

[REDACTED]

From: [redacted]@scotland.police.uk>
Sent: 15 November 2022 06:57
To: _DCA Legal Assistants
Subject: RE: Case Against Luke Mitchell [OFFICIAL: NAMED RECIPIENTS ONLY]

NAMED RECIPIENTS ONLY

Good Morning [redacted]

I have requested that the pause is made on the disposal / return of any further productions at this stage.

[Redacted - Section 30(c) Prejudice to effective conduct of public affairs]

I have requested any spreadsheet of any productions that he may have disposed / returned and I will pass this to you once I have receipt.

I will continue to send across any relevant correspondence in respect of this matter relevant to the PRN as soon as I have this.

Regards

[redacted]

DI
MIT East
Livingston

From: _DCA Legal Assistants [mailto:[redacted]@copfs.gov.uk]
Sent: 14 November 2022 13:23
To: [redacted]@scotland.police.uk>; _DCA Legal Assistants
<[redacted]@copfs.gov.uk>
Subject: RE: Case Against Luke Mitchell [OFFICIAL: NAMED RECIPIENTS ONLY]

[redacted],

Thanks for your time earlier.

We discussed and agreed that actioning the PRN from today would be paused. You advised that there might be a spreadsheet indicating what has been disposed of to date. I'd be grateful if you could provide that if available.

I also wonder if you could provide any correspondence that you have received from the Crown re. return of the productions, etc. Was it simply the PRN that was issued, or was there any formal letter/instruction provided re. disposal? Any correspondence on the point would be helpful to see if available.

Thanks again for your assistance with this,

[redacted]

[redacted] | [redacted] | Legal Assistant to the Deputy Crown Agent | Serious Casework
Crown Office | 25 Chambers Street, Edinburgh, EH1 1LA | DX 540310 38

From: [redacted]@scotland.police.uk>

Sent: 14 November 2022 13:02

To: _DCA Legal Assistants <[redacted]@copfs.gov.uk>

Subject: Case Against Luke Mitchell [OFFICIAL: NAMED RECIPIENTS ONLY]

NAMED RECIPIENTS ONLY

Good Morning [redacted]

I have seen the email chain this morning in respect of Luke Mitchell.

I have taken over from DI [redacted] who has since left the Police.

I am happy to assist with any enquiry if I possibly can.

I can be contacted on either of the numbers below.

Regards

[redacted]

[redacted]

Detective Inspector
Major Investigation Team East
Livingston Police Station
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

[redacted] (direct) / [redacted]

[\[redacted\]@scotland.police.uk](mailto:[redacted]@scotland.police.uk)

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient, please destroy the e-mail, remove any copies from your system and inform the sender immediately by return. Correspondents should note that all communications to or from the Crown Office and Procurator Fiscal Service may be automatically logged, monitored and/or recorded for lawful purposes. Unless expressly indicated, the views or opinions contained within this e-mail do not necessarily reflect those of the Crown Office and Procurator Fiscal Service. This message has been checked for the presence of computer viruses. Visit www.copfs.gov.uk for details of the work of the Department.

Client: COPFS Media Coverage
Source: The Sun (Scotland)
Date: 30/11/2022
Page: 7
Reach: 158424
Value: 53429.8000

JODI MURDER CASE TWIST 19YRS ON

CROWN TEAM FEAR MITCHELL WILL SUE THEM

EXCLUSIVE by DOUGLAS WALKER

CONVICTED killer Luke Mitchell's legal team could sue prosecutors after it emerged they sanctioned police to destroy crucial evidence from the Jodi Jones murder case.

An insider claimed Mitchell could argue his right to a new appeal has been jeopardised – with Crown Office lawyers now desperate for assurances he won't take them to court.

A letter from the Lord Advocate's government solicitors admitted the evidence had been taken away – and that destruction had now been halted.

The bombshell emerged after the 34-year-old's lawyers requested the legal productions amid a push for an inquiry into his conviction for stabbing girlfriend Jodi to death in 2003, when they were both 14.

Her stripped and mutilated body was found dumped in woods near her home in Dalkeith, Midlothian.

The letter states: "I can confirm that, following discussions with COPFS (Crown and Procurator Fiscal Service), the Chief Constable of the Police Service of Scotland has been in the process of dis-

posal of productions retained by the police in relation to your client's prosecution."

The force's standard operating procedure states that all productions from a "serious crime" case must be kept for 12 years.

As Mitchell's last appeal was in 2014, the evidence should have been secured until 2026.

The correspondence went on to plead for Mitchell not to sue the Crown. It stated: "I confirm that the COPFS has requested that the Police take no further action in relation to the productions held by the police as at 14 November 2022.

"Accordingly, the Lord Advocate does not intend for the remaining productions to be destroyed at present and would be content to enter into discussions regarding appropriate undertakings to prevent the need for any litigation.

"I would be grateful if you could confirm that you do not intend to raise proceedings at present."

We can reveal the evidence had been requested by Mitchell's lawyers so they could forensically test them for the first time.

It then emerged that detectives had taken it all away in September 2021 – just months after a TV documentary claimed there was major doubt on Mitchell's guilt.

An insider told The Scottish Sun yesterday: "A load of officers from the Major Investigation Team went to Edinburgh to remove more than

100 productions.

"This included some burnt clothes found about a 1,000 metres from the locus.

"They loaded boxes into a police van and took them to Livingston police station.

"The Crown Office had signed off the items to be returned to the owner or destroyed.

"This is not normal procedure, especially in a murder case.

"Mitchell could now argue his right to a fair appeal has been denied as evidence has been destroyed.

"This could lead to a judicial review which could even pave a way to his release."

Jodi's throat was slit in the brutal attack and her neck had been compressed. She also suffered wounds to her face, ear, mouth,

breast and abdomen, as well as being hit on the head. The letters LM and JJ were cut into bark near to where her body was found.

After being found guilty in 2005, Mitchell – who insists he is the victim of a miscarriage of justice – was ordered to serve at least 20 years behind bars.

Judge Lord Nimmo branded him "truly wicked".

Earlier this month a petition signed by more than 25,000 people demanding an inquiry into his conviction was taken to Holyrood

Client: COPFS Media Coverage
Source: The Sun (Scotland)
Date: 30/11/2022
Page: 7
Reach: 158424
Value: 53429.8000

by his supporters, including criminologist Dr Sandra Lean and lawyer Scott

Forbes. Dr Lean said last night: "It's astounding to discover that a process of destroying evidence related to the case had begun and it raises some disturbing questions.

"Why now? And on whose instructions? What possible justification can there be?"

"We need to be able to trust our police and justice processes and to know they have nothing to hide.

"What is needed now is complete transparency."

Last night prosecutors dodged questions on the jaw-dropping evidence breach.

A Crown Office spokesman said: "We cannot comment on Police

Scotland's procedures." The force said: "The seizing of property is an essential part of Scotland's criminal justice system and the submission of best evidence is enshrined in Scots law.

"We work closely with justice partners around retention of evidence and are committed to the prompt return of property, while maintaining the integrity of the justice system."

Earlier this month we told how an ex-mechanic discovered a bloodied knife close to where tragic Jodi was discovered – but it was dismissed by cops.

douglas.walker@the-sun.co.uk



Murdered ... Jodi

Client: COPFS Media Coverage
Source: The Sun (Scotland)
Date: 30/11/2022
Page: 7
Reach: 158424
Value: 53429.8000



'Prosecutors OK'
on evidence dump



We need to know our police have nothing to hide

Petition . . . Dr Lean & lawyer Scott Forbes

Bombshell letter
to defence lawyers

Legal battles . . . Mitchell lost appeal in 2008