

CONFIDENTIAL - POLICY



The Rt Hon Michael Howard QC MP
 Secretary of State for the Home Department
 50 Queen Anne's Gate
 LONDON
 SW1H 9AT

C. John Holmes
 - you may wish to be aware
 of this.
 Northern Ireland Office
 Stormont Castle
 Belfast BT4 3ST
J. Polley
15/1

① a man Adams
- to be announced at
luncheon today. I
think NIO will
be sending you a
January 1997

J. M. Bodanline.

② Bank he

J. 16/1

Dear Michael:

I am writing to let you know that I shall shortly be referring the case of Lee William Clegg back to the Court of Appeal under the power available to me through Section 14 of the Criminal Appeal (Northern Ireland) Act 1980.

On 30 September 1990 Private (now Lance Corporal) Clegg was a member of a joint RUC/Parachute Regiment patrol which fired at a stolen car being crashed through a vehicle checkpoint. The driver was killed instantly and a passenger, Karen Marie Reilly, fatally wounded. On 4 June 1993, at Belfast Crown Court, Clegg was convicted of a number of offences, including Miss Reilly's murder, for which he was sentenced to life imprisonment.

Clegg's conviction was based on forensic evidence produced by the Northern Ireland Forensic Science Laboratory. The court found that a bullet recovered from Miss Reilly's body, and which caused fatal wounds, had been fired from Clegg's rifle. The defence accepted this evidence. The point at issue, however, was the location of the car in relation to the weapon when the fatal shot was fired. The court accepted the prosecution's evidence that the bullet was fired through the back of the car and not the side, as the defence argued. Since the departing car no longer represented a danger to the patrol, such a shot was not regarded as having been fired by Clegg in defence of himself

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or other members of the patrol. Clegg was therefore found guilty of murder.

Clegg's appeals to the Court of Appeal and House of Lords were dismissed. The case received considerable publicity, particularly prior to and following his release on life licence in 1995.

Last year, I received from Clegg's solicitors an application to refer his case back to the Court of Appeal. The application was supported, in the main, by the evidence of an independent ballistics expert and a pathologist. On the basis of expert advice which I commissioned, I have concluded that the new material casts sufficient doubt on the safety of the conviction to oblige me to refer it back to the Court of Appeal. Since the case is likely to attract further publicity, I thought I should give you advance notice of my intention. At the time of referral, I shall issue a short factual press release (attached). As the case will then be sub judice, we shall make no further comment about it while the matter is before the court.

In the light of the unusual sensitivity of this case, I should be grateful if all recipients would take particular care to guard against any premature disclosure of my intention to refer it to the Court of Appeal.

Copies of this letter go to Michael Portillo, Nick Lyell and to Sir Robin Butler.

John [unclear]
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