 2024, JACK MILLMAN allegedly murdered ANTON SMYTHE. He gave a NO-COMMENT interview and appeared at Durham Magistrates' Court on Monday, 9 September for a first hearing. Proceedings will be transferred to Newcastle Crown Court and counsel is instructed to defend hereafter.

There's hardly anything to the brief, but there wouldn't be at this stage. It's flimsy, fewer than ten pages.

The murder of His Honour Judge Smythe on Friday night sent shockwaves through the legal community. News spread on Saturday afternoon after his wife told close friends, and information like that doesn't remain secret for long.

At first, people speculated it must have been a tragic 'wrong place, wrong time' type of incident, but as more details emerged, it seemed increasingly unlikely.

'Leila?'

I realize I'm staring at the paper and that my heart rate has increased. I'm used to the adrenalin that comes with the job, but this is on another level.

‘You want me to *lead* a murder trial?’ I ask. The words sound ridiculous coming out of my mouth. I feel embarrassed saying them. ‘I can’t. I’m not a KC. I’ve never gone near a murder before. I’ll have to return it. I’m not doing it.’

‘Don’t freak out,’ Jim says, calmly, as if he were talking to a toddler who’s just realized they were riding a bike without stabilizers.

‘I can’t just defend a murder trial. And not *this* one! The murder of a judge! If it goes wrong, I’ll look completely incompetent, and I’ve no chance of winning. Why do I have to do it?’

‘Because Jack Millman specifically asked for you to represent him. Cab-rank rule, Miss Reynolds – if a client wants you to represent them, you can’t turn them down unless you’re not qualified for the case. I’ve spoken to Chester; he thinks you are.’

‘Does he?’ I frown but am secretly delighted Chester believes I can pull off something like this.

‘I understand why you’re worried,’ Jim says in his ‘dad voice’. ‘The last time you represented him was . . . problematic.’

As understatement goes, it’s a big one. I represented Jack Millman five years ago for assault, and that case made me question everything – the law, the system, whether I should even do this any more.

‘But you’re more experienced now,’ he goes on. ‘And you must have done something right because he wants you again. I thought you’d be pleased. Big, juicy case. Something like this will throw you into the legal stratosphere. You heard the quote: “future KC”. You could be, after this.’

‘It’ll be messy,’ I tell him. ‘I can feel it.’

‘Well, he also “doesn’t trust barristers” apparently, just to add that to the mix.’

‘Sounds like him.’ I sigh. ‘Who’s the solicitor?’

'Jessops. Davina called me about it this afternoon. She's content for you to defend.'

This, in itself, is a red flag.

Jessop Solicitors is the biggest firm in Durham. Run by solicitor husband-and-wife team David and Davina Jessop; they get all the big, dubious cases, and always advise their clients to answer no comment in interview. If you're represented by them, there's always more to the story.

'OK, so which barrister is prosecuting it?'

He attempts to phrase something several times before coming out with 'That's the other tiny little thing I need to mention.'

I know exactly what he's going to say.

'Tell me this is a joke, Jim.'

He doesn't reply. He screws up his face, pretending to be sorry, but – make no mistake – he's relishing the drama.

'Jim,' I say, perching on the edge of the desk and pushing my fingers hard into my temples. 'Please don't tell me my first murder trial is going to be prosecuted by Julian. He taught me everything I know.'

Not Julian, *please* not Julian. My pupilmaster, the best barrister in chambers, the one who trained me, nurtured me. The most feared prosecutor on our circuit.

And my husband.