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

Valerie Hannah

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