

THE CONTINUED STATE PERSECUTION OF MELANIE SHAW

Disgraceful Scenes at Leeds Crown Court

On the morning of 7th August 2018, the presiding judge, Stephen Phillips QC, informed the court that Melanie Shaw had been found to be fit to plead by Professor Jennifer Shaw, the expert nominated by the Court to conduct an assessment of Melanie's capabilities.

Although the time for commencement of the trial had passed, there was still no sign of Melanie, who was supposed to be transported from HMP Styal. No explanation for this failure by the prison to meet the Court deadline was given, nor for its earlier failure to produce Melanie at all for the previous hearing on 10th July 2018.

The defence barrister, Mr Mohammed Rafiq, told the court that he could not comment about Melanie's likely plea, as he had never actually spoken to her. The judge ordered an adjournment in order for Melanie to arrive at the Court and to allow Mr Rafiq to discuss matters with his client.

The Crown Prosecutor, Mr Jones, informed the Court that the charge of sexual abuse against Melanie would no longer be pursued but that four charges of arson, all allegedly committed whilst Melanie was in prison, would remain.

Eventually, proceedings began after Mr Rafiq had confirmed that he spoken to Melanie, but made no mention of her mental or physical condition. Melanie was asked if she intended to plead guilty or not guilty. The gallery was visibly shocked to hear Melanie's reply, in which she was clearly unable to even understand the simple question put to her. It was shocking to hear this poor disabled multiple rape victim, moreover raped whilst under the 'care' of the state, being placed in such a frightening situation. It would not be fair to Melanie go into detail of her incoherent speech, other than to say that she was clearly in no fit state to defend herself.

I regard it as a disgrace that reflects badly on all concerned that she was even allowed to be brought into Court in such obvious distress.

So how did this come about?

Given that just five days earlier, professional opinion had confirmed that she was in sound mind, how had Melanie's condition come to deteriorate so dramatically in just five days?

We do not yet know, but given the relentless persecution that Melanie has suffered at the hands of the Prison Service, the general opinion of those who came to support Melanie and one that I personally endorse, is the likelihood that Melanie had deliberately been administered drugs by those who were entrusted with looking after her, or that she had perhaps been denied the medication she needs to maintain her health.

I informed Mr Rafiq during the recess of the distinct possibility that his client had been the victim of criminal conduct and that this should be addressed without delay, given his duty to protect his vulnerable client's best interests.

It wasn't, either by Mr Rafiq or Judge Phillips.

My view is that a medical doctor should have been called in to examine Melanie with immediate effect and if it turned out that drugs had either been wrongfully administered or those she needed had been withheld from her, the police should then have been called in without delay.

We discovered in the afternoon session, when it was evident that no trial could possibly go ahead, that Judge Phillips had quickly brought in a local psychiatrist, who confirmed in Court that she believed that Melanie was unfit to plead, although there was no sign of a medical doctor.

Judge Phillips was then placed in something of a dilemma.

Although everyone could see how Melanie was seriously disturbed, Judge Phillips seemed at a loss to understand how one expert had provided such a diametrically opposite view of Melanie's condition just five days earlier. He obviously needed further expert analysis and so it was inevitable that a further delay to the proceedings could not be avoided.

Sadly, Melanie, despite her transparent and heart-rending distress, was brought back into Court, although by now her condition was even worse than before. Few present will forget her screams of fear as she was dragged out of a courtroom that she should never have been allowed to enter.

Judge Phillips, in summing up the day's events, said that on the basis of the evidence before him, Melanie was either genuinely unfit to plead or that her behaviour was wilful. If Judge Phillips was prepared to consider the latter possibility, he must surely have to accept a third possibility, in that a person or persons as yet unknown had intervened by administering drugs to Melanie, or deliberately withholding necessary medication, in order to ascertain that she could not possibly present her evidence in Court that day.

The judge failed to address this crucial potential issue and concern was further compounded when, to the astonishment of her supporters, Mr Rafiq actually told the Court that he considered that the safest place for Melanie was to continue to be held in custody at HMP Styal!

It was a bad day for Leeds Crown Court, it was a bad day for British justice and it was a terrible day for the ruthlessly persecuted Melanie Shaw.

Robert Green

A handwritten signature in black ink, appearing to read 'Robert Green', written over a horizontal line.