

Evidence from a rope expert has cast doubt on the verdict 18 years ago that he killed his pregnant wife. Dominic Kennedy reports

Eddie Gilfoyle, convicted of murdering his pregnant wife by hanging, is using fresh evidence from experts and an investigation by *The Times* to demand a new appeal hearing.

Lawyers for the Falklands veteran, who has protested his innocence from behind bars for 18 years, referred his case yesterday to the commission investigating miscarriages of justice.

Gilfoyle was found guilty of killing Paula, 32, who died in the garage of their home when she was 8½ months pregnant with their first child. A jury accepted that he dictated her handwritten suicide note by tricking her into believing he needed it for a course he was doing for his job as a hospital orderly.

His hopes of clearing his name have increased after the rope that killed his wife was examined by an expert in ropemaking and knots.

Also helping his cause are:

- the discovery of prison medical records suggesting that Gilfoyle was deprived of psychiatric medication during his trial;

- an investigation by *The Times* showing that suicide was the main cause of maternal deaths and hanging the most likely method — contradicting research presented at the time of the trial. Gilfoyle has changed his legal team after losing two appeals. Matt Foot, his new solicitor from the practice Birnberg Peirce, has prepared the fresh submission to the Criminal Cases Review Commission, which can send cases for appeal.

A vital part of the request will be

80%

of suicides in pregnant women occur in the final six weeks of pregnancy

Source: Confidential Enquiry into Maternal Deaths

the evidence of Des Pawson, a world authority on knots and ropework. The prosecution had maintained that it was virtually impossible for Mrs Gilfoyle to have thrown the rope that killed her over a high beam in the garage without standing on top of a stepladder. It was argued that in her advanced state of pregnancy she would have lost her balance.

Now Mr Pawson has examined the rope and discovered that it is made of a type of cord that stands stiff when folded, enabling a woman of modest stature to get it over a high target. Doubling up the rope provides an extra reach of 25cm, allowing it to be simply pushed over the beam.

In a police video reconstruction played to the jury, a pregnant policewoman was seen struggling to throw a rope over the beam from the stepladder. Mr Pawson noted that the participants were using a cord softer and floppier than the actual rope.

When Mrs Gilfoyle's body was found at her home in Upton, Wirral, was in front of the stepladder. The rope was more than 7ft below the beam. The Crown argued that, at 5ft ½in, Mrs Gilfoyle was too short to get the rope over the beam. James

Burns, a Home Office pathologist, said at the trial that he had climbed the ladder and felt so insecure that he needed two people to hold it.

Because of Mrs Gilfoyle's condition, he did not believe that she would have been able to balance and reach out to put the rope over the beam. Mrs Gilfoyle's GP, Dr James Barbour, took the view that she would not even have been able to get up the ladder. The jurors asked to see the reconstruction video again during their deliberations, showing that it was a point they were debating.

The lawyers will claim that Mr Pawson's fresh evidence makes the conviction unsafe because the Crown case rested on a fundamental error — that Mrs Gilfoyle could not have acted alone.

Newly uncovered prison records suggest that Gilfoyle failed to receive his prescribed medication for much of his month-long trial. He was never called by the defence into the witness box. The records show that Gilfoyle, then 31, should have been given regular doses of inderal, an anxiety remedy, and amitriptyline, an anti-depressant. His custody treatment card before the trial shows he was being getting dosages three times daily.

During the hearing, however, on many days the card simply states "Court", indicating, according to a prison health expert who advised the defence team, that nobody gave him the drugs.

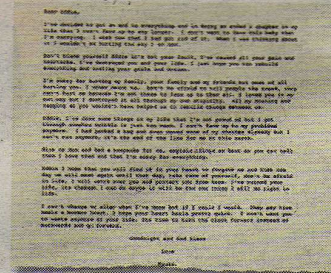
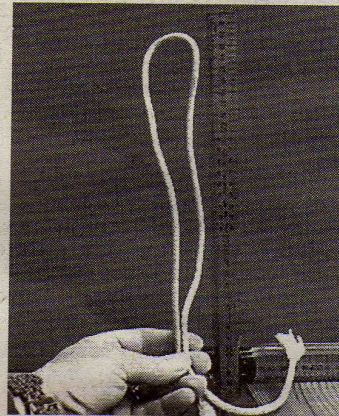
Mrs Gilfoyle died in June 1992. Her husband was prescribed the medication in August 1992. It is used to treat depression and anxiety and to relieve related symptoms such as palpitation and tremor. Gilfoyle was being treated in a psychiatric hospital in September 1992 when he was arrested and charged with murder.

He had been on drugs treatment for 10 months until the trial. When patients are taken off such medication, doctors tend to reduce the dosage gradually rather than imposing a sudden halt. On 16 days during the Liverpool Crown Court trial in June and July 1993 there is no record of the defendant getting his treatment.

Michael Kopelman, professor of neuropsychiatry, has told Gilfoyle's new legal team that the withdrawal of the medication would have compromised his ability to participate in the trial. Gilfoyle would have struggled to understand the proceedings, communicate with his lawyers or make an informed decision about testifying.

Evidence uncovered by *The Times* about the risk of suicide in pregnant women is also being submitted. At the time of his trial everyone in the courtroom believed that pregnant women hardly ever took their own lives and certainly not just before the baby was due. This was confirmed by research.

The new statistics reveal that not only was suicide the main cause of maternal deaths but that hanging was the most frequent method. The figures were in the government-funded *Confidential Enquiry into Maternal Deaths*, the most comprehensive study of the issue. dkennedy@thetimes.co.uk



Paula Gilfoyle was pregnant when she died in an apparent suicide by hanging. Her husband, Eddie, was later convicted of her murder

Curiosity of profiler led to new doubts

Analysis Dominic Kennedy

The investigative psychologist David Canter was the first to cast doubt on Eddie Gilfoyle's guilt after studying new research into suicide notes and accepting that Paul Gilfoyle's appeared genuine. It was Professor Canter's article in *The Times* two years ago explaining why he had changed his mind about the case that sparked fresh concerns about the safety of the conviction. The pioneering psychological profiler was asked by Merseyside

Police during the murder investigation to analyse Mrs Gilfoyle's note. Using the most sophisticated methods available at the time, he concluded that she had not intended to take her own life. The prosecution case was that her husband dictated the note as a trick, saying that he needed it in his hospital work for a course he was doing about suicide.

Professor Canter retained an interest in the case, studying new American findings about genuine and fake suicide notes and commissioning fresh research.

"I had always been curious about how a pregnant woman would write a suicide note under dictation from her husband with whom she had had a strained relationship, and then put her head in a noose with him standing behind her," he wrote.

A subsequent investigation by *The Times* uncovered numerous blunders. The police made nine errors at the death scene, including cutting down the body before scenes-of-crime officers

arrived, failing to take pictures and letting the noose be burnt. The criticism appeared in an internal Merseyside Police report which was withheld from the defence and jury at trial.

The Court of Appeal, rejecting an appeal in 2000, stated that the suicide note, dictated by Gilfoyle, according to prosecutors, had been typed when it was handwritten.

Notes of internal police interviews with officers at the

Uncovered: police notes cast doubt over Gilfoyle murder

The Times from February last year

death scene gave Gilfoyle a potential alibi. They showed that the doctor who had examined Mrs Gilfoyle's body had estimated that she died when her husband was out at work. When *The Times* asked for these notes under the Freedom of Information Act, the

Merseyside force denied that they existed until we obtained them from another source. The Information Commissioner has cleared police of intentionally withholding the documents from this newspaper. However, they were kept from the murder trial.

Confirmation that Mrs Gilfoyle's suicide note appears genuine came from Brian Mishara, president of the International Association for Suicide Prevention, who studied it.

An Ulster woman, also 8½ months pregnant, hanged herself in her garage about the time Mrs Gilfoyle died but that near-identical case was not treated as murder, it emerged.

The Attorney-General, Dominic Grieve, apologised to the Liberal Democrat frontbencher Chris Huhne for a parliamentary answer which gave wrong information about Gilfoyle's prosecution. Documents leaked to *The Times* had contradicted the official version of events which had been provided to Parliament.

A Miscarriage of Justice

It is no longer reasonable to regard Eddie Gilfoyle's conviction as anything but flawed

The injustice meted out to Eddie Gilfoyle began as tragedy, sank into scandal, but could yet be salvaged from finishing as farce. Yesterday a fresh team of lawyers submitted a report to the Criminal Cases Review Commission seeking a new appeal against Gilfoyle's 1993 conviction for the murder of his wife, Paula (see page 12). That conviction — long regarded as neither safe nor satisfactory by many lawyers, police officers, politicians and medical experts — now looks wholly shameful in view of two freshly uncovered pieces of evidence.

Paula Gilfoyle's heavily pregnant body was

found hanged from a beam in her garage on June 4, 1992. Everything — the condition of the body, a handwritten suicide note, the state of the house — pointed to a suicide. As, indeed, it does still.

Yet Eddie Gilfoyle has spent 18 years in jail. Merseyside Police, having initially taken the death as suicide, were slipshod with the physical evidence of what would later be deemed a crime scene. One crucial nugget that went astray amid the police's clumsiness was a note indicating that a doctor had given a time of death for Mrs Gilfoyle that showed that Eddie Gilfoyle was at work when his wife died.

The two latest pieces of evidence to corrode further the case against Gilfoyle are, first, an examination by a ropework expert of the rope that killed Mrs Gilfoyle: this confounds an earlier-held view that she would not have been able to get the rope over a high beam herself. Second, newly found prison medical records suggest that Gilfoyle was deprived of his regular psychiatric medication during his trial. There remain questions about what really happened to Mrs Gilfoyle. There can be no doubt, though, that Eddie Gilfoyle's conviction is unsafe. His appeal must be heard.

SOURCE:

- The Times Newspaper 12th August 2010, by Dominic Kennedy, Investigations Editor.