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Court told of murder charge in Devlin case

By Barry McCaffrey

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THE police investigation into the killing of a Bel-fast schoolboy took a dramatic turn yesterday when it emerged that one of the accused is to be charged with murder.

Nigel James Brown (25) appeared before Belfast Crown Court yesterday expecting to be sentenced for an assault on Jonathan McKee as he and two friends walked home along the Somerton Road in north Belfast in August 2005 after buying sweets in a nearby shop.

Mr McKee's 15-year-old friend Thomas Devlin, pictured, died after being stabbed in the back five times.

Brown had already pleaded guilty to attempted GBH on Mr McKee and was due to be sentenced yesterday.

However, in an unexpected development the court was told that Brown would be charged with the schoolboy's murder next week.

The announcement brought immediate criticism from Brown's barrister, Arthur Harvey QC.

Mr Harvey said he had only been informed of the murder charges minutes earlier, describing the decision by the Public Prosecution (PPS) not to inform the defence at an earlier stage as "extraordinary and outrageous".

He said the prosecution's handling of the case was "deplorable".

The trial judge, Mr Justice Hart, questioned why the court had not been informed of the development, given that earlier applications to adjourn the case had been refused.

He voiced concerns that "this matter has not been brought forward with the expeditiousness which such a serious matter requires".

The schoolboy's parents, who were in court for the announcement, welcomed the new charge.

"We are satisfied that someone has been charged with Thomas's murder – that is all we can say," the schoolboy's mother Penny Holloway said later.

The PPS decision to review its case against Brown came after a meeting with the Devlin family in September 2007 in which concerns were raised over the failure to charge the 25-year-old with murder.

A spokesman for the PPS last night confirmed that the decision to charge Brown with murder had come as a result of that review.

However, it is understood that the decision to bring murder charges is not based on new evidence.

It is also understood there is no DNA evidence to link Brown to the murder and that the prosecution case is based solely on circumstantial evidence.

A previous court hearing was told that the evidence against Brown was based on "covert

surveillance” which had been obtained from secretly bugging his home.

When the 25-year-old was initially charged with the attack in October 2007 a detective inspect-or told the court that a second suspect, other than Brown, was suspected of actually inflicting the fatal wounds on Thomas.

Instead, Brown is alleged to have wielded a club or stick with which he tried to hit Mr McKee about the head.

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