

Spackman's visit to Tenerife after the first trial

Kevin's activities whilst in Tenerife were an important part of the case. The Crown's suggestion was that the contract to kill the deceased may have been made shortly before the murder. It was Kevin's case at trial that he did, in fact, have money. At trial, Owen Cleary was called to say that he kept Kevin's money in his safe, and had on numerous occasions as well as the following two occasions, sent money to Kevin (once through Barclays Bank to a Mr Patel's bank in England, who then paid Kevin from businesses in Tenerife, and once through Thomas Cook) to the total of £13.000

However it came about, the important thing is this: it was true that Kevin had access to money (from England) before the murder and this undermines the inference invited by the Crown, that Kevin had received payment for carrying out the murder of Magill.

After the first trial, Mr Spackman arranged for the police to fly out to Tenerife and make inquiries about Kevin, his finances and life style. Further, he spoke on at least two occasions, concerning the financial transactions to the Patel's in Tenerife and to Michael Sillett. Despite these investigations, Mr Spackman failed to disclose anything to the defence. Additionally; there were no bank transfers to Kevin, alleged by the Police because they were lost, (there was an admission at trial to this effect).

However, through investigations we have learnt from Mr Sillett that he was indeed spoken to by Spackman, and he confirmed to him transactions, one to the sum of £4.000 to the Patel's that he arranged to be paid into the Patel's bank account in England. This evidence was given by Kevin during the course of the trial, Judge Dennison remarked in his summing up that there had been no proof of this transaction at page 30.

To be considered of course, are the facts which the jury are entitled to draw opinions from which they are sure about. It need hardly be said that if, in any situation the absence of information regarding events in Tenerife are that it precluded Kevin from providing the jury with material which would have proved he had sufficient funds.

Mr Spackman went to Tenerife to carry out investigations; therefore, he had disclosure obligations to fulfil. The fact that he was accompanied is also irrelevant. He managed to pursue a significant fraud without being detected for some time in the police force.

(Amber Darlington) Kevin says that he would have wanted Ms Darlington to give evidence to confirm in May of 1994, the week he flew to Tenerife, he was placed as was normal with comfortable amounts of money and life style to the same. He further says that Ms Darlington was witness to a friend bringing him a further £3.000 when his funds ran low, collected from Owen Cleary, demonstrating that Mr Cleary held Kevin's money at least six months before the inquiry, and whilst Kevin was in England.

Amber Darlington states in her statement a number of interesting facts; Ms Darlington said whilst Kevin was with her he did quite a lot of shopping in quite expensive shops, and spent quite a lot of money. He was never mean with his money. Whenever he took Ms Darlington out he would always pay for everything, including her holiday to Tenerife, she never paid for anything at all. Kevin was obviously use to money; he had that kind of confidence that comes with money, without being over the top with it. He did not seem affected by it; he seemed genuine and down to earth.

Further, Ms Darlington goes on to say that a few months after Kevin was arrested the police went to her house to interview her. Ms Darlington felt suspicious of them; their line of questioning was strange. They kept saying something and she had to say no it's not like that, and she had to alter and initial parts of the statement.

Kevin's incarceration prevented him tracing the Patel's directly; however phone records from Kevin's home, list calls to a Barclays Bank in England, believed to be the Patel's bank, and also to Kevin in Tenerife immediately after the first call. These calls were made by Kevin's partner to confirm the money had deposited.

Kevin cannot understand why the CCRC are reluctant to investigate this area of the case, even more so when it would be relatively easy for them with the information supplied above.

Mr Spackman was the case disclosure officer, the officer in charge of the case and the day to day running of the same. Mr Spackman has deliberately withheld material in many areas of the prosecution case, denying Kevin the right to a fare trial.

It is worthy to take into consideration the Memorandum of Thomas Brownlow dated 06/03/95, supporting our suspicions material has been withheld on a number of witnesses, to name one; Amber Darlington. The CCRC have confirmed that the Surrey police interviewed Amber Darlington on the 22nd February 1995.

The CCRC would have seen Ms Darlington's evidence proving material has been withheld. Further it is not for the CCRC to place themselves in the domain of the jury and guess what the jury would have thought had Ms Darlington given evidence, or to the nature and line of her evidence had Kevin's defence been able to call her.

Kevin was asked if Amber Darlington was her real name. Kevin complains about this nature of questioning and argues it was wrong of the prosecution counsel to ask him this when the Crown was aware that Ms Darlington existed and had given a statement.