

The Times fought for Eddie Gilfoyle but if he speaks to us now he goes back to jail

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Eddie Gilfoyle's loyal supporters have played a crucial role in highlighting the gaps in his case, which have led senior figures to believe that he was wrongly convicted of murder.

His sister Sue married a police sergeant, Paul Caddick. It was Mr Caddick, as an off-duty officer, who made the terrible discovery of Mrs Gilfoyle's hanged body in her garage on June 4 1992. Contacted by relatives to say the pregnant woman had vanished, he reported her missing to the force and then began his own search.

In the 18-year struggle to clear his name, Gilfoyle has changed his defence team several times, seeking new lawyers who would adopt a fresh approach. Mr Caddick, who resigned from the Merseyside force, is an invaluable resource for anybody researching the case because only he has followed every detail from the first moments and he maintains an encyclopaedic knowledge of the murder investigation, trial, failed appeals and official complaints. He also knows a thing or two about Merseyside Police procedure and the personalities of individuals in the force from that era. He is saying nothing for the time being, after the Parole Board banned Gilfoyle from indirect contact with the media.

Channel 4 was first to take up the Gilfoyle murder as a miscarriage of justice, producing a *Trial and Error* documentary in the 1990s suggesting that the police investigation had been bungled. The channel was later sued by one of the policemen who investigated Gilfoyle and he won an apology. Gilfoyle was largely forgotten by the media until, in 2008, the criminal profiler David Canter showed *The Times* a paper he had prepared about Mrs Gilfoyle's death. He is the crime psychologist often described as the "real-

life Cracker” after the Robbie Coltrane TV series based on such a character. Professor Canter often writes newspaper articles about the criminal mind. He produced a compelling, detailed argument suggesting that new research into suicide notes, some of it overseen by him, indicated that Mrs Gilfoyle’s was genuine. This was particularly intriguing as he had been an expert adviser to Merseyside Police on the murder investigation. His original analysis for the force, based on academic knowledge at the time, indicated that the note was not typical of Mrs Gilfoyle’s style and she had not intended to take her life. He believes this may have encouraged officers in their investigation against her husband. *The Times* commissioned an article by Professor Canter that reignited public debate about the safety of the conviction.

The Times has often communicated with Mr Caddick during research into articles about Gilfoyle to confirm whether information is new, if it has previously been used at an appeal, and how it may affect the safety of the conviction. He is thorough, patient and restrained. Occasionally he has provided comments, of a moderate nature, that have been published. Gilfoyle’s sister has from time to time been interviewed by radio stations and magazines about the experience of fighting to clear a brother’s name. The most difficult moment in the newspaper investigation came when *The Times* used the Freedom of Information Act to ask Merseyside Police for copies of notes of interviews with the police officers who attended Mrs Gilfoyle’s death scene. So many errors had been made in that garage on the Wirral, and so basic was the police’s failure to preserve evidence, that the force carried out an internal review, speaking in depth to all the officers in the case so lessons could be learnt. Merseyside Police told the newspaper there were no notes, which seemed unlikely.

By chance, in a bundle of old documents, *The Times* discovered handwritten papers that seemed to be the missing notes. Amazingly, they contained a potential alibi for Gilfoyle: the police surgeon who examined Mrs Gilfoyle’s body estimated that she had died at a time when Gilfoyle was at work. This had not been disclosed to the jury.

The police repeatedly denied that the notes existed and the newspaper had to decide whether to publish without any formal confirmation from the force. Long discussions took place with both Mr Caddick and Gilfoyle’s lawyers to explore how the documents could be authenticated and whether there was a possibility of a misunderstanding. Finally we felt confident enough to devote four pages to the discoveries.

A week after publication the Crown Prosecution Service publicly confirmed that the notes were genuine. Without the background knowledge and research of Gilfoyle’s supporters and advisers, the potential alibi would never have come to public knowledge. The Information Commissioner later cleared the force of deliberately withholding the notes.

The next major breakthrough came when *The Times* uncovered official research showing that suicide was the main cause of maternal deaths. To understand the full significance of this required communicating with Gilfoyle’s lawyers and family. It was established that, at the time of the trial, everybody in the prosecution and defence teams believed that pregnant

women rarely if ever killed themselves because that was what the published figures then showed.

The defence lawyers decided against calling a strong witness, the pathologist Bernard Knight, who would have said that all the evidence pointed to Mrs Gilfoyle having hanged herself and would have testified that in 40 years he had never encountered an adult murdered by hanging. The risk was that this evidence would open a debate in court about statistical probabilities, allowing the prosecution to say that official statistics showed pregnant women hardly ever killed themselves.

Later statistical research, from the government-funded Confidential Enquiry into Maternal Deaths, corrected that assumption. On top of that, *The Times* found an almost identical case from Northern Ireland of a heavily pregnant young woman who also hanged herself in her garage a few months before Mrs Gilfoyle did so.

Communication with Mr Caddick and Gilfoyle's lawyers again helped to make sense of these findings.

If the press cannot speak to Gilfoyle's supporters and advisers, what sources are left? There is Merseyside Police, which, however innocently, repeatedly misled us about the existence of the notes containing Gilfoyle's potential alibi. There is the Merseyside Crown Prosecution Service, but its information has been so unreliable that, after exhaustive inquiries by this newspaper, Dominic Grieve, QC, the Attorney-General, felt obliged to apologise to Parliament because prosecutors had fed the wrong answer to an MP's question about the handling of evidence in the murder case.

Our newspaper investigation was pursued while Gilfoyle's lawyers were preparing a fresh request to the Criminal Cases Review Commission that they hope will result in a new appeal against conviction. The newspaper's own findings have been included in that submission. *The Times* has made public some of the fresh evidence that the solicitors have uncovered through their research.

A lingering mystery had been how the heavily pregnant Mrs Gilfoyle could have scaled a stepladder to throw a rope over the high beam in her garage. A rope expert consulted by Gilfoyle's lawyers has now examined the rope used to hang her and discovered that it is made of a material that, when doubled up, becomes stiff, making it easier to reach heights.

Gilfoyle's lawyers yesterday fell silent. If they speak, their client may die in prison. It is as serious as that.