

11 June 2024

Preliminary instructions to the Jury

Tuesday, 11 June 2024

[Redacted]

(Jury sworn)

(3.28 pm)

CLERK OF THE COURT: The defendant Lucy Letby stands charged on an indictment of attempted murder. The particulars are that she, on 17 February 2016, attempted to murder [Baby K]. To this indictment, she has pleaded not guilty. It is your charge to say, having heard the evidence, whether she be guilty or not.

The remaining members of the jury panel, please return to the assembly point with the usher. Any witnesses in court, please leave.

MR JUSTICE GOSS: Just so far as those members of the panel who have not been selected to sit on this jury are concerned, thank you very much for attending and engaging in the process that has taken place. It's been rather a convoluted process, but it has been necessary to go through it in this way. You will obviously not be required to carry out any duties in relation to this case, but your obligation as potential jurors remains.

The jury officers will tell you what duties lie in store for you.

But may I just say this: you obviously know that this trial is going to be proceeding during the course of the remainder of your jury service and you may see people to whom you've been speaking, I don't know whether any of you have been speaking to each other, but you may recognise some of the people who are jurors in this case.

I will be giving them very strict instructions not to talk to anyone about this case and I'm saying that to you as well, so don't try to engage in conversation with them about anything to do with this case, or indeed any case that you are trying. You can talk about anything, but nothing to do with the respective cases. Do you understand that? It's really just a further instruction that I gave you yesterday along the same lines as what I said yesterday. Thank you very much indeed. It's greatly appreciated and I'm sorry you've been inconvenienced, but it's all for a purpose to ensure there is a random selection of people who are able to serve as jurors in this case. Thank you very much indeed.

(Pause)

(In the presence of the jury)

MR JUSTICE GOSS: You are now the jury in this case. As you know, this case is expected to last some weeks, a few weeks, but not a great number of weeks. We will not be sitting on Friday of this week on this case. We will be sitting tomorrow, Wednesday, and Thursday, but we will not be sitting on Friday. Tomorrow morning I shall give you each a sheet of paper with days when we will not be sitting, either on that day or for part of that day, so that you know what the situation is and you can make plans in relation to those days when you are not required to be here at court.

Court sitting hours or from 10.30 in the morning until about 4.15, and certainly no later than 4.30 in the afternoon. There will be a break of around 1 hour and 10 minutes at around 1 o'clock for people to get refreshment and fresh air if you so wish. We know that life outside court continues during the duration of your jury service and I will accommodate any booked medical or other important commitments that any of you may have.

But otherwise, you are expected to be here on each day that the court is sitting at the time that I say the court is sitting the next day; I will confirm the time of the sitting of the court on the previous court day.

There will be weekends, obviously, when you will not be required here at all.

If during the course of the case anything occurs that prevents you being at court when you are expected to be here, please ring the court and inform us.

Similarly, bring any other problems to the attention of the court usher as soon as possible should any problems arise in relation to your not being able to be here at a time that you are expected to be here and they will be passed on to me. As you will appreciate, unless each one of you is here the trial cannot proceed. You are a jury -- you will be in the end a jury of 12, you are 14 at the moment, but we cannot proceed until all 14 of you are here tomorrow, and thereafter the 12 of you who are the jury are here to continue. But as I say, no one knows what happens in the future and sometimes unforeseen emergencies occur and they will, I assure you, be accommodated.

You know from the questionnaire that you completed yesterday that the defendant, Lucy Letby, is to be tried on one count of attempted murder. You also know that, at a trial that ended

almost a year ago, she was convicted of having murdered a number of babies and attempting to murder a number of other babies.

Your task in this case is to determine, on all the evidence that is placed before you and on nothing else, whether she attempted to murder another baby called [Baby K] during the period when she was found to have murdered or attempted to murder other babies.

Mr Johnson King's Counsel, who together with Mr Driver, who sits behind him further from you on counsels' benches, will outline the evidence you will hear from the prosecution in relation to the alleged offence tomorrow.

Let me explain to you what our respective roles are in this trial. You will try this case, I repeat, on the evidence that is placed before you. You are the sole judges of the facts. You will decide what is and is not truthful and reliable evidence and the conclusions you draw from your assessment of all the evidence. It follows from this that you and you alone have the responsibility of reaching a verdict in this case.

The law is my responsibility. I will deal with all issues of law and give you directions in writing as to the law that you need to know and apply at the conclusion of the evidence and before counsels' speeches to you on that evidence. Those directions, as I say, will be in writing, they will be straightforward, so please do not be apprehensive about any possible legal complications, there are and will be none.

If during the course of the trial an issue of law arises requiring my ruling, I will ask you to leave court and I will deal with it. In front of each of you there is a document entitled "Your legal responsibilities as a juror". I am holding up my copy.

It may be underneath another document that you have there.

If any of you have served on a jury before, you will be aware of your responsibilities as a juror and you will have been told what some of them are in any event in the briefing before you came into court. This document is a vital reference point for the dos and don'ts in relation to your service as jurors in this case.

When we break off shortly, because it will be the end of the court day by the time I've finished, I'm going to ask you to take this document home with you and read it as soon as you possibly can so that you know what your responsibilities are. It's set out very clearly and simply and it is, as I say, a reference document and you should keep it with you at all times

when you are engaged in performing your jury service in this case. In other words, bring it with you each day, take it home with you each day, and if something arises and you know the answer lies in here, refer to it.

I'm not going to go through that document with you now because you can read it in your own time at your own leisure, but I shall explain and highlight some of the most important rules that you must follow.

As I've already said, you try the case on all the evidence placed before you during the trial and your assessment of it and nothing else. If you read or hear any reports of the case in the media, remember it is only a selective report or only part of the proceedings.

You hear and consider all the evidence and you decide what is relevant and what importance to attach to any piece of evidence.

It is highly likely that you knew something about this case last year when the verdicts were announced in it. That is something that we accept you will know about, but you must bear in mind that you are going to make decisions based on the evidence that is placed before you during the course of this trial and not what you may have read or heard about in any media reports in relation to the last trial. Do I make myself clear in relation to that? I see you are all nodding.

You must not seek any information or conduct any research over the internet or in any other way about anything to do with this case or anyone involved in this case, the law or trial procedures. In other words, you don't carry out any research about anything to do with this case. If you were to do that you would not be trying the case on the evidence that's been put before you; it's as simple as straightforward as that. The whole integrity of the jury system depends upon you adhering to these directions so that we know and the defendant who you are trying knows that you have been told that you must not do these things and you should not do these things.

Do not talk or communicate in any way, including by social media or messaging, to anyone, and that includes a family member or a friend, about the case or anything to do with it until it is all over. When you get home tonight and you see a family member or a friend you're bound to be asked the question that you were probably asked last night by at least someone about whether you'd been selected to serve as a juror on any trial. Simply say, "Yes, I am serving as a juror on a trial but I cannot tell you anything about the case". If they are persistent say, "The judge has instructed me that I must not talk to anyone about this case".

Because the integrity of the jury system depends upon you faithfully trying cases on the evidence and nothing else, if you break that direction you will be committing a criminal offence. It's all set out in here (indicating) and you may have known about it already.

Almost certainly, as a consequence of that, the trial would have to be aborted, it would all have to be started again before a fresh jury and, more importantly, you would have committed an offence and be liable to be punished by imprisonment. I don't want to sound threatening, but I'm simply seeking to reinforce the importance of you adhering to the instructions that I am directing you upon now and as set out in this document.

When the trial is over, you may discuss the case with anyone but not before, except you must never discuss or reveal to anyone what was said or done by you or any jury member when you were engaged in your room deliberating on your verdict; that is a lifelong prohibition. So you take it with you for the rest of your life not to talk about anything that was said by you or anyone else when you are deliberating on your verdict in this case. You can talk about the process of the jury trial, your experience of it, but not about that. Do you understand that? It's quite simple and it's to maintain the sanctity, essentially, of jury deliberations.

If anyone tries to speak to you during the trial about the case or to seek to influence you, you must tell the court immediately. If you are not at court or near to court when that happens, you should call the police and tell them and explain the situation to the police, who will notify me and the court about the matter.

You act as a collective group and ensure that each of you obeys the rules. If any one of you thinks that the rules have been broken, you must tell the court immediately and do not discuss the matter with anyone else including fellow jurors. All right? It is an important principle of our jury system that what this is discussed in your room or between yourselves is private and certainly we don't wish to hear anything about it. However, in the exceptional event of something happening or being said that is a cause of real concern to one or more of your number, then please let me know straightaway, or as soon as possible, by sending me a note via the court usher and I will deal with it immediately. Don't wait until the case is over and then raise it because, of course, by then the matter is out of my hands and I can't deal with it.

All these rules are largely no more than common sense, as you'll appreciate, common sense and fairness, which are the touchstones

of the jury system. Please don't think I'm anticipating any such event, I'm not, I'm simply telling you what the procedure is in relation to it. So remember, jury notice, read it as soon as you can, absorb the information and keep it with you as a reference document for the duration of the trial.

As I have said, I will give you all the necessary legal directions at the conclusion of all the evidence as to the law you must apply. I'll tell you of one now and I will repeat it later and it is one of which you are probably all aware: anyone accused of a crime is innocent until proved guilty. It is for the prosecution to prove guilt by making you sure of a defendant's guilt, and in this case I'll tell you of what you must be sure to return a guilty verdict of attempted murder.

You know that the defendant has already been tried by another jury. You are to try the defendant in this case on a charge of attempted murder, upon which that jury could not agree and were discharged from giving a verdict. I repeat, it will be for you to decide in this case, on the evidence that is placed before you, as to whether the defendant is guilty or not. All right?

So that is simply explaining to you why it is you are trying this defendant on a single count of attempted murder.

Unless there is anything that counsel wishes to raise with me -- there isn't -- that is it for today.

It's a little bit earlier than normal, but the next stage in the process is for Mr Johnson to explain to you what this case is about, introduce you to it, and that will be the beginning of the trial process proper. But bear in mind, save for when he's referring to direct evidence in his opening, it will be what he says to you, unless it is actually evidence itself that is essentially agreed or provable evidence because it's documentary evidence or film evidence, then it'll be your assessment of all the evidence that is important.

But it's just so that you know what's coming and you can understand how the case is being put.

When he has completed that address, Mr Myers King's Counsel will address you on behalf of the defendant, just with a short opening address, explaining what the defendant's case is in relation to this count, so that you have from the very outset before you hear the evidence, the respective positions of the prosecution and the defence. All right?

I hope that's all been straightforward. Don't feel daunted by your task. Jurors up and down the country are making important

decisions in countless cases and this is obviously one such case as well.

Could you then, please, be ready to come into court at 10.30 tomorrow morning? 11 o'clock, I'm sorry.

There we are, already I've made a mistake. 11 o'clock.

There's another commitment that has to be fulfilled, but it will be from 11 o'clock tomorrow until about 4.15 tomorrow. Then it will be from 10.30 to about 4.15 on Thursday. We are not sitting on Friday. As I say, I'll give you actually a list of dates into the future when it is known that we will not be sitting all day or not at all on one day or any part of a day.

I can tell you now on Monday, for argument's sake, we will not be starting until probably around midday, but I'll confirm that, for a good reason. All right?

I'll confirm that before the end of this week, obviously, before the end of Thursday.

Right. Thank you very much indeed. Remember those instructions. As I say, you've got this document, which sets it out clearly and simply for you. Digest that material and I'll see you at 10.30 tomorrow morning.

Thank you very much. The usher will now take you away from court.

(In the absence of the jury)

MR JUSTICE GOSS: Mr Myers, as far as the defendant is concerned, do you wish to go and see her?

MR MYERS: Yes, I do, please, my Lord.

MR JUSTICE GOSS: Presumably you've been communicating with the staff.

MR MYERS: We're grateful for their assistance.

MR JUSTICE GOSS: They'll know what the arrangements will be in relation to that. Thank you very much.

You understand, Ms Letby, Mr Myers -- is Ms Clancy going down with you as well?

MR MYERS: I anticipate, my Lord.

MR JUSTICE GOSS: They'll come down and see you.

(3.49 pm)

(The court adjourned until 10.30 am on Wednesday, 12 June 2024)