



HIGH COURT OF AUSTRALIA

Manager, Public Information

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CHRISTOPHER CLARK JONES v THE QUEEN

In April 2007 Christopher Jones and James Roughan were convicted of murdering Morgan Jay Shepherd, a 17 year old youth. Today five Justices of the High Court unanimously dismissed Mr Jones' appeal against the Queensland Court of Appeal's determination that there had been no substantial miscarriage of justice arising out of his trial.

Mr Shepherd's decapitated body was found in a shallow grave in bushland near Dayboro, a township north of Brisbane, in April 2005. He had been stabbed numerous times though it was impossible to determine which wound had actually caused his death. Mr Jones and Mr Roughan were charged jointly with his murder. Each pleaded not guilty to murder but guilty to being an accessory after the fact. At their joint trial the evidence that both were present when Mr Shepherd died was uncontroverted, however each argued that the other had killed him. A tape recording made secretly while both were in a prison van did not contain unequivocal admissions of guilt from either of them.

The jury convicted both men of murder. Both appealed against the jury's verdict to the Queensland Court of Appeal. That Court allowed Mr Roughan's appeal and he was retried, however, he was convicted at his second trial. The Court of Appeal dismissed Mr Jones' appeal, and the High Court granted special leave to Mr Jones to appeal to this Court.

In the High Court Mr Jones' counsel submitted that the primary judge had erred in refusing to allow him to lead evidence concerning allegations that Mr Roughan, in circumstances unrelated to the death of Mr Shepherd, had attempted to murder a friend by attacking him with a knife. The evidence, it was submitted, was relevant to Mr Jones' argument that Mr Roughan was a violent man of whom Mr Jones was afraid, and thus more likely to have committed the murder than was Mr Jones. However, the Court considered that the evidence Mr Jones wanted to lead about that issue was hearsay and not admissible.

Mr Jones also submitted that the Court of Appeal had been wrong to dismiss his appeal given that it had found that the trial judge had misdirected the jury in one respect. The High Court considered that it was open to the Court of Appeal to find that the misdirection did not result in a substantial miscarriage of justice. It considered that the Court of Appeal's conclusion, that the Crown's case against Mr Jones was overwhelming, was one that was well open to it.

The Court unanimously dismissed Mr Jones' appeal against his conviction.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*