

**Rt. Hon. The Lord Hardie,
The Lord Advocate,
The Scottish Parliament,
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14, January, 2000.

Dear Lord Hardie,

HMA V Shirley Mckie or Cardwell: High Court, Glasgow – 21.4.99 to 14.5.99

I refer to my letter of 9, June, 1999 and your reply of 12, July, 1999, re the above matter.

In essence you appear to be stating that you have accepted the evidence given by SCRO in both trials as accurate and acceptable. You add that you intend to take no further action to investigate my claims that serious mistakes have been made by the prosecution and that the behaviour towards Shirley McKie has been oppressive in the extreme.

I am now aware from your letter, and other verbal and written communications that have been brought to my attention, that the official stance continues to be that SCRO is an effective and efficient organisation.

I am informed, however, that this case has led to an examination of court presentation skills and a more general review of fingerprint evidence by various ACPO(S) committees.

I have also received information that SCRO officers and others have continually misrepresented Shirley's position and have sought to discredit her and the widely respected defence experts who spoke on her behalf.

Over the past six months I have caused extensive further enquiry to be made into my daughter's case and feel it right and proper that you should be made aware of this.

Given your refusal to subject the original evidence to critical examination and to order an enquiry into my claims I have provided the BBC with that evidence.

I understand some of it will be contained in a BBC 'Frontline' television programme to be broadcast on Tuesday, 18, January 2000.

Central to my position has been the assertion, made in my previous letter, that the SCRO experts Charles Stewart, Fiona McBride, and Hugh McPherson had made a mistake in identifying a mark left in the murder house as made by my daughter.

I would now go further and inform you that there is a substantial body of evidence indicating that all or at least some of these witnesses might have committed perjury or are so incompetent that they should no longer enjoy the status of ‘expert witness’.

I do not feel it is useful at this stage to lay out our evidence in detail but some general points might be of use to you:

- 1. You assert in your previous letter that while, ‘One major area of dispute was..... the interpretation of the fingerprint evidence’. There were however other areas of the evidence which were in dispute and may have influenced the jury’s Verdict.’**

The clear implication of this, in the context of your letter, (and subsequent letters sent to ACPO’s and Police Forces throughout the UK and abroad by SCRO), is that the jury found Shirley McKie not guilty because of this **‘other... evidence’** and not because they disbelieved the SCRO experts.

It should be stunningly obvious to you, that whoever provided you with that explanation, has never read the court transcript where it is made clear beyond doubt that the only people in that courtroom who believed the quite bizarre evidence of the SCRO witnesses were the witnesses themselves.

This aside however consideration of the transcript and common sense alone should tell you that **all of that ‘other...evidence’ proved that Shirley McKie had not been in the murder house.**

Simple logic also indicates - **If she was not in the house then she could not have left the print.**

It is not difficult to conclude therefore - **That SCRO were wrong in their identification.**

You need not ponder why the Jury found Shirley ‘Not Guilty’ when, excepting the SCRO evidence, all other evidence points to her never having been in the murder house.

I challenge you after reading the trial transcript to show me one piece of credible substantiated evidence that points to her presence in the murder house.

As you should be aware there are three vital pieces of evidence, which prove she could not have been in the house. In finding Shirley McKie ‘Not Guilty’ the Jury clearly considered the SCRO ‘expert’ evidence totally worthless. Accordingly the question must be asked, ‘Were these witnesses grossly incompetent, lying or both?’

There is now overwhelming evidence to show that no 'expert' of reasonable competence exercising proper judgement and skill could possibly have reached the conclusions that they did.

2. Since your refusal to open up this case to independent investigation our American colleagues have posted the issue on the Internet for world-wide debate. The defence court productions have been re-produced along with an explanatory narrative. I know the page has been seen by nearly two thousand people and replies have been received from the US, Holland, New Zealand and Canada. E-mail has been received including contact from fingerprint experts throughout Scotland and England.
(See web site: <http://scafo.org/experts/case1.html>)

To date not one expert has agreed with SCRO's identification.

In an effort to discredit the Internet exercise officers from SCRO have alleged to officers of other Scottish Police Forces that the prints as shown on the Net are not the ones produced by the Defence in court.

Unfortunately for SCRO the BBC arranged for five senior fingerprint experts in England, who have also seen the Internet pictures, to independently examine the defence court productions as lodged by our lawyers. These experts unanimously agreed that the print as identified by SCRO was not Shirley McKie's.

The BBC has also showed the productions to an officer who has served with SCRO who has concurred with the English and Internet findings.

As SCRO become more and more isolated suspicion grows of a cover-up. As the authorities fail to act I wonder how far that cover-up extends.

I hope my position is now clearer to you.

In essence I am alleging that certain SCRO officers have covered up mistakes they made in wrongly identifying my daughters print. All other official action appears to flow from this.

From the evidence I have gathered to date it appears as if you might have been lied to and that you have based some of your decisions on those lies. Have you, the Crown Office and the Police been taken in by a fingerprint system that has become arrogant after 100 years of never being challenged and is either incompetent or corrupt?

I am again turning to you as the only person who has the power to have these allegations investigated and examined in an open and honest way.

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I am writing to you before the ‘Frontline’ programme as a courtesy. I intend to make this letter available at the related Press Conference to be held by the BBC on Tuesday, 18, January, 2000.

This letter is sent in good faith and without prejudice to any action my daughter might decide to take in the future. It is motivated by a desire to resolve these issues once and for all and to re-establish our faith in the Scottish System of Criminal Justice.

There is one clear way forward. The fingerprint evidence produced by the prosecution and defence in the Shirley McKie trial must be independently examined and the results made public.

You must ensure that the original court production, (part of a wooden bathroom door frame), on which the disputed fingerprint was found is preserved. It is being held in connection with the Asbury appeal and must be made available for further examination and be a central part of any investigation.

My only insistence is that the investigation is totally independent and open.

It has been assessed that your decision to proceed with the investigation and trial of Shirley McKie has cost the public purse somewhere in the region of £500,000 to date. It is your decision and yours alone to continue with this expenditure in the face of my plea for an open and independent enquiry.

My daughter’s trial ordeal ended when Lord Johnston said,

“ ... personally I would like to extend to you my respect for the obvious courage and dignity which you have shown throughout this nightmare., as you’ve described it. I very much hope you can put it behind you, I wish you all the best. I discharge you and you’re free to go.”

I hope that you, Lord Hardie, can display similar courage and dignity and ensure that Lord Johnston’s hopes are realised. Certain elements of the prosecution system, which so nearly destroyed Shirley McKie and so threaten every citizen of this country, should be fully examined as a matter of urgency and any defects, faults and weaknesses identified and rectified forthwith.

Yours sincerely,

Iain Arthur James McKie

**Copy: Mr Jim Wallace QC, MSP, Minister for Justice
Mr Phil Gallie MSP.**