

IN THE CROWN COURT AT LIVERPOOL

REGINA

-v-

NORMAN EDWARD GUILFOYLE

ADVICE

I am becoming increasingly concerned about our preparation in this case. I have not been asked to advise on evidence and at present have only been provided with committal statements, interviews and unused material. The only defence papers with which I have been provided is a summary and index of prosecution witnesses.

This morning I telephoned Mr Font and he tells me that at present we have no expert evidence at all and apart from a Dr Green who is a pathologist who is to be contacted by junior counsel no other expert evidence is awaited. I have to say that I find this situation extremely worrying. The trial is three weeks away and and if we do intend to rely on any expert evidence we must disclose the same to the prosecution in the very near future.

The particular areas which require expertise are as follows:

1. Psychology. I have been provided with a statement from Professor Canter which roams widely over the facts of the case. I would have thought however distinguished an academic may purport to be, there will be another academic prepared to challenge his views and conclusions. In particular I would expect that the theory on stylistic interpretation of the letters could be successfully attacked.

Professor Canter teaches at the University of Surrey. Perhaps as a start enquiries should be made at the Psychology Department of Liverpool University. It may be possible to get a lead to find a suitable expert.

2. Statistics. There is, I understand, a statement setting out the statistics relating to the incidence of suicide amongst pregnant women. I have not seen this evidence as yet. Again we need a statistical expert to enable us to challenge the statistics-how they were compiled etc.

3. Pathology. We need a forensic consultant pathologist to consider the views put forward on behalf of the prosecution by Dr Burns. This may be Dr Green. Otherwise we could ask for the opinion of Dr Wayte or Dr Tapp

4. Medical evidence. We should consider with a medical expert the feasibility of stretching from the ladder (p27 G.P. James Barbour) when heavily pregnant

5. Crime Reconstruction. The evidence of Dr Burns (p40) deals with his opinion on the reconstruction. This is hardly a matter for pathological expertise. The mechanics of the suicide need to be considered.

Unfortunately I am engaged at Mold Crown Court this week but I will be available any evening (apart from Tuesday) to discuss developments. Could I be notified of any expert who it is proposed we should consult. Any expert will have to be available (i.e. in the country) over the period of the trial.

If it is clear by the end of this week that we will not have the necessary evidence we must consider an application to vacate. It will not be well received by the court. However the defendant will be entitled to be highly critical of his legal advisers if the prosecution have expert evidence in various areas and he has none

We must have a consultation with the defendant soon and I would therefore suggest that we book a long consultation at H.M. Prison Walton for this Saturday, 23rd May

DAVID TURNER Q.C.
EXCHANGE CHAMBERS
LIVERPOOL

17th May 1993

17TH MAY 6-00 pm MR SIMON FONT TELEPHONED TO SAY THAT HE WAS CONSULTING PSYCHOLOGISTS AT BROADMOOR AND RAMPTON. HAD INSTRUCTED DR TOLLEY AS FORENSIC PATHOLOGIST.