Weekend drama as jury decides

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By Bret Christian

A series of notes from the Phillip Walsham murder trial jury last weekend left members of the public puzzling about what was going on the in jury room.

Unusually, the Supreme Court sat on Saturday and Sunday, convening regularly for updates from the jury.

It was a roller-coaster ride, as bewigged barristers and the judge, as well as families and supporters of both sides and court staff forfeited all chance of attending the football derby.

At noon on Saturday, defence lawyers argued that the jury had deliberated for two days and should be dismissed, as jurors clearly could not reach agreement.

The judge, Justice Eric Heenan, called the jury into court.

He asked the forewoman whether they were making any progress.

Yes, she replied, good progress.

Justice Heenan sent the jury out again to continue deliberations.

At 5.30pm he reconvened the court, where defence lawyers again submitted it was a hung jury and should be dismissed.

Justice Heenan said there had been a case in Victoria where the jury had deliberated for eight days.

As the argument proceeded, the jury members, who were still locked in the jury room, sent a note to the judge, which was read in court.

It said they expected to reach a verdict on Saturday night.

Everyone went outside into the gathering dusk and waited again.

At 6.15pm the court re-convened and another note came from the forewoman.

She apologised, but said the jury members wanted to return to their hotel for the night and continue next morning.

Justice Heenan said there was no need to apologise and said he would not take a verdict before 9.30am on Sunday.

At noon, having heard nothing, he again convened the court.

It was widely expected that the purpose was to dismiss the jury.

Jury members returned and, to the surprise of most, announced that they had reached a verdict - all three men guilty of murder.

Jose Martinez, who was closest to the jurors, told them that all three were innocent and the jury had made a terrible mistake.