

R v. Paul Malone: disputed notes.

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Background

- April 1986: 4 similar armed robberies occurred in Liverpool, UK.
- Paul Malone was arrested, interviewed, and taken on a car journey to show officers his movements at the time of the fourth robbery.
- Notes were taken down by Detective Inspector Holt on lined paper during the journey and signed by Malone as an accurate record.
- Malone later claimed that the original text was written on alternate lines and that incriminating items (shown in red boxes below) had been added after he had signed.

The Data

The image shows a scan of handwritten notes on lined paper. The text is written in cursive and includes several lines of text. Red boxes highlight specific phrases and sentences, which are identified as 'disputed sections'. Blue arrows point to these sections, with letters in parentheses (a) through (h) indicating the corresponding entries in the table to the right. The text includes phrases like 'I came pass here yesterday', 'pointed out Halifax', 'pointed out Patsy Ang', and 'Chippy further up'. There are also some corrections and insertions visible in the handwriting.

MC's Analysis

1. Graphological observations:

- a) Marked variation in handwriting size (alternate lines)
- b) Inconsistent line indentation
- c) Inconsistent filling of space at the end of short lines.

2. Grammar: 'note-taking' vs. full.

Undisputed sections	Disputed Sections
(a) Subjectless verbs: 'pointed out Halifax'	(e) Explicit subjects 'I'll know for sure after'
(b) Omission of definite/indefinite article: 'Chippy further up'	(f) Inclusion of articles: 'some of the cars down the left side'
(c) Verbless clauses: 'back to car'	(g) Most clauses have verbs: 'that's when the woman saw me'
(d) Verbs in imperative or simple past: 'turn right'; 'pointed out Patsy Ang'	(h) Use of auxiliaries to form future and continuous tenses: 'I'll know'; 'I was looking'

Further Observations

- Often physically difficult to insert a line, hence irregular indentation.
- Disputed sections often contribute little to the narrative.
- Disputed sections tend to link backwards to undisputed sections.
- Grammar of alleged insertions often fails to fit with the original.
- All the items that are damaging to Malone occur in alleged insertions.

Outcome

- MC concluded the text was written on two separate occasions, and gave evidence at Malone's appeal to this effect.
- The Crown argued that differences in handwriting size were to distinguish between what was said in the car and the officer's own comments.
- The senior judge commented to the Court that there was only 'correct' and 'incorrect' grammar, dismissing MC's argument for a 'note-taking' grammar as distinct from a full grammar.
- The appeal failed and Malone's conviction was upheld.

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