

# Case study document *Simonshaven*

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This documents contains the information on the Dutch “Simonshaven” case. This case concerns the death of Jenny Lourens, who was violently murdered in a recreational area for walking and water sports near the village of Simonshaven, close to Rotterdam, on the 11<sup>th</sup> of August 2011. The court of Rotterdam convicted Jenny’s husband, Ed Lourens, of murdering Jenny by intentionally by hitting and/or kicking her head and strangling her. The case went to appeal, and this is what this document is about, as we present (parts of) the prosecutor’s and defence’s arguments as made in the higher court.

## **Relevant documents**

Please note that apart from the ruling of the court (1<sup>st</sup> instance) none of the below documents, or the English translation of parts of them, have been made publicly available.

- [Court ruling 1<sup>st</sup> instance](#) (in Dutch)
- Prosecutor’s arguments on appeal (in Dutch, partly translated).
- Defence’s arguments on appeal (in Dutch, partly translated)
- Higher court’s decision (in Dutch)

## Court ruling (1<sup>st</sup> instance)

*We start with the court ruling in first instance. Below, text in italics are comments and/or summaries by the authors of this document.*

*The suspect, Ed Lourens, is officially charged as follows.*

He has on or around August 11<sup>th</sup> 2009 killed the person named Jenny Lourens, either alone or in conspiracy with others. This murder was intentional and premeditated, because the suspect (and his accomplice(s)) have intentionally and after calm deliberation (repeatedly)

- (a) (forcefully) hit Jenny in the head/in the face (with a heavy object and/or a firearm or an object resembling a firearm), and/or
- (b) kicked/stomped Jenny in the head and/or neck with a shoe-covered foot, and/or
- (c) choked Jenny by pressing her neck and/or throat

causing her death.

*In its ruling of 30-11-2012, the court argues that the charge can be proven except for premeditation, and hence convicts Ed Lourens of manslaughter, giving the following motivation.*

On August 11<sup>th</sup> 2009, a dead woman, later turning out to be Jenny Lourens, is found in a recreation area near Simonshaven. Her (ex-)partner, the suspect, called his daughter-in-law in panic shortly before. When the son of the suspect arrives on the spot with the daughter-in-law, they find Jenny in a pool of blood. The autopsy showed that she deceased as a result of violent crashing impacts on her head and face, as if she was hit several times with a heavy and possibly edged object. On Ed's shoes bloodstains were found, which on examination by the Dutch Forensic Institute (NFI) turned out to be of the victim to be.

Ed stated that he and Jenny were walking in the recreation area when a man jumped out of a side path and violently attacked them. The Ed ended up on the ground and when he stood up he saw Jenny lying on the ground as well. He grabbed her and screamed but she did not respond. He then called his daughter, walked to the road and stopped a car.

The police has extensively studied the scenario outlined by the suspect. Many witnesses were questioned who had that evening walked, cycled or travelled by car in the vicinity of the crime scene. However, no one has supported the reading of the suspect that a third party would have committed the crime, and other findings of the police do not support this scenario either.

After his first brief statements, Ed has explained almost nothing and has not given any details about the man who allegedly attacked them. In addition, the suspect also remains silent on other, less essential questions in the case, and all this while the suspect's own reading of the case raises many questions. It is unclear why he did call his daughter to say that there was something wrong with Jenny, but did not call the emergency number. It is further important that Ed, contrary to what he suggests in his statement, did not stop a car immediately after the telephone conversation with his daughter, but only about forty minutes later. This while several cars passed in the intervening period, according to

the various witness statements. It is also notable that the suspect was only superficially wounded (three small cuts, the largest 1.5 to 0.5 centimetres) while Jenny was killed by brute force. Furthermore, the clothes of the suspect did not show any signs of a struggle and both he and the victim still had their money and jewellery after the attack. In addition, questions are raised by the fact that Ed, although the victim was very badly bruised and her face and head were covered in blood, said he saw nothing special about her after the alleged attack had occurred. It is also noteworthy that the suspect did not enquire as to the condition of his (ex-)partner until 2 hours after the first questioning had started. The accused was repeatedly questioned about these points and given the opportunity to clarify but has explained virtually nothing.

Given this, and given the aforementioned lack of any objective support for the statement of the accused, this statement lacks, therefore, any plausibility.

Moreover, the argument put forward on behalf of the accused that he physically cannot be deemed able to exercise violence must be rejected. Observers noted that in August 2010 they saw the suspect perform repairs on a car, carry a car-part and operate a car-jack. Furthermore, the court declares as proven an attempt of the suspect to inflict serious injury in May 2012, when he repeatedly stabbed his cousin in the shoulder, back and arm with a screwdriver.<sup>1</sup> In view of this, the court argues that that the physical condition of the suspect is not such that he cannot express himself violently. Even more so since the report of prof. Dr. F.J.G. Bexkens does not rule out that the suspect applied repetitive violence with hand and foot to the head of the victim.(to be clear, the court has left Drs. J. Boom's reports completely out of consideration now that the suspect has not been examined by him).

Because Ed was in the immediate vicinity of Jenny at the time she was violently attacked, Jenny's blood spatters from the victim were found Enst's shoes, and because it cannot be established that someone else was even near the crime scene and that the alternative reading given by the suspect is in any way plausible, the court considers it legally and convincingly proven that Ed is guilty of manslaughter on the victim, Jenny Lourens.

In view of the above, all other defences are left out of discussion. This also applies to the defence that was made concerning the "shooting hands", as these are not used as evidence.

*In addition, the court discussed two points that the defence brought up to argue for the dismissal of the Public Prosecution Service. These points, while being largely about legal specifics, have some bearing on the evidential part of the case, and they are summarized below.*

*The first point was that the prosecutor appointed a forensics expert, who gave a presentation at the Public Prosecution Service (without the defence knowing this) and who did not write a report on his findings. The defence argues that they thus had less information than the prosecutor, and that thus it was impossible to check whether the prosecutor in any way influenced the expert. The court argues that this does not hold, since there is no significant difference between the findings presented to all parties (on Nov 20<sup>th</sup> 2009) and the findings presented to the prosecutor only (June 2011).*

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<sup>1</sup> This was also included in the court documents and deemed proven on the basis of the cousin's statement that was supported by 3 separate witness statements.

*The second point was that Ed Lourens was heard as a witness, not as a suspect, and therefore did not receive the appropriate cautions and did not had access to a lawyer. The court argues that when Ed was first heard by police, on 12 August just after midnight, it was not evident that Ed was the suspect, also given the fact that he said he and Jenny had been robbed. Furthermore, Ed also reiterated his first nightly statement after he was marked as a suspect (12 Aug 19:16), and later (18 Aug) again stated that his first statement was the one he would stick to. So the suspect stuck with his earlier statement after consulting a lawyer, which makes the first statement admissible even if it was obtained with Ed in the role of a witness rather than a suspect.*