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Gilfoyle notes denied by police are authenticated

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The Crown Prosecution Service has confirmed the authenticity of police notes discovered by The Times which a force had said never existed. They show that a doctor calculated that Paula Gilfoyle died at home at a time when her husband Eddie was at work. Gilfoyle has served 17 years in jail for murdering her.

Mrs Gilfoyle was found hanged in the garage at the couple's home in the Wirral in June 1992. She was eight months pregnant.

Her husband was found guilty of murder at Liverpool Crown Court in 1993 and sentenced to life. However, the judge, jury and defence were unaware that the police had taken notes of interviews with officers who attended the scene of her death.

The notes disclose errors that resulted in evidence being damaged or destroyed. They also indicate that the police surgeon who declared Mrs Gilfoyle dead estimated that she had passed away six hours previously, when her husband was at work.

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In a statement issued yesterday, the Crown Prosecution Service insisted that the time of death had been properly dealt with at Gilfoyle's trial. Paul Whittaker, Chief Crown Prosecutor for Merseyside, said: "The transcript of evidence given at the trial by both the police surgeon and the pathologist reveals that the issue of the time of death was fully explored before the jury at the trial. The clear issue at the trial which the jury had to decide was whether Paula Gilfoyle was murdered or had committed suicide."

However, the CPS also disclosed that the defence was not given the notes until 1995, shortly before Gilfoyle's first appeal was heard. That appeal was thrown out when judges rejected the evidence of a woman who claimed to have seen Mrs Gilfoyle at a time when, according to evidence at the trial, she was presumed to have been dead.

Gilfoyle lost a second appeal in 2000. He has since instructed new lawyers who are seeking another appeal.

The Times published a copy of the notes last week after asking Merseyside Police to see them under the Freedom of Information Act and being told that they never existed.

The CPS was asked by police to review the notes published by the newspaper. Its statement shows that the prosecution received the notes from police only in 1995. Mr Whittaker said: "The review confirms that the material outlined in The Times was disclosed to the legal team representing Mr Gilfoyle shortly after it was received by the CPS."

The CPS statement raises new questions about what Merseyside Police officers told the Police Complaints Authority in 1994 when it looked into complaints by Gilfoyle's relatives about flaws in the murder investigation.

The Police Complaints Authority was told at that time that there were no notes of interviews with officers at the scene which were conducted a month after the discovery of the body as part of Merseyside Police's internal inquiry into mistakes made. One officer told the complaints authority that no notes had been taken. Another said that notes had been taken but destroyed. These accounts appear to conflict with yesterday's disclosure that police passed the notes to the CPS in 1995.

The police surgeon, Alan Roberts, made two signed statements to police before Gilfoyle's trial but neither mentions that he had estimated Mrs Gilfoyle's time of death. At the trial, he gave a broader estimate, that she had been dead for three to eight hours before he saw the body. Dr Roberts told The Times that he would not have put the time of death at precisely six hours but may have given a window of several hours either side.

At Gilfoyle's second appeal, the court was under the impression that Dr Roberts had never been asked to estimate a time of death until he entered the witness box.

Merseyside Police said that the CPS statement was "entirely consistent with the information now understood by the force. We recognise there is an issue as to how a journalist's Freedom of Information request was dealt with. We have commenced a review into that."