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A secret diary that could have cleared a convicted murderer was held by the police for at least 16 years while he remained in jail, protesting his innocence.

Eddie Gilfoyle was jailed for life in 1993 for murdering his pregnant wife, Paula, by hanging her and making it look like suicide. But *The Times* has learnt that a locked box containing her diary and personal papers revealed a previous suicide attempt and a traumatic past.

Alison Halford, the former Assistant Chief Constable of Merseyside Police, which investigated the death, said yesterday it was wicked that the evidence had not been made available to the defence as it fought two unsuccessful appeals to clear Gilfoyle's name.

"Somebody has been sitting on a box with all this information about her behaviour and dysfunctionality," Ms Halford, who has now retired, said. "This is so serious there has to be an independent inquiry and the Home Secretary must personally involve herself in what has been going on."

Mrs Gilfoyle, who was 8½ months pregnant, was found hanged in the garage of the couple's home in June 1992. The jury at her husband's trial was told that she was a happy, bubbly character with everything to live for. But the new evidence, seen by *The Times*, shows that Mrs Gilfoyle had a traumatic past and had previously attempted to take her own life after a row with a boyfriend.

The papers, which Mrs Gilfoyle kept padlocked in her marital home in Upton, Wirral, reveal that she took an overdose of pills aged 15, a fact that was never told to the defence or the jury. They also show that:

- As a teenager, she was engaged to a boy who was convicted of killing a girl but she continued their relationship and bought him a wedding ring while he was serving life;
- Two of Mrs Gilfoyle's former boyfriends threatened to commit suicide;
- Among the possessions she always kept was a note from one of them stating that he intended to take his life. It uses similar words to a note in Mrs Gilfoyle's handwriting found at the home where she died, and which her husband was accused of dictating.

Merseyside Police, who have been heavily criticised over their murder investigation, yesterday declined to say where the box of evidence had been over the years. A spokeswoman said that the force were not prepared to comment because Gilfoyle's case is still being reviewed by the commission that investigates miscarriages of justice.

But the material was held by police since at least 1994. During this time Gilfoyle lost appeals against his conviction in 1995 and 2000.

The box was handed to the defence only in August 2010, weeks after [an investigation by *The Times*](#) led to Dominic Grieve, QC, the Attorney-General, apologising for wrong information given to MPs about the disclosure of other evidence in the case.

Gilfoyle was released in December 2010 after serving 18 years of his sentence and his lawyers have asked the Criminal Cases Review Commission to refer his conviction back to the Court of Appeal to be overturned.

Mrs Gilfoyle's state of mind before she was found hanged was a principal issue at her husband's original trial. Nearly twenty relatives, friends and acquaintances described her as carefree and expressed amazement that she would take her life.

The diaries shed light on a traumatic episode in Mrs Gilfoyle's life. In 1976 when she was 17, her first boyfriend, Mark Roberts, had sex with a girl in a park then strangled her with his belt and dumped her body in a lake.

When Gilfoyle was interviewed by police he told them about Roberts as something that had gone badly wrong in his wife's life and that might have a bearing on her committing suicide.

But the jury at his trial in 1993 was told that Mrs Gilfoyle reacted to the murder angrily, did not want to know Roberts, ignored his prison letters and never brought the subject up again.

"Paula's reaction to the murder in the park is very odd," Gilfoyle's defence team said of her diary entries. "She makes no mention of the fact he had murdered someone. She does not distance herself from Mark Roberts and at no stage shows any empathy towards the victim."

Q&A

How does the Crown claim Eddie Gilfoyle murdered his wife?

In the couple's garage, he persuaded her to have a rope tied around her neck or put her head in a noose while she stood on the ground as a "suicide experiment". He suddenly knocked her off her feet with no time to struggle so the ligature tightened under the weight of her body.

Were there any marks on her?

There were no injuries apart from two small scratches on the neck immediately above the rope, probably caused by her fingernails. Such scratches are found in about 5 per cent of suicides by hanging and are interpreted as attempts to release the ligature.

Was any suicide note found?

Yes. It 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 . . ."

Surely that means she committed suicide?

The Crown argues that her husband tricked her into writing the suicide note for a course he was doing at his hospital job.

She sounds compliant, agreeing to pretend to be suicidal to help his work. Were they getting along well?

No. Her husband had told her he was having an affair.

Is hanging a common method of murder?

The Home Office pathologist Bernard Knight said that, in 40 years, he had never encountered an adult murdered by hanging.

Mystery of evidence that went astray.

The box containing Paula Gilfoyle's diaries and mementoes was presented to Eddie Gilfoyle's defence team by Merseyside Police in August 2010 but its provenance remains a mystery.

Merseyside Police conducted the investigation into Mrs Gilfoyle's death in 1992, resulting in her husband's conviction for murder at Liverpool Crown Court in 1993. But the box had an exhibit-type label on it from Lancashire Constabulary.

This neighbouring force had been invited by the Police Complaints Authority (PCA) in 1994 to review the conduct of the murder investigation.

Lancashire Constabulary seized some exhibits from the Merseyside force and recategorised them. It is unclear whether the box was seized by Lancashire detectives during a search of Mrs Gilfoyle's

home during their 1994 inquiry or whether the box was evidence that had already been in Merseyside's possession and was relabelled.

The box remained undisclosed throughout Gilfoyle's unsuccessful appeals against conviction in 1995 and 2000.

The mood changed after the events of June 2010. In one of his first acts, the newly appointed Attorney-General, Dominic Grieve, QC, had to apologise to MPs after Parliament was given the wrong information about the Gilfoyle case.

The Crown Prosecution Service had drafted a deficient answer for the Solicitor-General, Vera Baird, about the disclosure of evidence in the Gilfoyle prosecution.

The CPS apologised to Mrs Baird. In a statement it added: "Should there be any further queries or requests for clarification, the CPS will try to deal with them as quickly and comprehensively as possible."

Two months later, Matt Foot, Gilfoyle's solicitor, found himself on Merseyside at the invitation of the CPS to see more police exhibits. The box was produced.

Merseyside is saying nothing by way of explanation, pointing out that the Criminal Cases Review Commission is considering the conviction. When *The Times* asked Lancashire Constabulary about the box, it referred the paper to the Independent Police Complaints Commission, which said that its predecessor, the PCA, had only supervised the Gilfoyle review and would not have possessed exhibits.

The relevance to the fairness of Gilfoyle's trial of material that explains Mrs Gilfoyle's personality is hard to exaggerate.

"Paula's state of mind was one of the principal issues in the case," Lord Justice Beldam wrote when rejecting Gilfoyle's first appeal in 1995.

In 2000 the Court of Appeal upheld the Crown's position that Mrs Gilfoyle's suicide note had been "false, completely out of character and did not represent her true state of mind".

Over the years appeal judges had been clearly impressed by the evidence of Mrs Gilfoyle's sunny nature. Repeatedly rejecting her husband's protestations of innocence, the judges kept sending him back to prison, accepting the Crown's case that she was too exuberant and happy to take her own life.

The discovery of a padlocked box containing her diaries and the treasured possessions that she kept until her dying day provides a disturbing insight into what mattered to her most.

The newly found diaries record that she once took an overdose after an argument with a boyfriend and blamed him for her self-harm.

Her adolescence was marred by the trauma of an infatuated engagement with an older teenage boy. This first love was a suicidal young man who repeatedly threatened to take his life. He had sex with another girl then murdered her.

Far from ending the relationship, Mrs Gilfoyle bought him a wedding ring while he was in jail serving a life sentence. Without any squeamishness, she collected his bloodstained clothes from the police station.

She also cut out and kept the distressing newspaper coverage of his conviction and suicide attempts.

A later boyfriend, whom she dated in her 20s, sent her a note threatening suicide and she carefully preserved this, with her most important keepsakes, until the day she was found hanged.

Justice and Answers

Paula Gilfoyle's locked box contains vital evidence against her husband. Where has it been all these

years?

before she died, Paula Gilfoyle left a suicide note. And in it, she told her husband, Eddie, not to blame himself. But it was not long before others did blame Mr Gilfoyle. He found himself spending 18 years in jail, convicted of coercing his pregnant wife into writing a note and somehow forcing her to climb a ladder and hang from a beam.

The prosecution theory of how Mrs Gilfoyle met her end is bizarre and the act highly improbable. But one thing above all convinced the jury and two subsequent appeals that the theory was nevertheless correct. Friends and relatives of Mrs Gilfoyle were certain that she was not minded to kill herself. This was much more important than the flimsy physical evidence.

How Mrs Gilfoyle thought and what sort of person she was were absolutely critical parts of the case that cost Mr Gilfoyle his liberty. This means that absolutely critical, too, is the existence of a locked box containing her deepest and most personal secrets.

It is therefore astonishing to discover now — after all the years that Mr Gilfoyle has languished in jail, after all the appeals there have been and after all the questions put to the authorities about their conduct of this case — that this box has been in the possession of the police for 16 years. How could this have happened? How could this have been allowed to happen?

Unlocking the box unlocks much that the jury and subsequent appeals were not told about Mrs Gilfoyle. She emerges, from her diary and the newspaper cuttings that she retained, as a more complex person altogether than the portrait of her that has hitherto been painted.

Would Mr Gilfoyle have spent 18 years in jail if it had been known, from her own words, that his wife had tried to kill herself earlier in her life? Or that she remained in love for a long time with a murderer? Or that a boyfriend wrote her a suicide note phrased similarly to her own, and also observed how she put on a show of happiness for her friends, precisely the people whose description of her happy character made such an impact at the trial?

The story of Mrs Gilfoyle's locked box is thus now a central part of the story of a man's liberty, of the probity and competence of the police, and of the integrity of the justice system. It could hardly be more important. What happened to that box may be a mystery today, but it cannot possibly be allowed to remain one.

The box joins other critical evidence that was withheld from the defence at moments when it could have made a real difference. Notes of an inquiry that cast doubt on whether Mr Gilfoyle was at home at the time of death were said to be missing, turning up only as a result of discovery by *The Times*. There are serious questions about whether flaws in the case against Mr Gilfoyle have been deliberately protected from exposure.

These questions must be asked at a ministerial level and made subject to an urgent new inquiry. Mr Gilfoyle has been released on licence from his prison sentence having served so many years, but his conviction remains. Every day that it continues to do so without inquiry and examination is an affront to justice.

From the moment that they arrived at No 6 Grafton Walk on June 4, 1992, the conduct of the Gilfoyle case by Merseyside Police has been catastrophic and a public scandal. They are now adding to this scandal.

Their answers on the locked box are evasive. Are they now using the reference of Mr Gilfoyle's case to the Criminal Cases Review Commission as an excuse to avoid providing a satisfactory explanation of what happened with the locked box? If so, this evasion, like so much else over the past 19 years of the case, is not good enough.

It is time for some answers and some justice.

Doubts from experts and a possible alibi

Fears that Eddie Gilfoyle was the victim of a miscarriage of justice were revived when David Canter, the criminal profiler who helped police to convict him for murder, [wrote in *The Times*](#) that he now believed that the man who had been jailed for life was innocent.

New research into the difference between real and false suicide notes persuaded Professor Canter that Paula Gilfoyle's bore all the hallmarks of a genuine last letter. The prosecution at Gilfoyle's trial claimed that he had tricked his wife into writing the note, pretending that he needed it for a course on suicide in his hospital orderly job.

A long-running investigation by *The Times* has challenged the safety of the conviction.

Unknown to the murder trial jury, Merseyside Police held an internal inquiry into blunders by the force at the scene of Mrs Gilfoyle's death that had resulted in evidence being lost or destroyed. When *The Times* asked under the Freedom of Information Act to see the notes from that inquiry, the police denied that they existed.

The newspaper then independently discovered the notes and found that they contained a potential alibi for Gilfoyle: a doctor had estimated that Mrs Gilfoyle died when her husband was at work as a hospital orderly.

During the trial, all the lawyers, police, experts and the judge believed that pregnant women hardly ever killed themselves and certainly not just before the baby was due. But official statistics uncovered by *The Times* proved that suicide was actually the main cause of maternal death, that hanging was the most frequent method, and that late pregnancy was a high-risk time.

Professor Brian Mishara, president of the International Association for Suicide Prevention, studied the suicide note and said that it appeared to be genuine.

A knot expert discovered a flaw in a police video reconstruction of the hanging that was played to the jury to show that it would have been hard for Mrs Gilfoyle to throw a rope over the high beam. The expert found that the police had filmed a soft, floppy cord but the actual death rope, which he examined, was stiff and could have been pushed over the beam.

In December 2010 Gilfoyle was released on licence but the Parole Board imposed a draconian gagging order preventing him, or anyone else on his behalf, including his lawyers, from speaking to the press.

The ban was later lifted and Gilfoyle was invited by Lord Hunt of Wirral, his former MP, to speak at the House of Lords. "What are you looking at?" he said angrily to reporters.

"I'll tell you what you are looking at. An innocent man who just spent 18 years in prison for something I didn't do."

Journal reveals a teenager troubled by suicide, violence and drug overdose

Every night since she was a little girl, Paula Gilfoyle had written in her diary the events of the day. Each journal was carefully stored under lock and key with her treasures and keepsakes in a black metal box.

But the 12-year-old who began excitedly recording trips to friends' houses, gifts from aunts and Rod Stewart being on *Top of the Pops* soon had her life blighted by an infatuation with an older boy. Her first love was a killer.

It began as a classic teenage romance, detailed in the diary that police held for 16 years and which could have helped to exonerate Eddie Gilfoyle, the man she went on to marry, of murdering her in 1992.

At 14 Paula met Mark Roberts, four years her senior, when she went to her sister Margaret's 21st birthday party on December 21, 1973. "This lad Mark walked me home," she wrote. The next night he joined her babysitting. "Had a good laugh. He has got two scars on his waist and stomach."

On the first anniversary of their meeting, she recorded: "Mum and Dad met Mark's mum and dad and we got engaged."

There were nights in playing records, pregnancy scares, the boy getting himself tattooed with his girlfriend's name. On May 26, 1974, she wrote: "Went to Golden Goose. Went for a drink. Had our photos taken there." She kept their photo-booth picture in the diary.

Already, though, there was disturbing behaviour. Roberts was a criminal and Paula found herself supporting him at court appearances. Once, he bruised her mouth. When he threatened to leave her, she took an overdose: "Took some tablets 10 Mark went mad but I done it to him."

She kept a reminder of Roberts' own suicidal tendencies by cutting out a newspaper article about a court appearance where his lawyer said that he had threatened to kill himself on remand.

Then, on September 30, 1976: "Mark rang me up. He has broken it off. Very upset just can't believe he went with another girl." On October 1: "Went to work. Cried nearly all day. Went to bed early, Mark rung up at 12.30 but I was asleep."

There was worse to come. October 2, 1976: "Had to go to give a statement on Mark he has been charged with murder. Mum came to pick me up at his house nervous wreck."

Roberts killed a 17-year-old girl after having sex with her in a park. Paula's reaction was to intensify their relationship. November 19, 1976: "Went to court went in the cell with Mark. He gave me a love bite. He is sick but I love him."

December 3, 1976: "Went to see Mark at court. Had hour and half with me lovely time. We kissed talked we are both in love. I want him and I need him."

February 7, 1977: "Went to Crown Court. Mark got sentenced for life, but I still love him. I shall try and keep my promise."

Paula collected newspaper reports about the murder and stored them with her other keepsakes. They tell how Roberts had sex with a girl near a lavatory, felt disgusted with himself, strangled her with his belt and rolled her into the lake. One report said that he had twice threatened suicide.

On March 12 Paula bought her lifer boyfriend a silver wedding ring. A couple of months later she collected the clothes he wore when he handed himself in, including, it seems, the murder belt. "Went to pick Mark clothes up at police station and got his wallet too, his belt and jeans had blood on," she stated, apparently without emotion or squeamishness.

When she was in her twenties Paula had another, mature boyfriend, whose identity *The Times* is withholding, and kept his letters in the locked box. This man's emotions swung from adoration to despair and eventually he sent her a handwritten note, which she held on to.

"I haven't anything left to live for," he wrote. "I wanted to call it a day last night but I thought I would try and see you before I do anything. So much of my life has gone I don't think any of me can carry on. I always said I would love u till I die knowing this I can. I'll have to do it before 4 o'clock. Please don't blame yourself or anyone else for this it's me that can't take it so there only that left to do. I feel so depressed."

He said that he could now understand the feelings of another of Paula's friends who had made an unsuccessful suicide attempt — "but I'll do it right". It is unclear whether he attempted suicide after he wrote the note.

This man knew, as the contents of the box betray so sadly, that there was more to Paula Gilfoyle than the bubbly, cheerful girl described to the murder jury. "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. . .”

Box reveals capacity for keeping secrets

David Canter

Commentary

The ability of people to keep their innermost thoughts hidden from those around them is surely something that juries ought to be reminded of in cases where a death could be suicide or murder. But in 1993, when Eddie Gilfoyle was convicted of the murder of his wife, Paula, no such guidance was given.

The judge noted that 14 witnesses had seen Paula in the weeks and days before her death and she had seemed her usual bubbly self. She was 8½ months pregnant when her body was found hanging in her locked garage and all her friends said that she was looking forward to the birth, so would never have killed herself and the baby.

The court chose to accept the public face of Paula as seen by friends and relatives, however, rather than try to ascertain whether there was something that she was hiding. The new evidence that has become available in a locked black metal box provides an insight into Paula’s character that was not available at the original trial or in Eddie’s two appeals.

It shows that in a private letter to Paula, her partner wrote: “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 kind of stuff.”

It was known at the trial that her teenage boyfriend had killed a girl, and it was claimed Paula had got over this and expunged him from her life. But the tokens in the metal box show that she had kept in a relationship with him.

The proposal at the trial was that Eddie had dictated the suicide note found in Paula’s handwriting. There was only speculation that this had happened. But the way the note had absolved Eddie from any culpability was taken as an indication of why he had dictated it in that way. In Paula’s secret box, however, was a suicide note in which a previous partner had said “don’t blame yourself” — words repeated in Paula’s suicide note.

Research shows that people who kill themselves learn from other suicides. Was this something Paula had learnt to write from the note that she had carefully preserved?

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