

## Transcript of Podcast 064: Jury Service

{Intro:

*KIRA: I think I'm out cos ... I've never done Jury Service. You have to be an upstanding citizen? Maybe that's why I've never been called, because I'm not considered an upstanding citizen. And yet I don't have a criminal record, which appears to be the benchmark for Jury Service: are you a decent person? I don't know. Have you ever been in prison? No. Then Jury Service for you! And yet I still don't get invited. It's just feeling personal at this point. I imagine it would be fun though. Except in your case, not. {gigglesnort}*

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{intro music - jaunty, bouncy}

{{Intro standard announcement:

*Hello. Thank you for tuning in. You're listening to Travel Tales From Beyond The Brochure, a podcast looking at unfamiliar places across the world, and aspects of travelling you may never have thought of. I'm your host, The Barefoot Backpacker, a middle-aged Enby with a passion for offbeat travel, history, culture, and the 'why's behind travel itself. So join me as we venture ... beyond the brochure.}*

{Music fades. Podcast begins}

Hello :)

Welcome to 2023. I'm not going to say "Happy New Year" because, well, I think we're all a little too world-weary and realistic for that.

For those of you who celebrated any holidays, festivities, or commemorations in December, I hope they went well for you and your close-of-kin. I had my friend Laura visiting and we did very little of note. I spent three days shouting at Google Analytics 4, but that's because I worked those days between Christmas and New Year, and that's my day job (I'm a data analyst by career). This doesn't mean you can come at me with all your GA queries, by the way. Well, it does, but there's no guarantee I'll be able to answer them. Yet. Working on that. Which is why I was shouting at GA4 in the first place. But once I get a handle on it, it'll be fine. Might start charging for it. Or having it as a free tier on my Patreon. I might as well use my Patreon for something.

Something something SEO.

Anyway. Obviously as someone who started out as a travel blogger, it seems fitting to ask if any of you have made plans for any trips, home or abroad, in 2023 yet, or whether you're waiting for finances/strikes/pandemics/international conflicts to settle down first. I was looking at a world map last month and genuinely thinking: 'I don't have any true inspiration here - everywhere I want to go is too far away / too expensive, and nothing in my budget is calling to me'. That doesn't mean I'm going to take a weekend city break in Luton though. One thing has been sort of booked though - the same Laura has told me I'm going away to Malta over Easter. I've been to Malta before and found it to be incredibly chill; I was there six years ago this month and it very much did me good to spend a week there and just not pressure myself to do much. I always meant to write a blog post or three about it - I micro-blogged on Instagram but that was all. I guess it needs a podcast episode later in the year.

I've been a bit lax on podcast episodes recently. I know what I want to do, I just ... haven't. The plan was to do a lot of catching-up over the festive period and ... obviously that didn't happen. Because me. But thank you for your patience; I have a couple of interesting episodes lined up, including one on Detroit, one on the Merchant Navy, and one taking inspiration from the Sounds Fake But Okay podcast and delving into questions found on Reddit. Which is a lot less fun than diving into Relationship and AITA subreddits, but then I'm not a lifestyle podcast.

On the other hand, I have finally re-launched my YouTube channel, and have been actively posting on it, well, my VA has been actively posting on my behalf because she's the one who edits the videos. Mostly at the

moment I've been dropping identity-based YouTube Shorts rather than travel-focussed long-form videos. So if you want to see me dressed in many a weird and wacky outfit, and playing up to the camera, go check them out. Longer-form videos will be coming soon; there's a few things in the pipeline that're almost ready to go, so watch (literally) this space!

I've also been acting as an accountability buddy for one of my online friends, Kate-Frankie. She came to me at the start of the month telling me she wanted to do the 30-day 'Yoga With Adriene' project on YouTube, but needed to do it with someone else she'd lose heart and inspiration, and I was the first person she thought of. I've dabbled with yoga before, as long-time listeners may recall, so I was happy to help out. Well, until she informed me she wanted to do it before she started work in the mornings, and she has a commute. Dear listener, 7.30am is far too early for me to be crouching in front of a laptop in my living room going '... but my legs don't bend that way'. Honestly, sometimes I think yoga practitioners are made of rubber. Also, it's hard for me to keep up with the rapid change of positions at times, as well as my not quite being sure exactly where my limbs are supposed to be, let alone phrases like 'bring your navel in'. It's hard to judge whether my head is over my heart and my heart is over my pelvis, if indeed I know where my pelvis is. Maybe I just don't understand that alien language she's speaking. Maybe it's my dyspraxia. Either way, it's not as fun or as beneficial as I want it to be,

Anyway. As some of you know, I spent four days last week on Jury Service. Now, I don't know how many of you listening have ever been called, and in any case some of the concepts seem to work differently depending on legal jurisdiction, so I thought it might be interesting to talk about some of that on this podcast. Plus it beats me nattering about Reddit or something. I don't know.

It's the first time I've ever been selected for Jury service, well the first time I was ever able to do it, at least. Despite living in Nottinghamshire for 15 years I had nary a peep out of them; a year and a bit in Glasgow and I get called twice.

Back in mid-December I received a letter from the courts service telling me I'd been selected for jury service. The letter, known as a citation, gives deets on where and when you need to be, plus information on how to decline. You're not allowed to decline unless you already have a valid reason for not being available - hospital operations, pre-booked holidays, etc; 'important work meetings' do not count, I'd had a letter once before, in the middle of last year, but I was scheduled for selection on the first Monday of my road-trip around Ireland. E-mailing confirmation of my hotel booking got me out of that one. Fortunately I'd \*made\* a hotel booking; that's what you get when you do road trips with someone with a need to be considerably more organised than me. Which is almost, but not quite, everyone, to be fair. Regardless of whether you're declining or not, you need to confirm receipt of the letter, online these days. It's a simple process but you need to remember to do this. Otherwise they send a follow-up letter.

Anyway. So while the letter told me I'd been selected and needed to turn up at the courthouse on Monday 9th January, what it also said was the day before (even if it was a weekend), a selected juror needs to phone a recorded information line for up-to-date info. I somehow remembered to do this - the fine for not acknowledging Jury Service, not answering, not turning up when called, can be up to £1,000. And while my ADHD is strong enough even to override that (I did indeed forget to acknowledge the first letter so they did send me a second one), fortunately I seemed to have been on-the-ball enough to do the admin that day.

Oh, before I forget, the way you're initially eligible for jury service in the UK is by being on the electoral register. Since electoral registrations are different in different parts of the UK, even, this means someone might be eligible if they live in Scotland, but not if they live in England, you know, like if you're a 32 year old American immigrant. Fortunately I have remembered to take Laura off the electoral register now she's moved back to London. We won't talk about July.

So, I called the line and the info said 'we'll call you tomorrow with more info, but do not come to the court'. The original letter said I needed to be at the court at 9.30am on the Monday morning, so that was nice. With hindsight, I'm guessing the letter just hadn't been updated with post-pandemic practices; when chatting with others there it seemed in the old days you'd had 200 or so people lurking around the courthouse waiting to see if they were needed or not.

The phone call came around 1pm; this explained the process of jury selection a bit clearer. Essentially, the

names of everyone who had a letter (roughly 200 people) were to be put in a hat, and if your name was drawn out, you had to turn up the next day at the courthouse. The draw would take place that afternoon; if I were selected, I'd get a phone call before 4.30pm. If I didn't get another call, I'd have to phone the recorded info line after 5pm for an update.

I was called just after 4pm.

Now, it turns out, taking unavailability into account, the odds on being picked were around 50%. And while that seems like a lot of people for a court case, they were selecting four juries at the same time.

So, this meant I had to quickly set my out-of-office on my work computers, and message my line manager for clarification about what I needed to record re absence. Now I'm a Civil Servant and We Have A Policy For This, so for me it was pretty simple (and by pretty simple I mean 'I didn't have to do anything'), but it might get complicated for other people. Legally it's regarded as 'special leave' and you do get paid for it (although I'm sure if you work for a dodgy small company in Harrow they might find ways around it), but it might require you claiming it as expenses, either from the company you work for, or from the courts themselves (especially if you're self-employed), as you'd have otherwise potentially a direct loss of earnings. I'd love to imagine the process is simple if you're in receipt of benefits, but somehow I have a suspicion that the DWP might well find an excuse not to acknowledge that.

Note that you don't find out what the case is until you get to the courthouse. For all I knew, it could be as simple as someone running off with a packet of cigarettes from a corner shop, or as complicated and in-depth as a gangland killing.

On the original Monday lunchtime phone call it was suggested that it might last five days, but they said that's always seen as nothing more than indicative. Trials can last as long or as short as they needed to - someone I've spoken to since said they were on a trial that due to delays with witnesses and the like, it lasted three weeks for no predictable reason. Conversely there's always that hope that the accused will change his plea to guilty five minutes before the trial's due to start, and you can all go home. As you probably have worked out by now, neither of these things happened.

Dress code is 'smart casual'. Though the judge and lawyers dress up in fancy clothing, and yes, *The Wigs Are A Thing*, jurors have a bit more leeway. Things which are not allowed include football colours, t-shirts with slogans, ripped jeans, and sandals. No toes on display if you please. I mention this only insofar as I know people listening to this pod might have a certain ... view of me and my style, and I want to assure them that yes, I do have a pair of closed shoes. One. Which I bought in a supermarket in the south of France in early autumn 2019 because CERN in Geneva also has that policy, and which I've worn maybe five times since I bought them, the majority of which have been weather-related.

Anyway. So, I turned up on time at the court and got stamped in, then sent to what amounted to a waiting room with seventeen other people. Turns out most of these would be my co-jurors. When I was stamped in, I was given a number, and this stayed with me for the entirety of the trial. After a bit of a wait, we were all instructed to line up in this numerical order, and make our way into the courtroom.

The trial didn't start here, Firstly, for maybe 20 minutes, the Clerk of the Court and the Jury Manager gave us a brief overview of what was going to happen, and what to expect. This was also when they told us more about the details of the case. There were 20 of us; 15 jurors and 5 substitutes. Or should have been; as it turned out a couple of would-be jurors hadn't turned up, so two of the 'substitutes' directly took their place. Upon learning of the case and the names of the people involved, we were given the opportunity to say if there was any reason we couldn't go through with it. None of us did, but examples would have been: if we'd have known either the defendant or the accuser, or if any details of the case would have potentially brought up PTSD type symptoms or feelings. Then we were taken to the Jury Room, a large lockable room with a separate toilet (one male, one female, although given they were identical and designed for one person to use at any one time, I feel the designations a little pointless lol), and just waited for the trial to start. We had biscuits. Something I learned over the subsequent few days is that there were always biscuits.

At length we were called into the courtroom to be sworn in and to meet everyone. The remaining three substitute jurors were thanked for turning up but then dismissed, and could go home content with the

knowledge they'd served the Public Good without having to actually do anything. Oh, yes, juries in Scotland consist of 15 people, rather than the 12 in England (and most other places, as far as my pop-culture knowledge extends). I do not know why this is, but Wikipedia tells me that a 2009 review concluded that 15 was "uniquely right". Other places have toyed with the idea of a lower number; seven is often mentioned as a good number, especially if the trial requires a unanimous decision. Fifteen is one of the largest in the world, apparently.

Swearing-in took place en-masse, and just involved us repeating lines from the judge, you know, 'I swear by almighty God that I will give a true and honest verdict' kind of thing, while holding our right hand up next to the chest. For those who actively believe (or not) in a God other than the established Christian one, a personal affirmation was available afterwards, but no-one took up this offer. Now, one might query whether the oath is valid if you swear on a deity you don't believe in, but honestly one of the facets of Anglicanism is that the majority of people don't actually care. South of the border, "Church of England" isn't so much a belief as a default, so when the 2021 Census in England & Wales revealed that less than half of people identified as Christian for the first time, this was indicative less of a major shift in belief and more of a realisation amongst people that they could answer a question without being on autopilot.

But I waffle. Of course we're all going to serve justice as best we can. Semi-spoiler alert: this very fact may cause philosophical angst amongst juries. In Scotland, unlike in England, a jury can reach one of three verdicts: along with guilty and not guilty, we can also reach 'not proven', which, the best way I can describe it is 'we know the bugger's guilty but we can't prove it'. I'll come onto this more later.

Anyway. The judge gave us all a bit of a speech about what we're here to do, and how we're here to do it, explaining the likely course of a trial. The most important thing is to realise the difference between the judge and the jury. The judge described himself as the judge of the law; he described us as being 'the judges of the facts'. Our role was to listen to all the evidence and weigh it all up; his role was to look after what the law itself said. This means he was unable to guide us to a verdict; we would come to that ourselves. Conversely, we wouldn't be involved with any legal points, including things brought up by the lawyers.

His overview was: the prosecution was brought by, in the UK's case, the entity known as "The Crown" (as opposed to a particular individual), on behalf of the accuser. It is the prosecution's job to prove the accusation. This is an important fact, and demonstrates a fundamental aspect of the legal service that is both absolutely core to justice, and yet also the cause of much frustration in certain types of cases: the accused is Innocent Until Proven Guilty. This means the Defence doesn't, in essence, have to \*do\* anything. The onus is on The Crown, the prosecution, to prove that a crime has been committed, and not on the accused to prove that they didn't do it. This is why the vast majority of witnesses called in court cases are called for the prosecution rather than the defence.

The way it pans out is the prosecution calls witnesses, and makes a case, in conversation with the prosecution lawyer. The defence lawyer then has a chance to cross-examine (question) the witness as they see fit, before the prosecution lawyer has another quick chat with them. Then the next witness is called, and so on, until there are no more witnesses. It is then the turn of the defence lawyer to call witnesses, although there's no legal reason why they have to, remember they don't need to prove anything, and the roles are reversed. Once all the witnesses are called, both lawyers stand in front of the jury and make a closing statement for a while (in our case, about 45 minutes each) before the judge sums up and we're sent away to deliberate our verdict. You probably know much of this from court procedural TV shows, but let me tell you they're not accurate. They don't show nearly enough biscuits.

But I'm getting ahead of myself.

In his initial statement, the judge also explained what evidence was. A simple thing, you might think, but no, Given this is a core part of a jury's decision-making, it's important to spend some time detailing what it is and what you can do with it, and, importantly, what you can't do with it.

In essence, evidence is 'facts'. This could be things like CCTV, or photographs, or audio recordings of what people actually said. It could also be witness statements; what people who were there, or thereabouts, gave to the police when questioned in the immediate aftermath. Evidence is not anything that lawyers say, including questions asked and assertions made by them. Evidence is also not hearsay, as in 'well they told me that x happened', except in the context of witness' original statements. In addition, if a witness on the stand contradicts

what that same witness said in their statement, the statement takes priority. This actually happened with the first of the prosecution witnesses who, for reasons we were legally not allowed to know at the time and which I haven't since researched, came in so contradictory to the stand that within the first 20 seconds of being there, the prosecution lawyer reminded them that perjury and contempt-of-court Existed and were Both A Crime.

That said, evidence also applies to things like body language. Although in the above example, what the witness said on the stand wouldn't necessarily be accepted as evidence, the way they said it would have been, with the caveat that you don't have context how they usually act. In my case, some of the discussion we had in deliberations was around the apparent contradiction in reported timescales; as someone with ADHD and associated time-blindness, I was more than happy to note to the other jurors that that first witness exhibited certain neurodiverse characteristics and therefore may normally be equally as ... imprecise with time as I am.

We were also reminded that we were only to take the evidence as presented. We couldn't speculate, and we absolutely couldn't research anything about the case independently. This, obviously, included details about the participants.

The judge also said what's important with evidence, especially with witnesses, is the combination of credibility and reliability. As jurors, we had to ascertain if the evidence we were provided with was both credible and reliable. It didn't all have to be both, and we could discard parts of evidence if it didn't fit, but if we concluded that a witness wasn't credible or reliable, we could choose to dismiss everything they said. Equally though, if we had issues with some but not all, that was fine too. We could mix-and-match, taking into account all the evidence holistically. Look at what matched across witnesses, and assess accordingly. One of the most important words was 'corroboration'. Any evidence needed to support, or corroborate, other evidence. If it didn't, it was effectively worthless, and cast doubt on that witness. This also means that one set of evidence on its own is not enough to convict; two or more corroborating sources of evidence are needed, and if we can't find that, we have an obligation to acquit. A witness statement, no matter how credible or reliable, on its own is not enough. In addition, we have to be sure 'beyond reasonable doubt' that the evidence as presented corroborates enough to prove guilt. Again, if we have reasonable doubt, we must acquit.

But yet. He told us if it did, if we were certain beyond reasonable doubt, then we had a duty to convict. The bar required to convict was high, but if we cleared it, we had a responsibility to justice to act upon it.

Semi-spoiler: "Beyond Reasonable Doubt" is a very nebulous and vague phrase, which everyone interprets differently. I guess it's why juries are so big.

We were all given a clipboard with the charge, the Defence's affirmation, and an awful lot of blank paper. During the trial we'd make notes of what we heard, and when it came to deliberation after all the evidence, this was all we'd have to rely on - we would not be allowed to see things like transcripts of witness statements etc.

Now, it might help to give a layout of the courtroom. All of this is from the point of view of the jury, so, the room is quite large but the bulk of it is the public benches. These are tiered, behind a raised 'wall' kind of thing, on top of which is a window-like screen. Probably bulletproof. With regard to the court itself, so, the jury is sat on one side parallel to the wall, on a series of chairs contained within a solid wooden panelled ... fence?, about waist high. This being Scotland, there's 3 rows of 5 chairs, of the flip variety, like you might find at the front of a bus. The public gallery is to our left. To the right is a door that leads out to the corridors; we became very familiar with that corridor. Next to the door sits the Jury Manager, who basically acts as, well, the clue's in the name really. This is who we reported into when we arrived each day, and who makes sure we're ready to enter court when called for, as well as providing the biscuits. Did I mention the biscuits?

The jury look across the court. At the far end is the 'macer'. This is the person who brings witnesses into court, tells them what to say, etc and acts as a kind of calming influence should disorder occur. They traditionally would have carried a mace, as a symbol of their authority.

Between the jury and the macer are the lawyers, who are sat at a large table with paper and laptops and other notes. The prosecution sit one side - in our trial nearer the macer - while the defence sit the other side - in front of us in our case. There were two people on either team - the lawyer, and the lawyer's aide. On a raised stage to our right sits the judge, behind a desk, while at the lawyer table, but pretty much directly below the judge, is the Clerk Of The Court. Think of them as the admin manager - their job is to record proceedings, explain

procedures, and clarify questions we as the jury may have surrounding the trial, including points we might raise that would help us come to a verdict.

On the left, in front of the screens dividing the public gallery, is 'the dock'. This is again behind a waist-high wooden panelled wall, and in it there are stairs leading down. This is where the accused sits; in our case between two custody officers. The stairs presumably lead to a holding cell. I did not look. Obviously.

The only other thing to mention are two lecterns on either side of the room, one to the left of the jury, the other to the right of the Macer. These are the 'stands' - the one near us was used by the lawyers, while the one on the opposite side was where the witnesses stand to give evidence.

Now, with regard to the witnesses; in our trial (for reasons we'll come on to in a short while), the vast majority of them 'took the stand', as it were, via video-link (the cause of at least two of our delays). Only two witnesses were 'in person', and one of them was the accused.

As an aside, because the defence doesn't need to prove anything, they don't have to call any witnesses, so the fact they called the accused himself to the stand might suggest a specific tactic by the defence team. I don't think you're allowed to read anything into that as a juror, since being innocent until proven guilty means not saying anything at all is not, and absolutely can not, be read in any way to shape your verdict. The defence's affirmation (also known as 'the special defence' - called 'special' only because it's produced beforehand to all parties, as opposed to anything else which comes out to the jury only during the trial) is pretty much all the Defence is mandated to provide.

The other witness was given a reminder what perjury and contempt-of-court were within 20 seconds of taking the stand, just to give you some idea of what we as the jury were up against here. For those of you who maybe aren't sure, 'perjury' is lying under oath, and 'contempt of court' is a catch-all charge that basically boils down to 'not following the instructions of the Clerk of the Court, Lawyers, or the Judge'. Unsurprisingly, if on Twitter anyone asks 'so, what would you be most likely to serve jail time for, I always answer 'Contempt Of Court', because, well, have you met me??

With regards to the Jury Deliberations at the end of the trial; all those notes we made during it, we take into the jury room and, without reference to any other material (even mobile phones are banned), we have to discuss all the evidence and the statements and come to a conclusion as to whether. It all proves (beyond reasonable doubt, remember) guilt, or whether there's enough issues to mean we're obliged to acquit. Even the evidence that has been previously given by witnesses is off-limits (and we actually got a little told-off by the judge for asking) - we're allowed to ask written questions given via the Clerk of the Court, and everyone then gets called into the courtroom for the judge to answer them. It was slightly embarrassing to go through that for a 2 minute spiel by the judge basically saying 'I told you at the start you can't do that', lol.

In some trials, at this point the jury is entirely locked away until they reach a verdict, being put up in hotels overnight if necessary. We, clearly, did not have that luxury. Maybe that's for gangland murders. We went home on the Thursday night; I went via the Scotia pub just down the road that Laura says is her favourite pub in Glasgow. I missed her that evening, but not as much as on the last day, but that's a braindump for later. But anyways. We came back on the Friday, and just after lunch, and the telling off from the judge, we reached a verdict. We'd have reached one sooner but one of the principles in court is everything stops for lunch. Between 1pm and 2pm, nothing happens. We had lunch provided free, and was actually pretty nice - it was a pre-chosen deli box meal (like falafel with couscous, or chicken caesar salad, or Ploughman's Lunch), but had the vibe of high-end deli rather than cheap mass canteen stuff. And biscuits, obviously. And sugar-free im-bru, horror!

Once we'd reached a verdict, we told the Jury Manager who sent for the Clerk Of The Court. She'd previously asked us to appoint a spokesperson (not me!) who'd read the verdict in court, with specific wording. Once in court we went through the formal procedure of announcing the verdict, which is then written down by the Clerk and repeated back, just to ensure there are no errors that could cause a re-trial. Once this is done the judge gives their final words, including things about the background of the case we weren't legally allowed to know previously, and then we're sent away.

Now. Obviously I can't give you a blow-by-blow account of the trial I was a juror for; that would be unethical

and possibly illegal, even though the trial itself has now ended. I can, however, give some non-specific details that I think will be important to know, because this is where I get a bit personal and introspective. If all you're interested in was 'what should I expect when called to Jury Service' (which vibes like a good SEO title for a blog post) then thank you for listening; you can fast-forward to the end. Ditto if there's a chance that discussion of any kind of personal crime might be triggering for you; this certainly wasn't a trial of someone running off with a packet of cigarettes from a corner shop.

{section separation jingle}

It was weird to describe how I felt when I arrived at court on the first day, not really knowing either what I'd get, or even if I'd end up taking part. And part of me was still waiting for the accused to change to a guilty plea five minutes before the start of the trial.

What I was thinking though was that I wanted something 'interesting'. I didn't want to come all that way to just get a street robbery or something, but equally I didn't want a huge murder case that would take me out for several weeks, so a trial of four or five days suited me fine. The subject matter, however ...

What I got was a rape trial, well, rape and assault. But not the 'creepy and predatory man grabs woman and drags her into a park' type case, no, this was a trial that revolved entirely around the concept of consent. The accused said him and the accuser had consensual sex; the accuser said not only was the sex not consensual but that assault and anal penetration had occurred as well.

Both the accused and the accuser came from traditionally-disadvantaged minority backgrounds (I'm not at liberty to say publicly what backgrounds and disabilities, even though part of the corroboration of evidence hinged on that fact, but I would like to say, just for the avoidance of doubt, both parties involved were white, and from the British Isles. I think that's vague enough to be accurate), so this wasn't a case of any power dynamic other than man v woman. She was twice his age, but that didn't factor into any of our deliberations.

The parties had not met until the day before, so this was the second time they'd met. The incident occurred in a shed at the bottom of the garden of the flat the accused lived in, during an impromptu house party. There was alcohol involved on both sides.

Witnesses called included one of the people at the party, who was the first to see the accuser after the incident, and who'd given a statement to police in the days afterwards, the two policemen who'd responded to the original call about the offence, the person who took the accuser's statement, and the medic who'd performed a thorough examination of the accuser in the hospital after she'd given the statement.

The accuser did appear on the witness stand, but only on a recorded videolink from a few months previously, so while she was cross-examined, it wasn't being done 'live'. I suppose for a case like this, it's a fair call. As I said earlier, aside from the person physically present at the party, all the other witnesses called gave their evidence live on a video-link, at least one for childcare reasons, and one of the policemen may have been literally on duty at the time so gave evidence from his police station office during his break,

Remember what I said earlier? 'Beyond Reasonable Doubt'? And 'Innocent Until Proven Guilty'? How do you disprove consent if there are no direct witnesses? On the Tuesday lunchtime I was convinced that the jury would acquit. And in general, the whole trial made me realise why so few rape prosecutions occur. See, Innocent until proven guilty. This is A Good Thing, let me make that completely clear. But for instances like this, it means that, a) since the burden of proof is on the prosecution, and the defence pretty much don't have to do anything, and b) to convict you have to not only ensure all the evidence supports each other but also that it does so beyond reasonable doubt, It's actually very hard to prove a lack of consent. Because the default position is the defence is telling the truth.

Anyway. I'm not going to go into the details of the case. You don't need to know them. And frankly, that would feel a bit ... intrusive. Suffice to say a lot of debate was had within the jury about the medical report, and the fact there were two broad timescales of injuries, and the medical doctor saying '15 of them are consistent with the timeframe but you can't categorically date a bruise'. And the origins of bruises can't be categorically ascertained - is that someone grabbing her for assault, or someone grabbing her so she doesn't fall over in the dark because she can't easy tell what she's doing?

These are the sort of questions you wrestle with as a jury. From outside it always seems easy, you instinctively 'know' if someone's guilty of a crime. But it's not as simple as saying 'if it walks like a duck and talks like a duck'. You have to prove 'beyond reasonable doubt' (I say that a lot, because it's important) that it is a duck. Otherwise it might be, but you can't prove it, and if you can't prove it, you have to cast it aside and say 'not enough of the evidence says it's a duck so we can't disprove it when it says it's a giraffe'. Giraffe's probably the wrong metaphor, given the evidence necessary for that, so let's say 'pigeon'.

In Scotland we have, as I say, 'not proven', as a possible verdict, and on the Tuesday morning I was convinced that's what we, as a whole, would tend towards. It would make sense; a vibe that a crime was probably committed but not enough of the evidence would lead enough of us to make that leap to guilty. Err on the side of caution, as the judge had mandated we do at the very start. No initial presumption of guilt. To be honest I still had that view on the Friday morning too.

One of the things I raised was Occam's Razor, the philosophical point that boils down to 'the most likely outcome is the one that required the fewest assumptions, unless disproved by direct evidence, in which case simply go to the next fewest assumptions'. I found that when thinking about 'beyond reasonable doubt' this helped, because in effect, the simplest solution that requires the least assumptions will, by definition, also cause the fewest doubts. My sense was, if the set of actions that required the least assumptions led to a guilty verdict, I'd vote guilty, If it didn't, I'd vote Not Proven.

So it is perhaps surprising that as a whole, we the jury found the accused guilty, by a majority verdict of 11-4.

Four members of the jury decided that it wasn't 'beyond reasonable doubt' that the accused was guilty as charged. Primarily their concerns were around the medical report - while they accepted there were injuries about the time, they couldn't honestly say those were caused in an assault by the accused. For them, there was enough doubt about that, not enough proof they weren't done earlier or later, say by the victim's 'Not Partner At The Time' (their words not mine), or because of falling over / being helped along. And ... yeh ... it's just hard to disprove that, logically, with the evidence available. Juries exist for a reason, evidence exists for a reason, and 'gut feeling' is not enough to base a verdict on.

So while, in my jury at least, most of us could reach that step, some had a much higher personal level of 'beyond reasonable doubt'. I think a different jury would have acquitted, despite having exactly the same evidence and exactly the same debates. Indeed when we started deliberating, I was convinced we'd acquit, because of how hard the justice system makes 'proof'.

I don't know how that thought makes me feel. That despite a jury of 15, it might only take a couple of people to have different criteria, and the verdict ends up being completely different. It's quite a responsibility, and also completely random. How many people have been acquitted when another jury would have found them guilty? How many people have been convicted who otherwise might have walked free? Simply because, in either case, one or two people straddled the line and went one way rather than the other?

I don't know what the solution is. I think maybe there isn't one. But it's a fundamental problem with a fundamental right. In general, I think we've got the balance more or less right; I'd rather a guilty person walk free than an innocent person be convicted; others may have a different view. But what the trial did really reinforce in me is that nothing is ever completely black-and-white, and that being a juror is actually much more nuanced than TV would lead you to believe. Also, while it's so easy to sit at home and read brief details in a news article about a trial, and come to an immediate and gut conclusion, for the purposes of justice being served it's a lot more complicated and difficult than that, and if it were any other way, we'd be only one step from 'show trials' and a perversion of the justice system.

As I say, at the start of the trial, the judge said we had to do what was right, and what he didn't want was for any of us to not sleep at night having thought we could have said something that might have made a difference. For me, enough of the evidence was beyond reasonable doubt that made me feel the accused was guilty, but if more of my fellow jurors had disagreed and we'd acquitted, it would absolutely not be for me to say they were wrong. I believe I made the right decision regardless of the overall jury decision, and I'm fully confident every other juror feels the same, regardless of the decision they came to individually, I'm just glad we didn't have to come to unanimous decision else we'd still be there now.



Due to the nature of the case, the courts service offered post-trial counselling, which a couple of the jurors took advantage of. I went to the pub and had a bit of strong beer. I realise that's not a healthy coping mechanism. But, well, on the one hand I pay a therapist £50 every two weeks to braindump, and on the other, I'm the sort of person who needs time to process things.

What I will say though, as an aside, and a personal insight, this is something I've always known and indeed have referred to on this very podcast, but oh my it really hit home on that Friday afternoon, like, so, we wrapped up just after lunch and so by the time all the admin was finalised, we left the courtroom a shade after 3pm. I walked back towards home and stopped off at one of the pubs, bars, whatever, along the way, It serves craft beer on tap, that's all that mattered. Anyway. So while I was in there I wanted to talk to my friends about the trial and about my feelings.

I looked at my phone and I realised something. I'd already told most of them what was going on, but at that exact moment, they were all otherwise busy. They were either doing child-centred activities, or they were at work, or they were asleep. It was a two-factor issue; I was feeling very lonely and quite... I don't know, my therapist suggested the word 'vulnerable', and maybe that's accurate; I'm going to use the word 'lonely', But at that moment, in that pub, I wanted nothing more than to talk nonsense with a friend. And that wasn't possible.

I knew it would be so, though, Even on the walk from the court. I'd messaged one of the two WhatsApp groups I'm in to say 'I need to decompress, what would you do', and one of them replied 'go to the pub with a friend'. And I know they meant well. And I know that would have worked, but it wasn't something that was available to me. And I felt it, you know, it was almost like 'this is what you need but we all know you can't have it'; it felt even a little quite harsh and damning at the time, even tho I know it wasn't meant that way.

Despite it having been in my mind for ages, and even being mentioned several times in passing on this pod, that Friday afternoon I felt very, very, alone, with the knowledge that I know pretty much no-one in this entire city by more than the occasional word, and even the social events I have are very much self-contained; they take place entirely within that window and not a word is spoken between us outside of those times and events.

I had some quite strong beer, and headed back to my flat. I can't remember what I had to eat; it may have been that night I had a take-away from the decent fish & chip shop nearby (in this case, battered sausages and chips). When I went to bed, I still felt ... empty, I guess, so I did something I hadn't done for, maybe even this century, and I grabbed my large teddy-bear from the chair in my bedroom, and cuddled up to it all night. It just felt like it was exactly what I needed, just something to hold on to to remind myself that everything was going to be all right.

That my reaction was so strong that afternoon and evening took me a little by surprise, the intensity of it I mean. I guess it's something I need to work on, but I'm not quite sure yet what or how to. Laura finds Glasgow 'small', which is largely because her reference points are London, New York, and Hong Kong, which clearly are not, but while the metro area of Glasgow is a shade over a million people, in a way I can see what she means. I don't find it 'small', but equally it's certainly true that there's fewer opportunities to find your own communities because when you're dealing with minorities anyway, the smaller the area the less chance of finding enough easily for a lasting group to form. The other slight quirk, I've noticed, is that the groups that do exist mainly meet up in Glasgow's West End, the student area, which is a bit of a trek from where I live, especially on a dark, icy Winter evening with temperatures down to -8°C like they were in mid-December.

It could, however, be worse. According to data from the 2021 Census in England and Wales, 37 people in the borough of Ashfield declared themselves as 'Asexual'. I low-key want to arrange a meet-up of them all in The Regent pub in Kirkby-in-Ashfield; we'd all fit without any bother, that's for sure.

Oh, for the record, the teddy bear does not have a name.

*{end main body podcast jingle}*

Well, that's about all for this episode. Join me next time for another adventure beyond the brochure. Until then, remember, justice is a dish best served with biscuits, and if you're feeling off colour, keep on getting better.

*{Outro theme tune, same as intro, just a different bit of it}*

*{Outro voiceover:*

*Thank you for listening to this episode of Travel Tales From Beyond The Brochure. I hope you enjoyed it; if you did, don't forget to leave a review on your podcast site of choice.*

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*Until next time, have safe journeys. Bye for now.}*