

Saturday 28 January 2006

Miscarriages that demonstrate the pitfalls of expert evidence

BILLY BRIGGS

THE issue of expert witnesses was highlighted recently by the exposure of Professor Sir Roy Meadow's misleading evidence on cot death.

Last July the former president of the Royal College of Paediatrics and Child Health, who gave misleading evidence that led to the wrongful murder conviction of solicitor Sally Clark, was struck off the medical register after being found guilty of serious misconduct by the General Medical Council.

In November 1999, Mrs Clark was convicted of murdering two of her children, in no small part due to the testimony of medical experts. She was freed in 2003 after a second appeal, when the court was told one child had an infection that had spread into his spinal fluid.

It emerged that Dr Alan Williams, the prosecution

pathologist – also found guilty of professional misconduct but not struck off – had known this before her trial yet had not informed the defence.

The appliance of science to the courtroom has brought confusion as well as clarity, and has resulted in major miscarriages of justice. One of the most notorious cases was that of the Birmingham Six.

In 1974, the investigation into a bombing campaign by the Provisional IRA, which killed 21 people in two Birmingham pubs, put six Irishmen in jail. In 1991, their convictions were quashed.

Evidence given by Dr Frank Skuse, which had appeared to show traces of explosives on two of the men's hands, was discredited at appeal.

The same chemical, it turned out, could be transferred from playing cards (which the men had handled before being examined). They walked free,

but only after more than 16 years behind bars.

David Ashbury, jailed for murdering Marion Ross, from Kilmarnock, in 1997, had his conviction overturned after fingerprint evidence from the Scottish Criminal Records Office was challenged.

Mr Ashbury was freed after it was agreed a print found on a tin in his bedroom did not belong to Ms Ross. SCRO evidence led to police officer Shirley McKie being accused of perjury after her print was allegedly found at the crime scene. She proved the print was not hers and was acquitted.

Dr Camille San Lazaro, a consultant paediatrician at Newcastle Royal Infirmary, was criticised for evidence relating to two nursery nurses – Christopher Lillie, and Dawn Reed – accused of paedophilia. Her testimony was variously branded “unbalanced, obsessive, and lacking in judgment”.