

February 12, 2000

SECTION: Pg. 26;27

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HEADLINE: FINGER;

This woman's police career was ruined after she was accused of perjury. In a landmark legal case she cleared her name, but victory for Shirley McKie came at huge personal cost

BYLINE: Laura Collins

BODY:

WHILE friends filled in university application forms and toyed with a variety of glamorous professions, Shirley McKie was in no doubt where her future lay. She was determined to follow her father into the police force.

She duly achieved her ambition in 1987, when she graduated from training college and joined Strathclyde Police where the promise she had shown as a cadet blossomed rapidly.

But yesterday those heady days seemed far away. At the age of 37, still with 17 years of service ahead of her, Miss McKie has been pensioned out of the force on the grounds of ill health.

Cut adrift from her job, isolated from former friends and colleagues, she draws what support she can from her father, Iain, a retired superintendent.

The official line - that she has retired due to 'injury sustained on duty' - does little to illuminate the extraordinary chain of events which has shattered Miss McKie's career and blighted her life.

The wounds she bears are psychological, the result of a case which challenges one of the most fundamental principles of police work held for more than a century - the infallibility of fingerprint evidence.

Last year Miss McKie stood in the dock of the High Court in Glasgow, accused of perjury. Her smudged thumbprint, it was alleged, had been found at a murder scene which she claimed never to have entered.

The killing occurred three years ago when elderly spinster Marion Ross was viciously attacked in her home in Kilmarnock, Ayrshire. She had been stabbed through the eye and throat and left slumped in the bathroom of her bungalow.

The area had been sealed off for the forensic tests which ultimately led to the conviction of David Asbury. It was a case which hung on fingerprint evidence. Any hint of contamination of the scene could have had a serious impact on Asbury's trial. That contamination coupled with an officer involved in the investigation, seemingly lying under oath, could well have seen Asbury walk free.

MISS McKie reflects: 'It would have been easier to simply say, "Okay, I made a mistake I was at the scene". But I wasn't and I'd always been brought up to tell the truth.' As the months after Asbury's conviction in May 1997 passed, it became all too

apparent to the police officer that the insinuation was not going to go away, and in 1998 she was arrested at her home in Ayr and charged with perjury.

Her trial lasted two weeks, during which information came to light which has rocked the Scottish legal system.

American fingerprint experts Pat Wertheim, 52, and David Grieve, 58, disputed the claims of Scottish experts that the thumbprint found on the bathroom door surround of Miss Ross's home was Miss McKie's.

And they did so with such aplomb as to convince judge and jury, resulting in Miss McKie's acquittal.

In his summation, Lord Johnston took the unusual step of commending the woman who had borne herself with such dignity and now stood, sobbing with relief in the dock before him.

But today Miss McKie says: 'Nothing has changed since then. You don't get more vindicated in a court than I did that day, but I've not had one word of apology.' According to Miss McKie's understanding of her case, the fault lies with the Scottish Criminal Records Office. She believes it is the SCRO which is responsible for the error that led to her being arrested for perjury.

She added: 'It's as if they just want to sweep it under the carpet. But this isn't over yet. All I want is an apology.' However, implicit in any apology would be the acknowledgement that the infallible had failed - an admission which would throw into question the soundness of literally thousands of convictions, delivered in Scottish courts.

The ramifications of her case are not lost on Miss McKie but, for the time being, dealing with the personal impact is proving difficult enough.

After three years of stress which almost broke her, it will take more than an official ruling for her to recover from the loss of her childhood dream and the destruction of her future.

She says: 'I had worked in the police for ten years, now I'm not even capable of carrying out voluntary work. I was accused by friends and colleagues of perjury. Everybody thought I was a liar and there seemed to be nothing I could do about it. I was being presented with a thumb print and being told it was mine and I knew it couldn't be because I wasn't there. But I know what fingerprint evidence means to a police officer and how could I explain the fact that "my" thumb print was there if I wasn't?

'Marion Ross's body was found on the night of Wednesday, January 8, 1997, just after my sergeant and I had clocked off.

I REMEMBER because we were teased about missing out on the overtime the next day. The following morning we were sent round to question the neighbour who had found her body. At that stage the post mortem was still to be done and the flat wasn't sealed off as a murder scene until the afternoon.' During the initial days of the murder inquiry all officers were drafted into assist.

Miss McKie and her sergeant were sent to track down and interview builders who had been working on Miss Ross's home before her death.

David Asbury was among the crew.

But while elimination prints were carried out on his colleagues by Miss McKie and her sergeant, Asbury was nowhere to be found.

He had, according to a relative, disappeared, leaving a suicide note.

She says: 'We thought it a bit odd so my sergeant and I went round to Asbury's parents' house, asked them some questions and searched his bedroom.

We found a tin in his wardrobe which I took out. His father said Asbury was a good saver and the tin was his.' In fact the tin belonged to Miss Ross. Miss McKie recalls: 'When Asbury got back his prints were taken and he was placed in the house. The tin became a piece of evidence and Asbury was the prime suspect. At that stage my sergeant and I came forward and said "We've touched the tin", and gave our prints for elimination purposes.' It was several weeks before Miss McKie, by then no longer working on the murder inquiry, was approached by her Detective Inspector.

She says: 'He told me that one of the outstanding prints in the inquiry was mine. I said "Yes, I know, the one on the tin". And he said "No, from the bathroom door of the house". I didn't worry about it at all at the time, I just thought it was a mistake which would be sorted out with a telephone call to the Scottish Criminal Records Office.'

SHE could not have been more wrong. Miss McKie says: 'I had a couple of days leave due and I must admit that when I was away from work I began to worry that I hadn't heard anything. I kept expecting there to be a telephone call saying it was all sorted out, the mistake had been rectified, but it didn't come.' Instead, on her return to work, on Valentine's Day 1997, she was taken into the Detective Chief Inspector's office and a round of interviews, which became increasingly intimidating, began.

She says: 'It was as if when one couldn't get me to tell the "truth" somebody more superior would have a go. I knew they were concerned about the Asbury case and the affect the fingerprint might have on it, but I had to tell the truth and that's what I did.

I ended up signed off sick before Asbury came to trial. I couldn't stand the snide comments and suspicion.

Everybody thought I was lying and colleagues who had stuck by me at first fell away when they realised how serious it was all getting.

But after Asbury was convicted I thought it might all be over. In September 1997, Miss McKie returned to work. It was to be short-lived attempt to re-establish what she had lost. Put on protected duties she was seconded to the Mounted Police.

Miss McKie says: 'It was very difficult.

I had wanted to be in the CID ever since I joined. I had sat the promoted exams and passed them first time, I had taken an

HNC in Police Studies and was ready for another promotion but suddenly all they were offering me was cleaning out stables and grooming horses. There were so many paths closed to me. I didn't want to be anywhere near the Identification Bureau, I felt I couldn't go back to my division and I didn't want to work in Ayr because I knew so many people there, so I took what they offered.' But in March 1998, just as she was beginning to regain her confidence, the worst blow was delivered.

Miss McKie continued: 'I had taken a couple of days leave and was lying in bed on the morning of Friday, March 6, 1998. This silly mistake had been hanging over me for so long that I was beginning to think it had to be over.

Then there was this bang, bang, bang at the door and I answered it to three police officers. I knew it was trouble straight away.' She was informed that she was under arrest. In shock, she asked for time to get dressed. She was watched as she showered, went to the toilet and dressed before being taken to Ayr Police Station where an officer with whom she had trained took her details and ordered a strip search.

She says: 'It was so humiliating and unnecessary. That's when I lost hope.

I was being charged with perjury and I couldn't understand why. I thought if I was tried I would be convicted and go to prison, and I'm not ashamed to admit it I knew I couldn't go to there, I would have died instead.' HAD it not been for her determination to prove her innocence, and her father's knowledge of police work, an act of desperation might well have been the only avenue left open to her. Instead, she and her father trawled the Internet in search of anything that might help.

They could not have hoped for a more significant find than the American fingerprint experts.

They pointed to line after line on the image displayed in the courtroom, highlighting irregularities which convinced the jury that no match could be made between the print at the scene and Miss McKie's thumbprint. Miss McKie was cleared. Her trial was the first in 100 years to question the validity of fingerprint evidence and the ramifications of her victory were immense.

This week there was more encouraging news with the announcement that the Association of Chief Police Officers in Scotland have ordered an investigation into the handling of the case.

The inquiry is to be led by HM Chief Inspector of Constabulary William Taylor. Miss McKie hopes it is open and independent, and that the findings will be made public.

She is not alone in this desire.

Lord Johnston in his summation commented that the verdict had 'raised all sorts of issues'. Issues which were, in turn, taken up by concerned civilian experts of Lothian and Borders Police. In a letter addressed to Jim Wallace, Minister of Justice and Lord Hardie, the Lord Advocate, they expressed their readings of the case with a frightening simplicity, impossible to ignore, saying: 'At best the apparent misidentification is a display of gross incompetence. At worst it bears all the hallmarks of a conspiracy unparalleled in the history of Scottish fingerprints.'

LOAD-DATE: February 17, 2000

January 23, 2000

SECTION: Pg. 7

LENGTH: 442 words

HEADLINE: Call for inquiry into fingerprint crisis

BYLINE: By Ron McKay Ron.Mckay@Sundayherald.Com

BODY:

THE Scottish Criminal Records Office is facing calls for an immediate public inquiry after the first successful challenge to fingerprint identification in a century.

MSP Mike Russell has written to the Lord Hardie, Lord Advocate, asking him to investigate the case of former Strathclyde detective Shirley McKie, who was acquitted of perjury last year when the jury believed a positively identified thumb print left at a crime scene was not hers. Dozens of high-profile criminal convictions based on fingerprint evidence may now have to be re-examined.

"There's a precipice here which the Lord Advocate is now looking into," said Russell, who is launching a parliamentary campaign for the inquiry into the case and the SCRO.

Senior police fingerprint scientists have also told the Sunday Herald they would welcome the inquiry as the verdict risked bringing both the science and the many convictions based on prints into disrepute. One senior officer said: "We have lost what was a stone-wall certainty and we all have grave doubts about the identification. How can we say our system is infallible when this hangs over our heads?"

McKie was a young detective constable when she became involved in a murder investigation in Kilmarnock in January 1997. The body of Marion Ross, 51, had been found stabbed in the bathroom of her home. David Asbury, who had done work on the house, was subsequently convicted of the murder.

In the course of the investigation both McKie and her sergeant had visited Asbury's home and opened a tin containing £1800. In order to eliminate them from the inquiry, their fingerprints were compared with those given when they had joined the force. Several days later McKie was told her print had been identified, not from the tin but from a door frame at the murder scene. "I couldn't believe it," says McKie. "I had never been inside the house." However, three SCRO experts as well as a prosecution scientist were to testify that the print was hers.

McKie, who has since left the police, testified in Asbury's trial in June 1997. Days later she was arrested, accused of lying in the trial and charged with perjury. Unable to understand how the SCRO had mis-identified her print, McKie found independent experts who proved the print on the door was not hers. This has subsequently been confirmed by five other independent experts.

A senior fingerprint scientist said: "In still denying there has been an error the SCRO are digging themselves in deeper."

Detective Chief Superintendent Harry Bell, SCRO director, says he remains satisfied the identification of the fingerprint was correct.

GRAPHIC: Despite the fingerprint evidence, former police officer Shirley McKie was determined to prove her innocence Photograph: Christopher Furlong

LOAD-DATE: January 25, 2000

May 17, 1999, Monday

SECTION: Page 23

LENGTH: 364 words

HEADLINE: FINGERPRINT CASE DC TO BE OFFERED JOB BACK

BYLINE: Emma Nugent Exclusive

BODY:

POLICEWOMAN Shirley McKie will be invited to return to work this week after being found not guilty of perjury last week.

But the Record can reveal it is almost certain the detective constable will turn down the opportunity to resume her career and will instead sue Strathclyde Police.

DC MCKie, 36, will seek damages because she was strip-searched when she was arrested in her home.

A fellow officer admitted the search during evidence to a High Court jury.

DC McKie was suspended when charged with perjury in March 1998.

Following Friday's not guilty verdict, police personnel officers will meet in the next few days and will offer McKie her job back.

Last night, her father, retired police superintendent Iain McKie, said: "Shirley is still trying to get her head round all of this.

"She has lived with this for more than two years and has to come to terms with the fact she has been cleared.

He wouldn't comment on what his daughter's next move would be but added: "The ball is very much in Strathclyde Police's court."

DC McKie was charged with perjury by lying under oath seven times at the trial of 21-year-old David Asbury who was jailed for life for killing of Marion Ross, 51, in her home in Kilmarnock in January, 1997.

Police found a fingerprint on the surround of the bathroom door in the house, and four fingerprint examiners from the Scottish Criminal Records Office identified it as belonging to DC McKie.

But during her trial at the High Court in Glasgow, an American fingerprint expert said the print was not DC McKie's and she was cleared.

Asbury has lodged an appeal against his conviction. It is expected to heard some time next month.

Last night, a Strathclyde Police spokesman confirmed DC McKie's suspension would be reviewed this week and almost certainly lifted.

Meanwhile, the Crown Office is bracing itself for the first of many appeals following the history-making verdict.

It was the first time in 100 years fingerprint evidence had been challenged.

The verdict has also thrown into doubt the validity of fingerprint evidence at the forthcoming trial of two Libyans for the Lockerbie bombing.

LANGUAGE: ENGLISH

LOAD-DATE: May 17, 1999

May 15, 1999, Saturday

SECTION: Page 5

LENGTH: 254 words

HEADLINE: MCKIE'S PALM PRINT ON BAG IN BABY CASE

BODY:

DETECTIVE Constable Shirley McKie contaminated evidence in a case she worked on six years ago, the Record can reveal.

But Lord Johnston ruled the jury should not hear about the incident during her trial at the High Court in Glasgow.

DC McKie - or Cardwell as she was then known - touched evidence during a case in 1993.

Her palm print was found on a plastic bag containing an abandoned baby in Kilmarnock.

DC McKie admitted at the murder trial of David Asbury two years ago that she contaminated evidence when her print was found on the bag.

She was reprimanded at the time by the then head of CID in Kilmarnock, Detective Chief Inspector Bob Lauder.

The Crown wanted to call Mr Lauder, who is now a Detective Superintendent based in Pitt Street, Glasgow, but lost the legal argument.

DC McKie came from a well-known police family when she joined the force in 1987, serving in Kilmarnock.

Her father reached the rank of Superintendent in Strathclyde Police before retiring.

Her uncle and brother are also serving police officers.

DC McKie transferred to CID in the early 90s and worked on the Marion Ross murder inquiry.

She married a fellow officer, David Cardwell, 10 years ago but they later separated and are now divorced.

She now lives alone in Troon, Ayrshire.

She was seconded from CID in Kilmarnock to Strathclyde Police mounted branch after the Asbury trial but when she was arrested and charged with perjury in March last year, she was suspended from the force.

LANGUAGE: ENGLISH

LOAD-DATE: May 15, 1999

May 15, 1999

SECTION: Pg. 31

LENGTH: 358 words

HEADLINE: The finger of suspicion lifts at last

BYLINE: Ian Sharp

BODY:

A POLICEWOMAN was cleared of perjury yesterday after a jury decided a bloody thumbprint at the scene of a murder inquiry wasn't hers.

Detective Constable Shirley McKie, 35, has always maintained she never entered the Kilmarnock house where spinster Marion Ross was found murdered.

But her colleagues decided she had lied in court and after the conviction of David Asbury for the murder, she was charged with perjury. However, the jury at the High Court in Glasgow showed yesterday they preferred the evidence given by two American fingerprint experts to that of the representatives of the Scottish Criminal Records Office and acquitted her.

During the trial Donald Findlay, QC, defending, put it to her: 'The Crown is saying you sneaked into the house for a peep?' She replied: 'I did not.' It is thought to be the first case in decades that a challenge to expert witnesses on the subject has been successful. Lawyers believe it could open the door to further appeals against conviction on fingerprint evidence.

Yesterday, trial judge Lord Ross told DC McKie:

'I would personally like to express my respect for the courage and dignity you have shown through what must have been a nightmare.' She said afterwards: 'This is one big mistake and its not me who made it. I had thought until then that fingerprint evidence was infallible. The only thing that has kept me going is my family. I don't want to go back to work after the way I've been treated.' Her father Iain, a former police superintendent, said her promising career is now in ruins along with her health. She is expected to sue Strathclyde Police.

Asbury, 21, of Kilbirnie, Ayrshire, is also appealing his conviction and life sentence for the murder of Marion Ross, 51, in January, 1997.

During his trial he claimed police planted Miss Ross's fingerprints on a tin box said to have been stolen from her house and detectives feared the case would be lost when DC McKie claimed a print found in the house was not hers.

Asbury, who had worked in Miss Ross's house, claimed police must have taken the box to the mortuary and put her prints on it.

LOAD-DATE: May 20, 1999

May 15, 1999

SECTION: Pg. 3

LENGTH: 985 words

HEADLINE: Jury clears policewoman of lying about fingerprint; Murder scene evidence of four experts from Scottish Criminal Records Office rejected

BYLINE: Valerie Hannah

BODY:

A POLICEWOMAN made legal history yesterday after a jury unanimously found her not guilty of lying to a murder trial about a fingerprint.

They decided a smudged thumbprint did not belong to Detective Constable Shirley McKie, 36, of Troon, Ayrshire, and cleared her of a charge of perjury.

The jury accepted evidence by two American experts that the print, found at the scene of the murder in Kilmarnock, was not that of Ms McKie. They had already heard four Scottish experts say it was "definitely" hers.

The verdict puts Strathclyde Police in the dock and questions established fingerprint evidence for the first time in more than 100 years. The judge, Lord Johnston, clearly agreeing with the verdict, took the unusual step of praising Ms McKie.

As she sat weeping with relief in the dock of the High Court after a two-week trial, he told her: "I would personally like to express my respect for the courage and dignity you have shown through what must have been a nightmare."

Turning to the jury, Lord Johnston said it had been a "unique case which raises all sorts of issues".

What was hidden from the jury was evidence that Ms McKie had "infected" a previous case when her palmprint was found on a plastic bag containing an abandoned baby in Kilmarnock in 1993.

Ms McKie, who was reprimanded then, was questioned about it during a murder trial two years ago. However, after legal debate, Lord Johnston agreed to a defence motion that the jury should not hear the evidence of that print.

Ms McKie's father said yesterday that her promising career was now in ruins, along with her health. She is expected to sue Strathclyde Police.

Prosecutors feared that her denial about the thumb mark being hers might lead to the acquittal of David Asbury, 21, who had been found guilty of the murder of spinster Marion Ross, 51, at her home in Irvine Road, Kilmarnock, in January 1997. Asbury claimed his prints had been planted.

Asbury, of Kilbirnie, Ayrshire, is also appealing against his conviction and life sentence.

He claimed during his trial that police planted his fingerprints on a tin box claimed to have been stolen from Miss Ross's house. Detectives feared the case would be lost when Ms McKie claimed a print found in the house was not hers.

A family friend said: "We will be taking legal advice now. David's appeal was adjourned until the outcome of Miss McKie's trial and we hope it will help his case. He has always denied being the murderer."

Asbury, who had worked inside Miss Ross's house previously, claimed police must have taken the tin box to the mortuary and put the deceased woman's prints on it.

The "rogue" thumbprint was found on the bathroom doorpost near to where Miss Ross was found stabbed through the eye and throat with scissors.

Fingerprint experts from the Scottish Criminal Records Office, who receive seven years' training, said the print belonged to Ms McKie.

Her trial heard that she had asked and been refused permission to view the murder scene and denied it was her print.

She went off sick immediately after being challenged about the print but denied she had been angry and shouting.

Ms McKie told the jury that, after being told the print had been identified as hers, she was left isolated and none of her colleagues would speak to her.

She said: "I don't want my job back after the way I've been treated."

She said she had never been inside the murder house and had only gone as far as inside the porch because the semi-bungalow had been sealed off for forensic tests.

"This is one big mistake and it's not me who made it," she said. "I had thought until then that fingerprint evidence had been infallible. It's been a nightmare for more than two years now. I've had no support from any of my colleagues and I've felt totally alone."

Advocate-depute Sean Murphy, prosecuting, accused her of telling a lie that the print was not hers and being "stuck" with the story. She replied: "I knew if a mistake had been made that it could affect the murder trial."

Her father, ex-Superintendent Iain McKie, formerly head of Strathclyde Police press office and of Ayr police station, said the last two years had been "a hellish time" for his daughter and family.

He said: "We are angry at the persecution and isolation imposed on my family by Strathclyde Police, who were hell-bent on destroying everyone who opposed them."

The not-guilty verdict was a personal victory for solicitor Angela McCracken, who had taken on what looked like a hopeless case two years ago.

She said: "Everyone believed fingerprint experts couldn't be wrong and therefore the print must have been Shirley's, and no one believed her protests."

Ms McCracken told how she has worked almost full time on the case, seeing Ms McKie every day for the last two years.

She said: "It was decided we would have to find our own fingerprint experts to look at the print for an objective opinion. We trawled the Internet and finally found the two American experts who this week convinced the jury that the print did not belong to Shirley."

Mr Pat Wertheim, 52, of Oregon, a charismatic figure, spent two days showing the jury how the lines in the print could not match those of Ms McKie's.

Mr David Grieve, 58, who trains police fingerprint experts in Illinois, told the court he agreed with him.

Mr Donald Findlay QC, defending, told the jury to be their own fingerprint experts and to make up their own minds.

He said: "The experts interpretations differ and I suggest that, under laboratory conditions, the Scottish Criminal Records Office experts reached the correct decision."

Criminal lawyers in Scotland are now expecting a rush of clients previously convicted on fingerprint evidence to contact them.

One lawyer said: "The whole law surrounding fingerprint evidence will now have to be looked at."

GRAPHIC: A delighted Shirley McKie leaves the High Court in Glasgow yesterday after the jury accepted evidence from American experts Picture: SPINDRIFT

LOAD-DATE: May 17, 1999

May 15, 1999, Saturday

SECTION: Pg. 6

LENGTH: 1157 words

HEADLINE: FINGERPRINT EVIDENCE DOUBTS CLEAR POLICEWOMAN OF PERJURY

BYLINE: Stephen Rafferty Crime Correspondent

BODY:

A POLICEWOMAN made legal history yesterday when she was found not guilty of lying to a murder trial about a fingerprint.

Detective Constable Shirley McKie, 36, of Troon, Ayrshire, was cleared of perjury after a jury unanimously decided a smudged thumb print left at the scene of a murder did not belong to her.

During the trial of David Asbury for the murder of Marion Ross in 1997, she had denied the finger print was hers, and was charged with perjury. She did, however admit she had contaminated evidence on a previous occasion so that her palm print was found on a plastic bag containing an abandoned baby in Kilmarnock in 1993.

After legal debate at her trial, the judge, Lord Johnston, agreed to a defence motion that the jury should not hear evidence about that incident.

This verdict questions the reliability of fingerprint techniques and could assist Asbury's appeal against conviction.

Four Scottish experts told the High Court in Glasgow that a print found at Miss Ross's Kilmarnock home was "definitely" McKie's but the jury accepted evidence from two American experts contradicting that view.

Lord Johnston, clearly agreeing with the verdict, took the unusual step of praising McKie.

As she sat weeping in the dock, the judge told her: "I would personally like to express my respect for the courage and dignity you have shown through what must have been a nightmare" and turning to the jury Lord Johnston said it had been a "unique case which raises all sorts of issues".

The "rogue" thumb print at the centre of this trial was found on the bathroom doorpost near where Miss Ross was found stabbed through the eye and throat with scissors on 6 January, 1997.

McKie had been refused permission to visit the murder scene and denied ever having done so. Fingerprint experts from the Scottish Criminal Records Office, who receive seven years' training, insisted, however, that the print belonged to the officer.

During her two week trial, Donald Findlay, QC, defending, asked her: "The Crown is saying that you sneaked into the house for a peep."

She replied: "I did not."

McKie said she had never been inside the murder house and had gone only as far as inside the porch because the semi-detached bungalow had been sealed off for forensic tests. She said: "This is one big mistake and it's not me who made it. I had thought, until then, that fingerprint evidence had been infallible."

"It has been a nightmare for more than two years now. I've had no support from any of my colleagues and I've felt totally alone.

"I was told that if I still insisted at the murder trial that it was not my print, I would be charged with perjury. The only thing that has kept me going is the support of my family."

McKie said she was later arrested at her home by former colleagues and she felt humiliated.

The advocate depute, Sean Murphy, prosecuting, accused her of telling a lie - that the print was not hers - and then being "stuck" with the story.

She replied: "I knew if a mistake had been made that it could affect the murder trial."

McKie told the jury she came from a "police family." Her father, Iain, is a former superintendent and her brother is in training at the Scottish Police College at Tulliallan.

She said that after being told the print had been identified as hers she was isolated and none of her colleagues would speak to her.

Mr McKie, formerly head of the Strathclyde force press office, said the last two years had been "a hellish time" for his daughter and family and he attacked his former colleagues in the force.

He said: "We are angry at the persecution and isolation imposed on my family by Strathclyde police who were hell-bent on destroying everyone who opposed them."

The not guilty verdict was a personal victory for the solicitor Angela McCracken who had taken on what looked like a hopeless case two years ago.

She said: "Everyone believed fingerprint experts couldn't be wrong and therefore the print must have been Shirley's and no one believed her protests.

"It was decided we would have to find our own fingerprint experts to look at the print for an objective opinion. We trawled the internet and finally found the two American experts who this week convinced the jury that the print did not belong to Shirley."

Pat Wertheim, 52, of Oregon, spent two days showing the jury how the lines in the print could not match those of McKie.

David Grieve, 58, who trains police fingerprint experts in Illinois and is the editor of the Journal of Forensic Identification, told the court he agreed with him.

Mr Murphy told the jury that the four Scottish experts were not in any doubt that the print belonged to McKie. He said: "The experts' interpretations differ and I suggest that under laboratory conditions, the Scottish Criminal Records Office experts reached the correct decision."

During the trial of David Asbury, the prosecution had feared McKie's denial about the thumb mark being hers might lead to his acquittal.

Asbury, of Kilbirnie, Ayrshire, had carried out work at Miss Ross's home and the Crown alleged he had returned there to steal money.

Pretending he needed to use a phone he conned his way in to her home where he stabbed her in the eye with a pair of scissors which he left embedded in her throat.

A Marks & Spencer biscuit tin belonging to the dead woman was found at Asbury's home but he claims detectives took the tin to the morgue where they put the victim's fingerprints on it.

Asbury, 21, will seek to use the McKie case to bolster his appeal and his mother, Amelia Crisp, 42, and his grandfather, Nimrod Asbury, sat taking notes throughout McKie's trial.

Last night, Mr Findlay said he could not comment about the McKie case but said the result would not damage the standing of fingerprint evidence in trials.

Mr Findlay said: "This is not in any sense the death knell of fingerprinting. That would be a ridiculous point of view. What it means is that lawyers should do their job properly in the questioning of all evidence against an accused.

"It is the lawyers' duty to check everything to an enormous degree and maybe to an extent we have accepted fingerprint evidence at face value.

Fingerprinting is always going to be crucial evidence and more often than not will be the compelling evidence.

"It would be quite wrong to say this shows there is any kind of serious problem in the Scottish Criminal Records Office.

That would not be fair at all.

These are professional people doing their best in professional way but it does show a mistake can be made and it is the duty of the lawyer to make sure that mistake does not affect his client."

Ms McKie said she would not be asking for her job back and it is believed she may sue Strathclyde police, who last night said: "We have noted the findings of the court. It would be inappropriate to comment further."

LANGUAGE: ENGLISH

LOAD-DATE: May 17, 1999

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The Herald (Glasgow)**

May 12, 1999

HEADLINE: Jury told prints did not match

An American fingerprint expert has told a jury a thumb print found at the scene of a murder was definitely not that of an Ayrshire policewoman who has been accused of lying at the subsequent trial.

Detective Constable Shirley McKie, 36, has denied at the High Court in Glasgow ever being inside the house where Miss Marion Ross, 51, was found murdered in Kilmarnock two years ago.

Ms McKie is charged with perjury by telling a murder trial jury a fingerprint found in the house in Irvine Road after it had been sealed by police did not belong to her.

Experts had told the jury her left thumb print was found on the bathroom door pillar.

However, Mr Pat Wertheim, 52, brought by the defence from Salem, Oregon, yesterday said he compared Ms McKie's left thumb print with the print found at the crime scene. He said: "The latent print at the crime scene was definitely not made by Shirley McKie's left thumb."

Ms McKie has denied sneaking into the house to look at the murder scene while it was not guarded. She told a jury yesterday her life had become a nightmare. She had been "humiliated" after being arrested by her own colleagues.

Weeping, she told Mr Donald Findlay QC, defending: "I thought at first it was one big mistake and it's not me who made it. Up until then, I believed fingerprint evidence to be infallible but not now."

Ms McKie said that after being charged with perjury, she had been left isolated and given no support from her colleagues. She said she came from a "police family". Her father, Ian, is a retired superintendent and her brother a sergeant at police training college.

David Asbury, 21, of Kilbirnie, Ayrshire, was jailed for life in May 1997 for Miss Ross's murder.

Mr Wertheim, who has been comparing fingerprints since 1979 as a police officer in Texas and Arizona, studied the prints when he came to Britain as a guest lecturer at the National Fingerprint Society's annual conference in Liverpool in March.

He said the Scottish Criminal Records Office and New Scotland Yard worked on a threshold of 16 points of similarity when comparing prints. He claimed he found only five when examining Ms McKie's prints.

His evidence continues today.

LOAD-DATE: May 13, 1999

April 29, 1999, Thursday

SECTION: Page 12

LENGTH: 83 words

HEADLINE: 'DETECTIVE'S LIES RISKED TRIAL'

BODY:

A LYING policewoman put a murder trial in jeopardy, when she denied a fingerprint at the scene of the killing belonged to her, a jury heard yesterday.

Advocate depute Alan Dewar told the High Court in Glasgow that DC Shirley McKie, 36, had secretly visited the Kilmarnock home of murder victim Marion Ross.

He said that fingerprint evidence had been vital in the conviction of David Asbury and he had described McKie at the trial as a "rogue policewoman". The trial continues.

LANGUAGE: ENGLISH

LOAD-DATE: April 29, 1999

April 29, 1999

SECTION: Pg. 5

LENGTH: 295 words

HEADLINE: Detective was too curious, trial told

BODY:

A POLICE officer accused of perjury had an unnatural desire to visit the scene of a murder, a court heard yesterday.

Detective Constable Shirley McKie, 36, later denied a fingerprint found inside the death house was hers.

She denies committing perjury by telling a murder trial that she had not been in the house and the print did not belong to her.

Advocate-depute Alan Dewar, who originally prosecuted David Asbury, 21, for the murder in January 1997 of Miss Marion Ross, 51, in her home in Irvine Road, Kilmarnock, gave evidence at the perjury trial in the High Court in Glasgow yesterday.

He said that fingerprint evidence had been crucial in the case against Asbury and that any doubt could have allowed him to go free.

Mr Donald Findlay, QC, defending, asked Mr Dewar: "Did you have a single scrap of evidence, apart from the fingerprint, that she was in the house?"

Mr Dewar replied: "There was evidence that she had been at the house. A fingerprint virtually speaks for itself and she had shown a desire that didn't seem very normal to enter the house and had been refused permission.

"She had asked to go to see the precise point where the victim had been found.

"There was clear evidence that it was her fingerprint found in the house and that she had opportunities to get inside and had twice had keys to the house."

Mr Dewar said the murder jury heard that DC McKie's curiosity might have got the better of her and she made a monumental mistake by denying her fingerprint and continued to "dig a hole for herself".

Mr Findlay said that there was no record of DC McKie made by police officers logging visitors to the murder bungalow.

Mr Dewar said: "The system is open to human failure."

The trial continues.

LOAD-DATE: April 30, 1999

April 22, 1999, Thursday

SECTION: Page 29

LENGTH: 240 words

HEADLINE: MURDER TRIAL POLICE OFFICER DENIES PERJURY

BYLINE: Iain Ferguson

BODY:

A POLICEWOMAN went on trial at the High Court in Glasgow yesterday, charged with committing perjury during evidence she gave at a murder trial.

Shirley McKie, 36, who is known as Shirley Cardwell, denies the alleged offence said to have taken place during the trial of David Asbury.

Asbury was convicted of murdering 51 year-old Marion Ross at her home in Irvine Road, Kilmarnock, on January 8, 1997.

The charge against Cardwell, of Welbeck Crescent, Troon, Ayrshire, alleges she claimed in evidence at Asbury's trial that she had not been beyond the porch area of the murder victim's house when, the charge alleges, she had been inside the house, in the vicinity of the internal doorway between the downstairs hallway and the bathroom.

Asbury, 21, from Kilbirnie, Ayrshire was jailed for life in June, 1997.

The murder shocked the local community in Kilmarnock where Miss Ross, a former bank clerk, was well known. Yesterday, Detective Constable Douglas Wallace, 36, told advocate depute Sean Murphy, prosecuting, how he was called to the house.

He said Mrs Ross was lying dead in her bathroom and it was obvious it was a suspicious death.

He told Donald Findlay, QC, defending, the house was sealed off with a police officer at the door who kept a record of everyone who entered or left the house to prevent anything being touched.

The trial, which is expected to last two weeks, continues today.

LANGUAGE: ENGLISH

LOAD-DATE: April 22, 1999

September 3, 1997

SECTION: Pg. 31

LENGTH: 230 words

HEADLINE: Policewoman in fingerprints row lands plum post

BYLINE: Gerard Burke

BODY:

A WOMAN detective whose evidence in a murder trial could have led to a killer walking free has landed a posting as a mounted officer.

The appointment surprised colleagues who had expected Detective Constable Shirley Cardwell to be reprimanded instead of 'rewarded' following the High Court trial in Glasgow.

They are astonished she has been given the posting while the Crown Office is still deciding whether to take action following her behaviour in court and before a police disciplinary hearing has made its report .

Earlier this year DC Cardwell gave evidence which officers believe could have jeopardised their chances of getting a killer convicted.

In May and June the 34-year-old told the High Court about her part in an investigation into the murder of spinster Marion Ross.

The Kilmarnock-based officer had discovered a tin containing \$1,800 in the bedroom of the accused, 21-year-old David Asbury.

Both Asbury's and the victim's fingerprints were found on the tin. But interest in the trial centred on DC Cardwell's fingerprints, which had been found in the bathroom of Mrs Ross's home, although she had been denied permission to go inside.

During the trial she denied seven times that she had ever been there. One officer said of her new post: 'We're all stunned. It appears she is being rewarded for being embroiled in this controversy.'

GRAPHIC: NEW JOB: CARDWELL

LOAD-DATE: September 8, 1997

June 5, 1997, Thursday

SECTION: Page 1

LENGTH: 894 words

HEADLINE: GIRL COP FACES SACK AS PSYCHO IS CAGED;
Policewoman Constable Shirley Cardwell's evidence could have wrecked the trial of scissors killer David Asbury

BYLINE: Iain Ferguson Exclusive

BODY:

A policewoman's evidence could have wrecked the trial of scissors killer David Asbury.

The twisted 21-year-old was caged for life yesterday for murdering lonely spinster Marion Ross.

She was stabbed in the EYE in a frenzied attack.

During the trial, the court was told Detective Constable Shirley Cardwell's thumbprint was found in 51-year-old Marion's house.

But in the witness box, the policewoman denied SEVEN TIMES that she had ever been there.

Detectives were terrified her story would put doubt in the jury's minds and Asbury would be freed to kill again.

Now Cardwell, 34, faces police disciplinary action.

And insiders say she may be charged with perjury - lying under oath. She will be carpeted at a police disciplinary hearing later this month.

A senior police source said: "Her actions put this case at serious risk.

"It would have been a disaster had Asbury walked. In our opinion he was a serial killer in the making.

"We caught him after his first murder - but that was put in jeopardy because of that detective's bizarre behaviour."

Cardwell had found a vital piece of evidence in the case. She and a colleague discovered a biscuit tin in Asbury's bedroom, with his and Marion's fingerprints on it.

Police were convinced Asbury had taken it from Marion's house.

But they feared that if the jury didn't believe Cardwell's story about the thumbprint in the bathroom, they might distrust her other evidence.

She admitted in court that she'd twice been refused permission to attend the murder scene.

Crown counsel Alan Dewar accused Cardwell of going to Marion's house after "your curiosity got the better of you".

Cardwell admitted the thumb-print was hers and agreed fingerprint evidence was never wrong.

But she still insisted: "I was never in the house. I have no reason to lie."

Mr Dewar warned her about the dangers of perjury.

The court heard Cardwell had been off work for four months with stress.

She also admitted contaminating evidence in 1993, when she left her palm print on a bag containing a baby's body.

Cardwell, a policewoman for 10 years, is separated from her policeman husband David and lives alone in Troon, Ayrshire. She went on holiday to the USA after giving her evidence, and has not yet returned.

Asked about possible perjury charges against Cardwell, a Crown Office spokesman said: "No decision has been reached."

LANGUAGE: ENGLISH

LOAD-DATE: June 5, 1997

June 5, 1997, Thursday

SECTION: Page 4

LENGTH: 1814 words

HEADLINE: LONELY MARION'S STASH OF CASH LED SCISSORS KILLER TO HER DOOR;
David Asbury sentenced yesterday for the murder of hermit Marion Ross

BYLINE: Iain Ferguson And Charles Beaton

BODY:

Hermit Marion Ross signed her own death warrant by keeping thousands of pounds in her house.

Marion, 51, had bundles of notes stashed in tins and boxes all over her home.

The haul was spotted by brutal killer David Asbury when he worked as a labourer on an extension to the bungalow in Kilmarnock, Ayrshire.

On January 6 this year he returned to steal, conning his way in by telling Marion his car had broken down and he needed to phone his mother.

Marion struggled when he tried to rob her, and he went berserk.

He forced her to the ground, sat on her - crushing her ribs - then lashed out with scissors.

Marion was stabbed in the eye. The wound went through her skull and into the brain.

Six-footer Asbury also thrust the scissors into the spinster's throat, leaving them embedded up to the handles.

Police quickly decided the murder must have been committed by someone who knew Marion.

There were no signs of forced entry to the house, suggesting she opened the door to the killer.

And Marion, who was very security-conscious, would never have let a stranger in.

For some time her cousins, James Campbell and his brother William, were under suspicion.

Then Asbury's mum phoned police to say he had disappeared.

He fled his home a week after the murder, leaving a suicide note, a gold crucifix and instructions on where to find his money.

Asbury returned safe and well the next day.

Police found out he had worked on Marion's bungalow extension a year earlier.

They searched his bedroom in Castle Drive, Kilbirnie, and found a house-shaped tin biscuit box crammed with pounds 1400.

Some of the cash was in the "peculiar" kind of pounds 100 bundles Marion made when she worked as a bank clerk.

The defence claimed several times that the tin belonged to Asbury, and the police had tried to frame him by taking it to the mortuary where Marion's body lay and putting her fingerprint on it.

Asbury insisted he had only gone to Marion's home to phone a garage to fix his car. He claimed he had left her alive and well.

And he said he wrote the suicide note because he was "a wee bit depressed and not thinking straight" - not because of guilt.

Police who interrogated Asbury were shocked by his coldness.

One said: "He appeared to be devoid of pity. The whole episode was of annoyance value to him - he thought it was just a joke."

But yesterday, after a 13-day trial at the High Court in Glasgow, the jury took less than two hours to convict him by majority of murdering Marion and stealing the tin and money from her.

Asbury, who has never shown any remorse for the murder, was stone-faced as he was sentenced to life. His mum Amelia sobbed in the public benches as he was led away in handcuffs.

Later, former friends of Asbury claimed he had changed in the last year.

One said: "It was no secret he'd become involved in the local drugs scene. He changed quite dramatically from the intelligent, quiet young man he'd been."

Marion was known in Kilmarnock as a strange, solitary figure. She worked in the Royal Bank of Scotland for years, before taking early retirement after mental health problems.

Marion spent much of her time shut away in her home, but she would sometimes venture out on pointless spending sprees.

Her strange lifestyle left her with cash to spare.

She rarely spent money on normal items like clothes, and ate little food.

And because she inherited the house from her parents, she had no mortgage.

She once paid cash for TWO houses worth almost pounds 80,000. Both were later sold.

A neighbour said: "Another time she splashed out around pounds 20,000 on a Honda car, even though she rarely drove. She later sold it.

"She was an eccentric lady, and often wore the same clothes for weeks on end.

"At other times she rarely left the house, and she had very few visitors."

Marion also shelled out thousands on the extension, even though her home was already too big for her.

She hired a Kilbirnie building firm run by Asbury's grandad Nimrod, bringing her into contact with her killer.

Marion never ventured far from home. She bought most of her groceries from a nearby filling station.

Elizabeth Campbell, whose husband James is Marion's cousin, said: "She was a very quiet, lonely woman who kept herself to herself.

"We would only really meet her at family funerals and even then she rarely spoke.

"Even if we were passing her house and chapped her door she wouldn't let you in. She was a real recluse."

Marion, an only child, lived with her parents and inherited their home when they died.

Elizabeth said: "Her mum had Marion under her spell.

"To my knowledge Marion had no friends, and that was largely due to her mother's influence."

At one point Marion moved to her own flat ,but returned to her parents after her mum fell ill.

They died several years ago, and Marion's own health began to fail.

Neighbours believe she may have come off medication because her mother wasn't there to make her take it.

LANGUAGE: ENGLISH

LOAD-DATE: June 5, 1997

June 5, 1997

SECTION: Pg. 5

LENGTH: 1854 words

HEADLINE: Spinster's killer jailed for life

BODY:

David Asbury was jailed for life yesterday for the savage murder of spinster Marion Ross after a majority verdict that vindicated the police, who had been accused by Asbury of framing him with a fingerprint.

He had claimed that an ornamental house-shaped Marks and Spencer biscuit tin found in his house was taken to the mortuary so Miss Ross's print could be put on it.

The jury at the High Court in Glasgow, however, rejected the allegations and found the 21-year-old guilty of murdering Miss Ross and stealing the tin and money from her. The trial had lasted 13 days.

The 6ft 2in Asbury, of Castle Drive, Kilbirnie, showed no emotion during the harrowing case or when he was sentenced to life by Lord Dawson.

His mother, Mrs Amelia Crisp, 40, sobbed in the back of the court as she watched him being led away in handcuffs.

Still unresolved in the case is the mystery of how a woman detective's fingerprint came to be found on a door in the murder house just a few feet away from Miss Ross's body.

Detective Constable Shirley Cardwell denied she had ever been in the house despite the universal belief that fingerprint matching is infallible.

During the trial, Constable Cardwell was warned by the prosecutor, Mr Alan Dewar, about perjury, and now the Crown Office is understood to be examining her evidence with a view to a possible perjury prosecution.

Constable Cardwell, 34, also faces being carpeted by Strathclyde's chief constable.

Miss Ross, 51, a familiar if reclusive figure who always wore a mustard -coloured ano-rak and pompom hat, had lived in her semi-detached bungalow at 43 Irvine Road, Kilmarnock, for most of her life, looking after her parents until they died.

Asbury, a joiner who had previously worked on an ex-tension to Miss Ross's house, conned his way in on January 6 by pretending that his car had broken down and that he wanted to phone his mother.

He forced her to the ground, sat on her, crushing her ribs in the process, and stabbed her in the eye with a pair of scissors, which he also left embedded in her throat.

His motive was to steal a nest-egg of cash Miss Ross kept in a Marks and Spencer biscuit tin.

Because Miss Ross was very security conscious and there were no signs of forced entry, detectives concluded she knew her killer and opened the door to him.

For some time her two cousins, 51-year-old security officer James Campbell and his brother William, 47, were under suspicion. In fact James Campbell for a while was the prime suspect because he had access to the house, his prints were found, and there were discrepancies in his work logs.

Detectives questioned him for hours, searched his house, dug up his garden, and for weeks had his shoes and almost his entire wardrobe away for forensic examination.

Mr William Campbell, who did odd jobs and gardening for Miss Ross, was also questioned about his movements at the time of the murder and why his prints were found on a vacuum cleaner near the body.

He also had to explain to police the origin of a tiny bloodstain found in his home.

During the investigation, police and forensic experts discovered 428 fingerprints at the murder scene, of which 235 were so incomplete and fragmented they couldn't identify their owners.

Some belonged to tradesmen who had worked in the house over the years, joiners, plumbers, decorators, and an Artex man.

A cookery book contained 10 prints and was traced to the shop where it was bought.

Most of the prints were from customers browsing through the book but one was identified as that of the girl who sold it.

Asbury first came to the attention of the police when his worried mother reported he had disappeared, leaving a suicide note. Along with the note was a gold crucifix and instructions on where to find his money.

He reappeared the next day, and became a suspect when detectives discovered he had worked with his grandfather, Mr Nimrod Asbury, when his firm built an extension to Miss Ross's house.

A search of Asbury's bedroom revealed a house-shaped biscuit tin containing £1400.

Some of the cash was in £100 bundles - exactly the same way Miss Ross bundled her notes when she was a bank clerkess.

A fingerprint examination revealed both Miss Ross's and Asbury's prints on the box.

Another print found on a Christmas greetings label in Miss Ross's living room was also identified as Asbury's.

Asbury was questioned for nearly four hours, at first answering "No comment" to every question but later claiming he had not been in the house since helping to build the extension two years before.

Eventually, however, he admitted that the day before the murder his car had broken down 100yds from the house. He said Miss Ross had let him in to use the phone and afterwards showed him the decorated and furnished extension he had helped to build.

Asbury, backed up by his mother and his stepfather, Mr William Crisp, 35, also claimed that the Marks and Spencer biscuit tin had been in his home for three years.

He had no explanation as to how Miss Ross's fingerprint came to be on it, although during the trial his defence counsel, Mr William Totten, suggested several times that the tin could have been taken to the mortuary by police so that the dead woman's hand could be put on it.

Asked to explain the peculiar way the notes were tied up with elastic bands, Asbury said his grandfather bundled his notes the same way and had showed him how.

He said the £1400 cash was his life savings and was to have been spent on a new car.

He wrote the suicide note, he claimed, not because he was befuddled by the terrible thing he had done, but because he was a "wee bit depressed and wasn't thinking straight".

Police inquiries also re-vealed that Asbury had been seen prowling around the area in October the previous year.

A neighbour said Asbury came to her house asking for a tow rope despite the fact there was a garage just four houses away. She got the distinct impression he was looking for an empty house.

GRAPHIC: A grim-faced David Asbury is led away in handcuffs after yesterday's verdict. Picture: IAIN McLELLAN; Marion Ross, above, a familiar sight in her neighbourhood because of her slightly eccentric garb, pictured below, during a reconstruction of the crime by police

LOAD-DATE: June 6, 1997

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June 5, 1997, Thursday

Spinster's scissors killer jailed for life

Arnot Mcwhinnie

DAVID ASBURY was jailed for life yesterday, for murdering an eccentric spinster, Marion Ross, by stabbing her through the eye and throat with a pair of scissors.

The majority guilty verdict vindicated Strathclyde police officers who had been accused by the 21-year-old joiner of framing him. Asbury, who previously carried out work on Miss Ross's home, had claimed that a Marks & Spencer biscuit tin found in his house had been taken to the mortuary so her fingerprint could be put on it. The jury at the High Court in Glasgow, however, found Asbury guilty of murdering Miss Ross, 51, and stealing the tin and money from her.

Asbury, of Castle Drive, Kilbirnie, showed no emotion during the case or when he was sentenced to life by Lord Dawson. But his mother, Amelia Crisp, 40, wept in the back of the court as she watched him being led away in handcuffs. Still unresolved in the case, however, is the mystery of how a woman detective's fingerprint came to be found in the murder house on a door just feet away from Miss Ross's body.

Detective Constable Shirley Cardwell denied she had ever been in the house, despite the fact that fingerprint matching is held to be infallible. During the trial, Ms Cardwell was warned by the prosecutor, Alan Dewar, about perjury, and now the Crown Office is understood to be examining her evidence with a view to a possible prosecution. Ms Cardwell, 34, also faces police disciplinary proceedings.

Details of how Miss Ross was attacked in her semi-detached bungalow at Irvine Road, on 6 January, were revealed during the trial. Asbury, a joiner, who had previously worked on an extension to Miss Ross's house, conned his way in, pretending his car had broken down and he wanted to phone his mother. He then forced her to the ground, sat on her, crushing her ribs in the process, and stabbed her in the eye with a pair of scissors, which he left embedded in her throat. His motive was the theft of cash which Miss Ross kept in a house-shaped Marks & Spencer biscuit tin. Asbury came to the attention of the police after his mother, Mrs Crisp, reported he had disappeared, leaving a suicide note. Along with the note was a gold crucifix and instructions where to find his money. Asbury turned up the next day safe and sound, but was soon under suspicion in the murder case. Detectives discovered he had worked with his grandfather, Nimrod Asbury, when his firm built an extension to Miss Ross's house. A search of Asbury's bedroom revealed the biscuit tin, containing £ 1,400. Some of the cash was put into £ 100 bundles - the same "peculiar" way Miss Ross bundled her notes when she was a bank clerk. An examination revealed both her and Asbury's fingerprints on the box. Another print found on a Christmas gift label in Miss Ross's living room was also identified as Asbury's. Asbury was questioned for nearly four hours. He maintained he had never entered Miss Ross's house since helping to build the extension two years before.

Eventually, however, Asbury admitted that the day before Miss Ross's murder his car had broken down 100yd from her home. He claimed Miss Ross let him in to use the phone and afterwards showed him the decorated and furnished extension he had helped to build. Police inquiries also revealed that Asbury had been seen prowling round the area in October the previous year. A neighbour who lived directly across the road said Asbury came to her house asking for a tow rope despite the fact there was a garage just four houses away. She got the impression he was looking for an empty house.

LANGUAGE: ENGLISH

LOAD-DATE: June 5, 1997

June 3, 1997

SECTION: Pg. 7

LENGTH: 494 words

HEADLINE: Accused tells of being in victim's home

BODY:

THE man accused of murdering Miss Marion Ross, 51, admitted yesterday that he was in her house 24 hours before her death.

Mr David Asbury, 21, told the High Court in Glasgow his car broke down 100 yards from her home in Irvine Road, Kilmarnock.

He knew Miss Ross from the time he worked with his grandfather's building company on an extension at her home, and said she had allowed him to use her phone.

He claimed that after he picked up the phone he realised his car might not have broken down because of mechanical failure, but because it needed petrol and put down the phone.

Mr Asbury, of Castle Drive, Kilbirnie, denies murdering Miss Ross between January 6 and 8 this year by stabbing her in the throat and eye with a pair of scissors and a knife. He also denies robbing her of a tin containing money.

The court has heard his fingerprint was discovered on a gift tag on a Christmas present said to have been found in Miss Ross's living room. It has also been alleged a tin box containing £2240 said to have been found in Mr Asbury's bedroom bore both his and Miss Ross's fingerprint.

Asked to explain how his print was found on the gift tag, Mr Asbury said the Christmas present had been lying near the phone with some books, and he had moved them aside.

He told the court the tin box was his and had been in his home for three years.

Some of the cash, it was revealed, had been put into £100 bundles in the same "peculiar" way used by Miss Ross when she worked in a bank. He said his grandfather taught him to bundle up money in the same way.

The trial continues.

LOAD-DATE: June 4, 1997

May 30, 1997

SECTION: Pg. 5

LENGTH: 734 words

HEADLINE: Murder trial told of gifts 'bribe'

BODY:

A get well gift of flowers and wine was considered a bribe by the detective involved in a murder scene fingerprint controversy, the High Court in Glasgow was told yesterday.

Detective Constable Shirley Cardwell went off ill with stress after allegations that her print was found feet away from where Kilmarnock spinster Marion Ross, 51, died in her home.

She denied she had ever been at the scene and claimed she had no idea how her print got there.

She also claimed her superiors put her under pressure and did not believe her.

Chief Inspector Stephen Heath, who was in charge of the investigation into Miss Ross's murder, revealed there was "grave concern" among senior ranks over the controversy.

He told the court there was also concern for Mrs Cardwell, who went off sick, and he instructed a woman officer to take her a bottle of wine and a bunch of flowers.

Mr Heath said: "She inferred this was some sort of bribery to get her to change her story."

Earlier, Mr Heath told how he took Mrs Cardwell to Miss Ross's home and pointed out where the print was found.

She still denied being there.

"I was of the opinion she was making a monumental mistake," said Mr Heath.

On trial is Mr David Asbury, 21, of Castle Drive, Kilbirnie, who denies that between January 6 and 8, he stabbed Miss Ross in the eye and throat with a pair of scissors, at her home in Irvine Road, Kilmarnock.

He also denies stealing a tin containing a sum of money.

Mr Heath was questioned by Mr Alan Dewar, prosecuting, over a suggestion that a print from Miss Ross was planted on a tin money box while she lay in the mortuary.

The officer described the allegation, made by Mr Asbury's defence counsel William Totten several times during the trial, as "ludicrous and insulting".

The court was told the tin, house-shaped box which contained cash in £100 bundles, wrapped in the same "peculiar" way Miss Ross used as a bank employee, was discovered in a cupboard in Mr Asbury's home.

It has been alleged by the prosecution that the box contained both the accused's and Miss Ross's fingerprints.

The trial before Lord Dawson continues.

LOAD-DATE: June 2, 1997

May 29, 1997, Thursday

SECTION: Page 9

LENGTH: 694 words

HEADLINE: LIES WARNING FOR GIRL COP IN MURDER TRIAL;
Fingerprint riddle: I wasn't in death house, says detective;
Constable Shirley Cardwell yesterday told a court she didn't visit a murder scene - despite the fact her thumbprint was found there

BYLINE: Iain Ferguson

BODY:

A detective yesterday told a court she didn't visit a murder scene - despite the fact her thumbprint was found there.

And Constable Shirley Cardwell was warned of the dangers of perjury.

She denied SEVEN times that she had visited the home of 51-year-old victim Marion Ross.

David Asbury, 21, denies murdering Marion at her Kilmarnock home in January and robbing her of a tin box full of cash.

Alan Dewar, defending, accused Cardwell of going to the house after "your curiosity got the better of you".

But the detective, who admitted she had access to keys, replied: "I was never in the house. I have no reason to lie."

Cardwell admitted she had never known fingerprint evidence to be wrong.

She said she couldn't explain how her thumbprint came to be on the bathroom door.

The 34-year-old, who has been off work for four months with stress, also revealed bosses had pressured her to say she may have been in the house.

She said: "I am an honest police officer. I just felt I should be believed."

At the High Court in Glasgow, Cardwell admitted she had contaminated evidence in a previous inquiry.

She wasn't wearing gloves when she handled a bag containing a baby's body.

The court heard Cardwell and another officer discovered an extension to Marion's house had been built by a firm in Kilbirnie, Ayrshire.

They visited the owner of the company, Nimrod Asbury.

He was upset, saying his grandson, David, had left a suicide note and vanished.

They later searched David Asbury's Kilbirnie home.

Cardwell said: "We found a tin with money in it in a cupboard in the room. There was around pounds 1700 to pounds 1800 in it and it was tied in bundles."

Earlier in the trial, the defence suggested Marion's fingerprints may have been put on the box AFTER her death.

The trial before Lord Dawson continues.

LANGUAGE: ENGLISH

LOAD-DATE: May 29, 1997

May 29, 1997

SECTION: Pg. 33

LENGTH: 425 words

HEADLINE: Death house puzzle;
Police chiefs pressed me but I did not leave fingerprint, detective tells murder trial

BYLINE: Arnot Mcwhinnie

BODY:

FEMALE detective yesterday claimed her bosses put pressure on her to say she had been in a house where a murder was committed when she knew she had not.

Detective Constable Shirley Cardwell's thumbprint was found in the house in Kilmarnock where 51-year-old Marion Ross was murdered and robbed of a tin box containing money.

A box was later found at the home of David Asbury, 21, now standing trial for murder, but his defence has suggested Miss Ross's fingerprints were 'planted' on it.

Constable Carswell, 34, agreed there had been no suggestion that her own thumb print had been 'planted' in the house but insisted she had never been inside the building.

She rejected all suggestions that she left her print while going in to take a 'peep' at the body and refused to accept the thumb print was hers.

When asked how it could have got in the house, she said: 'I am not an expert. All I know is that I didn't put it there.' Constable Cardwell also claimed her treatment at the hands of senior officers was unfair: 'I have been in the police ten years and I am an honest police officer. I just felt I should be believed.'

She said she was suffering from stress and added: 'When you know you haven't been somewhere and they say you have, it gets to you.'

At the High Court in Glasgow yesterday, Constable Cardwell admitted she went to the death house twice during her inquiries but never went further in than the porch.

Her arrival and departure were officially logged by an officer on duty at the door.

She admitted she had wanted to go into the house because it would have been useful in the inquiry to see the interior.

But permission was requested from the detective in charge and she and a colleague were told it was not suitable to go in because experts were still working inside.

The trial before Lord Dawson continues.

Detective Constable Cardwell admitted that in another major inquiry in 1993 involving the death of a child she contaminated evidence.

Her fingerprint was found on a polythene bag which contained the dead baby and she admitted she had handled it without wearing gloves.

Asked Mr Dewar: 'Is it not the case that in the present case your curiosity got the better of you and despite instructions to the contrary you went into the house and touched the door? There is no other explanation for the print being there.'

Replied Constable Cardwell: 'No. I can't give you an explanation. I have no reason to lie. If I was in the house I would have said.'

MMMM

LOAD-DATE: June 3, 1997

May 29, 1997

SECTION: Pg. 6

LENGTH: 1214 words

HEADLINE: Policewoman was 'told to lie'; Detective tells court that 'mystery' fingerprint in dead spinster's house is not hers

BODY:

A woman detective told the High Court in Glasgow yesterday that senior officers had told her to lie about her presence in a murder house.

Detective Constable Shirley Cardwell, 34, has denied that while probing the death of spinster Marion Ross, she went into the victim's home to take a "peep" at the body, and left her thumbprint.

However, she claims her bosses put pressure on her to say she may have been in the house, but could not accurately remember - even though she knew she had not been there.

Constable Cardwell was asked by Mr Alan Dewar, who is prosecuting the young man accused of Miss Ross's murder: "Do you maintain that you were never in that house?"

"Yes," replied Constable Cardwell who is under suspension and facing disciplinary action over the print.

She denied being in the semi-detached bungalow before or after Miss Ross's death, although she admitted it had never been known for fingerprint evidence to be wrong.

Mr Dewar asked: "Do you accept the print was yours?" Constable Cardwell said: "No". And she added: "I don't want to commit perjury."

Constable Cardwell said she had no explanation how the print got there, and agreed there were no suggestions it had been "planted".

Asked how it could have got in the house, she said: "I am not an expert. All I know is that I didn't put it there."

Constable Cardwell also claimed her treatment at the hands of senior officers was unfair and, asked by Mr Dewar to explain, she said: "I have been in the police for 10 years and I am an honest police

officer."

Mr Dewar asked: "Are you upset at the fact you are not apparently being believed?"

Constable Cardwell said: "Of course I am." She said she was suffering from stress, and added: "When you know you haven't been somewhere, and they say you have, it gets to you."

On trial is David Asbury, 21, who denies murdering Miss Ross, 51, in her home at Irvine Road, Kilmarnock, between January 6 and 8, and stealing a tin box containing money.

During the trial, which entered its eighth day yesterday, there have been defence suggestions that Miss Ross's fingerprint may have been

put on a tin money box found in Asbury's home after her death.

Yesterday, Constable Cardwell admitted that she went to the death house twice during her inquiries but never went further in than the porch.

Her arrival and departure were logged officially by an officer on duty at the door.

She admitted she had wanted to go into the house, because it would have been useful in the inquiry to see the interior.

But permission was requested from the detective in charge, and she and a colleague were told it was not suitable to go in because scene-of-crime experts were still working inside.

Detective Constable Cardwell admitted that in another major inquiry in 1993, involving the death of a child, she contaminated evidence.

Her fingerprint was found on a polythene bag, which contained the dead baby, and she admitted she had handled it without wearing gloves.

Mr Dewar asked: "Is it not the case that in the present case your curiosity got the better of you.

"Despite instructions to the contrary, you went into the house and you touched the door.

"There can be no other explanation for the print being there."

Constable Cardwell replied: "No. I can not give you an explanation. I have no reason to lie. If I was in the house, I would have said so."

The trial continues before Lord Dawson.

GRAPHIC: Detective Shirley Cardwell: questioned over fingerprint

LOAD-DATE: May 30, 1997

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The Mirror

May 29, 1997, Thursday

SECTION: NEWS; Pg. 4

LENGTH: 400 words

HEADLINE: LADY 'TEC IN DEATH TRIAL PRINT QUIZ;
WOMAN POLICE OFFICER WHOSE FINGERPRINT WAS FOUND IN A MURDER VICTIM'S HOUSE DENIES
BEING INSIDE

BYLINE: Stuart Cameron

BODY:

A woman police officer whose fingerprint was found in a murder victim's house yesterday denied being inside.

Detective Constable Shirley Cardwell, 34, was grilled in court and denied that while probing the death of spinster Marion Ross she went into the victim's home to take a "peep" at the body - leaving her thumbprint.

The detective told the High Court in Glasgow that her chiefs put pressure on her to say she may have been in the house but couldn't remember.

But she was adamant she had not.

Mr Alan Dewar who is prosecuting David Asbury, 21 accused of Miss Ross's murder said: "Do you maintain that you were never in that house?"

DC Cardwell who is suspended and faces disciplinary action over the print said: "Yes".

Asked Mr Dewar: "Do you accept that the fingerprint was yours?"

DC Cardwell replied: "No".

DC Cardwell said that she had no explanation how the print got there.

During the trial the defence has suggested that Miss Ross's fingerprint may have been put on a tin money box found in Asbury's home after her death.

The trial before Lord Dawson continues.

LANGUAGE: ENGLISH

LOAD-DATE: May 29, 1997

May 24, 1997

SECTION: Pg. 10

LENGTH: 414 words

HEADLINE: Murder trial hears of stranger on doorstep

BODY:

The man accused of murdering spinster Marion Ross turned up on a neighbour's door-step months before the killing Glasgow High Court heard yesterday.

Mrs Isabella Munro, 50, who lived across the road from Miss Ross, told the court she had never met the stranger before.

But after Marion's death she went to an identification parade and picked out David Asbury.

Marion died in January this year, and Mrs Munro revealed that in October last year Asbury came to her home and asked her for a tow rope.

When she said she didn't have one he just grunted and walked away. Mrs Munro told Mr Alan Dewar, prosecuting that there was a garage only four houses away and anyone wanting a tow rope would have been aware of its existence.

Cross examined by Mr William Totten, defending, Mrs Munro agreed there was nothing about the incident which made her go to the police.

But she added that she had an uneasy feeling the young man might have been an opportunist looking for an empty house.

Asbury, 21, of Castle Drive, Kilbirnie, denies murdering Marion between January 6 and 8 this year in her home at Irvine Road, Kilmarnock.

It's alleged he stabbed her in the eye and throat with a pair of scissors and a knife. He has lodged a special defence of alibi claiming he was elsewhere at the time.

The trial before Lord Dawson continues.

LOAD-DATE: May 26, 1997

May 23, 1997

SECTION: Pg. 9

LENGTH: 560 words

HEADLINE: Murder trial hears of fingerprint theory

BODY:

AN alleged murder victim's fingerprint may have been put on a vital piece of evidence after her death, it was claimed yesterday.

An expert photographed spinster Marion Ross's fingerprint on a tin box nearly three weeks after she was found dead, a court heard.

The tin, containing cash in £100 bundles allegedly folded in the same "peculiar" way used by former bank clerk Miss Ross, 51, was found in the bedroom of David Asbury.

The 21-year-old, of Castle Drive, Kilbirnie, denies stabbing Miss Ross in the eye and throat with a pair of scissors and a knife at her home. He claims he was elsewhere at the time.

Mr William Totten, defending, questioned how Miss Ross's print could have got on to the ornamental tin box, said to have been in Asbury's home for three years.

He asked police scenes of crime photographer Leslie Gibbens, 59, if it was possible that, for some reason, someone had brought the tin to Miss Ross's hand after she was dead.

Mr Gibbens, who confirmed from a report that two fingerprints were Asbury's and a third Miss Ross's, replied: "The possibility is there."

Mr Gibbens agreed with Mr Totten he couldn't say when the prints got on to the box. He alleged that Asbury's fingerprint had also been found on a gift tag in Miss Ross's home at Irvine Road, Kilmarnock.

Asbury's stepfather, William Crisp, told the trial at the High Court in Glasgow on Wednesday that he brought the tin back from work three years ago.

He gave it to his son Stephen who swopped it with Asbury for another. He said Asbury was a saver and he wasn't surprised to find the money.

Stephen, six, said he could neither remember getting the tin nor swopping it but he knew it had happened because his father had told him.

The trial continues.

LOAD-DATE: May 26, 1997

May 22, 1997

SECTION: Pg. 28

LENGTH: 431 words

HEADLINE: Mother tells of murder accused's suicide note;
Fingerprint on tin said to be victim'

BYLINE: Arnot Mcwhinnie

BODY:

A MAN accused of murder allegedly sent his mother a suicide note in a jewellery box the week after the killing, a court

heard yesterday.

Inside the box was a gold crucifix and chain, \$80 in notes, a credit card, and a letter for 40-year-old Amelia Crisp.

The note, from her son David Asbury, 21, said: 'Mum. I am sorry to do this to you. I have killed myself. You may think it is selfish but I can't go on any longer. I feel so depressed and lonely.'

It went on to advise Mrs Crisp to look in the boiler cupboard of her home in Castle Drive, Kilbirnie, Ayrshire, where she would find a tin and money for her. It ended: 'I love you, David.'

Mrs Crisp told Glasgow High Court that when she went to his room next day with her husband - Asbury's stepfather William - she had found an ornamental tin, which had a roof and a street scene upon it, containing money.

Earlier Mrs Crisp said her son had acted normally at around the time of Miss Ross's death. However the week after - on Monday, January 13 - he seemed morose and left home in the afternoon saying he was going to the jobcentre.

At midnight the Crisps' younger son Stephen wakened to hear Asbury arrive home and leave again in his car. It was then Mrs Crisp found the jewellery box containing the note.

Mrs Crisp said her son returned home the next day at 6pm. He told her he had been driving around and was exhausted. Later in the week detectives asked Asbury to go to the police station for fingerprinting. He was later arrested and police took away the ornamental tin.

The court was told that it had Miss Ross's fingerprint on it and contained more than \$2,000 in \$100 bundles. It has been alleged Miss Ross, a former bank teller, used to make up \$100 bundles in a like manner at the Royal Bank of Scotland.

But stepfather Mr Crisp, 35, said that the tin had been in the family home for three years, claiming he had found it while working at a skip-hire company in Barrhead. When asked if he was surprised at the amount of money it contained, he said he was not, since the accused was a 'saver'.

David Asbury, of Castle Drive, Kilbirnie, Ayrshire, denies murdering Miss Ross, 51, in her home at Irvine Road, Kilmarnock, between January 6 and 8 this year.

He further denies stabbing her in the throat and eye with a pair of scissors and a knife and robbing her of a tin containing a sum of money.

Asbury, who worked on an extension in Miss Ross's home two years before the killing, has lodged a special defence of alibi.

The trial before Lord Dawson continues.

GRAPHIC: AMELIA CRISP: JEWELLERY-BOX NOTE

LOAD-DATE: May 28, 1997

May 22, 1997

SECTION: Pg. 9

LENGTH: 640 words

HEADLINE: Murder accused had tin 'for years'

BODY:

AN ornamental tin money box bearing a murder victim's fingerprint was discovered by detectives in the accused's home, but his stepfather yesterday told the High Court in Glasgow, it had been in the family home for three years.

Asked by Mr Alan Dewar, prosecuting, if he knew how the fingerprint should come to be on the box, Mr William Crisp replied: "I have no idea."

The Marks and Spencers box, shaped like a house with a roof and old fashioned street scenes painted on it, was found at Mr David Asbury's house in Castle Drive, Kilbirnie.

Mr Asbury, 21, denies murdering spinster Marion Ross, 51, in her home at Irvine Road, Kilmarnock, between January 6 and 8 this year. It is alleged he stabbed her in the throat and eye with a pair of scissors and a knife, and robbed her of a tin containing a sum of money.

The accused, who worked on an extension at Miss Ross's home two years earlier, has lodged a special defence claiming he was in Kilbirnie at the material time.

The box contained more than £2000 in £100 bundles, which were made up in a "peculiar" way.

The court was told earlier, that Miss Ross, a former bank teller, used to make up £100 bundles in the same fashion when she worked for the Royal Bank of Scotland.

In his evidence, Mr Crisp, 35, said that he brought the tin box home three years ago, when he worked for a skip hire company in Barrhead, Renfrewshire.

He said the box was one of a number dumped in the yard, and he took several home and gave the ornamental box in the shape of a house to his younger son, Stephen, and another box to Mr David Asbury.

Asked by Mr William Totten, defending, if he was surprised to see the tin in David's room, he said he was not and recognised it right away.

Mr Totten: "Do you have any doubt the tin in David's bedroom was the one you brought back to the house in 1994?"

Mr Crisp: "No." He added that his younger son told him just a few weeks ago he had swapped the tin with his brother a couple of years before.

The trial before Lord Dawson continues.

LOAD-DATE: May 23, 1997

May 21, 1997, Wednesday

SECTION: Page 17

LENGTH: 374 words

HEADLINE: MARION COUSIN'S QUIZ HELL;

Court hears how James Campbell's garden was dug up after his cousin Marion Ross's body was found

BODY:

Police dug up the garden of Marion Ross's cousin after her body was found, a court heard yesterday.

James Campbell, 51, was quizzed for 12 hours when his fingerprints were found in her house.

He went to the house in Irvine Road, Kilmarnock, after Marion, 51, was found with scissors sticking in her throat, it was claimed.

Fiona Davies, prosecuting, told the High Court in Glasgow Campbell had initially been a prime suspect.

She asked him: "How did you feel?"

Mr Campbell of Bellfield, Kilmarnock, said: "I don't know how I felt. My wife took it very badly."

Asked about his fingerprint found on the door next to the body, he said: "I don't remember touching the door."

His brother, William, 47, of Galston, Ayrshire, said he was quizzed when prints were found on a vacuum cleaner he'd fixed.

David Asbury, of Kilbirnie, denies murder and robbery. He has lodged a special defence of alibi. The trial goes on.

LANGUAGE: ENGLISH

LOAD-DATE: June 5, 1997

May 21, 1997

SECTION: Pg. 7

LENGTH: 760 words

HEADLINE: Murder trial jury told cousin was held

BODY:

THE cousin of a woman who was found in her home stabbed to death with a pair of scissors, told a jury yesterday that murder-squad detectives questioned him for up to 12 hours after his fingerprints were found in the house.

Security guard James Campbell, 51, said he went to Miss Marion Ross's home in Irvine Road, Kilmarnock, Ayrshire, after her body was found with scissors still sticking in her throat.

Mr Campbell was giving evidence at the High Court in Glasgow, in the trial of Mr David Asbury, 21, of Castle Drive, Kilbirnie, Ayrshire, who denies murdering Miss Ross between January 6 and 8 this year.

Addressing Mr Campbell, prosecuting advocate Ms Fiona Daves said: "You were the prime suspect and the police took away all of your clothing.

"Police searched your house, dug up your garden, took you away for questioning.

"It must have been very upsetting. How did you feel?"

Mr Campbell of Ochil Place, Bellfield, Kilmarnock, replied: "I don't know. My wife took it all very badly."

He said police tested his alibi, going over the route around various Ayrshire towns which he drove while working his shift as a supervisor on the day Miss Ross was killed.

On one occasion, he was held at the police station and questioned for 12 hours until after 11pm.

Asked about his fingerprint found on the bathroom door next to where Miss Ross's body was found, he said: "I don't remember touching the door when I was called to the house."

His brother, William, 47, of Western Road, Galston, told how he was also questioned extensively by police when his fingerprints were found in the house.

Miss Ross, 51, a former bank teller, died after being stabbed in the throat and eye.

Mr Asbury has lodged an alibi that he was elsewhere at the time of the killing.

The court has heard that when detectives searched Mr Asbury's home they found a house-shaped biscuit tin in a red tool box. It contained £100 bundles of money which had been rolled up in a "peculiar" way.

Former Royal Bank of Scotland colleague Mrs Linda Thomson, 37, was shown photographs of the bundles and said they were wrapped the same way Miss Ross used to do.

The court heard that Mr Asbury worked for 14 weeks with his grandfather on an extension to Miss Ross's house in 1995.

The trial before Lord Dawson continues.

LOAD-DATE: May 22, 1997

May 20, 1997, Tuesday

SECTION: Page 10

LENGTH: 494 words

HEADLINE: MARION KILLED 'WITH A PAIR OF SCISSORS';
Court hears how Marion Ross was stabbed in the throat and eye with a pair of scissors

BODY:

Tragic Marion Ross was stabbed in the throat and eye with a pair of scissors, a court heard yesterday.

The spinster, 51, also had a knife plunged into her throat, according to a pathologist.

Professor Peter Vanezis said marks on Marion's hand and chest showed she tried to fight off her killer but had been pinned down during the attack in her bungalow.

He believed Marion had been stabbed with the knife first and then attacked with the scissors, which were embedded in her throat up to the handles.

Prof Vanezis said the wound in her eye had penetrated the base of her skull and had gone into the brain.

In addition there were marks on Marion's neck and face indicating how she had been gripped.

At the High Court in Glasgow, David Asbury, 21, of Kilbirnie, Ayrshire, denies murdering Marion in her bungalow at Irvine Road, Kilmarnock, between January 6 and 8 this year.

Asbury also denies robbing her of a tin containing a sum of money.

He has lodged a special defence claiming he was in Kilbirnie during the attack.

Earlier, a next-door neighbour of Marion's told the court that her dogs had gone berserk on the night of January 8.

Marion Gemmell got up and found a bin bag had been knocked over.

The trial before Lord Dawson continues.

LANGUAGE: ENGLISH

LOAD-DATE: May 20, 1997

May 20, 1997

SECTION: Pg. 9

LENGTH: 854 words

HEADLINE: Expert tells jury of spinster's horrific death

BODY:

A PATHOLOGIST told a High Court jury yesterday about the horrific manner in which a quiet spinster died.

Marion Ross, 51, had been stabbed in the throat and eye with a pair of scissors. A knife had also been plunged into her throat.

Professor Peter Vanezis told the High Court in Glasgow that the scissors used to stab Miss Ross were still embedded in the front of her throat right up to the handles when she was brought into the mortuary.

The wound was tracked upwards at a 45-degree angle five inches deep and had actually gone into her spine.

Mr Alan Dewar, prosecuting, handed the professor a knife which was bent 90 degrees and he agreed this could have caused the other throat wound.

The wound in her eye had penetrated the base of her skull and had gone into the brain.

There were also marks on Miss Ross's neck and face indicating she had probably been gripped.

Seven left ribs and six right ribs had been fractured, leading Professor Vanezis to the conclusion that the assailant had pinned her to the ground with much of his body weight on her chest.

Injuries to her hand also led him to conclude that Miss Ross had tried to fight off her attacker.

Professor Vanezis said that he believed Marion had first of all been stabbed in the throat with the knife, before being stabbed in the eye and the throat with the scissors.

David Asbury, 21, of Castle Drive, Kilbirnie, Ayrshire denies murdering and robbing Miss Ross in her semi-detached four-bedroomed bungalow in Irvine Road, Kilmarnock, between January 6 and 8 this year.

Defence counsel William Totten, has lodged a special defence, claiming Mr Asbury was in Kilbirnie during the relevant period.

Earlier, next door neighbour Mrs Marion Gemmell, 32, spoke of Miss Ross as a quiet sort of person who did not socialise very much. She never saw anyone visit her except for her gardener.

The court heard that Marion's body was found on the evening of January 8.

At about 3.30 that morning, Mrs Gemmell said her two Yorkshire terriers started barking like they had never barked before.

She added: "They were scratching at the door and really going mental."

Mrs Gemmell said she thought someone was breaking in. She looked outside, and saw a bin bag knocked over.

The court heard that during the probe into Miss Ross's death, police found 428 fingerprints. Of these, 235 were incomplete and fragmented.

Sixteen complete prints and two partial ones were not identified, or eliminated from the inquiry.

The trial continues.

LOAD-DATE: May 21, 1997