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Ellis 'Suffering Battered Woman Syndrome'

Ruth Ellis, the last woman to be executed in Britain, was suffering from "battered woman syndrome" when she shot her lover dead, appeal judges have heard. Yet the jury at her 1955 Old Bailey trial were not allowed to consider her defence of provocation, said Michael Mansfield QC. The trial judge, Sir Cecil Havers, fell into "substantial error" in withdrawing that defence, as a matter of law, from the jury, which took just 15 minutes to convict Ellis of murder.

The mistake made by the judge - grandfather of Philip Havers QC and his actor brother Nigel - led to a miscarriage of justice which had lasted for 48 years, Mr Mansfield told the Court of Appeal in London.

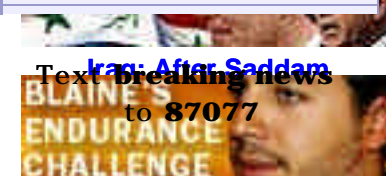
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He was appearing for Ellis's 81-year-old sister, Muriel Jakubait, who was in court for the start of a two-day appeal hearing.

The hearing is aimed at quashing the murder conviction and substituting a verdict of manslaughter on the grounds of provocation and/or diminished responsibility.

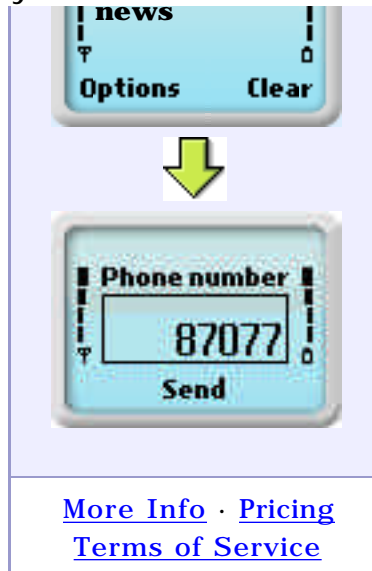
The 28-year-old nightclub hostess was hanged in 1955 for killing racing driver David Blakely as he emerged from the Magdala pub in South Hill Park, Hampstead, London.

Family fight

Ellis's son and daughter are no longer alive, but her grandchildren and her sister are continuing the family's fight to establish that she should never have gone to the gallows.

Lord Justice Kay, Mr Justice Silber and Mr Justice Leveson were told that 10 days before the killing, Ellis had suffered a miscarriage after Blakely, the baby's father, punched her in the stomach.

Lawyers also pointed to the role played by another boyfriend, who was said to have given her a gun and taught her to use it before driving her to the murder scene.



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Mr Mansfield said Ellis had been provoked by Blakely to the point where her judgment was suspended and the element of malice needed to prove murder was not present.

He said she had been provoked by Blakely's behaviour in not contacting her even though he had promised to meet her.

Blakely had promised her a bright future and had told her he loved her before suddenly ignoring her, Mr Mansfield told the court.

Mr Mansfield said he would be seeking to call fresh evidence from a medical expert who, from an examination of the documents, believed Ellis was suffering from what was now characterised as "battered woman syndrome".

Legal history

Two shots were fired at Blakely before he collapsed on the pavement.

Ellis then emptied the remaining four bullets into him.

At her Old Bailey trial, Ellis said under cross-examination: "It was obvious that when I shot him I intended to kill him."

The 1955 trial, held two months after the shooting,

Ellis did not appeal against her
murder conviction. Three
weeks later, she was hanged
at Holloway Prison while
around 1,000 people stood
silently outside.

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