

May 15, 1999

### **The finger of suspicion lifts at last**

**Ian Sharp**

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.