

The Case of Eddie Gilfoyle

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The Eddie Gilfoyle Campaign
BM Eddie Gilfoyle
London WC1N 3XX

email: eddiegilfoyle@aol.com
www.eddiegilfoyle.co.uk

1 Introduction

On 4 June 1992, 32 year old **Paula Gilfoyle** was found hanged in the garage of her home in Upton, Wirral. She was 8½ months pregnant. Four days later, her husband **Eddie Gilfoyle** was arrested on suspicion of her murder. He was subsequently convicted and received a life sentence. He has consistently protested his innocence. After 18 years imprisonment, he was released on licence in December 2010 subject to rigid restrictions which he describes as '*worse than prison*'.

This booklet outlines the facts of Eddie Gilfoyle's case. Serious blunders and failures were committed by the Coroner's Officer, Merseyside Police and others at the scene of Paula Gilfoyle's death. The subsequent police investigation was predicated on erroneous 'expert' evidence which purported to show that she could not have killed herself without assistance. Crucial evidence was withheld at Eddie Gilfoyle's 1993 trial and appeal hearings in 1995 and 2001. Throughout the two decades since his wife's death, there has been a continuing failure by police and prosecution to disclose vital case material. At every stage of the criminal justice process, Eddie Gilfoyle was treated unfairly.

Having considered the facts, we hope you'll agree that Eddie Gilfoyle has been the victim of a grave miscarriage of justice which must be corrected without any further delay.

2 The Marriage

Eddie and Paula Gilfoyle were married in June 1989. A former British Army medic who served during the Falklands conflict, he was employed as a Theatre Assistant at a private hospital. Paula worked on the assembly line at a spark plug factory. She also ran a catalogue mail order business from her home. In 1991, they moved from their first home in Wallasey, Wirral and bought a three bedroom house in Grafton Drive, Upton – a small village some five miles outside Birkenhead. The house required extensive renovation and the couple stayed with Paula’s parents pending completion. After two months with her parents, Eddie moved into Grafton Drive. By then, the remaining work needed at the house was largely decorative. Paula refused to leave her parents’ home until all the work was finished.

Their marriage – which initially had been contented – came under strain. Relations between the couple deteriorated further when Paula went on holiday to Turkey. Eddie felt the money spent on the trip should instead have gone towards the cost of refurbishing their home. He continued to work on the house with help from his father and a friend who he paid to undertake specific jobs. On her return from holiday, Paula went back to her parents’ home. She called at Grafton Drive regularly on her way back from work to see how the renovation was progressing. Eddie occasionally spent the night with Paula at her parents’ home. She still refused to move in to the

house and remained at her parents for a further three months.



Eddie and Paula Gilfoyle on their 1989 wedding day

During this turbulent time, Eddie became close to a work colleague **Sandra Davies** who was also experiencing marital difficulties. She stated at Eddie's trial that their relationship had not become physical and they never saw each other outside work. Meanwhile, relations between Eddie and Paula worsened. She continued to reject his requests for her to move to Grafton Drive. On one occasion, Eddie threatened to institute separation proceedings. By October 1991, he concluded his marriage was effectively over. He invited Sandra Davies to move in with him. She agreed. Eddie contacted Paula to inform her of his intentions. He asked her to collect possessions she had left at Grafton Drive. When she came to the house, Paula announced she was pregnant. She said the child had been conceived on one of the occasional nights they had spent together. During an emotional evening, Paula agreed to move to Grafton Drive. Eddie telephoned

Sandra to inform her of Paula's pregnancy and that he would now be staying with his wife. Paula also spoke to Sandra and warned her to keep away from Eddie.

The 'Nigel' letter

In the months following his reconciliation with Paula, the atmosphere at work between Eddie and Sandra was understandably awkward. In a misguided attempt to relieve the tension between them, he sent Sandra a Valentine card together with a birthday card (she was born on 11 February). In April 1992, Paula wrote a letter to Eddie which stated that he was not the father of her unborn child.

I am having to write it down on paper as I can't tell you face to face. The baby I'm carrying is not yours. I have been having an affair for the last 14 months with a guy called Nigel. The baby is his... Hopefully by the weekend I'll be out of your life for good and I'll be starting my new life with Nigel.

In a distressed state, he gave Paula's letter to Sandra who showed it to a friend. Sandra returned the letter and made it clear she had no wish to be involved in his marital problems. He then approached his manager and told her what Paula had written. His manager agreed to send him home. Paula, however, did not leave on this occasion. A pattern of behaviour developed over the next few weeks in



Sandra Davies

which she would tell Eddie she'd be leaving him on a certain day or week only to remain. Because they both worked shifts, Eddie and Paula were in the habit of leaving messages for each other in an exercise book. One of Eddie's entries reads:

...true there is no love left between us, but there again there is no hate. We are parting on good terms and that can only be good for us both as we start to re-build our lives, you with Nigel and the baby and me on my own.

Eddie said that on 2 June 1992, Paula told him the child's father was not the fictitious 'Nigel' but likely to be another individual who she named. She allowed for a possibility that the child might be Eddie's but was more convinced the father was the other man. In the course of a long talk,

Paula and Eddie agreed they would move well away from the Wirral to bring up the child. Eddie telephoned his brother who managed a Bournemouth hotel to explore the possibility (he said for a 'friend') of securing accommodation and work in that area. Throughout the next day and evening, Paula avoided making any further disclosures regarding her relationship with the other man.

3 Paula's Death

At approximately 16.40 pm on 4 June 1992, Eddie returned home from work. He found in the kitchen a two page letter in Paula's handwriting addressed to him. He only read the first few lines which read *'Dear Eddie. I've decided to put an end to everything and in doing so ended a chapter in my life that I can't face up to any longer. I don't want to have this baby that I'm carrying. I wish now that I'd got rid of it...'* Distraught and anxious, Eddie drove to his parents' home which was some ten minutes away. At this stage, he thought Paula had finally left him (it's not until much later in the letter that her intention to take her own life is made explicit).



Eddie and Paula's house at Grafton Drive

Eddie's mother Jessie was at home. She was in poor health and did not have a telephone. Eddie was extremely upset and barely able to explain what had happened. She read the whole letter and advised Eddie they should wait until his father, Norman came home so he could help look for Paula. In the meantime, Jessie tried to reassure her son that the letter was a cry for help rather than indicating a real intention to commit suicide. Norman Gilfoyle arrived home at approximately 18.10 pm around 40 minutes later than usual. After reading the letter, he drove Eddie and Jessie to Grafton Drive. Norman Gilfoyle searched the house to no avail and then telephoned Paula's family and friends in an attempt to ascertain her whereabouts. Eddie showed his mother the 'Nigel' letter. By 19.00 pm, it was clear Paula wasn't in any of the places she might have been expected to be. Norman telephoned his son in law **Paul Caddick** who was a police sergeant at the local station but was off duty at the time. He arrived at the house at 19.10 pm and was shown Paula's letter. He telephoned Upton police station and asked a colleague, **PC James Tosney** to come to the house. Sgt. Caddick searched the property's outbuildings and then opened the doors of the garage at the side of the house. He saw Paula hanging from a rope which had been tied to a roof beam. An aluminium step ladder was nearby. He did not enter the garage itself and closed the doors. It was 7.30 pm.

Police and other personnel arrived on the scene at different times. The first to appear was the Coroner's Officer, **PC Brian Jones** who assumed the role of investigating officer. He was shown the two letters written by Paula. At this stage, Eddie did not disclose her revelation that she'd had an affair with another man.

With the assistance of PC Tosney, the Coroner's Officer took it upon himself to cut the rope holding Paula's corpse above the knot and laid her on the floor with the ligature still attached. No photograph was taken of her body as it had first been found nor of the rope itself.

When the SOCO appeared at 20.20 pm, he was told by PC Jones there was no need for photographs as the Wirral Coroner did not require them. Two CID officers, Det. Sgt. Webster and DCI Leeman arrived at the house. They were informed by the Coroner's Officer '*there's nothing for you*' (i.e. he'd already concluded that Paula's death was a suicide).



The next person to arrive was the Police Surgeon, Dr Roberts. Despite a lengthy examination, he failed to take Paula's body temperature (which might have helped establish the time of death). He took a few photographs for his own training purposes of her body as it lay on the floor

of the garage. These photographs show that the ligature around her neck was so tight as to be invisible.

There was a pile of builders' sand outside the garage doors. The SOCO commented that a number of personnel entering and leaving the garage had trampled in the sand. This destroyed the possibility that any relevant footprint evidence could be obtained.

A more senior CID officer, Det. Insp. Fitzsimmons came to the house shortly after Dr Roberts left the scene. DS Webster mistakenly believed the SOCO had dealt with the scene and that photographs had been taken. He informed DI Fitzsimmons to this effect. The Coroner's Officer undid the remaining rope attached to the beam and put it in his pocket. After DI Fitzsimmons had examined the body and read Paula's letters, she was removed to the mortuary at a nearby hospital. The ligature was still attached to her neck.

A post-mortem examination of Paula's body was carried out the next day. No suspicious features were identified. There were no signs of any struggle. Nor had Paula been restrained in any way. No drugs or alcohol were found in her system. The Coroner's Officer who would normally have been at the post mortem was not there due to receiving hospital treatment for severe migraine. In his absence, the mortuary attendant incinerated the rope which had been around her neck thus precluding any subsequent examination.

4 Murder Investigation

For several days, Paula's death was treated by police as suicide. Their view began to change when they were approached by some of Paula's family and friends. Unable to accept that Paula – regarded as vivacious and outgoing – had taken her own life, they recalled conversations with Paula before her death.

Two of Paula's workmates said she told them Eddie had her writing suicide notes for a work project. Another colleague said Paula told her that Eddie was *'was doing a suicide course at work'* and he'd told her to write out a suicide note saying she'd been having an affair, that the baby wasn't his and *'she couldn't live with it any longer'*.

Feelings about Paula's death ran high among her family and friends. This may have affected the police's attitude to their inquiries. The level of emotion surrounding the case was exemplified on 17 August 1992 when a carefully constructed noose was thrown at the window of Jessie and Norman Gilfoyle's home where Eddie had been staying. Officers investigating Paula's death rapidly developed *'tunnel vision'*. They pursued the theory that Eddie had pretended to be on a suicide course at work (no such course existed). They postulated that he'd asked Paula to write suicide letters at his dictation and had then coaxed her into participating in a suicide experiment in the garage at their home. His supposed motive for murdering his wife was that he was having an affair with Sandra Davies.

Now convinced that Eddie had **murdered his wife, they set about securing evidence which fitted their hypothesis. A second post mortem examination was commissioned. This found two small scratch marks on Paula's neck.



Norman Gilfoyle holds noose thrown at his window

On 8 June 1992, Eddie was arrested and questioned. While he was under arrest, a designated police team - trained for the purpose - conducted an extensive search of his house and garage. In a footstool in the living room, they found a partly-completed suicide letter in Paula's handwriting. Using a forensic technique called Electro-Static Document Analysis (ESDA) on a notebook used by Paula, it was

ascertained she'd drafted yet another suicide note. Interviewed at length, Eddie denied any involvement in his wife's death or any knowledge of the letter in the footstool. He denied telling anyone he was attending a suicide course and had not dictated letters for Paula to write. He was released without charge.

The 'practice rope'

Curiously, police carried out another search of the garage on 23 June 1992. A forensic scientist, **Phillip Rydeard** was present. He mentioned to officers the possibility of finding evidence which might be useful '*such as ropes*'. Later that day, police said they discovered a rope in a drawer in the garage. It was tied in a slip knot. At Eddie's subsequent trial, the prosecution alleged he had used this rope as a "practice noose". The garage at Grafton Drive was small, compact and virtually empty. It beggars belief that such a significant item would not have been spotted immediately when officers conducted their previous search of the garage on 8 June. A later Lancashire Police review of the case commented:

The officer who conducted the search of the garage on the 8th June, PC CARTWRIGHT, is adamant that the rope was not there at the time. He recalls looking in the drawer in which the rope was subsequently found and it was not there.

Eddie was arrested and interviewed on two further occasions. He was again released without charge. In these interviews, Eddie told police that two days before Paula died she revealed to him that 'Nigel' was another named individual. Eddie says he did not provide this information in his previous interview because he'd promised his wife he wouldn't let her family know of the alleged affair and

saw no reason to upset them before her funeral. Merseyside Police sent their file on the investigation to the Crown Prosecution Service. On 7 September 1992, he was arrested and charged with Paula's murder. He was remanded at Liverpool's Walton Prison.

5 Trial

Eddie's trial began on 10 June 1993 at Liverpool Crown Court before Mr Justice McCullough. Opening the prosecution's case, Rodney Klevan QC said Paula *"had been hanged by another hand in some way and that the defendant did it and thereafter made it look as though it was suicide."* Referring to the suicide note he said *"the letter was written by Paula Gilfoyle but it was written, we say, at the defendant's request and dictation"*.



The jury was shown a video film of an exercise in the Grafton Drive garage by police and forensic scientists to reconstruct the circumstances of Paula's hanging. A woman officer - who was pregnant and the same height as Paula - tried to pass a rope over the roof beam. After several attempts, she succeeded. Asked to tie a knot in the rope, she was unable to do so. The jury clearly attached importance to this evidence. During their deliberations, they asked to watch the film again. There was a significant problem with the purported reconstruction. At first, the policewoman does not appear to be trying very hard but then the rope goes over the beam easily. She is then able pass it back over the beam twice more. The rope used in the reconstruction was not the same type as the one from which Paula was found hanging. The rope given to the policewoman was floppy and limp whereas the actual rope was so stiff and rigid that it could even have been bent and pushed over the beam.

In the course of cross-examination, Home Office pathologist **Dr James Burns** giving evidence for the Crown said that the absence of bruising or any signs of a struggle, meant Paula '*must have been a willing victim*' i.e. she must have co-operated with her murderer while the rope was placed round her neck. He claimed that two small, parallel scratch marks found on Paula's neck indicated an attempt to remove the ligature. McCullough J. reminded the jury that Dr Burns made no such claim in his original statement after his post mortem examination.

Prosecution 'experts'

A significant factor which strongly influenced the outcome of the trial was 'expert' evidence from prosecution witnesses on issues about which they were unqualified to testify.

As a broad rule, witnesses in criminal trials may only give evidence about facts within their direct experience. If they attempt to express a personal opinion or interpretation concerning those facts, they will usually be stopped by the trial judge. A major exception to this rule is opinion evidence from expert witnesses who may have expertise on matters outside the experience of the judge and jury.

At Eddie's trial, pathologist Dr Burns repeated his opinion given in a previous written report that it was '*virtually impossible*' for Paula Gilfoyle '*to have climbed the aluminium step ladder, stood on the platform on top ... then tied a rope around the ridge-beam and secured it firmly on the side of the beam*'. He based his conclusion on experiments he carried out at the Grafton Drive garage. At a meeting in the garage with police and others on 22nd June 1992, Dr Burns expressed the view that Paula could not have killed herself without assistance.

From that point onwards, Merseyside Police decided Paula had been murdered. The 'expert' view was that she could not have tied the rope around the beam in her pregnant condition and that she would have had difficulty balancing on the ladder which was not in sufficient reach of the beam. It is a reasonable speculation that officers - mindful of spectacular bungling at the scene and destruction of crucial case material - would have seized on Dr. Burns' views. His conclusions helped to mitigate (and even to cover up) their inability to investigate Paula's death properly as a consequence of those initial failings.

There was, however, a major problem with this ostensibly expert evidence. Questions about how the rope was tied to reach the roof beam were non-medical issues. As a medical pathologist, Dr Burns had no more expertise in these areas

than any other layperson. Indeed, subsequent analysis by acknowledged forensic experts authoritatively refute his conclusions.

The trial judge was clearly bemused by Dr Burns presenting himself as an expert on such matters. McCullough J. intervened during his testimony commenting '*He is not an expert in throwing ropes over beams or in reaching up... He is just a human being for that purpose*'. Nevertheless, Dr Burns' evidence was admitted.

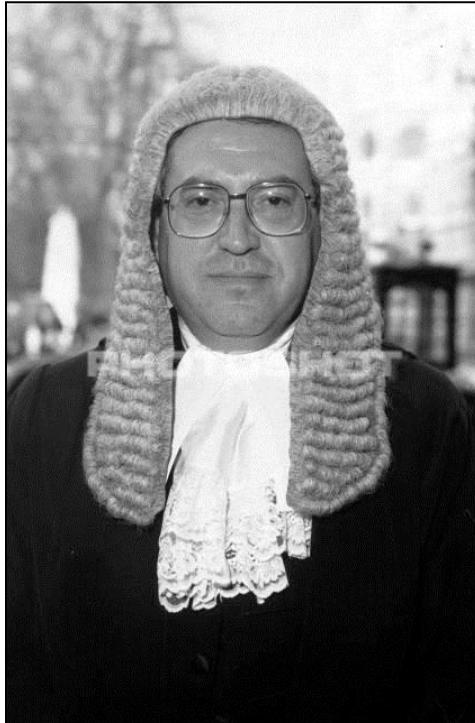
The notion that 'experts' could show Paula hadn't killed herself was compounded in jurors' minds when Paula's GP was allowed to express similar opinions that she would not have been able to get the rope over the beam. Again, as a medical doctor he possessed no special expertise on this matter and his opinion evidence should not have been admitted.

Excluded Evidence

McCullough J. decided that testimony from Paula's friends who told police about alleged conversations with her was inadmissible under the longstanding rule against hearsay evidence.

He also ruled inadmissible the evidence of **David Canter**, a distinguished psychologist who the prosecution wished to call. Professor Canter had provided a report which stated the suicide note in Paula's handwriting was not typical of women who commit suicide and it was unlikely that she'd written it with the intention of taking her life. The English courts have traditionally shown extreme reluctance to admit expert opinion on matters of psychology and psychiatry which jury members might be

expected to assess from their own experience of human behaviour.



Prosecutor - Rodney Klevan QC

A recurring theme of the Crown's case against Eddie Gilfoyle was Paula's 'bubbly' personality and the assertion that she was looking forward to their baby's birth. It had conclusively been established that Eddie was indeed the father of her unborn child. It was unimaginable, the Crown argued, that a pregnant woman would take her own life and that of her child. It was claimed Paula had no history of depression. Witnesses were called to testify that she was in good spirits in the weeks before her death. Her GP told the court he had never treated her for depression apart from temporarily prescribing valium when she was

sixteen. She had ended a long-term relationship with her then boyfriend who shortly afterwards murdered a woman in a local park



Eddie Gilfoyle

Maureen Brannan

Thanks to a botched investigation, the Crown were presented with a problem. When was Eddie supposed to have murdered her? At trial, the judge remarked that because Paula failed to attend her ante natal appointment at 2pm she must have died before then. The last person believed to have seen Paula alive before that time was a door to door market researcher **Maureen Brannan**. She had called at the house at 11.00 am on 4 June. She stayed 15-20 minutes completing a survey about wine with Paula and Eddie. His drive to work usually took eight minutes. He was seen arriving at the hospital around 11.30 am. There was no evidence he'd left his workplace until returning home at around 16.40 pm (he had been given permission to leave early).

A **Mrs Melarangi** who delivered parcels for Paula's mail order business said she called at the house at 11.50 am but received no reply. She further claimed that she returned to the house around 5.30 p.m. She said Eddie was outside the house and signed for a parcel.

In the subsequent words of the Court of Appeal '*the Crown's case was that Paula had died between Mrs Brannan leaving after 11.00 am. and Mrs Melarangi calling at 11.50 am*'. If the timings of Mrs Brannan and his work colleagues were correct, this gave him little or no opportunity to commit the crime before he left for work.

At the close of the prosecution case, Eddie's counsel submitted there was no case to answer. The Crown had failed to show that Paula had been murdered and were asking the jury to speculate about the manner in which the suicide notes came into existence. McCullough J. ruled there was sufficient evidence on which the jury could reach a verdict.

The defence called no evidence on Eddie's behalf and he was not asked to testify. He presented as a somewhat pathetic and confused figure in the dock. Eddie had suffered a severe mental breakdown shortly after the death of his wife and child for which he received hospital treatment and had been taking medication for ten months. Unknown to the jury, HMP Walton failed to administer his anti-depressant drugs during his trial. The deleterious effects of sudden withdrawal of psychiatric medication are well-documented. His ability to participate in his own trial was severely impaired. He struggled to understand the proceedings, communicate with his lawyers or make an informed decision about testifying.

In their closing submissions, his counsel stressed the significance of the suicide notes and invited the jury to reject as mere guesswork the theory that they were written by Paula at Eddie's request.

During their deliberations (and just before they reached a verdict), a juror was discharged from the jury on the advice of a doctor but without consultation with the trial judge. The judge subsequently approved the discharge of the jury member. The jury considered their verdict for almost 15 hours before finding Eddie guilty of Paula's murder. He was sentenced to life imprisonment with a recommendation that he serve a minimum of 17 years

6 Police Reports

Following Eddie's trial, his sister **Susan Caddick** drafted a lengthy complaint which listed numerous serious defects in Merseyside Police's investigation into Paula's death and the process leading to her brother's conviction. In November 1993, the Police Complaints Authority (PCA) appointed **Det. Supt. Graham Gooch** of Lancashire Police to reinvestigate the case. He submitted his final report in July 1994. Even today - almost two decades later - the full contents of this report have not been disclosed.



Lord Hunt, and Eddie Gilfoyle 2011

Det. Supt. Gooch and his team re-interviewed all witnesses spoken to during the Merseyside Police investigation. They also traced fresh witnesses, and sought independent expert opinion. At Eddie's trial, the prosecution suggested

market researcher Maureen Brannan was mistaken about the time she'd seen Paula alive. Det. Supt. Gooch confirmed her timings by interviewing neighbours who'd also completed surveys with her that day. Merseyside Police had failed to carry out this elementary corroborative exercise.

The Gooch Report was highly critical of Merseyside Police. A catalogue of irregularities and misconduct was uncovered including the fact that key alibi witnesses supporting Eddie's account that he was at work throughout the afternoon of 4 June 1992 were not interviewed by Merseyside Police.

Lancashire Police interviews with Merseyside officers involved in the original investigation showed officers knew Paula may have doubted the baby was Eddie's contrary to the image portrayed to the trial jury. Nothing at the scene suggested foul play. The interview notes emphasise there was no evidence of a struggle. Paula's body had no marks or defensive injuries.

On receiving the report, the PCA sent a file to the Director of Public Prosecutions to consider whether criminal charges should be brought against specific officers. In November 1994 the DPP stated there was insufficient evidence to provide a realistic prospect of securing criminal convictions against any officer involved in the case. The file was returned to the Chief Constable of Merseyside Police with a view to disciplinary action against thirteen officers. With Eddie's appeal against conviction pending, his lawyers asked for details of the charges brought against the officers. Their request was refused.

The Chief Constable also denied lawyers access to the Gooch Report. At the end of August 1995 – days before Eddie’s appeal hearing commenced - the High Court granted the defence limited access to parts of the report. The edited version omitted Det. Supt. Gooch’s conclusions and opinions on the case. Significant parts of the released report contain blank pages and gaps with many paragraphs edited out.

Maureen Piper

A woman named **Maureen Piper** had told Merseyside Police she’d spoken to Paula in Moreton Post Office (1.3 miles from Upton) at 12.40pm on the day of her death. The police told her she must have mistaken Paula for her sister Susan Dubost so *‘we are scrubbing your statement’*. Mrs Piper walked to work with Mrs Dubost for some fifteen years and lived opposite her. She also knew Paula well who was very different in appearance from her sister.

Merseyside Police failed to interview a friend of Mrs Piper who was with her on the day in question. They also neglected to speak to another friend who on 5 June 1992 informed her of Paula’s death. Mrs Piper remarked *"I was only speaking to her yesterday in the post office"*.

In 2005, Mrs Piper said the claim she’d confused the two sisters was absurd: *"I have known them all their lives and, in the first place, they don't look alike and second, one was eight-and-a-half months pregnant. How could I be mistaken?"* When she made her statement to Merseyside Police, she believed Eddie was guilty having heard (baseless) rumours he’d left work to kill his wife in the afternoon. Mrs Piper had no reason to lie about seeing Paula.

The Humphreys Report

Det. Supt. Gooch's inquiry was not the first time the circumstances of the case had been subject to critical review by a senior police officer.

In August 1992, **Det. Supt. Ted Humphreys** of Merseyside Police completed an internal review of the response and management of the scene of Paula's death. Merseyside Police have never disclosed what prompted them to commission this report. His conclusions were damning.

Det. Supt. Humphreys was highly critical of major blunders committed by those attending the scene where *'even basic procedures were not adhered to'*.

There was he said a *'lack of scene preservation and destruction of potential evidence by personnel attending'*.

The Coroner's Officer should not have assumed control *'making crucial decisions about the investigation and mode of death before the arrival of the CID'*. He should not have cut down Paula's body nor made any decision *'with regards to photographic evidence of the body in situ'*.

The task of the Police Surgeon in such cases is solely to determine whether the person is dead. His prolonged presence at the scene *'could well have disturbed, or indeed destroyed, evidence'*.

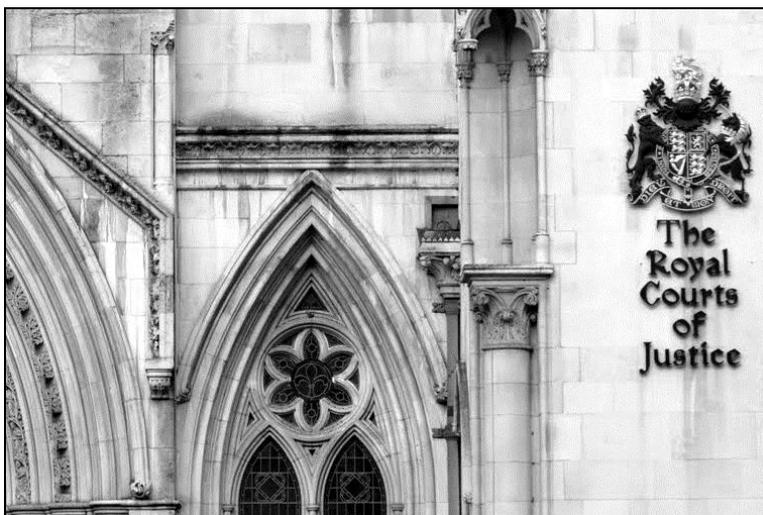
Det. Supt. Humphreys criticised the fact that Eddie and his parents were allowed to leave the property before CID arrived and the *"lack of communication between personnel present as to what had been attended to and by whom"*.

The '*destruction of the ligature following post mortem*' was commented Det. Supt. Humphreys '*inexplicable*'.

The Humphreys Report was not disclosed to Eddie Gilfoyle's lawyers prior to his 1993 trial.

7 1995 Appeal

Eddie's appeal against conviction commenced in September 1995 before Lord Justice Beldam, Mr Justice Scott Baker and Mr Justice Hidden. Eddie was represented by **Michael Mansfield QC**. The prospects of a successful outcome to the appeal were considerably hampered by a number of rulings delivered by the Court:



Professor Bernard Knight

The Court rejected an application to receive evidence from **Professor Bernard Knight** an internationally-renowned pathologist. Professor Knight provided an opinion to the defence prior to Eddie's trial which comprehensively refuted the prosecution case. His report concluded:

my overall feeling about Paula Gilfoyle is that though there are curious aspects, this undoubted hanging shows no pathological evidence of anything other than self suspension.

Professor Knight had attended the trial for one day but was not called by Eddie's defence team to give evidence. This decision, submitted Michael Mansfield, amounted to a serious error by Eddie's previous lawyers. At the trial, the jury heard from prosecution pathologist Dr James Burns who carried out the second autopsy on Paula. He had claimed that two tiny scratches on her neck indicated an attempt to remove the rope from around her neck. At the trial, he said an easy way to kill someone would be suddenly to drop a noose over their head, grab the legs and hold the person until s/he was dead.

Under cross-examination, Dr Burns conceded the marks could have been caused by a reflex action of a person committing suicide. Professor Knight's view was that the tiny marks might have been made in the course of the first post mortem examination (which made no mention of any such scratches). Had his evidence been heard by the jury, it would have gone a long way towards undermining Dr Burns' somewhat lurid speculation as to the manner of Paula Gilfoyle's death

Handwriting Analysis

The Court also refused to receive evidence from **Dr Robert Hardcastle** a handwriting expert. At trial, Mrs Melarangi said she went back to the house around 5.30 p.m. She said Eddie was outside the house and signed for a parcel. She produced her manifest for that day which showed a signature in the name of "P. Gilfoyle". Her evidence cast doubt on Eddie's credibility as he'd said he did not return to Grafton Drive until he came back with his parents later

that evening. It was suggested to her that she'd signed the manifest herself. Since the trial, Dr. Hardcastle had looked at further handwriting specimens. His opinion was that the signature on the manifest was more likely to have been written by Mrs Melarangi than by Eddie.



Professor Bernard Knight

Merseyside Police

The Court had seen Det. Supt. Gooch's scathing report (which in edited form had been released to Eddie's lawyers shortly before the hearing) but they did not hear any submissions based on its contents (including the alleged 'discovery' of the 'practice noose').

The 'suicide course'

At trial, the evidence of three of Paula's friends that Paula had told them of Eddie's alleged involvement in a suicide course at work was ruled inadmissible. The Court of Appeal ruled that this evidence was admissible as to Paula's state of mind at the time of her death. The *'statements made by Paula tended to prove that she was not depressed or worried to the point of suicide'*. The Court

concluded, however, that it was not *'in the interests of justice to require the three witnesses to attend to give evidence'*.

This ruling placed the appellant in a 'Catch 22' situation. While the friends' statements did not strictly constitute a reason for the eventual rejection of Eddie's appeal, the Court was clearly influenced by this evidence and devoted several pages of its eventual judgment to it. The decision that the witnesses need not give evidence meant that Eddie's lawyers were unable to cross-examine them about anomalies, errors and contradictions in their statements.

Maureen Piper

This left only the evidence of Maureen Piper. She testified at the appeal about seeing Paula Gilfoyle at Moreton Post Office on the day she died. Despite Mrs Piper having said to a friend *'I was only speaking to her yesterday in the post office'*, the Court of Appeal pronounced that she *'could have seen Paula the week before'*.

The Court dismissed Eddie's appeal. As he was led back down to the cells, he shouted *'I'm still innocent'*.

Disciplinary action

Soon after the Court's dismissal, Merseyside Police announced disciplinary action against thirteen officers in the case. Most received 'advice' about their conduct. Formal disciplinary hearings were instituted against three officers of the rank of Det. Superintendent, Det. Chief Inspector and a Det. Constable. Hearings against two of the officers did not take place until May 1998 - five years after complaints had first been made about them. Action against the most senior officer was withdrawn on his retirement. All charges against the two officers were dismissed. One had been promoted to the rank of Superintendent while awaiting the hearing.

8 2000 Appeal

Fresh evidence supporting Eddie's innocence was examined by the Criminal Cases Review Commission (CCRC). This included material in a Channel 4 *Trial and Error* programme broadcast in June 1996. In March 1999, the CCRC announced Eddie's conviction would be referred back to the Court of Appeal. His second appeal commenced before Lord Justice Rose, Mrs Justice Hallett and Mr Justice Crane in December 2000. The grounds of appeal mostly comprised fresh expert evidence.



Lord Justice Rose

Professor Jack Crane, Northern Ireland State Pathologist had prepared a report for the CCRC. Unlike Dr Burns who appeared for the prosecution at Eddie's trial, Professor Crane had seen scratch marks in cases of suicide. He said he would expect more severe or extensive marks in a case of homicide. He also had personal knowledge of a pregnant woman killing herself.

Roger Ide a forensic scientist with 30 years' experience in knots and ligatures also prepared a report for the CCRC. His conclusion was that Paula could not have been standing on the floor when the noose was put round her neck. She would have had to be standing on the ladder. This rendered the hypothesis advanced by the prosecution that Eddie had persuaded her to place the noose around her neck and then grabbed her legs even more unlikely.

The Court refused to receive evidence from two other expert witnesses:

Dr John Weir a consultant psychiatrist was one of the few experts who had ever made a study of suicides in pregnancy. Dr Weir had reported to the CCRC his opinion that Paula '*was phobic about labour*' quoting four occasions when she expressed her apprehension about the birth. The Court refused to receive his evidence because in their view there was nothing '*to substantiate his diagnosis in relation to someone whom he had not seen*'.

Professor David Canter an eminent psychologist had originally been ready to testify for the prosecution at Eddie's trial. His evidence was ruled inadmissible. In 1993, his opinion – based on limited material provided by Merseyside Police - was that Paula had not killed herself.

The CCRC and Eddie's lawyer supplied him with further documentary evidence which he'd not previously been shown. This led him to reverse his former view. His new report concluded that the circumstances of Paula's death pointed strongly to suicide. As in 1995, the Court of Appeal refused to hear Professor Canter's evidence.

The Court said it would not hear submissions arising from the Lancashire Police inquiry into Merseyside Police's investigation because this report had been available to the previous appeal hearing. The catalogue of police failings and misconduct uncovered by Det. Supt. Gooch has consequently never been considered by any court.



Eddie Gilfoyle in 1992

The Crown accepted many of the conclusions reached by the experts called for the appellant. As a result, some Crown experts who had been asked to attend were not called to give evidence. Faced with strong evidence that Paula was not standing on the ground when the noose was placed around her neck, the Crown posed an alternative hypothesis that she'd been sitting on the step ladder and then was pushed forward. Professor Knight stated this scenario was even more implausible. It was, in any event, a completely different method from the one suggested by Dr Burns at the 1993 trial when Eddie was convicted.

Michael Mansfield QC challenged Mrs Melarangi's claim that she'd seen Eddie Gilfoyle outside his home around 5.30 pm on the day Paula died. She said she'd delivered a parcel for which he signed. The schedule from the catalogue company showed no such parcel to be delivered at that time. Handwriting analysis indicated the signature in Paula's name on the delivery manifest was more likely to have been written by Mrs Melarangi. She admitted she'd previously delivered a parcel and added Paula's 'signature' later because she didn't have the delivery manifest with her. At trial, two relevant manifests were not produced by Merseyside Police. This meant her sequence of deliveries (and hence the plausibility of her account) could not properly be examined.

A work colleague of Paula's, **Mr Owen** approached police a full month after her death. He claimed he saw Eddie going into a shop in Upton at about 5.50 pm on 4 June 1992. There were many problems with Mr Owen's account. His statement had Eddie arriving at the shop from the wrong direction if he'd been coming from his home. Mr Owen had a strong prior antipathy towards Eddie referring to him as a '*bastard*' in his written statement. Merseyside Police made no attempt to

corroborate his alleged sighting by, for example, making proper enquiries with staff in the shops.

A Grafton Drive neighbour, **Mrs Jones** was interviewed by police. She said she'd seen Eddie in the drive of his house at about 5.30 pm that day. Elsewhere in her statement she provided times for various arrivals and departures of police and others at the house. Comparison with police records indicate that while Mrs Jones was undoubtedly an honest witness, her timings were open to question.

Despite serious contradictions in the accounts of the above witnesses, the Court of Appeal pronounced that Eddie *'clearly lied about his movements on the afternoon of 4th June'*. The prosecution case, said the Court of Appeal, was that he lied to *'avoid having to explain why he had not sought help or begun enquiries before he did'*.

The Court was presented with overwhelming evidence which conclusively undermined the prosecution case as to how Paula died. In its judgment, the Court stated *'the cause of death, now as at trial, depends on the non-pathological evidence'*. Despite days having been devoted at Eddie's trial to the issue, the Court pronounced: *it is immaterial precisely how he killed her'*. The only other *'non-pathological evidence'* outlined by the Court related to Paula's alleged state of mind before her death.

Seventeen witnesses described her as being, in the spring of 1992, happy and looking forward to the birth of the child, despite misgivings about the birth itself. Her GP, who saw her regularly and last saw her a week before her death, and her gynaecologist, both described her as fit and positive about the birth. She had no history of depression.

Eddie's second appeal against conviction was dismissed.

9 More New Evidence

Eddie's family, lawyers and journalists re-commenced the slow, painstaking quest for further fresh evidence in the case. This process was necessarily hindered by the fact that a substantial body of new evidence not available to the jury at Eddie's 1993 trial had already been uncovered only to be peremptorily rejected at two appeal hearings.



Alison Halford

The campaign for Eddie Gilfoyle spearheaded by his sister Sue Caddick and brother in law Paul Caddick (who had left Merseyside Police) continued to receive support. Eddie was visited in prison by **Alison Halford** who had been Assistant Chief Constable of Merseyside Police at the time

of Paula's death. After examining the case, she said he was the victim of '*a huge miscarriage of justice*'. Eddie received support from many prominent individuals including **Lord Hunt of Wirral** who had been his constituency MP and a minister in Margaret Thatcher's government.

The Times newspaper began to investigate Eddie's case and interviewed Professor David Canter who submitted a lengthy report setting out grounds for believing Paula had committed suicide. The newspaper also published an article pointing to '*a glaring error by judges*' at the 2000 appeal when the Court asserted the suicide note left by Paula was typed when it was in her own handwriting.

Police interview notes

Shortly before Eddie's 1995 appeal hearing, notes of interviews with police officers during the 1992 internal review by Det. Supt Humphreys were disclosed. The notes served did not provide a full picture of why the police failed at the scene. That picture only became clear in June 2012. The notes stated the Police Surgeon told police at the scene Paula had died six hours earlier. Eddie was at work at this time. There had previously been no suggestion that Dr Roberts addressed the question of time of death while at the garage. There was no mention of his estimate in his statements to the subsequent murder investigation. He told the trial jury that Paula had been dead for three to eight hours before being found. McCullough J. expressed surprise that no estimated time of death had been provided to the defence saying that it was "*a rather obvious question*".

More than a decade later, the Times requested a copy of the full notes under Freedom of Information legislation.

The newspaper was initially told by Merseyside Police '*no such notes ever existed*'.

Apology

An apology was issued after it emerged that the Crown Prosecution Service misled former Solicitor General, Vera Baird MP as to when they had received the Humphreys Report into the botched investigation of the scene of Paula's death. As a consequence, Parliament was misinformed in answer to a question from Chris Huhne MP. A leaked internal letter indicated the report had been in the possession of Merseyside CPS for almost a year before it was disclosed. It was not until June 2012 that full attachments to the report were disclosed to Eddie's lawyer. A piecemeal approach towards disclosure has been adopted throughout the twenty years since Eddie Gilfoyle was charged with no explanation offered for previous non-disclosure of crucial material.

Suicide during Pregnancy

At Eddie's trial, the Crown's view was that the incidence of women committing suicide while pregnant was very rare. During the murder inquiry, Merseyside Police asked a psychologist to report on the incidence of ante-natal suicide. It was later realised that the statistics on which the psychologist based her report were wrong. Since 1992, a number of studies have shown that suicide during pregnancy is not as rare as previously thought. Indeed, a 2003 study¹ by psychologist Margaret Oates found that suicide is '*the leading cause of maternal death*' with the majority of such cases occurring during late pregnancy.

¹ The British Journal of Psychiatry (2003) 183: 279-281

In November 2012, the Royal College of Midwives published the results of a study which found '*more than a third of women who suffer depression during pregnancy have suicidal thoughts*'²². At Eddie's trial and appeal hearings, the assumption that suicide during pregnancy is very rare formed a strong feature of the Crown's case against Eddie. Such a hypothesis can no longer be sustained.

The metal box

Eddie's lawyers continued to press the Crown Prosecution Service and Merseyside Police for full disclosure of all material from the Humphreys Report. For many years, these requests were rebuffed. At the trial and two appeal hearings, the question of Paula's state of mind when she died formed a crucial part of the Crown's case. Indeed at the 2000 appeal, the Court stated the conviction depended on '*non-pathological evidence*' that Paula was happy and looking forward to the birth of her child.

In August 2010, Eddie's solicitor **Matt Foot** obtained consent from the police to see unused exhibits in the case. He discovered among them a padlocked metal box which had belonged to Paula. Its contents included diaries kept by her from the age of twelve until she was 22 together with other documents and keepsakes. They revealed a very different character from the happy, cheerful personality with no history of depression portrayed at the trial and appeal hearings. The contents showed Paula had a traumatic, troubled past:

- When she was a teenager, she attempted suicide by taking an overdose of pills after a row with her then fiancé, **Mark Roberts**. He had threatened to

²² Press Association *Ante Natal Support Call* 11 November 2012

commit suicide. He was subsequently convicted of murdering a young woman. She continued the relationship for a considerable period while he was serving a life sentence.

- She collected Roberts' clothes from a police station including his jeans and the belt with which he had strangled his victim. She wrote they '*had blood on*' without any apparent emotion or recoil.
- She kept a suicide note from another, later fiancé **Gordon Gumley** (to whom she was engaged when she first met Eddie). This used similar wording to the note in her handwriting found after she died.
- Gumley wrote to her '*the only time I see you happy is when your friends are around when they call you're a different person. Smiling joking all that sort of stuff. . .*'

In November 2012, the Times newspaper reported the Crown Prosecution Service's confirmation that if the box's contents had been known to them '*they would have been disclosed to the defence on the basis that it had the potential to assist the defence case that Paula Gilfoyle committed suicide*'. The newspaper stated that officers from Lancashire Police conducting an investigation for the Police Complaints Authority had searched 6 Grafton Drive and taken away what they described as a '*metal box cont. personal papers + diaries*'. The existence of the padlocked box and its contents was not disclosed to Eddie's lawyers at his two appeals.

In 1995, the Court of Appeal asserted that '*Paula's state of mind was one of the principal issues in the case.*' At the 2000 hearing, the Court referred with approval to the Crown's contention that Paula's suicide note was '*false, completely*

out of character and did not represent her true state of mind'.
The material in the box seriously undermines these arguments.

The Coroner's Officer

In July 2012, the Times reported the emergence of yet more previously undisclosed information in Eddie's case. On 4 June 1992, the bungling actions of the Coroner's Officer at the scene of Paula's death ensured that crucial evidence was destroyed or seriously compromised. It had been believed that PC Jones' assumption of control over the initial investigation – during which he told more experienced detectives '*there's nothing for you*' – amounted to an unfortunate happenstance. Det. Supt. Humphreys who reviewed Merseyside Police's response to Paula's death said that the Coroner's Officer had exceeded his authority and should not have played any role in the initial investigation.

In many areas of the country, the role of Coroner's Officers is purely administrative. Documents belatedly released to Eddie's solicitor reveal the presence and activities of the Coroner's Officer at the death scene derived from a highly unusual policy imposed by senior police officers in the Wirral area. This policy required police control room staff to call out the Coroner's Officer to all suspicious deaths. Such a policy did not operate elsewhere in Merseyside.

Gilfoyle murder file shows how flawed police procedures lost vital evidence

Dominic Kennedy Investigations Editor

Police notes hidden for 20 years that challenge the safety of Eddie Gilfoyle's conviction for murdering his wife have just been released by the Crown Prosecution Service.

They disclose how a police force's policy failings led to vital evidence being lost on the day that the pregnant Paula Gilfoyle was found hanged in the couple's garage. Lawyers for Gilfoyle, who spent 18 years in jail protesting his

Uncovered: police notes cast doubt over Gilfoyle murder

The Times's report in February 2009 after the discovery of fresh evidence

innocence and was released on parole in 2010, are calling for the case to be referred to the Court of Appeal.

The files include notes requested by *The Times* under the Freedom of Information Act but which Merseyside Police claimed had never existed. They cast doubt on whether Gilfoyle, a hospi-

tal orderly from Upton, had a fair trial. Mrs Gilfoyle left a suicide note in her own handwriting in 1992, but prosecutors persuaded a jury that her husband had dictated it before luring her into the garage and stringing her up.

The case was blighted by false information given by officials. Dominic Grieve, QC, the Attorney-General, apologised when a wrong answer about it was given to the House of Commons.

Matt Foot, Gilfoyle's solicitor, said that the new information showed "a chain of command of which we were previously unaware, enforcing a local policy that didn't apply to the rest of the county and helped to lead to the serious failings at the scene".

He added: "The police knew that senior officers could be held responsible for the failures at the death scene and this potentially compromised the investigation so as to put pressure to secure a guilty conviction ... to keep that quiet all these years is a disgrace. I asked for this material specifically at the highest level three years ago and was told it wasn't relevant."

An independent police force is

This meant an inexperienced Coroner's Officer - and not specialist detectives - took charge of a sensitive scene of death. Merseyside Police failed to disclose that the botched initial investigation had not come about by accident but because of a specific policy directive from senior officers. The consequent likelihood that the Coroner's Officer would be first to arrive at scenes of death made serious blunders almost inevitable. The potential embarrassment this would have caused senior echelons of Merseyside Police might explain why the existence of this policy remained concealed for so long.

10 Hearsay

The 1995 and 2000 Court of Appeal judgments attached weight to alleged conversations which three of Paula's workmates said they'd had with her before her death. Their statements ostensibly explained how the suicide note in Paula's handwriting (and two partly-completed drafts) came into existence. Paula, they said, told them Eddie persuaded her to write such notes for a course about suicide which he was attending at work. There was no such course. The friends' statements were excluded from Eddie's 1993 trial under the longstanding rule against 'hearsay'³ evidence which then applied. The Court of Appeal ruled the statements admissible as evidence of Paula's state of mind. The Court did not afford Eddie's lawyers any opportunity to question the three friends about their statements.

In the days following Paula's death, there was inevitably much discussion, gossip and exchange of rumours among her family and friends. Some declared a determination to '*help clear Paula's name*'. There are factual inconsistencies in the friends' statements which indicate their recollections were either faulty and/or Paula had not been telling them the truth. For example, one friend said that some days after Paula first told her about Eddie seeking help with a work project, she told her that '*she had ripped the notes up*

³ i.e. information gathered by one person from another about matters of which the first person had no direct experience. The rule against hearsay evidence was substantially reformed by the Criminal Justice Act 2003.

and thrown them in the bin'. This account was implausible. If Paula believed the purported reason for asking her to write such notes, why would she dispose of them? If she had not believed him, why would she write further notes?

None of the friends appear to have queried inherent weaknesses in Paula's stories. What sort of training course would require participants to ask someone else to write suicide letters? If writing such notes was connected with a training course, why would Paula place the fictional suicide letters in envelopes specifically addressed to her parents and husband? Why would anyone, as one friend claimed, rig up a noose in his garage as part of a training course?

Paula's alleged story cannot, moreover, explain the 'Nigel' letter. There is no mention of suicide in this document. It states that she had been having an affair with 'Nigel' and was having his baby. Paula knew Eddie had shown and/or related the contents of the 'Nigel' letter to several people at his workplace including his manager. In the close-knit community of Upton, there was a strong likelihood the letter's contents would become known to her workmates and friends. In one of her friends' statements, Paula allegedly claimed Eddie told her to state in a fictitious suicide letter that she'd been having an affair and the baby was not his. Such an explanation might have provided a useful 'cover' if the 'Nigel' letter had come to the attention of her family, friends and colleagues.

11 Life means life

In December 2010, Eddie Gilfoyle was released on licence after serving more than 18 years in prison. He is subject to stringent conditions which are likely to be applied – unless his conviction is overturned – for the rest of his life. The Parole Board initially ordered that he ‘*must not contact press or media either personally or through a third party*’. Not only was Eddie gagged from protesting his innocence through the media but so was anyone else such as family, lawyers and campaigners. Asked to justify such censorship, a Parole Board spokesperson commented ‘*the only reason for that condition would be to prevent further offending*’. Ironically, the Board’s efforts to suppress publicity about Eddie’s case provoked a media furore which obliged them to withdraw this condition.



This was not the first occasion on which the democratic right of Eddie and others to publicise his case had been challenged. In 1996, Channel 4 TV broadcast a *Trial and Error* programme about Eddie's case. Although he was not named in the film, a former Merseyside Police officer involved in the murder investigation sued the broadcaster for defamation with the assistance of the Police Federation. The matter was settled out of court without Channel 4 making any payment by way of damages. In 2000, a website which included an article outlining Eddie's case was shut down after the company hosting the site received threatening letters from lawyers acting for the Police Federation. Webgenie Internet said that while sympathetic to Eddie, they were a small company with just 20 employees whereas the Police Federation had considerable resources at its. The company had no alternative but to close the website.

Even a minor breach of the conditions imposed on Eddie could result in his return to prison. He must attend appointments with his supervising Probation Officer every four weeks (there have been instances where persons released on licence have been re-imprisoned for lengthy terms because they arrived just a few minutes late for such appointments). He must notify his supervisor if he wants to spend even a single night away from his approved address. If he seeks to start a relationship with anyone, he must provide full information to his Probation Officer. Involvement in even a trivial incident over which he had no control might see him back in prison. Eddie states he is frightened even to visit local shops on his own in case something might happen which would cause his licence to be revoked. . He describes his current situation as '*worse than prison*'. Contrary to widespread misconceptions, a life sentence really does mean life.

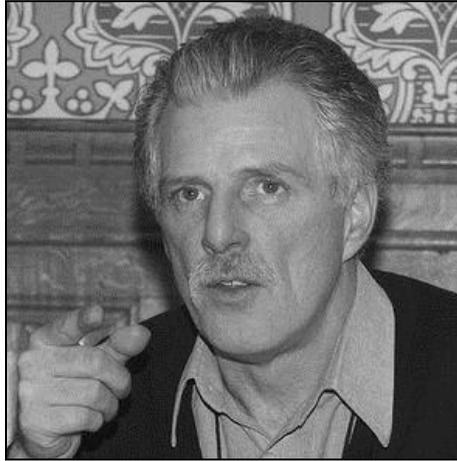
12 Conclusion

In August 2010, Eddie's lawyer submitted extensive representations supporting his innocence to the Criminal Cases Review Commission (CCRC) the body empowered to examine alleged miscarriages of justice and decide whether convictions should be referred to the Court of Appeal. At February 2013, the CCRC had still not made a decision in Eddie's case.

The case against Eddie Gilfoyle rested on improbable hypotheses which rapidly descended into absurdity. Details of a flagrantly incompetent investigation at the scene of death were not disclosed by Merseyside Police. In their zeal to secure a murder conviction, police and prosecution ignored vital evidence. Prison authorities' negligence ensured that Eddie Gilfoyle was barely able to follow his own trial. Crucial material was not revealed over two decades including refusal to provide details from Lancashire Police's re-investigation of the case.

Had the jury been aware of the mass of evidence pointing to Eddie Gilfoyle's innocence which has emerged since his trial, it is inconceivable that they would have convicted him. Moreover, since 1992, public understanding of suicide has grown considerably. In recent years, there have been several cases of suicide affecting high-profile individuals who outwardly appeared successful and contented. The argument that a 'bubbly' pregnant woman like Paula Gilfoyle could not kill herself is considerably less compelling in light of current knowledge.

The inescapable conclusion arising from the facts as they are now known is that no offence was committed against Paula Gilfoyle. The initial belief that her death was a tragic suicide was correct. For twenty years, Eddie Gilfoyle has endured the nightmare of wrongful conviction for killing his wife and unborn child. The evidence on which he was convicted has been comprehensively refuted.



Eddie Gilfoyle in 2011

Justice demands that his case must be referred back to the Court of Appeal and his conviction quashed without any further delay.

13 What you can do

- Join the campaign by sending your name to eddiegilfoyle@aol.com or writing to

Eddie Gilfoyle Support Group
BM Eddie Gilfoyle
London WC1N 3XX

- Ask your trade union, student union, community or youth group, tenants association, church, political party or other body to which you belong to adopt Eddie's case and to invite speakers from the campaign.