

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

**27 Donnini Court,
South Beach Road,
AYR KA7 1JP**

CONFIDENTIAL

WITHOUT PREJUDICE

7 April 2003.

Dear Mr Boyd,

Allegation of Criminal Conspiracy and/or Attempt to Pervert the Course of Justice

I wish to raise a matter that has direct relevance to the previous criminal enquiries into the Marion Ross murder, the allegations of perjury against my daughter Shirley McKie and to the subsequent criminal and discipline enquiries conducted by Mr Jim Mackay, Deputy Chief Constable of Tayside Police in 2000.

The information on which my allegations are based was not available to me at the time of these enquiries. It originates from correspondence regarding my daughter's case between Professor Colin Espie Professor of Clinical Psychology at Glasgow University and Mr Jim Wallace, the Justice Minister over the period April to June, 2002.

An extract from this correspondence (see attached letter) clearly outlines the background to my current allegations.

In a letter dated sent to Mr Wallace in March 2002 Professor Espie states,

'In July 1997, I was asked by Dr. McLay, Chief Medical Officer of Strathclyde Police and by Dr McHattie (her GP) to assess Ms. McKie. There was concern that she might be psychologically unwell because she maintained that she had not been at the scene of a murder crime, yet, apparently, her fingerprints were discovered on items found at the scene. I was told that she was at risk of being prosecuted for perjury by the Crown Office. Also implicit in the request for assessment, was concern that she did not appreciate the seriousness of that charge or that, in some perverse way, she was unwilling to tell the truth. After seeing Ms. McKie on 30 July 1997, I was convinced of two things. First, that she was psychological normal, and second, that she was telling the truth. I quote, briefly, from my report to Dr. McLay, dated 19 August, 1997.

“Ms. Cardwell (since McKie) does not have any history of mental disorder. In my view she is not suffering from any current psychiatric or psychological disorder. She presents with symptoms of stress which are, in my view, a consequence of events of the past few months. There is no evidence of personality disorder, nor any history of pathological lying. I can presume, therefore, that she maintains her convictions as a matter of principle. This may have been at the expense of self-preservation so, if anything, she has an air of naiveté rather than guile. I would regard her as a reliable historian and her story has a ring of truth about it rather than any psychiatric basis”

After interviewing Ms. McKie and writing the report, I was so concerned about the situation that I telephoned Dr. McLay. I stressed that Ms. McKie’s behaviour and attitude could not be explained by mental disorder or characterological traits. I suggested that the most straightforward scenario was that she was telling the truth, and that there must have been some mistake in the fingerprint evidence. I was told that this was regarded as an “unthinkable” explanation, because of its implications.’

Here we have a top clinical psychologist engaged by Strathclyde Police in July 1997 to make an assessment of Shirley stating;

‘.....that she was psychological normal, and second, that she was telling the truth.’

When he follows up his concerns directly with Dr McLay by suggesting there might be a mistake in the fingerprint evidence he is told:

‘.....this was regarded as an “unthinkable” explanation, because of its implications.’

It is clear that Professor Espie’s findings, only a few months after the Marion Ross murder, directly challenged the fingerprint evidence being presented by the Scottish Criminal Records Office. This along with other available evidence should have at the very least led to:

- an immediate enquiry and
- a second psychological opinion.

My understanding is while this information was passed on by Dr McLay no further action was taken.

I am sure you will agree that Professor Espie’s findings were critical. Had they been made known to the prosecution and defence authorities:

- doubt would have been cast on David Asbury’s conviction.
- the decision to prosecute my daughter would have been affected.
- the information would have been of immense value to her defence.

- they would have impacted on Mr Mackay's criminal and discipline enquiry.

In my opinion the existence of Professor Espie's statement was covered up and a number of important questions remain to be asked:

- 1. Was Professor Espie interviewed by the Police/Crown authorities as part of their investigations into the Marion Ross murder, the allegations of perjury against my daughter or the subsequent criminal and discipline enquiry conducted by DCC McKay?**
- 2. If not – why not?**
- 3. Who in Strathclyde Police did Doctor McLay passed this information to? What discussion took place and what action was taken?**
- 4. Was this information passed on to the Procurator Fiscal? If so who by and to whom, what discussion took place and what action was taken?**
- 5. Was this information passed to any personnel at the Crown Office? If so who by and to whom, what discussion took place and what action was taken?**
- 6. On receipt of Professor Espie's letter did Mr Wallace or any other person inform the police or Crown Office? If so who, what discussion took place and what action was taken?**
- 7. Did Mr Wallace or any other person inform you as Lord Advocate of this correspondence? If so what action did you take?**

It is my firm and honest belief that attempts were made to pervert the course of justice in connection with my daughter's case. I believe that the evidence I am presenting to you further supports the evidence you already have.

Would you please mount an **immediate independent enquiry** into my allegations?

This should not be conducted by any Police Force or Crown official who has been in any way involved to date.

Please do not hesitate to contact me if you require any further information.

Yours sincerely,

Iain A J McKie

Encls:

Copy: Michael Russell MSP