

Judicial Communications Office

Tuesday 14 November 2023

COURT OF APPEAL UPHOLD SEX OFFENCE CONVICTIONS IN CASE OF JAMES McKEEVER

Summary of the Appeal Court Judgment

Treacy LJ, Horner LJ and McFarland J

Lord Justice Treacy, sitting today in the Court of Appeal, delivered the judgment on behalf of the three judge panel constituted of Lord Justice Treacy, Lord Justice Horner and Mr Justice McFarland and dismissed the appeal against conviction.

Reporting Restrictions

The complainant is entitled to automatic lifetime anonymity in respect of this matter.

Factual Background

The complainant in this case is now an adult female. The offences occurred between 1981 and 1988 when the complainant was aged between 7 and 14.

The trial began on 16 May 2022. On the first day a jury was sworn and the complainant gave evidence.

The appellant was convicted on 24 May 2022.

The complainant alleged that she had been subjected to sexual abuse by the appellant between 1981 and 1988 when she was aged between 7 and 14 and the appellant was aged between 24 and 30 years.

She alleged that she had been abused on a number of occasions at several houses in and around Derry in the 1980's, and she recalled an incident of abuse at a factory in Derry, and another in a car when she was a child.

The appellant was interviewed by police on 3 March 2020 and denied the offences. He maintained this position during his evidence in chief and cross-examination.

The complainant gave evidence in chief by way of two ABE video interviews and was then cross-examined.

Appeal Court Considerations

A childhood friend of the complainant gave a statement to police in February 2021 which stated that the complainant had told her about the sexual abuse "*the year the Child Line*

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advertisements were on the television. I don't remember what age we were, but it was definitely the year those adverts were on television...I remember when the complainant told me that Jim McKeever was abusing her sexually however she didn't use those exact words but words to that effect and I knew exactly what she meant... I told her she should ring child line."

The trial judge gave a ruling admitting the hearsay evidence. The Court of Appeal today ruled that the hearsay was properly admitted at the trial. The court stated *"What the complainant said to [her friend] was the first complaint that the complainant had made. The complaint was the closest in time to the allegations. The complaint had been made when the complainant was a child, and it was made to another child, who was her best friend at the time."*

Lord Justice Treacy today also considered a ground of appeal relating to fresh evidence, namely an anonymous interview which the complainant gave to the BBC after the conviction of the complainant. The appellant claims that the complainant stated facts that were contrary to her oral evidence at trial.

The Court of Appeal considered the contents of this BBC interview, and ruled that they did not consider that this material constitutes fresh evidence affording any ground for allowing the appeal. The court ruled that there was little if any difference between the ABE interview and the BBC interview when the complainant talked of her hatred of James McKeever.

Lord Justice Treacy concluded by stating that the Court of Appeal entertained no doubt about the safety of the convictions and dismissed the appeal.

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 on www.judiciaryni.uk

ENDS

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