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This page set up by [Dr Robert N Moles](#)

On 30 October 2017 Who Magazine reported pp 30-33 'The murder that never happened'

A new book sheds light on how the father of three was cleared of killing his fiancée after 20 years in jail.

The last hours of Anna Cheney's life began with a drink. At 5.40pm on March 18 1994, the 29-year-old solicitor and her financial advisor fiancé, Henry Keogh, 39, met up at Adelaide's Norwood Hotel for a wine after work. Less than an hour later, they each drove their own Volvos to their home in Magill in Adelaide's east. Keogh then went to visit his mother at her home nearby, while Cheney took a bath. When Keogh returned shortly after 9.20pm, he saw no sign of his fiancée, he said, until he looked in the bathroom, where he found her slumped in the tub, her nose and mouth submerged. He pulled her out of the water and dragged her to their bedroom floor.

"The first thing I did ... was to place my hand on her throat to feel a pulse," Keogh who was also an insurance agent, later told police. "I wasn't sure at first whether I felt her pulse or not, but my heart was racing so fast I just didn't know. I tried on the other side of her neck. And this time I didn't feel anything at all."

The tragedy marked the beginning of what would become one of the nation's biggest miscarriages of justice. Keogh, a father of three children from a previous marriage, was convicted of Cheney's murder in 1995, and sentenced to life in prison with a minimum of 25 years. The prosecution had argued that Keogh had forcibly drowned his fiancée for money. Nearly 20 years later, in 2014, his conviction was quashed when a court ruled that the forensic pathology evidence submitted at this trial was flawed. Among those who championed Keogh's cause was Graham Archer, an investigative journalist who has now written a book, *Unmaking a Murder* (Ebury Press, \$34.99), on the tragic case. "It should give people hope," Archer tells WHO, "that change is something happens if people try and people care."

Bringing about that change was difficult in a case that was closed as a cold-blooded killing. After bruises were found on Cheney's body during the autopsy, the death shifted from being a tragic accident to murder. The alleged motive? A whopping life insurance payout. The jury heard that before Cheney's death Keogh had taken out five life insurance policies on his fiancée's life, with Keogh signing Cheney's name. "They amounted to \$1.2 million," says Archer, who is director of news and public affairs at Channel Seven Adelaide. "That alone was very good reason for suspicion."

Keogh was also seen vacuuming at the house that night, which many found odd given his partner had just died. But as Archer explains, Keogh had always found comfort cleaning at time of high stress. "Henry's mother was actually quite abusive and she would fly into a rage from time to time," says Archer, 68. "So when he was stressed he would clean the house. It was diversionary tactics. No-one could be cross with him when cleaning the house. On the night of Anna's death, there were probably 20 people in the place and he just reverted to this kind of coping mechanism. But of course death changes everything and changes our perceptions."

As for the life-insurance policies, they were all taken out as part of Keogh's role as an insurance agent. Keogh took out the five policies in a process called "tombstoning." The idea was "to keep work flowing," says Archer. Commissions are collected, which pay for the premiums, and the policies later either become genuine through "legitimate business" or they are dumped. The fraudulent – yet supposedly common-practice would come back to haunt Keogh when the prosecution used the policies as a murder motive. This, despite the fact there was no evidence Keogh had shown anything but love towards Cheney. "It appeared to be a very happy relationship," says Archer. "There was no history of violence or any problems."

Archer first began to suspect Keogh may be innocent through retired Adelaide lawyer Valerie Armfield, whose daughter had worked with Cheney. "It was pure curiosity," says Archer of Armfield's interest in the case. "She went back through the case and went, 'You know, I think there's something wrong with this'." What she found were flaws in the evidence given by South Australia's chief forensic pathologist, Dr Colin Manock. Manock testified that a "bruise" on Cheney's legs was proof that Keogh gripped her legs and held them over her head to force her head under the water.

“He’d been the chief forensic pathologist for 30 years, he’d done 10,000 autopsies but he was never properly qualified to do the job,” says Archer. “And his career was littered with controversy, but for whatever reason it was never challenged.”

Archer began talking to other legal experts, including Dr Bob Moles, a former associate professor of law who now researches miscarriages of justice. “Henry Keogh was convicted for something that never happened,” Moles told Seven’s *Sunday Night*. “There’s no evidence of a criminal event having occurred at all.”

Indeed, “We had a re-enactment in the actual bath,” recalls Archer, “and a very highly qualified anatomical pathologist said that the method that Dr Manock put to the jury was almost impossible.” Further, the thumb “bruise” that Manock said was on Cheney’s leg did not exist, according to a new examination of the tissue. “There was a series of things that didn’t stack up,” says Archer, “but the difficulty was getting it back before the court.”

The difficulty was because Keogh had exhausted all of his appeals. Then, in 2013 amendments were made to SA’s Criminal Law Consolidation Act that allowed a court to hear an appeal if there was “fresh and compelling” evidence. That same year, the Supreme Court found that Keogh may have suffered “a substantial miscarriage of justice,” and on Dec. 18 2014, his conviction was quashed and Keogh was set free pending a retrial, which was later abandoned. “Dr Manock’s opinion and demonstration at trial were no more than prejudicial speculation ...” read the Court of Criminal Appeal judgment. “The inadequacies of Dr Manock’s autopsy had the consequence that important investigations were not conducted and, as a result, other possible causes of death were not properly explored.”

That night, Archer, who had been reporting on Keogh’s plight for years, met Keogh for the first time. “I was a bit nervous because you kind of don’t even know how he thought of me after all that time,” says Archer. “He’s been enormously grateful. He was able to go and see his family for Christmas. There was this huge sense of relief and unburdening at that point.”

Keogh, who has not yet been acquitted of the murder, still lives in SA and is now married to Faye Hambour, who has a nursing background. “He’s doing ok,” says Archer. “He’s kind of looking at moving into the speaking circuit and the counselling area, dealing with people under stress and all sorts of things. I think that’s good for him because it helps him counsel himself in some ways. He doesn’t have a job yet but he will have, I’m sure he will find himself in something. That’s one of the practicalities you have to address, you have to keep moving.”

To that end, he doesn't see himself as a victim and told Sunday Night last year that he hopes he can one day forgive Manock. "He's not trying to relive the past which I think is very healthy," says Archer. "But if you scratch the surface, there's a great deal of pain and hurt there, of course." And the haunting fact that due to the mistakes made in the investigation, the cause of Cheney's death remains a mystery. "That has to be one of the biggest tragedies of this whole case," Keogh told Sunday Night. "We will never know exactly why Anna died."

By Michael Crooks. Reported by Rachel Syers

### **Photos in article**

Major photo: Henry Keogh with brother David – Henry Keogh was released after 20 years of wrongful imprisonment on Dec 22 2014. "I want to state very clearly that I loved my fiancée Anna-Jane and absolutely deny having anything to do with her death," he said.

Keogh with fiancée Anna-Jane Cheney. "This was – and still is – a terrible tragedy for Anna-Jane, her family and me," said Keogh.

Keogh with his new wife Faye Hambour (in 2015). "I feel he utterly deserves all the support he can get, given what he's had to bear," she said.

Keogh and Cheney with two of his three daughters.

Journalist and author Graham Archer campaigned for Keogh's freedom.

Bruises on Cheney's legs were submitted as proof of murder.

The couple's Magill, Adelaide home on the 1994 night of the death.

Keogh had taken out five life insurance policies in his [fiancée's] name.

The bathtub in which Cheney drowned.

Anna-Jane's mystery death: When Henry Keogh arrived at his Adelaide home on the evening of March 18, 1994, "he was met with silence," writes journalist Graham Archer in his book *Unmaking a Murder*. Noticing the bathroom light on, he "paused in the hall and pushed on the partially open door," writes Archer. "There slumped in the bath, was Anna-Jane. When the paralysing shock of seeing his fiancée lying limp in the bath subsided, the first things that struck Henry were the bluish pallor of Anna-Jane's skin and her glassy eyes. He says he felt a mixture of confusion and panic ... He hugged her back to his chest and dragged her around as he backed towards the bedroom door, sliding it open with his foot. He said in his official statement, 'I held Anna tightly to my chest. She did not make a sound or any movement at

all.’ As she came out of the bath her legs slid across the lip of the bath and flopped onto the floor.”

“There was no history of violence or any problems” – Graham Archer.