

Mr Colin Boyd QC.
The Lord Advocate,
Crown Office,
25, Chambers Street,
Edinburgh. EH1 1LA

27, Donnini Court,
South Beach Road,
Ayr KA7 1JP

6 April 2002.

Dear Mr Boyd,

As you will be aware the SCRO Executive Committee's 'Scrutiny Committee' have concluded, '**that no matters of misconduct or lack of capability have taken place in the work surrounding the fingerprint comparisons of the McKie and Asbury marks and prints.**'

This conclusion totally exonerates SCRO, as an organisation, and the experts and supervisors, as individuals, from any responsibility for the mistakes made.

It is hardly necessary to point out that this astounding conclusion is completely at odds with:

1. the forensic and other evidence led during my daughter's trial and the unanimous 'not guilty' verdict of the Jury in the High Court.
2. the HMCI's report which contained the conclusion, '**that the mark was not made by Shirley McKie. It is (the independent experts) view that decision could have been reached at an early point in the comparison process.**'
3. 28 recommendations and 20 suggestions in the HMCI's report including, '**that all fingerprint experts within the SCRO Fingerprint Bureau should undergo competency testing provided and managed by an external provider as soon as possible.**'
4. some of the findings of the criminal enquiry conducted by Deputy Chief Constable Jim MacKay.
5. the apology made by the Justice Minister.
6. the apology from Chief Constable Rae.
7. your recent statement that BBC Frontline Scotland had shown up what were, '**at best serious defects in the analysis of fingerprinting at the Scottish Criminal Records Office and forced the authorities including myself to act to ensure that such a case would not happen again.**'
8. the opinions of fingerprint experts worldwide, including those hired by the HMCI as independent assessors, that SCRO were not only wrong but badly wrong to an extent that ruled our simple error. They point to incompetence or criminality.

At a stroke SCRO have turned everything on its head and have been allowed to make a mockery of the Scottish Justice System.

Their position is clearly untenable and the Scottish Justice system is being undermined and held up to international ridicule.

I have enclosed a copy of one of the many letters received by the Justice Minister from experts throughout the world since SCRO made their latest statement.

As Mr Wertheim points out fingerprint evidence is not a matter of opinion. Like any forensic evidence it is a matter of fact that can be scientifically established.

SCRO's arrogance and the failure of the legal establishment to distance themselves from their conclusions threatens not only fingerprint evidence but all forensic evidence.

Dangerous precedents are being established as SCRO seeks to cover up its clear culpability in the McKie and Asbury cases.

Can you please confirm:

- 1) **whether the Crown will continue to rely on the expert testimony of the four SCRO fingerprint experts directly involved in the McKie and Asbury cases?**
- 2) **if the Crown continues to rely on that testimony what if any conditions have been placed on the evaluation of that testimony by the Crown?**
- 3) **whether there have been any changes made in evaluating expert evidence from SCRO since my daughter's unanimous 'not guilty' verdict and are they still in place.**

Yours sincerely,

Iain A J McKie

Encl: