

The Russell murders: is Michael Stone in prison for a brutal crime he didn't commit?

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📍 Police search a field in Kent near where Lin Russell and her daughters Josie and Megan were attacked in 1996. Photograph: Tim Ockenden/PA

He was jailed for the murders of Lin and Megan Russell in 1997. Now, 26 years, two trials and two appeals later, Stone's case is being reviewed

The email arrived in Mark McDonald's inbox at 3pm on 2 October. It was forwarded by a solicitor he worked with, with a note reading "FYI!" McDonald, a senior criminal defence barrister, read it carefully, and then reread it. His most famous client, the convicted murderer Michael Stone, was to have his case taken up by the body that investigates miscarriages of justice. Less than three months earlier, the Criminal Cases Review Commission (CCRC) had closed the Stone file. Now, unexpectedly, it was reopening it.

Stone is serving three life sentences for the murders of Lin Russell and her daughter Megan, and the attempted murder of Lin's other daughter, Josie, in 1996. He was first convicted in 1998, then his conviction was quashed in 2001 after a prosecution witness admitted lying on the stand. Stone was retried that same year, and again convicted. Both his appeals have failed. But he has always said he is innocent.

But here was a glimmer, if not of hope, then of the anticipation of hope. McDonald has twice previously applied to the CCRC, which is the only institution that has the power to refer cases back to the court of appeal, but on both occasions he was rejected. Now, in an email, the CCRC appeared to indicate that it would carry out further scientific testing, possibly using a new method, Y-STR DNA testing, not available at the time of Stone's conviction. It could be significant. "There is forensic material," says McDonald, "that we know is not Stone's, that was never really identified."

We are meeting in his chambers in Lincoln's Inn, central London. Outside is a grey October afternoon and thrashing rain. McDonald is one of those very busy people who has to be reminded who I am when we speak. He is affable and gregarious and appears to relish the media attention around Stone's case. When he speaks, he often lowers his voice theatrically, as if we were in court. He has represented Stone on a pro-bono basis since 2003. They speak on the phone every day, including Christmas. "You can't not be friends," says McDonald of his client.

Before the CCRC's decision to reopen Stone's file, he had exhausted his legal options. Twenty-six years, two trials, two appeals, two applications to the CCRC – all had come to nothing. McDonald had been planning a judicial review, but it was a legal Hail Mary. "Judicial review of the CCRC is really difficult," says McDonald. "They've always failed."

Even now, he is up against daunting odds. The CCRC refers just 3% of the cases it reviews back to the court of appeal. Even if the forensic testing does throw something up, it needs to be substantial enough that there would be a "real possibility" that the conviction would not be upheld. But it is something.

Meeting McDonald, I'd expected him to be elated. "No," McDonald explains. He raps a finger on the gleaming conference table between us. "It just means you start back at the beginning again. You've got to do it again. For him."

The beginning. It starts in a country lane in July 1996. "Picture-postcard England," remembers Jim Fraser, a forensic investigator who attended the scene. "A tiny hamlet. In the rolling hills. In midsummer. A bright, summer day in July."

Lin Russell, 45, her two daughters, Megan, six, and Josie, nine, and the family dog, Lucy, were walking down Cherry Garden Lane near Chillenden, Kent, just after 4pm. The girls had been at a swimming gala. The smell of chlorine. Wet towels in bags. A walk they had done many times before. A man with a hammer stepped out of a car, asking for money. At her mother's urging, Josie ran for help, but was overpowered. The family was forced into a copse, where they were tied up with ripped towels and shoelaces. The man beat Lin and Megan to death. Lucy, the dog, was also killed. Miraculously, Josie survived, though with severe brain injuries.

Multiple witnesses saw a beige car in the area, driven by a white man. At the scene, investigators found a bloody fingermark on a lunchbox, and a black, knotted bootlace. Josie told police that the perpetrator was a white man in his 20s about the same height as her father, who is 5ft 11in, with spiky blond or brown hair.



Lin and Megan Russell. Photograph: PA

The nation was gripped by horror. Journalists decamped en masse to the village. For a year, nothing. All that could count as news was the arrest of a man in December, who was released without charge.

“There were no leads,” says Ivor Gaber, a professor of political journalism at the University of Sussex. “Kent police were under enormous pressure, because there were local newspapers saying, ‘There’s this monster out there, and no one is safe until the police catch him.’”

In July 1997, on the first anniversary of the murders, the BBC programme Crimewatch staged a reconstruction, based upon Josie’s memories of the attack. The next day, a psychiatrist contacted Kent police to tell them that the efit resembled one of his patients, 37-

year-old Michael Stone. Stone had a five-page criminal record and a £100-a-day crack cocaine and heroin addiction. Most of his offences were for burglary and theft, but some were more serious. He'd attacked someone with a hammer and, in a separate incident, stabbed someone he'd previously argued with in the chest while they were sleeping. He had previously told his GP that he had "felt like" killing children.

On the day of the attack, police were able to place Stone at lunchtime at a pawn shop 40 miles from the crime scene, in Chatham. He resembled the efit supplied by Josie. He drove a light-coloured car, but it was white, not beige. "Stone plainly looked like the kind of person who could have done this," says Fraser. He was arrested on 17 July 1997. He insisted he was innocent. "It's a pack of lies," he told the police.

I meet Barbara Stone, Michael's sister, at a restaurant in Rochester on a sunny afternoon in May 2022. She is in her early 60s, with close-cropped hair and glasses perched on top of her head. She is formidable but not unkind: the sort of person who'll set you right if you say something she doesn't like. For three decades, she has been her brother's fiercest defender. "I've fought with him," she says "and for him." Like everyone close to him, she calls him "Mick".

"From the word go," Barbara says, "it didn't ring right." She taps her cigarette. "Cell confessions, false evidence. The whole lot of it. From beginning to end."

The problem with the evidence against Stone was simple: there wasn't any. No witnesses. No forensic evidence. He was four inches shorter than the man Josie remembered. Everything was circumstantial. A lawnmower had been stolen near Cherry Garden Lane that day; Stone was known to steal lawnmowers. He was also known to carry a hammer in his car, something he lied about when questioned by police. The bootlace was knotted, suggesting it was used by an intravenous drug user as a tourniquet; Stone was a heroin addict. Witnesses saw Stone in bloody clothing the day after the attack.

"Why," says Barbara, "would Mick be lingering in a remote country lane to rob people?"

The prosecution relied upon the testimony of a convicted criminal called Damien Daley. Daley was an inmate at HMP Canterbury, where Stone was first remanded. Stone had asked to go on to the segregation unit, McDonald says, because he was being abused by other prisoners, and was worried one would make up a false confession involving him. In an adjoining cell, Daley was being held on charges of arson and grievous bodily harm. His charges were dropped by Kent police after Daley said that Stone confessed to the murders through a pipe in the wall. Almost all of the information in the alleged confession Daley said he heard was already in the public domain; much of it was in a copy of the Daily Mirror, which Daley had in his cell.



📷 Michael Stone around the time of his arrest in 1997.
Photograph: PA

“Hundreds of prisoners were there screaming ‘Kill yourself!’” says Barbara. “And Mick is supposed to have taken the time to whisper these foul things?”

Two prosecution witnesses, Mark Jennings and Barry Thompson, both convicted criminals, alleged that Stone had told them he was involved in the murders while in prison. A fourth witness, Sheree Batt, told the court she saw him in bloodstained clothes. In October 1998, Stone was found guilty – and almost immediately the case collapsed. Thompson admitted lying on the witness stand. Batt’s mother, Jean Batt, said her daughter had lied. Jennings was also found to have been paid by the Sun.

The conviction was quashed in 2001 on the grounds that Thompson had retracted his evidence, and a retrial was ordered. On the stand, Daley admitted he lied in court at the original trial when he denied having ever used drugs. “I am a crook,” Daley told the court. But he insisted that Stone had confessed to him. The judge instructed the jurors to find Stone innocent if they did not believe Daley.

Once again, Stone was found guilty, by a 10-2 majority. As he was convicted, Barbara shouted, “Not again!” “To this day,” she says, “I can remember the jury members, and the fact that one came back crying after the verdict.”

In the years since, McDonald has presented evidence to both the court of appeal and the CCRC that Daley lied, in the form of statements from five people Daley allegedly confessed to. In 2017, the BBC interviewed an anonymous witness who also claimed that Daley admitted making the cell confession up. None of these efforts have persuaded the appeal court judges to overturn the conviction, or the CCRC to refer the case back to the court of appeal for review.

In 2014, 13 years after his testimony put Stone behind bars, Daley was convicted of murder. He is serving a life sentence. Barbara went to his trial. “He made my life hell,” she says. “I wanted to go there and see if I could learn a thing or two.”

There has always been unease among observers about the safety of Stone’s conviction. In 1999, the journalist Jo-Ann Goodwin was among the first to raise concerns in a two-page Daily Mail article. “However unsympathetic a character Stone may be, it is difficult to avoid the conclusion that the case against him is not proven beyond all reasonable doubt,” she wrote. In 2017, a panel of experts assembled for a BBC documentary concluded the conviction was shaky. “I don’t think he did it,” says Prof David Wilson, a criminologist at Birmingham City University. “Anyone who has studied that case realises the forensic evidence against Michael Stone is nil or nonexistent. The conviction relied on a cell confession by a notorious offender who can’t be trusted.” Jim Fraser, the forensic investigator, agrees: “The evidence he did do it is very weak indeed.”

If the evidence was so flimsy against Stone, why was he convicted? The clue may lie in a comment made after Stone’s second conviction, in 2001. Addressing the press, Det Supt Dave Stevens, who led the Kent police investigation, said: “We were looking for a maniac, and Stone is a maniac.”

Throughout the first trial, Kent police briefed journalists about Stone’s medical history. A narrative emerged, one that pointed the blame for Stone’s violent offending at medical professionals, not the police. “Everyone knew he was a violent animal,” Ivor Gaber, the journalism professor, summarises, “but the nimby social workers and psychiatrists didn’t do anything about it, and refused to treat him.”

In 2001, Gaber participated in an expert review of Stone’s treatment. What the panel found was quite different to the prevailing narrative. “Stone was only sectioned once,” he says, “and they had to let him go because he didn’t have a recognisable medical condition. But that was portrayed by the media as the doctors letting him go because they were too scared to hold him. That wasn’t true. They had no legal grounds to keep him.”

One criminal justice campaigner tells me that the widespread perception in legal circles at the time of Stone's conviction was that this was rough, but perhaps necessary, justice. If Stone wasn't the perpetrator of the Russell murders, he was a violent criminal with an escalating pattern of behaviour, who would probably go on to commit murders. A bad man, who'd done bad things in the past, and would do worse in the future.

In 1999, Jean Batt proclaimed Stone's innocence, though not in a flattering way. "If Mick done it,' she said, "he wants cutting up in little pieces and put[ting] down a sewer. All right, he's a psycho, but he didn't kill them." But if Stone didn't murder Lin and Megan Russell, who did? The person Stone's defence team believes could answer this question is a fellow inmate at HMP Frankland. His name is Levi Bellfield.

In December 2019, Bellfield, a serial killer convicted of the murders of Milly Dowler, Amélie Delagrangue and Marsha McDonnell, wrote to Stone's legal team. At first, he denied any involvement, but before long Bellfield began to open up. In February 2020, McDonald and Paul Bacon, Stone's then solicitor, visited Bellfield in prison. He told them that he didn't commit the murders, but he was in the area that day. In January 2022, Bellfield confessed to the murders in a statement to Bacon. It leaked the following month, to the Sun, not by Bacon's doing. Bellfield was furious and refused to sign the confession, although McDonald says that he has since signed it, and also written to the CCRC, expressing his guilt.



📷 Serial killer Levi Bellfield. Photograph: Metropolitan Police/PA

When McDonald and I first meet in February 2022, he's fielding calls from journalists. Sky is planning a documentary. (That was broadcast earlier this year.) Bellfield's confession is all over the press. He slides his laptop across the table for me to read it. "It's hard reading," he warns. It is. Bellfield is vulgar, graphic, gleeful. He says he initially planned to attack only Lin, but the situation "got out of control".

There is circumstantial evidence implicating Bellfield. He is the right height, and resembles the efit Josie gave. A hammer was his murder weapon of choice. He had access to the beige car of his then-girlfriend Johanna Collings at the time of the murders. Nicola Burchill, who witnessed a man near the scene, recalled him having chubby cheeks, like Bellfield. Richard Baker, a fellow inmate, has alleged that Bellfield confessed that he killed Lin and Megan Russell.

But there is also evidence to suggest that Bellfield is making it up for attention. "Bellfield was notorious for approaching women from behind late at night," says Wilson, "and hitting them over the head. That is a very different MO to the Russells." Collings insists that Bellfield was with her the day of the Russell murders – she remembers, she says, because it was her birthday, and they went to a nightclub that evening. (In his statement, Bellfield says that as

her birthday was on a Tuesday, they actually went out that Saturday instead. In a 2017 BBC interview, Collings gets her dates mixed up, suggesting that they did celebrate her birthday on Saturday, as Bellfield alleges.) Most damning of all, the CCRC previously cross-checked partial DNA evidence found at the Russell scene against Bellfield's profile on the national DNA database, and did not find a match.

It's likely that Bellfield is lying. In 2022, Colin Sutton, the detective who caught Bellfield, told Sky News that "the best rule of thumb when dealing with Levi Bellfield is never to believe a word the man says". But that does not mean that Stone is guilty of the Russell murders after all. "We need to uncouple Bellfield's confession," says Wilson, "from the idea that Michael Stone has been the victim of a miscarriage of justice ... I am pretty convinced he has suffered a miscarriage of justice. But I don't necessarily think that Levi is responsible for the murder of Megan and Lin Russell."

There are three conceivable, competing truths. Stone is guilty of the Russell murders, and Bellfield is innocent. Bellfield is guilty, and Stone is innocent. Or Bellfield and Stone are both innocent, in which case, Lin and Megan Russell's murderer has escaped justice for nearly 30 years.

Josie Russell lives in Wales now, near her father. She is a successful artist, painting robins and racing hares and white doves in flight. Shaun Russell, Josie and Megan's father and Lin's husband, continues to work as an academic. In a 2001 interview, Shaun said that he would not have found Stone guilty, were he on the jury. "All the way through," he said, "there's been this niggling doubt." It's understood that his views have subsequently evolved, and Shaun now believes that Stone is guilty of the murders, but that he also keeps an open mind, and if new evidence was uncovered in the case, he could be persuaded to think differently.

"I feel for the Russell family," says Bacon. "We all keep coming back to this case. Every time, it must impact them terribly. They must feel that fear in the pit of their stomach – here we go again."

There is a maxim in forensic science, first formulated by Edmond Locard, the founding father of the discipline: every contact leaves a trace. "If you believe," says Jim Fraser, "that every contact leaves a trace, it follows that you have to eliminate Stone as the killer. Because there is no forensic evidence to link Stone to the scene."

In 1996, forensic testing was in its infancy. The UK National DNA Database was set up the year before. Forensic evidence found at the Russell murder scene included some DNA on the black bootlace that could not be matched to the Russells or to Stone, and the fingerprint on the lunchbox.

“DNA was rapidly developing at the time,” says Fraser. “The whole process was much more complicated and difficult to interpret, and yielded evidence that was more subjective and more arguable.” Were the murders committed today, he says, “it seems likely we’d get more forensic evidence from the scene now”.

Since the convictions, a form of DNA testing known as Y-STR testing has come into use. “This is testing that only detects male DNA,” explains Georgina Meakin of the University of Technology Sydney. In 2009, the CCRC discussed the possibility of Y-STR testing the evidence in the Russell case, but decided against it as there was no way of cross-checking a Y-STR profile against the national database, meaning that they’d have to know who they intended to match the sample to.

But now they do have a potential suspect – Bellfield – so a match could, theoretically, be made. The bootlace would be an obvious place to start. The CCRC attempted to carry out new forensic tests on it in 2010, only to find that Kent police had lost it from the evidence store. It reappeared in 2021, so it can now be tested using Y-STR. Meakin would also like to see the CCRC Y-STR test the fingerprint on the lunchbox. “There’s a good possibility that mark came from the perpetrator,” she says.

But these are forensic exhibits that are nearly 30 years old. It’s probable that Y-STR testing throws up nothing at all, or rules out Bellfield as a suspect. “There will be degradation,” warns Meakin. “We don’t know how they’ve been stored.”

Still, it is possibly Stone’s last, and best, hope.

“If you are innocent in this country,” says Mark McDonald, “you have got serious problems. Because we do not have safeguards in place to prevent miscarriages of justice.” I ask him when he lost his faith in the legal system. His tone suggests the answer should be obvious. “When I was a law student,” he says. Stone’s predicament has clearly done nothing to change that.

“I would rather be wrongfully convicted in Louisiana than in London,” says Emily Bolton, of the miscarriages of justice charity Appeal. In the US, lawyers can access police files and trial transcripts and interview jurors. In the UK, the convicted usually have to pay for transcripts, and sometimes they aren’t available. It is illegal to interview jurors about how they made their decisions. “We have an appeal system in name alone,” says Bolton. “It has no breadth or depth to it. It cannot be relied upon to exonerate the innocent.”

The CCRC, Bolton argues, is not fit for purpose. “It is under-resourced,” she says, “and doesn’t have a culture of proactive investigation.” A 2015 House of Commons committee found that the CCRC was overstretched as a result of austerity, and petitioned the government for £1m annually in extra funding. It was denied. “It gives the appearance of a fair, transparent, meaningful appeals process,” says Richard Garside of the Centre for Crime

and Justice Studies. “But in practice the bar is very high, and the backlog in cases is so great, that there must be many cases that probably do merit being sent back to the appeal court, that don’t.”

This is because the CCRC doesn’t exist to relitigate cases and determine whether the jury made the right decision or not. “I have come across cases in the past where I look at it and think, ‘I’m not sure I’d have convicted someone on that evidence,’” says a former CCRC worker. “But I recognise I wasn’t there at the trial, to see how the case unfolded.” The worker stresses that reading through transcripts is no substitute for the experience of being in the courtroom, and listening to testimony. During Stone’s second trial, jurors were taken to HMP Canterbury, to where Stone allegedly made his cell confession to Daley through a pipe in the wall. An excerpt from Harry Potter was read out loud, while they listened in the adjoining cell. “In my view,” says Fraser, “that is not criminal justice. That is theatre. And that is theatre whose purpose is to emotionally engage the jurors.”



📷 Michael Stone in 2001. Photograph: Haydn West/PA

Whether or not the Harry Potter exercise was legitimate is beside the point. The CCRC’s job is solely to determine whether new evidence has come to light that might have swayed the jury, had they known it at the time. “We don’t just overturn the jury’s verdict because of our

own assessment of the evidence,” says the worker. “It has to be something new that wasn’t heard by the jury.”

While Stone has always alleged corruption at the hands of Kent police, it is not a conspiracy that has kept him in prison all these years. Rather, it is a system-wide inertia that freezes the entire justice system, from the people being held indefinitely under now-abolished “imprisonment for public protection” laws, to teenagers imprisoned under joint enterprise for murders they never even witnessed. “If Michael Stone is innocent,” says Garside, “he is probably caught up in that inertia.”

But sometimes a fish escapes the net. In January 2023, Andrew Malkinson, who was convicted of rape in 2004, had his case referred to the court of appeal by the CCRC. It was his third application to the CCRC; two previous applications had been refused. The court of appeal overturned the conviction. Seventeen years after he was imprisoned, Malkinson walked free. An inquiry is now under way, led by a KC, into whether the CCRC mishandled his case.

“They [the CCRC] could have straightened this out more than 10 years ago if they’d simply looked for the evidence,” Malkinson said after his acquittal. “But they refused to even investigate properly.”

It occurs to me, after a year observing Stone’s defence team at work, that no one sincerely believes the verdict will change. And yet all keep doing their part, like actors performing a show before an empty auditorium, night after night. “It’s our job,” says McDonald. “This is an innocent man in prison.”

There is a way for Stone to walk out of HMP Frankland. He became eligible for parole last July, and Barbara says that her brother has been approached by the Parole Board. “As far as I’m aware,” she says, “he’s been receiving envelopes and putting them in the bin.”

Stone won’t countenance the idea of parole. He thinks it would constitute an admission of guilt. He tells me this on the phone from HMP Frankland. In the background I can hear other prisoners playing dominoes. When other prisoners try to use the phone, Stone shoos them away. Parole would “distract me from focusing on my appeal”, Stone says. Second, a parole hearing would “degrade me and humiliate me and destroy me. It makes me look like the bad guy if I do that. And I’ve got to go all the way with the innocence. And stick with it.”

He regrets his past history of violence. “I can leave all that behind,” he says. “It’s been a big mistake.” In prison, he runs around the yard and goes to the gym. He used to read, but now his eyes are failing. He obsessively pores over his legal defence. “It’s boring and horrible,” says Stone. “It’s mental torture.”

Stone remains in the general prison population, not in the segregation unit where men convicted of crimes against children are typically housed, safe from reprisals. “He’s acted with such dignity through this,” says Barbara. “He’s had the guts to live on an open wing from the word go.”

“I’ve been in prison,” he says, “where everyone wants to attack me, all together, throw boiling liquids at me and stab me.” Now, he says, no one bothers him. “In their hearts,” he says, “they know I’m innocent.”

Stone has been a prisoner for 26 years. After his first conviction, he was certain he’d get out: “Someone said, ‘You might have to do 20 years.’ I said, ‘I don’t believe you.’” He’s been in prison for the death of Princess Diana, 9/11, the invasions of Afghanistan and Iraq, Brexit, the election of Donald Trump, coronavirus and the death of the Queen. “They’ve robbed my life off me,” he says.

He is prepared for the possibility – the probability – that he might die behind bars. “The plan,” says Stone, “is to put me in here until I die. They were hoping, they were believing, that I wouldn’t last 10 years. But I’ve lasted for 10 years, and all the rest on top.” In the background, I can hear the din of Stone’s fellow inmates, dominoes clattering, people waiting for the phone, all the commotion of prison life, his entire world, for nearly 30 years.

“I’m mentally prepared and mentally set to always fight this conviction,” Stone says. “Until the bitter end.”