

IN THE NOTTINGHAM CROWN COURT

R
v
MICHAEL STONE

ADMITTED FACTS

The following facts are admitted without further proof, under Section 10 of the Criminal Justice Act 1967.

BACKGROUND

- 1.1. Dr Linda (Lin) Russell nee Wilcox, was born in the Midlands on 13th April 1951. She was a highly qualified geologist and university lecturer. She was an independent and confident woman. She met her husband Dr Shaun Russell (who was a few months younger than her) in about 1973. They married in this country in 1975 but spent the majority of the following sixteen years until 1991 abroad. Their daughter Josephine (Josie) Alice Russell was born on 28th March 1987 and her sister Megan Elizabeth Russell was born on 15th August 1989. After the birth of the children Lin Russell concentrated on looking after the family. In 1991 the family returned to the United Kingdom and took up residence in a house they had bought in North Wales. In April 1994 Shaun Russell obtained employment as a lecturer at the Durrell Institute of Conservation and Ecology at the University of Kent in Canterbury. The family home in North Wales was eventually sold and in the late summer of 1995 they all moved into Granary Cottage, Nomington, Kent. Josie and Megan attended their local primary school at Goodnestone from September 1995. When Lin, Josie and Megan were attacked on Tuesday 9th July 1996 their ages were respectively Lin 45 years; Josie 9 years and Megan 6 years.

POST MORTEM EXAMINATIONS OF LIN AND MEGAN RUSSELL AND ASSOCIATED FURTHER SCIENTIFIC EXAMINATIONS

2.1 The pathologist, Dr Gibson visited the scene in Cherry Garden Lane on 10th July 1996, to view the bodies in situ and later the same day carried out post-mortem examinations on both Lin and Megan Russell at the mortuary of Kent and Canterbury Hospital.

LIN RUSSELL

2.2 Lin Russell, who was 5'3" tall, was dressed in a brown T-shirt, light coloured trousers, knickers, blue socks and white tennis shoes. The right shoe had the lace missing. Her clothing and personal items were itemised as AGG/6 to 15.

2.3 Subsequent scientific examination of her trousers (AGG/12) confirmed that they were heavily bloodstained and also bore grass and soil staining on the lower front of both legs and in a number of places on the back. Sample stains were grouped and were consistent with having come from Lin or Megan Russell.

A single hair recovered from the trousers was not microscopically consistent with having come from Lin, Josie or Megan Russell or the defendant.

Subsequent mitochondrial DNA analysis of the hair indicated that it may have originated from the same source as one of the hairs recovered from the sole of one of Josie's jelly shoes.

2.4 Her brown T-shirt (AGG/15) was heavily bloodstained, particularly to the upper front and back. DNA analysis was done and the results were consistent with the blood having come from Lin. A single hair recovered from the T-shirt was not microscopically consistent with having come from Lin, Josie or Megan Russell or the defendant. No mitochondrial DNA was recovered from the hair.

2.5 A watch with a broken strap was in the right pocket of her trousers (AGG/10) as were two marbles (AGG/11). A necklace was around her neck (AGG/14).

2.6 Her left shoe was laced (AGG/7). The lace (AGG/2) from her right shoe (AGG/6) was wrapped twice around her right wrist and secured with a slip knot. A brown knitted hand band was entrapped under the loop (AGG/1). Subsequent scientific examination of the shoelace revealed that it was 79.5 cm long and that bloodstaining on it was, on DNA analysis, consistent with having been Lin Russell's. There was a ligature mark on the

wrist underlying the lace.

2.7 Her face was markedly blood stained and a strand of blue fabric (AGG/3) was partly inside her mouth. Similar threads were found associated with a twig on the left arm (AGG/4) and on the right hip (AGG/5).

2.8. There were numerous severe and extensive external head injuries :

- 1) a triangular shaped laceration, 2 x 1.5 x 1.5 cm, on the left temple just above the outer end of the left eyebrow;
- 2) a near circular laceration, 1 cm across, on the left temple midway between the left ear and left eyebrow;
- 3) a laceration 2.5 x 1.5 cm on the left temple just above and behind wound 1);
- 4) a laceration, 2.5 x 0.3 cm on the midline extending back from the hairline directly above the nose;
- 5) a complex laceration, 4 x 3 x 5 cm, near to the top of the scalp above the left ear;
- 6) a further laceration, 3 x 0.2 cm extending nearer to the midline by wound 5);
- 7) a split skin laceration 2 x 1 cm on the summit of the scalp;
- 8) a near semi-circular laceration, 4 cm across, high on the scalp behind the left ear just behind wound 5);
- 9) a semi-circular laceration about 4cm above the left ear;
- 10) a circular laceration, 0.3 cm, just above the left ear and just below 9);
- 11) a laceration, 2 x 0.5 cm behind 8) behind and above the left ear;
- 12) a near circular laceration, 1cm across, on the scalp over the back of the head;
- 13) a laceration, 3 x 1 cm on the back of the right side of the head;
- 14) a laceration, 2 cm across, on the left ear lobe which extended by bruising to a further laceration just above the left temple / lower jaw bone joint;
- 15) a complex of six lacerations on the back of the left ear over an area 3 cm across.

2.9 The scalp underlying the injuries listed in 2.8 was extensively and deeply bruised.

There were in addition many extensive fractures to the skull summarised as follows :

- 16) extensive fractures to the area above and adjacent to the area above the left ear, in particular a circular depressed fracture, 2.5 cm across, which was associated with adjacent linear fractures forming a flap of bone with sides about 4 cm long;
- 17) a linear fracture extended from the area described in 16) across the skull vault on top of the head and on down to the area above and adjacent to the right ear;
- 18) a further fracture of the right lower back of the skull which extended into the area described in 19) below;

- 19) further fractures to the right temporal bone;
- 20) Massive fractures of the left temporal bone.

2.10 The brain had been extensively disrupted and was nearly severed at its root.

2.11 Her injuries below neck level were not major or life threatening and consisted of:

- 21) fracture dislocation of the first bone of the right little finger;
- 22) minor abrasions to the area below the left rib cage,
- 23) bruising to the side of the right arm,
- 24) minor abrasions and a small laceration on the back of the left lower arm and a 5cm long laceration on the middle of the lower left arm.

2.12 In the opinion of the pathologist death was occasioned by a sustained severe repeated and vicious assault about the head the only possible defence injury present was the fracture of the right little finger - although this could have been a stamping injury whether intentional or accidental. The ligature about the right wrist suggested that the assault occurred while Lin Russell was tied, the free larger loop of the ligature being of a size appropriate to have been around the left wrist and which may have slipped off the left wrist as she fell into the position in which she was found, or been slipped by her when she was assaulted. Her head had been subjected to at least fifteen severe blows from a blunt instrument, part of which had a circular face with a diameter in the order of 3 cm. such as a hammer or end of a pole, which had caused extensive lacerations and bruising, at least nine fractures of the skull and considerable disruption of the architecture of the brain which caused her death.

MEGAN RUSSELL

2.13 Megan Russell was dressed in a red pullover bearing a 'Goodnestone School' logo, a blue and white checked dress, white petticoat, white pants, white socks and sandals (AGG/37 to 40, 43 to 46).

Subsequent scientific examination revealed:

- a) Her red pullover (AGG/43) and dress (AGG/44) were both heavily bloodstained, particularly about the neck area. A sample bloodstain from the dress matched the STR profile of Josie Russell, but others matched Megan's.
- b) Her petticoat (AGG/45) bore a number of blood stains front and back.

2.14

Megan Russell's external head injuries consisted of :

- 1) a semi-circular laceration, 4 x 1.5 cm, about 2 cm from the right ear;
- 2) a semi-circular laceration, 3 x 1 cm, half way between the right ear and the top of the scalp,
- 3) a near circular and near complete abrasion, 3 cm in diameter on the right side of the scalp above the ear and behind and between 1) and 2), beneath which was massive part compound fractures of the same area of the underlying skull;
- 4) a laceration, 2 x 1 cm on the left side of the scalp, above the left ear ;
- 5) a laceration, 1 x 0.5 cm, just behind the left ear area and just below 4),
- 6) diffuse bruising 10 cm across on the left side above the ear, which also included the ear borders and was associated with areas 4) and 5).

2.15

There was extensive fresh bruising to the deep surface of the scalp.

2.16

There was a massive part-circular compound fracture to the left side of the skull above the ear, 7 cm across and 8 cm long, which extended through the frontal bone across the skull to the area above the right ear. Brain tissue showed through the fracture and there was associated bleeding under the skull. The fracture further extended around the left temporal bone, which was detached from its origin and went into the left back area. The skull had effectively been split from side to side horizontally.

2.17

There was massive lacerations to the right side of the brain, at the site of the compound fracture and left under-skull bleeding.

2.18

Other marks of injury included .

- 7) ligature marks on both sides of the neck - with two bands on the left side and three on the right, each with a width of 0.5 cms.
- 8) a horizontal laceration, 2 cm, inside the left ear associated with bruising of the left ear flap;
- 9) bruising behind the left ear.

2.19

In the opinion of the pathologist Megan Russell had been subjected to severe, repeated and sustained violence to the head, involving at least seven severe blows from a blunt instrument, part of which has a circular face and a diameter in the order of 3 cm, which had caused extensive bruising and multiple fractures including a compound transverse fracture of the skull, from which brain had issued. She had been restrained by a ligature around her neck with sufficient force, either directly applied or as a result of her

own struggle, to cause marked abrasions of the skin. The blunt instrument used might have been a hammer, or similar object, or the end of a pole of similar diameter. The cause of death was massive head injuries. The ligature marks to Megan's neck may have been caused by material similar to the blue tights found tied to the sapling in the clearing, but features in the marks also suggested that the ligature may have been a shoe lace or similar ligature.

THE SCENE IN CHERRY GARDEN LANE.

3.4 Examination of exhibits recovered from the scene of the attack in Cherry Garden Lane revealed the following:

- 1) Various bloodstains on the sticks, leaves and debris recovered from around where the bodies lay in the copse were tested. The results were entirely consistent with the blood having come from Lin, Josie or Megan Russell. Some hairs and fibres were also found on these sticks which were also consistent with having come from the hair and clothing of Lin, Josie and Megan Russell.
- 2) A white cropped vest, item SRG/17, found lying underneath Lin Russell's right calf, bore a few spots of blood and a number of hairs consistent with having come from Lin, Josie or Megan Russell.
- 3) Item SRG/19 (Josie's swimsuit), found close to Megan's left elbow was extensively bloodstained. A sample bloodstain matched the STR profile of Josie Russell.
- 4) Item SRG/20, the white towel found underneath Lin Russell's left shoulder, bore a number of heavy bloodstains. A sampled stain was analysed and was consistent with having come from Lin or Megan Russell. Some red fibres recovered from this item could not be linked to red fibres found in items worn by Lin, Josie or Megan Russell at the time of the attack or found in their home.
- 5) Item SRG/39, found tied around the tree in the copse, was a small pair of well worn blue tights. The soles of the feet were dirty and appeared to be stiff with sweat or dirt. Three knots were tied in the tights, the first being likely to have been tied to secure the tights around the tree and had incorporated some twigs

and leaves. The other two knots formed loops near to the ends of each leg, in a way consistent with them having been tied around the wrists or ankles of a victim. Whatever these two knots had been tied around had got free without the knots being untied. Small spots of blood were found on a number of areas, a sample of which matched Josie Russell's STR profile. The feet areas had been repaired using blue thread which was microscopically indistinguishable from blue thread recovered from the Granary Cottage. Some red fibres recovered from this item could not be linked to red fibres found in items worn by Lin, Josie or Megan Russell at the time of the attack or found in their home.

- 6) Item SRG/16, Josie's lunchbag, lying next to Lin Russell's right hand, was moderately bloodstained on the outside surface and there was evidence that the blood had been projected onto it. There was some diffuse bloodstaining inside the lunchbag which may have been due to blood seeping in. There was bloodstaining on the green outside lid of the lunchbox (SRG/16C) inside the bag, which when sampled matched the STR profile of Lin Russell. A fingermark was found in the blood on that lunchbox lid: it contained insufficient detail to be capable of identification, however it included some low count loop pattern which could not have been made by the defendant, whereas it could have been made by Lin Russell, who had such a pattern on her right middle finger.
- 7) Item SRG/9, Megan's lunchbag, found close to Lin Russell's feet, was heavily bloodstained on the outside, some of the areas being due to contact with bloodstained hair. There was some diffuse bloodstaining inside the lunchbag which may have been due to blood seeping in. A fingermark in blood was found on the inside edge of the lunchbag, but it contained insufficient detail to be capable of identification or even elimination of any individual. Blood was detected on the red flask (SRG/9A) and the lunchbox (SRG/9B) both of which were inside the lunchbag, but not on the inside of either item.
- 8) Items SRG/21 and 22, were left and right 'Jelly' shoes found above Megan's head. Both shoes were bloodstained over the upper surfaces and the raised parts of the underneath, suggesting that the upper and lower surfaces had been in contact with a considerable quantity of liquid blood. Four hairs were found on the right shoe, two of which were different from the

hair of Lin, Josie or Megan Russell. Full DNA profiling on these hairs was successful but partial mitochondrial DNA information obtained from one of the hairs was sufficient to indicate conclusively that the hair did not originate from Lin, Josie or Megan Russell or from the defendant and also suggested that each of the two hairs was from a different source. The partial mitochondrial DNA sequence obtained from one of these two hairs was the same as the partial mitochondrial DNA sequence obtained from a single hair recovered from Lin Russell's trousers (AGG/12).

- 9) An old plastic fertilizer bag, item SRG/84, was found between where Megan Russell and Lucy the dog were lying no fingerprints were found on the item, blood was found which was consistent with having come from Megan.
- 10) Item SRG/27, a black bootlace, found 45.6 metres north from the bodies in Cherry Garden Lane; which was a flat black braided polyester bootlace 92 cm long, cut at one end (not recently) and therefore incomplete. Seventy-five different areas on the shoelace have been extensively tested for DNA. The majority of the areas tested gave full or partial results which matched Megan Russell. Some areas showed components which matched Josie Russell. In some areas there were traces of DNA which failed to provide sufficient detail to enable any meaningful comparison to be made with the DNA of any person.
- 11) Item SRG/2 (Megan's blue / green swimsuit), found 69.2 metres north from the bodies in Cherry Garden Lane. No blood or semen was found. A number of red cotton fibres found on the garment were different to fibres in the clothing worn by Lin, Josie and Megan Russell or found in their home.

THE TOWEL STRIPS (SFM/1A) AND SWIMMING BAG (SFM/1B) RECOVERED FROM THE BANK AT ROWLING COURT.

There were six separate strips of towel in SFM/1A, which when fitted together formed one complete towel approximately 47" x 23" (identified by Shaun Russell as a family towel).

All six strips were bloodstained and the distribution of the blood suggests that at least some of the blood was deposited after the towel had been torn into strips.

A number of the bloodstains from the towel were grouped and analysed for DNA; none were inconsistent with Lin, Josie and Megan Russell but there was blood on the towel

from more than one person. Lin Russell's DNA was found on pieces 5 and 6. A number of hairs were recovered from the towel which were consistent with having come from Lin, Josie or Megan Russell.

The string bag, item SFM/LB (identified by Shaun Russell as one of the girl's swimming bags) was heavily bloodstained. DNA analysis showed that this was Lin Russell's blood.

A number of hairs were recovered from the bag which were consistent with having come from Lin, Josie or Megan Russell.

- 3.3 Lin Russell had no handbag or purse with her when she was attacked, she had left them at home. There was no evidence of ejaculation at the scene. There was no medical evidence of any sexual interference with any of the victims.

JOSIE RUSSELL'S INJURIES AND TREATMENT

- 4.1 Josie Russell was admitted to Kent and Canterbury Hospital just before 2.00 am on Wednesday 10th July 1996. She was conscious responding to voice and touch but not speaking. She had a number of severe cuts to her scalp associated with heavy bruising and suggestive of skull fractures, and further underlying injury. What appeared to be brain tissue was protruding from an injury behind her left ear. She had minor bruises on her right shoulder and right upper arm, superficial scratches to her right thigh and abrasions to her right knee. There was dried blood on her face, arms and hands, both legs and the soles of her feet. She was dressed in a red cardigan over a blue striped dress, white petticoat and pants but was not wearing shoes or socks. Her clothing and other samples taken from her were itemised SCB/1 to SCB/8. She was sedated and stabilised. Following further examination arrangements were made to transfer her to the neurosurgical department at Kings College Hospital in London and she left Kent and Canterbury Hospital at 4.50 am that same morning.

- 4.2 Subsequent examination of Josie Russell's clothing revealed the following:

- a) Her red cardigan (SCB/3A) was bloodstained, particularly to the left sleeve. Sample bloodstains matched her DNA STR profile. There were also indications consistent with both Lin and Megan's blood.
- b) Her blue and white striped dress (SCB/3B) was heavily bloodstained front and back. Grouping was unsuccessful.

- c) Her white petticoat (SCB/3C) was heavily bloodstained
- d) Her knickers (SCB/4) were heavily bloodstained on the outside

4.3 Josie underwent neurosurgery by Professor Polkey at Kings College Hospital on 10th July 1996. Her head injuries were, in summary :

- 1) A large puncture mark above her left ear with five further lacerations to her scalp above and behind the puncture wound, namely : a large laceration with two smaller lacerations running parallel; a further laceration at 90° to those three and one further small laceration beneath and in front of the three parallel wounds.
- 2) A large bruise type injury to the area of the brain on the upper left side underlying a depressed fracture of the skull in several fragments. There was extensive tearing of the brain covering.

4.4 The injuries, which were seriously life threatening, indicated that Josie had been hit several times to the head. A large amount of damaged brain tissue and splintered bone fragments caused by the blows to her head had to be removed. The surgery was successful but left Josie with some intellectual impairment.

4.5 Injuries noted to the rest of Josie's body consisted of small grazes and bruises to her legs and upper body.

4.6 On Monday 2nd September 1996 Josie Russell and her father watched a television news bulletin which made reference to the attack, she indicated that she had some recollection of what had occurred following which Shaun Russell informed the police investigating the case.

4.7 The head injuries that Josie Russell sustained caused her to have significant expressive language difficulties and to a much lesser degree her understanding of language was also affected. On Tuesday 3rd September 1996 a speech and language therapist began a series of sessions with Josie Russell designed to assist her non-verbal communication, which encouraged her use of non-verbal aids such as models, scrapbooks, pictures and drawings. The speech therapist, Tania Allen was also later involved in the various video taped interviews later conducted by the police.

4.8 On Monday 9th September 1996 Josie Russell pointed out to her father the copy of the

'E-fit' included in the Sun newspaper of that date. The 'E-fit' printed in the Sun on 9th September 1996 was prepared on the instruction of the witness Nicola Burchell (Item DJT/1).

4.9 Josie Russell was interviewed by the police on many occasions from 8th September 1996. The officers who interviewed her were throughout Detective Constables Pauline Smith and Ed Tingley. The interviews were all video recorded. A summary of relevant parts of those interviews together with some extracts from the video recordings themselves has been prepared by agreement between the prosecution and the defence as a fair and full summary of the interviews as a whole. The summary together with the video extracts played in evidence are accepted by both parties as Josie Russell's evidence in this case. The defence do not wish her to attend court to answer any further questions.

4.10 Shaun Russell is 5'11 3/4" tall and DC Tingley is 6'2" tall. Michael Stone is 5'7" tall.

4.11 On 13th December 1997 a further identification procedure was carried out with Josie whereby she was shown video film of the nine persons who had participated in the parade held on 20th September 1997. She did not make any identification.

THE DEFENDANT

5.1. From when he was 10 years and until he was 16 years old the defendant was at a number of children's homes in Kent, including Eastry Children's Home at Eastry, from where he attended a local school and a home near to Canterbury University. In the early 1990's the defendant was sufficiently familiar with the countryside around the East Kent Canterbury / Dover area to be able to give directions without a map when driving around the area including the centre of the village in Goodnestone, Lower Rowling Farm and the centre of Nonnington. The defendant habitually carried a variety of tools about in whatever car he was using, including a hammer, screwdrivers etc..

5.2 On Friday 5th July 1996 the defendant spoke to Detective Sergeant Norman Lamour in the Upper Bell public house, Bluebell Hill, Chatham. He was alone and he left in a Toyota Tercel GKK 234Y.

On Wednesday 10th July 1996 the defendant again spoke to Detective Sergeant Norman Lamour in the Upper Bell public house, Bluebell Hill, Chatham. He arrived at

1.30 pm and left shortly thereafter. He was clean shaven, wearing a jean jacket and jeans, and looked clean and tidy. Whether he had a vehicle that day was not seen. Neither of the above conversations had any connection whatsoever with the murder of the Russell.

5.3 On Wednesday 10th July 1996 the defendant had a medical appointment at Maidstone Hospital. During the earlier part of the morning of 10th July he telephoned the hospital to re-arrange the appointment to Gillingham, saying that he no longer had transport. Arrangements were made accordingly and he kept the appointment in Gillingham at around lunchtime.

5.4 On Tuesday 16th July 1996 the defendant was stopped by police driving the Toyota Tercel GKK 234Y in Skinner Street, Gillingham. He said that it was his car and that he had had it for two days.

5.5 The photograph, item RB/6, was produced to the police by the defendant's sister in August 1997. It was taken in July 1996.

5.6 On Thursday 17th July 1997 at his mother's address in Patricbourne Avenue, Gillingham, the defendant was arrested on suspicion of having committed the Chillenden murders.

TOYOTA TERCEL INDEX GKK 243Y

6.1 The white Toyota Tercel index GKK 243Y was recovered by police from a motor dealers in Gillingham on 17th July 1997.

6.2 The vehicle was examined by a forensic scientist on 26th February 1998 who examined the entire interior and boot of the vehicle for blood. None was found.

LAWRENCE CALDER

7. Lawrence Calder was arrested for dishonestly handling a cheque book and a cheque guarantee card on 24th July 1996.

PHOTOGRAPHS PLANS

8. The photographs and plans produced are admitted without further proof. Continuity of exhibits from seizure to production in this trial is admitted.

