

Judicial Communications Office

8 May 2026

COURT QUASHES CONVICTION AND ORDERS RETRIAL

Summary of Judgment

The Court of Appeal¹ today quashed the conviction of Sean Rodgers for the murder of Edward Meenan on 25 November 2018. It held that a catalogue of procedural errors in the case made the conviction unsafe. The court ordered a retrial.

Background

Sean Rodgers (“the applicant”) was convicted of the murder of Edward Meenan following a jury trial at Belfast Crown Court on 15 March 2022. Co-accused Derek Cresswell pleaded guilty to murder and Ryan Walters was convicted of manslaughter. The applicant also pleaded guilty to perverting the course of justice.

Appeal

The applicant sought leave to appeal against his conviction, advancing grounds that:

- (1) he was convicted following an unfair trial after his legal representatives withdrew and he proceeded unrepresented;
- (2) the trial judge failed to properly direct the jury on self-defence; and
- (3) the jury were misdirected or inadequately directed on loss of control.

The court treated the latter grounds 2 and 3 as part of the overarching issue of fairness and assessed the proceedings as a whole in accordance with the principles in *R v Pollock* [2004] NICA 34, namely whether the conviction is unsafe.

The factual background was largely undisputed. On 25 November 2018, the applicant and his co-accused were present at a property when two masked men attended, leading to a violent confrontation during which the deceased sustained fatal injuries. Evidence included post-incident destruction of clothing and weapons and evolving accounts by the applicant, culminating in a trial account asserting self-defence and loss of control.

A first trial was aborted due to concerns regarding the applicant’s fitness to stand trial. Subsequent expert evidence established that he was fit to stand trial but vulnerable, with a low IQ and learning disability. Special measures were directed, including appointment of a Registered Intermediary (“RI”).

During the retrial, after the close of the prosecution case, the applicant’s legal representatives withdrew due to an irretrievable breakdown in relations. The trial judge permitted withdrawal and directed the trial to continue immediately with the applicant representing himself, with limited assistance from the RI. The applicant thereafter gave evidence largely elicited by the

¹ The panel was Keegan LCJ, Treacy LJ and Colton LJ. Keegan LCJ delivered the judgment of the court.

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judge and was subject to cross-examination. The case proceeded as a “cut-throat” defence between co-accused², with significant evidential disputes, including evidence of alleged threats made by the applicant.

The applicant contended that the trial became unfair due to procedural irregularities following withdrawal of representation, including insufficient time to prepare, inadequate safeguards for a vulnerable defendant, flawed questioning contrary to intermediary recommendations, disparity in presentation of cases, and misdirections in the summing-up. The prosecution accepted certain irregularities had occurred but contended that no prejudice arose capable of affecting the verdict, emphasising the strength of the evidence and the absence of a viable basis for self-defence or loss of control.

In paragraphs [44] to [53] of the judgment, the court identified the applicable legal principles, including the absolute right to a fair trial under article 6 ECHR, the role of special measures for vulnerable defendants, and the structured guidance in *R v Bain*³ concerning withdrawal of legal representation and continuation of proceedings. Applying these principles, the court examined the circumstances surrounding withdrawal of counsel. It found multiple departures from established guidance, including failure to explore alternatives, failure to afford a cooling-off period, failure to consider adjournment, and mischaracterisation of the applicant as willing to represent himself when he expressly indicated that he required legal assistance.

The court concluded that the applicant did not make a free or informed choice to proceed unrepresented and that the safeguards required by *Bain* were not properly applied. The absence of representation had material consequences for the conduct of the defence, including inadequate preparation, ineffective examination and cross-examination, failure to properly regulate questioning in accordance with intermediary recommendations, and absence of a ground rules hearing. The court further found that the intermediary framework was relied upon beyond its statutory purpose and could not substitute for legal representation.

Additional procedural unfairness arose from the handling of prison van evidence (in which it was alleged that the applicant threatened his co-accused Walters) including the lack of proper admissibility consideration, leading questioning, and failure to ensure the applicant had proper opportunity to review material prior to cross-examination. The court held that these matters cumulatively resulted in prejudice and rendered the trial unfair.

The court also considered the adequacy of the judge’s directions. While certain legal ingredients were addressed, the charge was found defective. In particular, the directions on self-defence failed to properly distinguish between subjective necessity and objective reasonableness. The court said the judge failed to direct on the “householder defence” where it arguably arose, and failed to properly direct on the statutory defence of loss of control after indicating that it would be left to the jury. Further, the court held that the *Lucas* direction given by the judge on lies was

² A cut-throat defence is where one defendant gives evidence that is damaging to a co-defendant’s case, while typically seeking to exonerate themselves.

³ *R v Bail* [2020] UKPC 10

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misleading, particularly in the context of disputed evidence and the applicant's vulnerability, and the judge failed to adequately explain the applicant's intellectual limitations to the jury.

Conclusion

The court concluded that the cumulative effect of procedural irregularities, absence of adequate safeguards for a vulnerable defendant, defective directions, and resulting forensic disadvantage rendered the proceedings unfair and the conviction unsafe. It rejected the submission that the strength of the evidence could cure unfairness, reaffirming that the right to a fair trial is absolute.

Accordingly, the court granted leave to appeal, allowed the appeal, and quashed the conviction for murder. It directed that a retrial be ordered. Having canvassed the views of the prosecution and defence, and no objection being raised on the basis of potential prejudice to the retrial, this judgment is being published now given the practice issues that arise.

NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available shortly on the Judiciary NI website (<https://www.judiciaryni.uk/>).

ENDS

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