

**The truth, the whole truth and
nothing but the truth: or trying to
make sense of *The Woman in White*
without hearing from Count Fosco**

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The Moonstone, by Wilkie Collins

‘Can you guess yet,’ inquired Mr Franklin, ‘who has stolen the Diamond?’

‘Nobody has stolen the diamond,’ answered Sergeant Cuff.

We both started at that extraordinary view of the case, and both earnestly begged him to tell us what he meant.

‘Wait a little,’ said the Sergeant. ‘The pieces of the puzzle are not all put together yet.’

The Woman in White, by Wilkie Collins

‘What do you demand?’

‘In the first place, I demand a full confession of the conspiracy, written and signed in my presence by yourself.’

‘Let us say that I meet your proposal – on my own conditions... First condition! Madame Fosco and I leave this house when and how we please, without interference of any kind on your part. Second condition!... You wait here till my agent places that letter unopened in my hands, and you then allow me one clear half-hour to leave the house...’

...I determined to be guided by the one higher motive of which I was certain, the motive of serving the cause of Laura and the cause of Truth.

‘I accept your conditions,’ I said.

Conversation between Count Isidor Ottavio Baldassare Fosco and Mr Walter Hartright.

(Vintage Books, 2007)

R v Shafiq Khan, Nazeer Khan and Maskeen Khan [2010] EWCA Crim 1692

26 May 2008 – an incident occurred involving 2 groups, between whom there had been ‘considerable ill-feeling’ for some time.

Prosecution case: A large group of men went to the house of Shafiq and Nazeer Khan on a ‘revenge attack’. As the group retreated, a VW Golf drove up. Inside were Zahoor Hussain, Mohammed Ravat and Shoaib Khan. Shoaib fired several shots from a handgun, towards the house.

The VW then reversed away, into a wall. It was attacked. Shoaib was stabbed fatally and Hussain received 2 penetrating stab wounds to his back.

Defence case: all 3 accused were in the house. In the course of the attack, they went out and back in. They were not involved in the attack on the crashed car.

Shafiq, Nazeer and Maskeen were all subsequently convicted of wounding with intent to cause grievous bodily harm. Shafiq and Nazeer were also convicted of murder; Maskeen was convicted of manslaughter.

Shafiq and Nazeer appealed against their convictions, to the Court of Appeal.

- Pre-trial, the Prosecution had indicated that they would seek Witness Anonymity orders for 8 eyewitnesses. At trial, they limited their application to one witness, having decided not to call the other 7.
- The surviving occupants of the Volkswagen Golf: the Court ruled it was not unfair for the Prosecution to refuse to call or 'tender' Hussain and Ravat, having concluded that they were telling obvious lies about themselves and the deceased.
- Although the defence *could* have called H and R, 'no competent defence counsel would have done so.'

‘Counsel were not able to place before us any material suggesting that there might be some crock of gold or even baser metal at the end of this particular rainbow.’

‘In the absence of agreement...the evidence may have to remain incomplete. That, it seems to us, is an acceptable consequence of an adversarial procedure.’

Maurice Kay LJ