

# The Case of David Ferguson

**By Steve Sinclair**

**Updated - July 2017**

(First version produced in February 2014)

*© Steve Sinclair, 2014-2017. All rights reserved. This document cannot be reproduced in any form, in part or in full, without the express permission of the copyright holder.*

*I have used extracts from 'Traces of Guilt' by Dr Neil Barrett (Bantam Press 2004) under the fair comment rules of copyright.*

## **Preface to 2<sup>nd</sup> Edition**

Much has happened since I wrote the first version of this paper, The Case of David Ferguson, in February 2014. Claire Jarman of Forensic Access was appointed to re-examine the DNA evidence; this she has now completed. She has also re-examined the original DAR/6 & 8 samples using the DNA17 protocol which has detected a couple of additional alleles. As of the time of writing, a fresh swab of David's DNA has been taken to obtain a referential profile for comparison purposes.

Mr Stephen Field, the barrister originally appointed by David's solicitor sadly died on 18<sup>th</sup> September 2016 whilst in Dubai. Mr Mark McKone of the Park Square practice in Leeds has stepped into the breach.

Most significantly though, I have made an astonishing discovery of new evidence in the most unlikely and unexpected of locations.

As the main thrust of the case, certainly with regard to grounds of appeal, had changed and, although we now have compelling and in my view incontrovertible new evidence, the rest of the evidence in the case dovetails so neatly that I feel that it wasn't necessary to rewrite the whole article to include the new evidence but to present it in the context of what was known hitherto. I believe that it all now makes much more sense!

## **Introduction**

The secretary at Hempstead primary school, Susanne Desson, tried to contact Mrs Susan Kent on the afternoon of 24<sup>th</sup> November 1999 because she had failed to collect her daughter Jessica. Ms Desson called at 3:10pm and again five minutes later; getting no reply. As was the protocol in these circumstances Ms Desson called Susan's mother-in-law, Mrs Iris Kent, Jessica's grandmother.

Susan was just 33 years old and had recently been divorced from her husband John, the father of Jessica and Julian. She worked part-time as a child minder and also as a dinner lady at the primary school. The school had in fact telephoned Susan on several occasions that day because she did not show up for work at 11:30am. Wendy Lamb, Susan's mother, telephoned her at around 11:30; Iris Kent had also telephoned Susan at around 2pm but both had gotten no reply.

Iris drove to Susan's house in Birch Grove, Gillingham and noticed her car parked on the driveway. She knocked but received no answer. Iris then proceeded by foot to collect Jessica from the near-by school; this was around 3:50pm. When the two returned to Birch Grove they saw that a taxi was parked behind Iris' car. This was owned by Lance Ridden, who regularly drove Susan's young son Julian to a special needs school in Gravesend. Iris and Lance tried the front door again but to no avail.

They ventured around the back and found the kitchen door unlocked. They went inside and finding nobody downstairs, went upstairs. Susan's bedroom door was ajar and Iris went in, followed by Mr Hidden.

Susan was lying on the bed and was in a state of undress. Iris said that there was a lot of blood. Lance heard the children coming up the stairs and so ushered them back downstairs. Another man, Mr Andrew Pymm was standing by the front door and Lance asked him to call the police and an ambulance. The children were taken into a neighbour's house.

Susan Kent was found facedown with her hands cuffed behind her back. She had been stabbed, quite ferociously, seven times in the chest; her throat had been cut.

Stephen Bittlestone, her former boyfriend, had telephoned her the previous day to arrange to meet Susan at the Hempstead Valley shopping centre for breakfast that morning. Both their meeting and her movements that morning were fully captured on CCTV. A paper trail of till receipts and witness statements from various shop staff fully corroborated all of this. Susan was last seen alive leaving the car park to make the short car journey home at 10:42am.

David Ferguson was at that time 30 years old and worked as a hand book binder in Ashford. He had his own house in Port Rise, Chatham where he had lived for a year or so. He had known Susan socially but he said that he had not seen her for a number of months prior to her death; the last time being in June or July after he had come back from a foreign holiday. Ferguson maintains that his relationship with Susan was purely platonic; he insists that that was how Susan wanted it.

On the Friday following the murder, his family, having watched a police appeal on television, contacted him at the Medway Cycle Centre where his lodger Paul Smith worked. On hearing of Susan's murder Ferguson was said, by those in the shop at the time, to have gone into shock. Smith calmed him down and persuaded him to telephone the police. Ferguson spoke to the police and arranged to see them at his home later that day.

Some two weeks later, Ferguson was arrested and held in custody by the police for questioning about Susan's death. He was released on police bail to return on the 20<sup>th</sup> December 1999. He duly returned on the 20<sup>th</sup> and was immediately charged with Susan's murder.

Ferguson spent the next ten months on remand at Elmley jail on the Isle-of-Sheppey awaiting trial. The trial eventually began in October 2000 and on 2<sup>nd</sup> November he was found guilty of murder and sentenced to life imprisonment with a minimum tariff of 20 years.

### ***The Case Against David Ferguson***

Following initial interviews on the 26<sup>th</sup> November 1999, the police asked Ferguson to come back in for further interviews on the morning of 12<sup>th</sup> December. Meanwhile

the police were rummaging among his possessions at Port Rise. There was a large amount of adult magazines and videos on open display around his house. That afternoon Ferguson was taken home and immediately arrested on suspicion of Susan's murder.

The arresting officer DSgt Bolton said "*Due to my knowledge of the murder of Susan Kent and what I have found in your house I am arresting you on suspicion of the murder of Susan Kent on 24<sup>th</sup> November 1999.*" Ferguson was cautioned and, acknowledging that he understood, said; "*Yes, I do, but let's be honest why would I have come forward first? Surely if I had done it all I would have to do is get rid of it.*"

On the 15<sup>th</sup> December an entry in the police's custody log read, at 15:10pm; "*I have given authority to take a non-intimate sample, namely a footprint from DP (detained person) as I believe it will tend to confirm or disprove his involvement in this offence*" This was signed off by DCS McCann. Ferguson was bailed to return on the 20<sup>th</sup> which he did. In the meantime further forensic DNA tests finally showing a match to Ferguson had been obtained and he was immediately charged with Susan's murder.

Yet despite this DNA profile the whole case against Ferguson consisted of nothing more than what my good friend Bob Woffinden has described as *character assassination*. Ferguson's penchant for what one would commonly call *kinky sex* was no secret among his circle of friends and associates. The vast majority of the Crown's case consisted of a barrage of sensationalist muck raking on this very subject. Yes it was true that he had a lot of adult oriented material in his house, but none of it was illegal, it was all *newsagent top shelf* stuff.

In addition there were a few DNA alleles on the handcuffs matching Ferguson but there were as many more that didn't match either him or Susan. The whole crime scene yielded neither one hair, not one fingermark nor any fibres to link Ferguson to the crime scene. Indeed, nothing more was ever heard of the outcome of the results from the footprint tests.

The Crown tried to make much out of a handcuff key that had been discovered on Ferguson's car key fob. This key just happened to open the pair that bound Susan's hands. Significantly though, it also opened another dissimilar pair that the police had actually gone out and bought! No only that but the Crown's own locksmith expert testified that the key owned by Ferguson and the handcuffs from the crime scene were not a matching pair due to the wear marks observed on each.

The prosecution called witness after witness to try to link Ferguson to the handcuffs and also to the ownership of knives. Firstly, none of the witnesses called could identify David as having a pair of handcuffs such as those used to bind Susan's wrists. On the contrary, a friend of Susan testified in court that Susan had a pair of handcuffs identical to those used in the commission of the crime. No other handcuffs were found in Susan's home. Secondly, and to be fair, Ferguson would have found it difficult to carry out his occupation without at least a number of knives, each capable of cutting leather, twine and other book binding materials.

Finally, the media was fed a protein rich diet of tasty morsels from the evidence obtained from a forensic examination of David's computer; much of it splashed across many of Kent's local papers during the trial. This work had been conducted by Chris Crute and Dr Neil Barrett. In fact, Dr Barrett gave evidence that he could not confirm to any degree of certainty that websites dedicated to BDSM, hard-core pornography and how to clean up after a murder had actually been searched for from David's computer. Dr Barrett went on to say that the timestamping of these file fragments indicated that these pages may have been sent to David's computer from an outside source; pop up windows have been the bane of web users for years and the implementation of pop up blocking technology in modern web browsers has been universally welcomed.

### ***The Alibi of David Ferguson***

David was, at the time of Susan's death, suffering from a painful kidney infection which necessitated him to have a JJ stent fitted and to be on strong pain-killing

## The Case of David Ferguson by Steve Sinclair

medication. Despite his hazy recollections of the time he was able to give an account of that morning, 24<sup>th</sup> November 1999.

He says he was woken by his father knocking at the door after 11am. He was dressed only in boxer shorts, so after putting the kettle on, he tidied up a bit, washed and dressed. They chatted over a cup of tea for a while before leaving. His father left in one direction and David in another. David was driving his distinctive, cycling team decalced, white Renault 21.

He thinks he went to the doctors to see about his illness and he also wanted to bank a cheque he had received as a TV licence refund. He remembers nearing the bank and realising that he hadn't got the cheque with him went back to his car. He doesn't remember much else about that part of the morning.

From Chatham David went to Gillingham to order a saddle for his bicycle. He visited Bikes, Bikes, Bikes, a newsagent's shop and then a tattoo parlour. He was last seen leaving Gillingham on CCTV at 14:44pm. He didn't recall ever going to the doctors or coming home with a white chemist's prescription type bag, although both his lodger Paul Smith and friend John Archenoul both vividly called to mind him carrying such an item when he arrived home just before 3pm that afternoon; they both testified to the fact at the trial.

Due to the fact that David's memory was unclear because of the medication he was taking he was reliant upon the timings of the movements of his father Ronald that morning. Ronald had a pre-arranged appointment at the Railside garage in Gillingham for 10am. Yet he overslept and was running late. He said he arrived at the garage at around 10:20am and left about 10:45am. The owner couldn't supply a certain part and advised Ronald to go to Motunes, also in Gillingham. He arrived there around 10:50am and left some 15 minutes later, after having queued behind a woman with a young boy.

He said that he arrived at David's house around 11:15am and they both left at about 11:45am. From there Ronald went to collect his pension and then his wife's prescription from Palmers Pharmacy and was home for lunch just after midday.

## The Case of David Ferguson by Steve Sinclair

The only witnesses who gave evidence about these morning movements were the staff of David's GP surgery and Mr Sahawan, the chemist at Palmers pharmacy.

The Crown's tactic was to try to discredit these versions of events. The first piece of evidence in their favour was the testimony of Paul Smith. He had made over half a dozen statements to the police about when he awoke that morning and at what time Ronald had arrived and when Ronald and David left. He said that he had heard Ronald knock at about 10:30 and that they had both left just after 11am. Mr Smith has subsequently confirmed that he is willing to make a statement to David's legal representatives stating that he was continually badgered by the police to amend his timings to fit in with the police's own evidence; as yet not one of David's solicitors has taken his statement despite Ferguson's requests that they do so.

Secondly, and by a stroke of immense luck, it was discovered that the old computer in Palmer's pharmacy had been decommissioned in December 1999 following fears attributable to the Millennium bug. When the computer was switched on it was found to be running some 46 minutes fast. The prosecution put forward that the prescription dispensed for Mrs Ferguson was actually collected at 11:05am and not 11:51am as claimed by Ronald. In court the police claimed that the computer's clock had actually *sped up* due to the internal battery *dying*!

The last sighting of Susan was at 10:42am and the first sighting of David was at 12:36 in Canterbury Street, Gillingham; both on CCTV. Therefore to the prosecution a large window of opportunity, of some 114 minutes, opened up in which David could have committed the murder.

The combined inference of these two pieces of Crown evidence was that Ronald had visited David at around 10:30am and left just after 11am, thus leaving David well over an hour in which to commit the murder and then drive into Gillingham. Furthermore, all of the people that David met once in Gillingham were called to give evidence at trial. The ramification of this strategy, from the Crown's perspective, was to infer that David had gone to Gillingham, after murdering Susan, so as to establish an alibi.

As nobody from David's legal team could be bothered to check the details of either Ronald or David's movements in the morning, David was left with a very hollow alibi indeed. There was a huge time window in which the prosecution invited the jury to believe that he had committed murder.

Sadly, despite repeated requests for his defence team to do, it was not until some months after David's conviction that his family finally managed to obtain a statement from Mr David Pointer, the proprietor of the Railside garage. Not only did Mr Pointer fully corroborate Ronald's story but he added that the police had in fact visited him about the matter and that he had told the police the same story.

Given that fact, it is inconceivable that the police didn't also visit the Motunes spares shop. But this was also withheld as it contradicted the Crown's line about Palmer's pharmacy and the fast computer clock.

David maintains that while he was being held in custody in December 1999, his sister, Julia, brought his medication to the police station. This was the medicine that he had gotten on the day of Susan's murder. He never received it. In fact it has never been seen or heard of again. Well, hitherto!

### ***DNA Evidence***

Following Ms Jarman's report we have to accept that the DNA in the sample marked DAR/6 & 8 was obtained via legitimate SGM+ testing and that there were no inconsistencies between the tests performed on the 25<sup>th</sup> November 1999 and the 20<sup>th</sup> December 1999. It appears that the sample was further washed and concentrated to increase the amount of DNA and therefore the strength of the allele signals.

Mr Chapman, the FSS scientist who gave evidence for the prosecution, reported only observing 1 sperm head on each of the two slides from the sample DAR/6 & 8. Ms Jarman found that she was unable to determine with any certainty that the alleles attributed to Ferguson had come from semen.

Furthermore, with regard to when and how semen could have been deposited upon Susan's intimate areas, Ms Jarman put forward a number of possibilities much the same as Mr Chapman had at the original trial.

Ms Jarman feels that contamination of the DNA samples is unlikely but cannot rule it out completely and a thorough investigation of all of the relevant samples would need to be undertaken to ascertain the full range of possible routes for contamination in this case.

Apart from the handcuffs, all of the other samples tested for DNA showed no match at all to Ferguson and Ms Jarman's report verified this fact.

No casework files were found in relation to the footprint sample taken from Ferguson on the 15<sup>th</sup> December. Therefore Ms Jarman could make no judgement on this item of evidence as she believes that if it had been examined at all it may have been by another laboratory.

Luckily though, 40 micro litres of the DAR/6 & 8 sample was still in existence and David's solicitor was granted access to it for re-examination purposes. Using the new DNA17 protocol, which examines six further loci than SGM+, Ms Jarman was able to detect a number of new allele bands. As previously mentioned, we are awaiting processing of David's DNA17 profile.

### ***Startling New Evidence***

In August 2015, David Ferguson married his fiancée Carol. In the weeks immediately following, the national press had a field day, printing lurid stories informing their readership of the lavish banquet laid on for the nuptials at the taxpayers expense. This was a complete pack of lies from start to finish. The couple paid for everything themselves and the *lavish banquet*, if you could call it that, was snacks and soft drinks bought by the few attendant guests from the prison's over-priced refreshments trolley! The press even suggested that a cake had been laid on, which was also a complete and utter fabrication.

## The Case of David Ferguson by Steve Sinclair

I started doing some research to try and ascertain the actual source of the story. It was during this research that I stumbled, quite by accident, upon a book written by Dr Neil Barrett. Dr Barrett was, in fact, the prosecutions chief computer expert who had given evidence at David's trial. His book, *Traces of Guilt*, actually contained a chapter on the Susan Kent murder and the police's investigation into David Ferguson.

It seems inconceivable now that for over ten years, the final piece in the jigsaw that proves Ferguson's innocence beyond a reasonable doubt, had been out there in the public domain just waiting to be discovered. The book had first appeared in 2004; I wondered just how I had missed it previously. The reason, I presume, was that it had only just recently been digitised by Google Books and thus the text had only just become detectable via a web search.

I immediately bought a copy and read the relevant chapter dedicated to the case. I couldn't believe what I had read. Here was damning proof, if Dr Barrett was correct and there seemed no logical reason to believe that he wasn't, that the police had wilfully withheld witness statements that proved that David was innocent beyond any doubt whatsoever. I had always believed that this must be the case due to other contradictions and anomalies in the evidence as I alluded to in the original article, but now I had real proof.

To refresh one's mind, a main plank of Ferguson's alibi was that he went to collect a repeat prescription and then to have it dispensed. The Crown called witnesses from David's GP's surgery who denied that he had an appointment that day. In fact the prosecution put forward the notion that no evidence existed at all that he had gotten a repeat prescription from his doctor and then had had it dispensed at a pharmacy. I have discussed the situation regarding repeat prescriptions in the first edition of this article.

Yet his friends, Paul Smith and John Archenoul, distinctly recall him returning home on the day of Susan's murder holding a white pharmacist's bag; both said this under oath. Additionally, his sister Julia recalls quite distinctively having taken that very same medicine to the police station after his arrest on the 12th December.

The following two paragraphs from Dr Barrett's book completely and utterly corroborate this aspect of David's alibi.

*'...but more importantly he showed them a new medicine bottle, with the chemist's label clearly showing the date and time at which the prescription had been collected. It was almost exactly the time at which the pathologist had confidently stated that Susan's life had ended' (p 234)*

*'...The medicine had been signed for by Ferguson, and the staff in the chemist's remembered such an unusual and distinctively tattooed person collecting the medicine. The chemist's copy of the medicine label confirmed the date and time printed on the bottle. There was no doubt about it: Ferguson had not faked, in any way, the label on the medicine; it was 100 per cent genuine. **Nor could he have made his way from the chemist to Susan's house and killed her at the time that the pathologist had said she died'** (pps 242-243) (my enboldening)*

This sensational revelation has turned the whole case on its head. Now we have categorical evidence not only that David collected and signed for his medicine at midday but that staff at the shop have identified him; there is documentary proof of the time shown on the label being correct and in line with the chemist's records.

This also exposes another area of non-disclosure on the part of the Crown. Dr Rouse, the pathologist, gave evidence at the trial based on his post-mortem report. Nowhere in his report or testimony is there any mention of a time of death. But Dr Barrett clearly states that Dr Rouse has confidently asserted that Susan died at midday.

In fact Dr Barrett elaborates further on this point when he writes;

*'Could the pathologist have been wrong? Checking the medical facts took the team some time, but the pathologist was absolutely definite. The bedroom was a well controlled environment, not like an outdoor murder scene where unusual temperatures and fluctuations can fool the scientific measures. Indoors, the rates of mortification for different parts of a corpse are remarkably well understood. Susan had been found within hours of having died. Her body core temperature was almost*

*perfectly aligned with the expected values for her body mass, age, sex and posture at death. Rigor Mortis had barely begun, the blood remaining in her body had not begun to pool. The pathologist went steadily and methodically over each of the steps that led to a confident assertion that Susan had been alive in the morning, had met her death at midday, and had been dead for more than three hours when she was discovered.’ (p 243)*

I believe that this is uncompromisingly clear-cut evidence that David is innocent, as we have ceaselessly put forward. Sadly though, the rest of Dr Barrett’s recollections of the case are nothing more than a litany of mis-information and errors.

This is best illustrated by what the police quite obviously told Dr Barrett about the collapse of David’s alibi. He writes;

*So, perhaps Ferguson wasn’t the killer? ... The investigators must have felt like they had run down every single blind alley that was on offer. They had no-one better than Ferguson, but there was still the problem of the chemist’s label. Until, that is, Nigel [Jones] pointed out that it had been printed on a computer. He asked whether anyone had checked that the pharmacy computer that had created the label was working correctly. Was it possible that the computer was showing the wrong time?*

***Not only was it possible, it turned out that it was true.***

*The officers discovered that the clock on the computer at the pharmacy was an hour fast, probably having not been reset to Greenwich Mean Time at the end of British Summer Time. This was the breakthrough that they needed, and Nigel and the Computer Crime Unit team raced to seize and analyse the computer, establishing that the record of prescriptions was a consistent hour out across the whole period of time the murder squad were interested in. They did this by comparing stated prescription times with the shop’s opening and closing times, showing that prescriptions had apparently been issued when the shop was in reality closed and locked.*

*It was a complete fluke, but one that had provided Ferguson with a near-perfect alibi. There was no suggestion that Ferguson had somehow managed to create the alibi – though he might have previously realized that the clock was wrong and taken*

*advantage of it – but with the correction in place, his alibi collapsed. **There was now no doubt in the officers' mind: David Ferguson had murdered Susan Kent.*** [My addition in square brackets] (pps 243-244) (my enboldening)

If Dr Barrett had actually paid any attention to the evidence given at court by the pharmacist Mr Sahawan and the police officers who had dealt with the faulty computer he would have realised that it had nothing whatsoever to do with David and his prescription. The computer in dispute belonged, as we have already seen, to the pharmacy where his father Ronald had picked up the prescription for David's mother Sheila. The police had fed Dr Barrett a phoney line concerning Ferguson's alibi that was not only untrue but had, from there on in, surely coloured his understanding of the case evidence.

An important point to be seriously considered here is if David and Ronald had both collected their respective prescriptions from the same outlet then that fact (because of the faulty computer) would have been mentioned at court, along with a time of death, and I would not be here defending David's innocence.

But that is not and never will be the issue; I have always maintained that the most telling aspects of this case are those parts which should be apparent but are, one way or another, missing. It is quite striking now that Ronald's testimony as to his movements is correct. It makes sense. If the Crown have withheld all mention of Ferguson's chemist visit and Dr Rouse's timing of Susan's death then it follows that they have also withheld the statements made by those who served Ronald that fateful day, like David Pointer of the Railside Garage and staff and customers at Motunes. These statements are missing for one very simple fact; they are in direct contradiction to the Crown's impecunious case.

One might still argue that even if Ferguson was at the chemists at midday it still leaves a window of opportunity for him to have killed Susan Kent. Let us examine this in a little detail.

Dr Rouse, according to Dr Barrett, seemed sure that the time of death was midday and Ferguson was definitely in the pharmacy at that time. If one adds to those two

piece's of withheld Crown evidence the certainty that we now have that Ronald Ferguson's timings are also correct, that means that between 11:15am, when Ronald arrived at his son's house and 12:36pm, when Ferguson is first spotted on CCTV in Gillingham that, if Ferguson was the murderer, he couldn't have killed her after midday. There just would not be enough time for him to driven to Susan's house, killed her, and then driven into Gillingham.

The same applies to before midday. The Crown put forward the fact that Susan had to have been prevented from leaving her home shortly after 11am. The reason was that she was due to start work at the primary school at 11:30am and invariably arrived around there at 11:15am. Ferguson would not have had enough time to have killed Susan and be home to answer the door to his father at 11:15am. Even if he was lying in wait for Susan when she got home, say 10:47am (5 minutes from the shopping centre) he would have had to do a number of things that would make the window of opportunity too small. He would need 20 minutes to get home for a start. How long would it have taken to entice Susan into a state of undress and then kill her savagely?

Furthermore, a knife was found damp at the scene. We can presume that this non-disclosed item, withheld exhibit MJP/15, was the murder weapon. If so then it had had to have been washed of blood. The murderer would have been covered in blood too so would also have had to have been very careful so as not leave bloodstains on the route out of the house. This all takes time. Does anyone believe that Ferguson was capable of doing all of this in 8 minutes?

Do you?

Remember, no DNA of Susan was found on his clothing, in his car or in his house. He had been up until nigh on 7am that day, surfing the internet; his withheld, itemised telephone bill proves this. Besides, Dr Rouse's opinion, according to Dr Barrett says categorically that Susan died at Midday and that she was still alive *in the morning*. The ramification of the withheld evidence is that it is quite plainly in direct contradiction to the Crown's DNA evidence. David Ferguson could not be in two places at once!

Due to Dr Barrett's exposé, another area of Crown evidence now becomes worryingly suspect in terms of its integrity. This is Dr Barrett's own evidence in particular and the computer evidence in general given by Christopher Crute. In Dr Barretts own words he has admitted that he was literally **embedded** in the police investigation almost from the off. He was even on first name terms with them! He had been party to the police's discovery of the alibi evidence for Ferguson but the police had thrown him a curve ball in the shape of incorrect information regarding the actual premises from which the faulty pharmacist's computer came.

As soon as he heard this little yarn from the police officers around him, Dr Barrett's own objectivity was now fatally compromised and contaminated. His work on the computer seized from Ferguson's home was from there on always going to be performed with the perceived view that the police had gotten **the right man**.

In his own words Dr Barrett says that immediately following the police's apparent breaking of Ferguson's alibi;

*"Back at the office, I began my own analysis of the material seized from Ferguson's computer... (p 245)*

So, the chain of events in the Crown's evidence is now quite clear. Firstly Dr Barrett is embedded in the police investigation, he is persuaded of Ferguson's guilt and then he begins work on his own analysis evidence. For any scientist, the performing of blind studies is crucial to the integrity of the findings. Here, with Dr Barrett's work, there is now a severe doubt as to the integral value of any of it. He undertook it with the understanding that Ferguson was without any doubt Susan Kent's killer.

This is shocking because so much court time was taken up by the prosecution's exploration of Ferguson's non-conformist sex life. Not only that, these lurid details were splashed, in sensational fashion, all over the local and national media. Is it any surprise that the jury's minds were twisted toward a guilty verdict.

Yet the prosecution case consisted of nothing of any real substance. No forensic evidence was adduced, bar a partial DNA profile. This had been obtained from a

mixed sample that contained only 1 sperm head per examined slide. The computer evidence given by Dr Neil Barrett has quite plainly been contaminated by dint of his being fully embedded in the police investigation. The handcuff key found on Ferguson's keyfob, that could open more than one pair of cuffs, is a red herring. As is Ferguson's occupational need for the use of knives. That makes the Crown's evidence a laughable proposition since the police themselves went out and bought two knives of their own to enter as evidence whilst the real murder weapon had seemingly been withheld.

And it is the police and prosecution's withholding and non-disclosure of evidence that marks this case out as being cruelly shocking for all involved. David Ferguson may spend his entire life in prison for a crime he most certainly didn't do. The family of Susan Kent have been cheated of justice by the prosecuting authorities who have wilfully conspired to let a savage killer go free. The public have also been misled into believing that the Criminal Justice system is adequate and fit for purpose. But how can that ever be so when the watchkeepers have a vested interest in keeping the true extent of the facts well hid.

In fact, following the discovery of the withheld statement of Klaire Gregory and the **full** evidence contained within Lorna Reeves' statement, not discussed in court, one can only wonder why the thrust of the investigation into this case wasn't in a completely different direction? Why, for instance, were the police not interested in tracing the man '*Pete*' that Ms Gregory relayed to police as being Susan Kent's current lover? Similarly, Brian Warner's almost positive sighting of the red car on Susan's driveway late that morning was given nothing more than cursory attention by the police. Was it owned by the person who left the *footprint* and cigarette butt in Susan's bedroom and DNA on the handcuffs? Was Susan Kent's ***social life and sexual leanings*** the reason that she died in such a gruesome manner? None of this, bar Mr Warner's sighting of the red car, was presented to the court in 2000. Full details of these areas of the case are discussed in the first edition of this article.

After my discovery of the new evidence emanating from Dr Barrett's revelations, Mark McKone, David's new barrister, has instructed David's solicitor to request the

## The Case of David Ferguson by Steve Sinclair

non-disclosed statements and items of evidence regarding the chemist shop and Dr Rouse's withheld report into Susan's time of death.

There have been many shocking miscarriages of justice down the years and the case of David Ferguson will surely be another major entry into English justice's book of shame.