



Lundy's Last Chance?

The case of Mark Lundy, convicted of murdering his wife and daughter in 2000, is set to be reviewed by the Privy Council. Mike White reveals the remarkable Kiwi team behind his appeal and the mounting evidence that suggests Lundy was wrongly convicted.

MIKE WHITE IS A NORTH & SOUTH SENIOR WRITER.

Ten years. Ten bloody years. Jeez. Geoff Levick leans back and thinks how long he's been working on Mark Lundy's case and smiles a bit.

It was never meant to take this long – hell, it was never meant to take half this long – to appeal Lundy's conviction for murdering his wife Christine and seven-year-old daughter Amber. A High Court jury and then the Appeal Court both said Lundy axed his family to death with a tomahawk, an attack so furied and fed by hatred that the scene was a bloodbath.

But that notion never stacked up for Levick and a very small group who continued to support Lundy. So they set to work, got all the documents, picked away at the case's improbabilities, contradictions and fallacies, all the while becoming more convinced that this was one of the country's greatest miscarriages of justice.

There was help along the way, from lawyers working for free and experts here and overseas who were aghast at the science on which Lundy had been convicted. As far back as 2007, Levick had documented the case's pitfalls in a compelling draft and felt they were almost ready to file an appeal. But nothing happens as expected in cases such as these, nothing moves as quickly as wanted.

So here we are now, 10 years after Lundy's conviction and the Court of Appeal's decision to uphold it and, at last, a new appeal has been filed. In the coming weeks, all Levick's work will be considered by the judges of the Privy Council, 20,000km from his Auckland home and a world away from the blood-stained bedroom in Karamea Cres, Palmerston North, where Christine and Amber were discovered on the morning of August 30, 2000.

The day before, on Tuesday, August 29, 2000, Mark Lundy, then 41 and the owner of a business supplying kitchen sinks and benches, drove from his house to Wellington on business. He checked into a Petone motel, having clients to see the next day before returning home.

But police claimed that shortly after 5.30pm Lundy made a wild drive 150km back home to murder Christine and Amber, then sped back to Petone by 8.29pm, where later that night, he hired a prostitute for sex. The next day Lundy carried on with his normal business calls until alerted that police were swarming over his house, whereupon he raced home and feigned grief.



Police allege Lundy made a 300km round trip between his Petone motel (top) and his Palmerston North home (above), much of it during rush hour, as well as committing the murders and disposing of the evidence – all in less than three hours. Despite numerous attempts, nobody has been able to complete the drive in this time.

The police scenario was that Lundy had got into financial trouble with a land purchase and murdered Christine to claim her life insurance. Amber witnessed the attack so also had to be killed, they hypothesised.

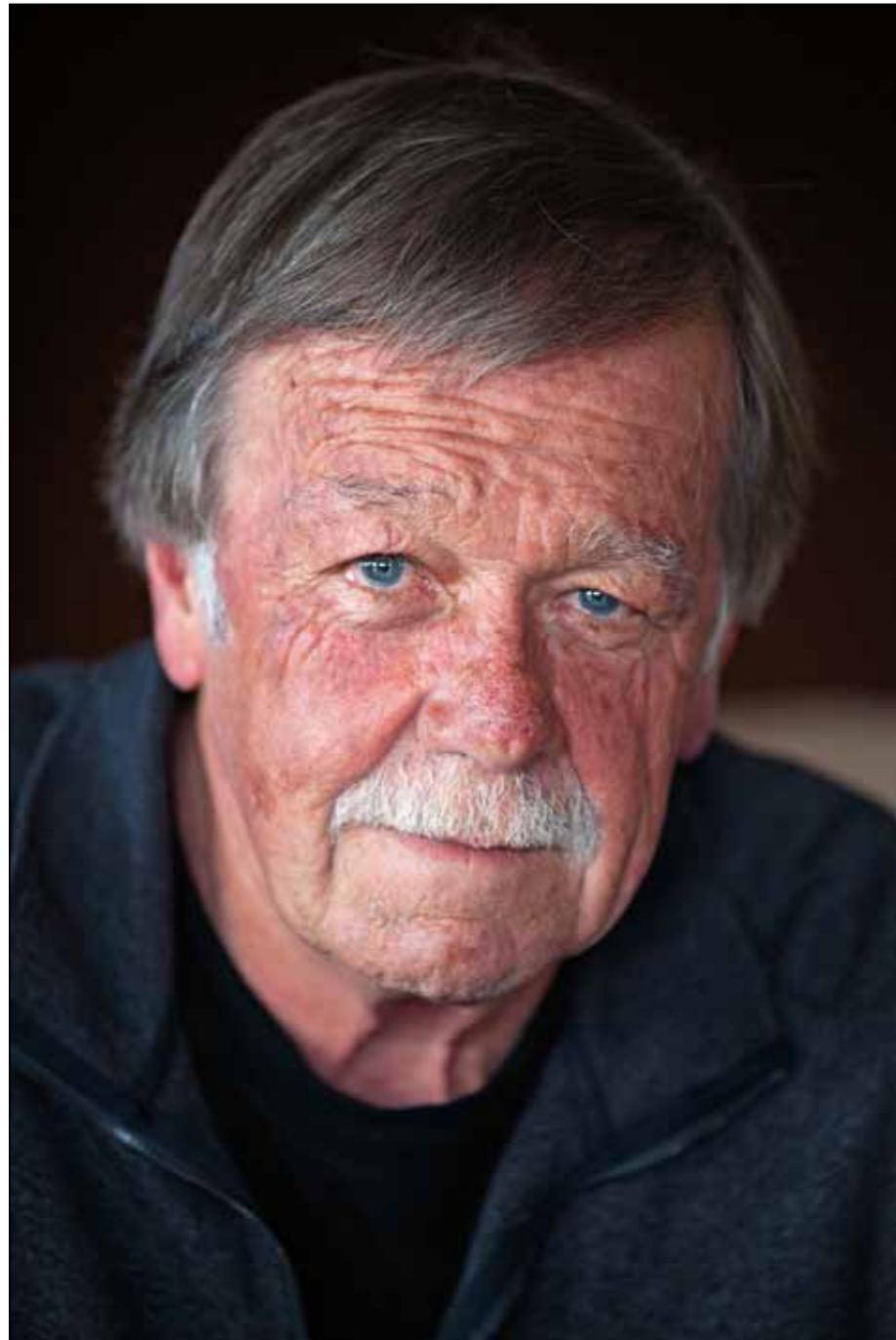
It took six months for police to arrest Lundy, and in that time they'd settled on an explanation of how he'd committed the crime.

At 5.30pm on that Tuesday, Christine and Amber had phoned Lundy in Petone saying that Amber's Pippins (Guides) group had been cancelled and they were going to have McDonald's for dinner. Supposedly, Lundy told Christine he was coming home for sex and convinced her to be in bed by 7pm. This bizarre interpretation was necessary because Christine's body was found naked in bed

and pathologists pinpointed the time of death at between 7pm and 7.15pm.

Having somehow convinced Christine to do this – despite having already booked into his motel; despite Christine and Amber's favourite television programme, *Shortland Street*, being on at 7pm; despite Amber not usually being in bed at this time; despite Christine having to do her brother's GST return that evening; despite it being much more logical to make the trip home later if a romantic tryst was desired; despite having to be back in Wellington the next day – police argued Lundy set off in rush-hour traffic to race home.

Cellphone records confirm Lundy had a window of just under three hours to drive



Geoff Levick has devoted 10 years of his life to proving Mark Lundy's innocence and swears he won't stop until he's acquitted.

the blood off him – in such a secret place they have never been found; and run back 500m to his car. Then he had to drive at speeds averaging 120km/h to get back to Petone.

Police tried to recreate the journey and never managed the drive in under three hours – let alone everything else he had to do. And their attempts were never in rush hour. Other attempts to achieve the 300km drive in the time required have never got remotely close.

The Crown, however, insisted it must have been possible, despite no other travellers or police having seen Lundy's car travelling at the incredible speeds that were necessary.

Somehow the jury also believed it was possible. And at the heart of that “somehow” were two tiny specks of tissue found on a polo-shirt in Lundy's car. The murder was so violent that blood sprayed over the bedroom walls and ceiling, creating a shadow where the killer stood. Despite Lundy's glasses, wedding ring, shoes and car being tested for blood and nothing having been found, police seized on the two faint stains on the shirt's left sleeve and chest pocket.

Testing suggested there was a high probability they contained Christine Lundy's DNA.

After initially being told by world experts there was no way of identifying exactly what type of tissue the stains were, police were pointed to a pathologist in Dallas, Texas, who claimed he was capable of conducting such testing. Rodney Miller tested the shirt stains using a technique called immunohistochemistry and confidently asserted they were brain tissue.

Immunohistochemistry (IHC) is a test used in cancer diagnosis and research laboratories to help establish what cells are present. However, it had never been done on fabric before, nor on a sample five months old; usually all samples are tissues prepared specifically and swiftly for IHC testing – which is why other experts declined to help, not believing it was possible.

At trial however, Miller's apparently ground-breaking test proved the most convincing element of the Crown case. How else could Christine Lundy's brain tissue have got onto her husband's shirt unless he was the killer? The defence claimed contamination or even police planting, and the only witness it called on the issue had limited knowledge of IHC and, crucially, hadn't even examined the slides that Miller claimed showed brain tissue.

In the end, Miller's evidence proved powerful and persuasive. After six weeks of evidence and seven hours of deliberation, the jury found Lundy guilty. He was

sentenced to life imprisonment including 17 years without parole. The Court of Appeal increased this to 20 years.

Public opinion was sated. Virtually nobody believed Lundy was innocent – his over-the-top theatrics at Christine and Amber's funeral and his hiring of a hooker were enough to convict him in most people's minds. Stories of his heavy drinking and big-mouth bragging only added to popular distaste.

Without the choirboy image of David Bain and a high-profile champion like Joe Karam, Lundy's case quickly disappeared from headlines, clutched onto by only a few individuals convinced the evidence didn't exist, had been twisted or was just plain wrong.

When Geoff Levick first learnt of the journey Lundy had to make within three hours, he couldn't believe police would be able to convince a jury Lundy was the murderer. “I remember saying to my wife, ‘They're going to have to stitch this guy up because you just can't do the trip in that time – it's just absolutely impossible.’”

Levick's certainty came from years of having made a virtually identical journey to that Lundy was said to have made to kill his wife and daughter. Levick is now an Auckland horse breeder, but between 1975 and 1996 he owned a company importing chemicals and plastic raw materials. Visiting clients, he would drive between Unilever's factory in Petone near the motel Lundy stayed at, and James Hardie's premises in Palmerston North, which was 400m from the Lundy's house.

He made the trip dozens of times, nearly always around lunchtime when traffic was much lighter than the rush hour Lundy was said to have taken off in. It always took him between 1 hour 50 minutes and 1 hour 55 minutes.

After Lundy's conviction, he saw an item in the *New Zealand Herald* about a small group in Palmerston North who maintained Lundy was innocent. Wanting to know more, Levick travelled to Palmerston North in early 2003 and met with the handful of supporters, who included Lundy's father.

Over the following months and years they examined the trial transcripts, got police documents and notebooks that hadn't been disclosed to the defence and consulted with experts over crucial evidence.

But with the death of several of the group's members, the burden increasingly fell on Levick to continue the work. This not only included amassing and analysing the evidence, but organising legal help, assisted



David Hislop, an expat New Zealander and Queen's Counsel in the UK, has been another key figure in bringing Lundy's case to the Privy Council.

initially by Auckland barristers Barry Hart and Richard Earwaker.

Levick had drafted a comprehensive appeal to the Privy Council by 2007 but felt their lawyers were making little progress and by late 2008 was reaching the end of his tether.

In February 2009, *North & South* published an 18-page article (by this writer) on the case, questioning the evidence that led to Lundy's conviction. It raised strong doubts about the time of death being 7pm as the pathologists and police insisted, and called into question whether the specks found on Lundy's shirt were actually brain tissue.

Following this, lawyers Christopher Stevenson and Keith Becker offered their services pro-bono to take the case to appeal. Given how slow progress had been until then, Levick gladly accepted their offer.

Stevenson was optimistic an appeal could be filed by the end of 2009, but again Levick sat waiting while the lawyers fitted Lundy's case around other work.

“And 2009 came and went and we started getting into 2010 – January, February, March, April... still nothing was done, still nothing was finalised. So I started getting seriously frustrated and in October 2010 I decided to contact a barrister in London who I thought would at least know something about the case.”

That barrister was John McLinden, a New Zealand lawyer and Queen's Counsel based in the United Kingdom. McLinden had been approached by Lundy's original defence team, Mike Behrens and Steve Winter, to provide an opinion on how to proceed after losing at the Court of Appeal in 2002.

Levick knew it was a long shot but figured McLinden's awareness of the case might be enough to make him read an email. McLinden did just that, and asked for more details.

In early 2011, McLinden advised Levick that, due to his wife's illness, he couldn't take on Lundy's case. “But rather than just wash his hands and say, ‘I can't help you anymore,’ he said, ‘I'll find someone else.’ That was a very strong gesture,” recalls Levick.

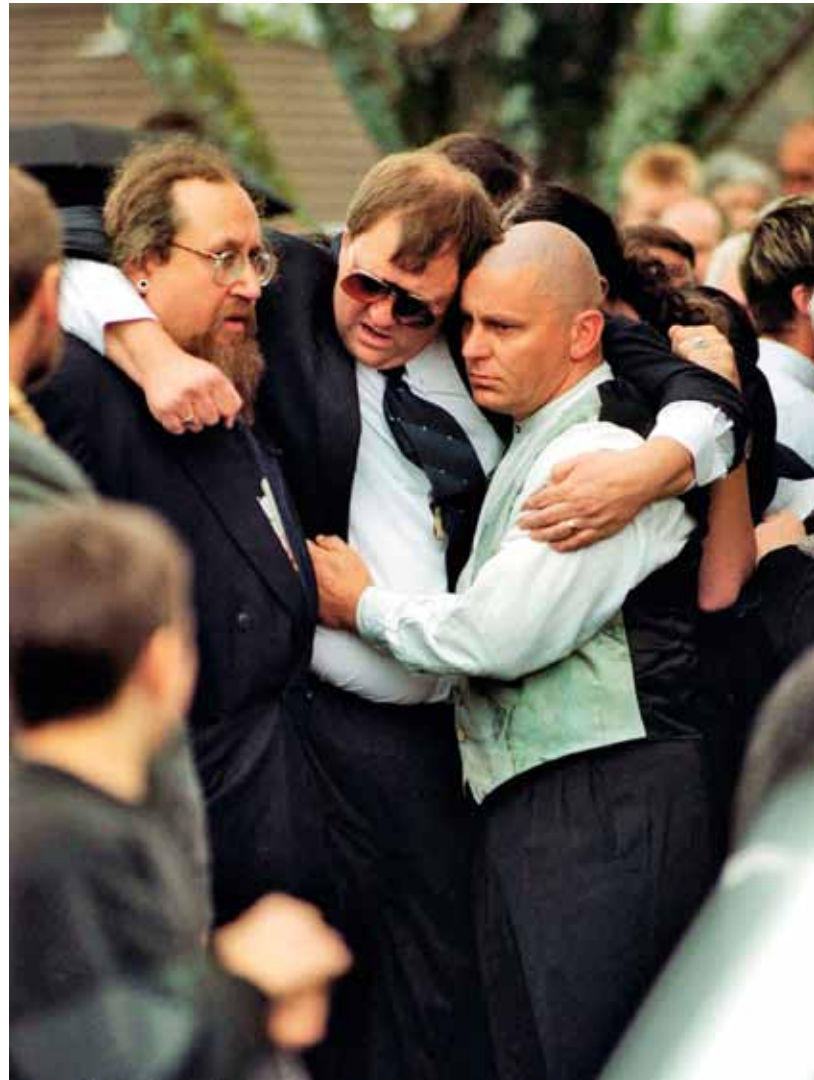
McLinden approached David Hislop, another expat New Zealander and QC working in the UK, who he'd known for 15 years. The first thing McLinden did was show him *North & South's* story and Hislop found himself particularly fascinated with the brain tissue and computer-tampering evidence.

Despite having been in the UK for more than 20 years, Hislop still considers himself a New Zealander “in every way. I'm ferociously patriotic... when the All Blacks are playing, our house stands still.”

As well as Hislop, McLinden put Levick in touch with Malcolm Birdling, another New Zealand lawyer, who was completing a PhD at Oxford University looking at wrongful convictions in New Zealand and the UK. McLinden and Birdling met at a Victoria University alumni meeting in 2006 and had worked together on a number of cases including a murder appeal to the Privy Council from Jamaica. Birdling had also helped defence lawyers Greg King and Christopher

to Palmerston North, complete the murders and get back to Petone.

As well as the 300km round trip, Lundy had to park 500m away from his house; run to his home through a busy suburban area; manipulate the family's computer to make it look like it was shut down later that night; murder Christine and Amber; steal a jewellery box so it looked like a burglary; jemmy a back window to make it appear like a break-in; dispose of the jewellery box, jemmy bar and murder weapon – as well as the cover-all clothing and gloves he must have worn to keep



GRAEME BROWN / MANAWATU STANDARD

Lundy's behaviour at Christine and Amber's funeral was seen as faux-grief and bad acting by many onlookers.

this English woman's voice said, 'Hello, I'm Professor Helen Whitwell and I'm here on holiday in New Zealand and I saw the *North & South* magazine in the bookshop and it caught my eye so I bought it.'

She noticed the story quoted an international expert on time of death, Bernard Knight, who rubbished the pathologists' claims the Lundys were killed at 7pm.

Whitwell, a Home Office accredited forensic pathologist for more than 20 years, knew Knight well so phoned him in the UK. Knight was well aware of the case and had Levick's phone number, which Whitwell rang, eventually offering her help with the case by saying, "So here I am."

As Levick described it, "It was like manna from heaven."

Over the past four years, Whitwell has returned to New Zealand several times and has re-examined the crucial laboratory slides from Rodney Miller's controversial IHC tests which supposedly contained Christine Lundy's brain tissue. After analysing the tissue – under police supervision – Whitwell said she was unable to identify any brain cells at all.

In a sworn affidavit she states: "This is a minute fragment of tissue which probably represents cellular material [human or animal], however the nature of this cannot be determined further... it is not possible to diagnose this as brain tissue."

Regarding Miller's tests, Whitwell was even harsher. "In my opinion, it is impossible to make any rational sense of the immunocytochemistry stains. I have very serious concerns about a sample which is so minute, first examined some 59 days following the deaths of the deceaseds."

In *North & South's* 2009 story, other experts also strongly questioned Miller's technique, analysis and conclusions. One of those was Otago University Associate Professor Philip Sheard, who has used IHC as a research technique for more than 20 years.

Levick had contacted Sheard early in his investigations and over the following years relied on him to help understand complicated scientific detail. "I must have driven him to total distraction with incessant questions," says Levick. "And he never ever said, 'Geoff, I'm getting fed up with this, please nick off.' It's truly remarkable."

Sheard also examined the slides from the polo-shirt which Miller claimed definitively showed brain tissue, and is damning of Miller's work. In an affidavit, Sheard states: "It is my view that the results of the immunohistochemical procedure permit no reliable conclusion, and that the previously presented

photographic evidence has been collated to support a specific interpretation rather than to permit objective evaluation."

"It is not possible to use this experiment to reach a reliable conclusion as to the identity of the material on the Lundy shirt."

Sheard also noted the remarkable lack of blood cells or anything resembling them on what was supposedly brain tissue and highlighted the lack of adequate scientific controls employed by Miller.

Miller has always bullishly stood by his findings and has even publicly used this case as an example of his skill. In 2008, he told *North & South*: "I can say with 100 per cent certainty that the tissue on Mr Lundy's shirt was central nervous system tissue. Not 99.999 per cent certainty – 100 per cent... Any appropriately trained pathologist or other scientist who examined the evidence that I did and reviewed the immunostains that I performed would come to the same conclusion that I did. If they did not, they are either incompetent, hopelessly naive or unwilling to believe the truth."

Such self-confidence looks set to be tested.

Kevin Gatter, professor of pathology at Oxford University, reviewed Miller's work and the reports of Whitwell and Sheard. A pathologist since 1980, a specialist in IHC for more than 30 years and author of more than 450 refereed papers and three books on this and associated topics, Gatter reinforced that IHC "is known to be potentially inconsistent and unreliable, so must be performed and interpreted with skill and rigour" – something others have highlighted given Miller's novel approach.

"The experimental protocols and control material used to evaluate the unknown specimen in the instant case do not provide the necessary data to permit meaningful interpretation of the experimental results," wrote Gatter in an affidavit. "In these circumstances it is not possible to use the experiment to reach a reliable conclusion as to the identity of the material on the Lundy shirt."

As Lundy's lawyers put it in the appeal, the evidence of three Crown witnesses, including Miller, "was fundamentally flawed such as to render his trial unfair. The jury were undoubtedly seriously misled by their evidence."

Appeals to the Privy Council are strictly regulated. The only New Zealand cases that can be taken there are those heard in the Court of Appeal prior to the Supreme Court's es-



Geoff Levick's ping-pong table has long been taken over by files and evidence relating to Lundy's case.

Stevenson with the Privy Council appeal of John Barlow, convicted of murdering Gene and Eugene Thomas in 1994, and had already examined Lundy's case for Stevenson.

In June 2011, Levick travelled to London to meet Hislop, Birdling and McLinden, along with a fourth expat New Zealand lawyer, Alan Taylor, a solicitor who would act as agent for any appeal to the Privy Council. Hislop had known Taylor, an Auckland Grammar old boy like Levick, for 20 years and trusted his experience with the Privy Council.

Levick remembers his nerves as he walked into Hislop's chambers, realising that all his work in the past eight years was on the line. But he immediately felt at ease among the New Zealanders and never felt like a colonial hick proffering a case of injustice to top London lawyers. He also realised Hislop, surrounded by files from Lundy's case, had got

to grips with the often complex evidence incredibly quickly.

"They're just good, honest, decent people, very intelligent, very experienced."

Hislop and Birdling agreed to take the case pro bono, distilling all Levick's material into an appeal document and collating affidavits obtained from a host of experts over the previous 18 months.

Levick returned to London in September 2012 to meet with Hislop and Taylor. And it was during this meeting that Levick introduced Hislop to one of the appellant's most crucial allies – a world authority on forensic neuropathology, Helen Whitwell.

Shortly after *North & South's* story on the Lundy case appeared in January 2009, Geoff Levick was sitting at home when the phone rang. "And

establishment in 2004. Obtaining a hearing is difficult, winning an appeal is extremely rare, relying on proving there's been a substantial miscarriage of justice.

Only a handful of New Zealand criminal cases have ever been successful there – including the quashing of David Bain's conviction in 2007. Lundy's appeal may well be the last New Zealand case heard there.

The initial approach is now done by filing a brief submission – generally no more than 10 pages – outlining the case and the appeal grounds. If the judges agree to consider the case further, a hearing is scheduled. A decision often takes many months. The whole process can easily take two years.

The enforced brevity of that initial approach – 10 years' work condensed into 10 pages – has been one of the most difficult things faced by Levick and the lawyers. It has meant only

the most compelling points, such as challenging the supposed brain tissue evidence, can be made.

Another crucial area of the appeal is the claim by police and the Crown that Christine and Amber were killed at 7pm.

James Pang, who conducted the post mortem, claimed Christine and Amber's stomachs were both "full" and there was no "gastric smell" caused when digestion starts. They were known to have bought a large McDonald's meal at 5.43pm and the drive from there to their home was approximately 10 minutes. Christine Lundy took a short phone call at 6.56pm so she was clearly alive at this time.

At trial, Pang said the time of death was within an hour of eating, approximately 7pm or 7.15pm at the latest. While Pang has subsequently sought to suggest this was just an educated estimate, in court he was quite



Mark Lundy and Amber, the Lundys' only child, who was seven when she was murdered.

definite about the time frame. And when asked in 2008 by *North & South* whether, on reflection, the time of death could be pushed out to even 8pm, Pang replied, "Probably not."

But his findings, which were supported by Professor Gilbert Barbezat from Otago University, have been subsequently widely ridiculed by international experts.

In Lundy's appeal, Professor Bernard Knight, who authored the seminal *The Estimation of Time Since Death in the Early Post Mortem Period* – and who ironically Pang used as a reference during the trial – is damning of Pang's findings. He says the suggestion that absence of gastric smell could be used to tell time of death was "utterly without foundation and little short of ludicrous".

Knight also criticises Pang's examination of the bodies at the crime scene and during the autopsy, as well as his failure to conduct elementary tests. And he says Pang's precise claims of 7pm to 7.15pm as the time of death cannot be made accurately from stomach contents, concluding, "Very grave doubts surround much or even all of Pang's findings and evidence."

The time of death in Lundy's trial was critical. In fact, the judge instructed the jury that if they doubted it was 7pm, "it is fatal

to the prosecution case."

Knight recognised this and said time of death "is absolutely crucial in this Lundy case and it is, therefore, correspondingly essential that it must be accurate and reliable, indeed well beyond reasonable doubt. In my professional opinion the reverse is true. Pang's findings are unsupported by any valid science."

Professor Helen Whitwell also states in her affidavit that with regard to "the use of stomach contents as an estimation of time of death, this is completely unreliable and well recognised to be so".

For reasons that are unclear, Lundy's defence didn't question the time of death at trial, despite being advised by one expert that using stomach contents to estimate time of death was "in short... bullshit". No experts were called to challenge Pang and Barbezat's evidence.

The Crown's claim that Christine and Amber were killed at 7pm was complicated by evidence the family's computer was last used at 10.52pm. This corresponded with evidence that lights were seen on in the Lundy house around 11pm. The lights were off the following morning when the bodies were discovered.

However, after examining the family's computer, police claimed it had been manipulated by Mark Lundy at about 7pm to make it appear it had been shut down at 10.52pm so as to give himself an alibi. They postulated this because the "registry files" were out of order, which they claimed had been done when the time was changed.

But three other computer experts who have examined the hard drive all noted the files would be disordered only if the date was changed, not the time. They also found the drive was infected with the common KAK virus which is known to affect registry files. The police expert, Martin Kleintjes, didn't detect any virus on the computer and said he hadn't even heard of the KAK virus. He claimed the computer had a virus-checking program on it.

However, computer expert Michael Chappell has stated in an affidavit that the computer's virus protection had expired more than a year before the murders and that it was infected by the KAK virus, which could be traced back to an infected email six weeks prior to the killings.

Chappell says the virus had clearly affected the files, causing them to be out of sequence, and says Kleintjes' complicated theory of Lundy manipulating the computer prior to the murders is, "incorrect and unfounded. I would almost go as far as saying that his examination of the computer is almost bordering on incompetent."

When *North & South* interviewed Kleintjes in 2008, he insisted the computer had been thoroughly investigated and there were no viruses on it. But Lundy's lawyers have submitted to the Privy Council that Kleintjes' testimony is an example of "wrong evidence by a poor scientist with poor examination skills – in short, bad science".

They also point to the police supposedly not examining a laptop computer Christine was likely to have used that evening to do her brother's GST return. Inquiry head Ross Grantham insists he asked for the laptop to be cloned and examined. Kleintjes is adamant Grantham didn't ask him to do this. Both deny the laptop was examined, despite it potentially holding crucial information.

However, police documents that were obtained after the trial suggest it was in fact cloned while in police custody, but no results have ever been disclosed. In the appeal, Lundy's lawyers say the "failings of the police are lamentable" and this may have deprived Lundy of a defence if it was shown the laptop was used by Christine after 7pm, as is suspected.

While much of the appeal to the Privy Council is critical of the police and experts, it also questions the decisions and actions taken by Lundy's defence team at trial. Levick is hesitant to criticise Mike Behrens and Steve Winter but says their acceptance of the polo-shirt specks as brain tissue was "a monumental error", especially now that several experts have said there's no discernible brain tissue on the samples and strongly questioned the science presented to the jury.

He also wonders why the time of death evidence from the pathologists wasn't challenged, given it was obviously so out of step with accepted international science.

But he's well aware that the defence were given very limited resources to find and brief experts, and what could be seen as mistakes at trial may have been tactical gambits. Nor does Levick blame the jury for the decision it made. "The jury heard what they heard and didn't realise a lot of what they were hearing was untrue. And the jury didn't actually hear a lot of other stuff. So based just on what they heard, then the jury's decision was correct. And if I'd been sitting in the same jury room I think I would have argued that it was impossible to do the drive in the time available – and other members of the jury would have said, ' Geoff, how do you explain his wife's fresh brain tissue on his shirt?' And with absolutely no answers to that I would've capitulated and said, 'I can't explain that' and I would have voted guilty, just like they did."

In 2008, Ross Grantham told *North & South* he admired the likes of Levick who'd stuck by Lundy but said it was futile because "the evidence produced is irrefutable". He said it was unfortunate Lundy was so dishonest that he prevailed upon his small group of supporters.

This kind of comment incenses Levick. "It's absolute bullshit. What Grantham refers to as irrefutable I would describe as utter nonsense. I'm a facts man. And [Hislop and Birdling] are the same – they just look at the facts. And the facts don't stack up. In fact, the so-called facts that convicted Mark Lundy aren't facts at all. That's it. There's no emotion in this. It's just saying, this hasn't been done right."

"I've been at this 10 years now and if anything you just keep finding more information that shows the evidence that convicted Mark Lundy gets weaker and weaker and weaker. And on the other side I've never found anything or heard anything that made me doubt him. I've said to Mark, 'If I ever catch you



The Petone foreshore where Lundy was parked when Christine and Amber rang him at 5.30pm. Despite having booked into his motel for the night, Lundy supposedly told Christine he was coming home for sex and she should be in bed by 7pm.

lying then we'll have another think about this.' And he never has. Nothing."

David Hislop and Malcolm Birdling both pay tribute to Levick's persistence. "There's nothing in it for him if Mark Lundy walks free – except an 'I told you so,'" says Hislop. "He's a special human being, without whom this appeal wouldn't have been."

The hundreds of hours they've done on the case pro bono are testament to Levick's groundwork as well as their belief lawyers have an obligation to ensure a lack of money doesn't prevent access to justice.

The Privy Council may refuse to hear Lundy's appeal – it could rule it's been too long since his Court of Appeal hearing or it could prefer the arguments put forward by the Crown Law Office in New Zealand, which will no doubt seek to uphold the conviction.

It may, as in the case of John Barlow, grant a hearing, accept the arguments but decline to quash the conviction. Everyone on Lundy's team accepts the difficulty of what they face. But it's always been like this. Virtually everyone Lundy knew dumped him after the trial. Only two people in Palmerston North have continued to visit him in jail. Even his own brother, Craig, has publicly stated he's guilty. (Lundy's sister, Caryl, and brother-in-law Dave continue to support and visit him.)

None of which deters Levick. If being in a small minority bothered him, he'd have given up long ago. "If anyone had said to me at the start that this will take more than 10 years to resolve, all it probably would have done is give me grounds for pause, not to stop. Because once I started reading the case and the trial transcripts it was just so apparent this was wrong. I have to see something through till it's finished."

But that finish line is still a long way off. Ultimately all Levick wants is to be able to get a new trial for Lundy where all the evidence, including what was withheld from the defence and what they've discovered since, can be presented.

"That's the end game. That's where we finish – when we have a jury listen to the truth. And if we have someone stretching the truth, they are going to have themselves torn to pieces. Not like last time."

But first there's the Privy Council hurdle and the possibility they'll be knocked back again.

"That's not going to happen," says Levick, with a face like steel. "The Privy Council will agree to hear the case and they will order a retrial. That's it. Full stop. If they don't, is a question I don't think about. Because it's not going to happen." +