

Contrasting the Circumstantial Evidence

As a result of Kevin purchasing the BMW in the week leading up to the murder of Magill; a piece of circumstantial evidence was relied on by the prosecution who alleged the car was funded by part of the funds that Kevin received as payment for murdering Robert Magill.

Kevin denied that he had bought the car from part of the payment for murdering Robert Magill and that it was merely a co-incident that he bought this particular car in the week of the incident. It was further confirmed during Police interviewing Kevin that a Ford Cosworth had been stolen from Kevin's house on the evening of 4/5th October; and that the police were aware that Kevin had purchased a number of BMW's in his lifetime. Kevin has bought similar cars on a regular basis and drove them for a while before spending further money on them and then selling them on for a profit.

Mr Cox a witness for the Crown confirmed in evidence that Kevin had owned several flashy sports cars at the same time in April of that year, and that he always dealt in cash. Also in the police unused evidence it is recorded that Kevin had purchased cars from Perry's Fords Motor company in the same year.

The fact that Kevin arranged to purchase this car on the 10th October and would have tested it and collected it before the 13th October because this arrangement had suited the seller supports his refutation that the car was purchased from the payment for murdering Robert Magill.

The senior investigating officer was Mr Spackman. He was involved in obtaining much of the relevant material in the case. He was responsible for and controlled the nature and extent of the investigation and disclosure of its results.

Kevin was pressing for the return of material which would demonstrate that he had other finances. Such material was not returned.

There is a substantial amount of correspondence on the file of Kevin's solicitors chasing disclosure. We cannot escape from this general proposition that Mr Spackman has demonstrated that he is not to be trusted. There are indications that he will seek to manipulate people and documents to achieve his ends. This is a case which depended on circumstantial evidence.