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# Nothing at Gilfoyle 'crime scene' to suggest anything other than wife's suicide

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Contained in a pile of neat handwritten notes is evidence of a devastating series of mistakes police made after they found Paula Gilfoyle hanged from a beam in her garage.

Merseyside Police say that no such notes were retained by the force but copies seen by *The Times* detail the blunders at the death scene. So serious were the errors that police held an internal inquiry.

The notes show there was nothing at the crime scene to suggest that Mrs Gilfoyle had been murdered and that police may have been present when a crucial piece of evidence was destroyed during the post-mortem examination. Most remarkable of all, the police surgeon estimated that Mrs Gilfoyle had died six hours before he saw the body.

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The doctor arrived at about 8.20pm at Mrs Gilfoyle's home in Upton on June 4, 1992. Her husband, Eddie Gilfoyle, who was convicted of her murder, had been at work between 11.30am and 4.30pm.

Had Gilfoyle's lawyers known of these papers, they could have used them to cross-examine witnesses. They were not even aware of the internal inquiry. It is the notes of that inquiry that *The Times* has seen.

At his trial Gilfoyle said that he returned home at 4.40pm and found the suicide note. He did not search the house or garage but instead rushed to his parents' home for help. Eventually his brother-in-law, Paul Caddick, an off-duty police sergeant, was summoned. He discovered the body in the garage just after 7pm.

Mr Justice McCullough, the judge at Gilfoyle's murder trial, expressed astonishment in court that the defence had received no estimate of the time of death in any of the documents it received. "It does seem a rather obvious question for somebody to have considered," he said.

Alan Roberts, the police surgeon called to the death scene, told the court that Mrs Gilfoyle's abdomen was still warm when he found her but that her hands and ankles were cold. There was also early rigor mortis. From that he estimated that she had died three to eight hours earlier.

The judge asked Dr Roberts if he had taken the temperature of the body, an important indicator of time of death. Dr Roberts, who did not have his notes while giving evidence, said that he had not. When it rejected Gilfoyle's last attempt to clear his name, the Court of Appeal said: "Dr Roberts . . . was not asked to consider the time of death until the trial."

Dr Roberts told *The Times* that he was unlikely to have given an exact time of death of six hours before he examined the body but might have suggested to police a window of several hours either side. He said that he was unaware at the trial of the potential damage to any Gilfoyle alibi of the estimate he gave to the jury.

According to the notes seen by *The Times*, an officer recalled: "Dr has said maybe dead 6 hrs nothing suspicious." Nobody disputes that Gilfoyle was at his workplace six hours earlier.

The notes also suggest that Dr Roberts had commented on Mrs Gilfoyle's temperature at the death scene. Under the heading "Surgeon", the notes state: "Looked for marks, looked for bruises. Temp." It is unstated whether "temp" refers to the general warmth of the body or a formal measurement. Dr Roberts told *The Times* that he did not measure Mrs Gilfoyle's body temperature.

The notes show that he was quite satisfied the death was a suicide. A detective sergeant said that Dr Roberts was "99.9 per cent happy with it being a hanging. Slightly, not in position might always expect. Checked body over. Nothing suspicious on body. Lifted clothing. Fingernails ok."

The notes also shed new light on one of the most extraordinary blunders made during the initial investigation, when the noose around Mrs Gilfoyle's neck was removed and destroyed during the postmortem examination. The notes suggest that this may have been done despite the presence of police officers. They state: "Mortuary technician Mr Riley removed rope. Rope kept with clothing initially. Mr Riley asked if rope wanted. Told no. Disposed of. Rubbish - incinerator."

It is unclear whether the advice that the assistant could discard the rope came from the pathologist or a police sergeant. A constable is described as having been "in or about the PM". Had the defence known of the notes, both named officers could have been questioned at trial about how the noose came to be burnt. *The Times* has also seen a draft version of the internal inquiry report, which provides more details of the mistakes made at the death scene.

Mrs Gilfoyle's body was cut down by police before crime scene experts or photographers arrived. "By cutting the body down the officer removed any opportunity for the detective officers to . . . carry out measurements or tests as to the feasibility of the deceased having hung herself."

As for the remaining piece of rope, the coroner's officer "decided to take the hanging rope down off the beam which he placed in his pocket . . . [He] was able to produce it later when the investigation developed".

The crime scene officer arrived after other police had moved the body and allowed people to trample in and out of the garage. "He was in an invidious position with so much damage to the scene but carried out an examination of the body and clothing to

satisfy himself that there were no defence marks or injuries.” The draft report makes clear that “there were no struggle marks/defensive injuries on the body”.

There is also a damaging admission that Merseyside Police failed to teach its officers the rudimentary requirements of how to treat a death scene. “It is quite apparent that procedures laid down in the MGI [force manual of general instruction] are scant in knowledge and instruction, and are quite basic.” Interviews for the internal inquiry appear to be dated July 1992, a month after Mrs Gilfoyle’s body was found. The trial did not take place until a year later.

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### **The blunders**

- Many people were allowed in and out of the garage where Paula Gilfoyle’s body was found. Sand by the door was trampled, destroying possible footprints
- The body was examined in considerable detail by the police doctor, potentially causing evidence to be damaged
- The first policeman to arrive at the scene, the coroner’s officer, made crucial decisions about the investigation before CID appeared. He decided that Mrs Gilfoyle took her own life
- The coroner’s officer also cut down Mrs Gilfoyle body and lay her on the floor to “preserve her dignity”. No detective saw her hanging, though exact details would be important to establish murder or suicide
- A crime scene officer found that the knees of Mrs Gilfoyle’s trousers were dusty, the result of being dragged along the floor
- The coroner’s officer put part of the hanging rope in his pocket and removed it from the scene
- He also said that there was no need for photos because the coroner did not require them
- The noose was burnt by the mortuary assistant. Police may have been in the vicinity at the time