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## Judge turns on police investigation as Hoey walks free

Deborah McAleese reports on a day which produced more questions than answers for the Omagh bomb victim's families

Friday, December 21, 2007

The judge in the Omagh bombing trial launched a scathing attack on the police investigation into Northern Ireland's worst terrorist atrocity as he acquitted Sean Hoey on all 56 charges.

A crowd of Hoey's supporters applauded, while families of the victims wept, as the 38 year-old, of Molly Road in Jonesborough, was yesterday found not guilty of being behind a Real IRA bombing campaign.

Hoey, who had been led into the heavily guarded courtroom in handcuffs, raised his eyebrows and then sighed as Judge Mr Justice Weir told him he was free to go.

He was a slight figure standing beside three prison guards as he walked quickly from the dock - a free man - without glancing towards the public gallery where a large crowd of his supporters were sitting beside the stunned Omagh families.

For almost 90 minutes Judge Weir tore each strand of the prosecution case apart, saying that it had failed

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to satisfy him to any acceptable standard.

Hoey, whose face and body language initially betrayed little emotion, began to visibly relax as it became clear that Judge Weir was not satisfied with the prosecution case, and he occasionally glanced towards the crowds of media who were cramped into the large courtroom at Belfast Crown Court.

The judge was highly critical of police evidence, saying they were guilty of a "deliberate and calculated deception".

He said he felt "such disquiet" about evidence over forensics given by two police witnesses - Scenes of Crimes Officer Fiona Cooper and DCI Philip Marshall - that he had sent transcripts to the Police Ombudsman.

"Such was my disquiet at their evidence and that of others connected with this matter that upon its completion I had transcripts of the evidence on this issue sent to the Police Ombudsman.

"The effect of this, as I find deliberate and calculated deception in which others concerned in the investigation and preparation of this case for trial beyond these two witnesses may also have played a part, is to make it impossible for me to accept any of the evidence of either witness since I have no means of knowing whether they may have told lies about other aspects of the case that were not capable of being exposed as such."

Mr Weir also described the arrangement by police in 1998/99 for storing forensic items as "thoroughly disorganised".

Labels were missing from items or incorrectly attached to the wrong item, the judge said, and there were examples of labels lying loose and bags without labels.

He accused some officers of showing a "thoughtless and slapdash" approach to the collection and storage of exhibits - leading to potential evidence being destroyed or lost.

"It is difficult to avoid some expression of surprise that in an era in which the potential for fibre, if not DNA contamination was well known to the police, such items were so widely and routinely handled with cavalier disregard for their integrity," he said.

Mr Weir also told the court that the position as far as Northern Ireland Forensic Service is concerned is "even more difficult to comprehend as everyone there must have been well aware of the risks of improper labelling, storage and contamination".

Before delivering his verdict the judge also raised concern over the reliance in the case of LCN DNA - a relatively new scientific technique.

Looking directly at Hoey, Mr Weir then concluded that the evidence in the case did not reach the "immutable standard" of being "so convincing in truth and manifestly reliable that it reaches the standard of proof beyond reasonable doubt" and therefore told the court he found Hoey not guilty on each count.

With that Sean Hoey walked from the courtroom through a side door an innocent man.

On the opposite side of the room, walking through the main door, were the families of the 29 Omagh bomb victims, whose agony goes on.

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