

## Networked Knowledge Media Reports

[Networked Knowledge South Australia Homepage](#)

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

[Underlining, where it occurs, is for NetK editorial emphasis]

On 10 November 2017 Matt Smith of the *Sunday Mail* reported ‘The Serial Effect: Solve the mystery: How podcasts and true-crime TV are fuelling an interest in miscarriages of justice’

A new generation of Australians, spurred on by television programs and podcasts, are taking a greater interest in miscarriages of justice.

And now a leading South Australian justice campaigner is hopeful enthusiasm for the subject leads to more help for those who claim they are wrongly convicted. Television programs like *Making a Murderer* and podcasts such as *Serial* have captured the attention of crime sleuths around the world, including a new generation of Australians.

*Making a Murderer* is a US documentary which explored the case of Steven Avery, who spent 18 years in prison for sexual assault and attempted murder before being fully exonerated in 2003 by DNA evidence.

The first season of the podcast *Serial*, that is estimated to have been downloaded 80 million times, raised a raft of questions about the 1999 conviction of Adnan Masud Syed for the murder of Hae Min-Lee – his 18-year-old girlfriend.

South Australian law expert Bob Moles, who specialises in miscarriages of justice, believes the popularity of shows like *Making a Murderer* and *Serial*, along with a high number of high profile local cases is sparking interest in the issue.

‘People want to participate and see if they can unpick the mystery,’ Dr Moles told the *Sunday Mail*. ‘I can understand that. For me these cases come to me as quite an intellectual challenge. Because I have people saying to me so-and-so is innocent or guilty, but I don’t know that, and I don’t know that they know that. So, I have to sit down and start reading it and figure out for myself where I stand on it.’

Dr Moles who has been heavily involved in a number of high profile cases including [Henry Keogh](#), [Frits Van Beelen](#) and [Derek Bromley](#), said he has a specific focus when people are claiming innocence.

‘I am not in the least bit concerned about whether or not the person is likeable or not, or unlikeable, I don’t give a fiddle about that sort of thing’ Dr Moles said. ‘I just know what the legal rules are, I know how a trial should be conducted, and I read through the transcript to figure out in my own mind “did this person get a fair trial?” because if they did I accept the verdict of the jury.’

‘But if they didn’t then I am entitled to put up my hand and say “excuse me, I don’t think this was run by the proper rules”.’

Next week lawyers, academics and victims will discuss the issue at the [second Miscarriages of Justice Symposium](#), organised by the Centre for Crime Policy and Research at Flinders University. Speakers will discuss the role of expert witnesses, the development of an exonerations registry, the role of innocence projects, the psychology of wrongful convictions and the need for legal and institutional reforms.

Dr Moles said South Australia has made some progress in laws that could give people an opportunity to clear their names. New laws led to the release of [Henry Keogh](#), who spent 21 years in prison for murder after the [Court of Appeal] found he had been wrongly convicted and given a life sentence for murdering his fiancée in an Adelaide bath in 1994.

The same laws could soon lead to the release of another man, [Derek Bromley](#), who has spent 34 years in prison for a murder he has consistently denied perpetrating. But Dr Moles would also like to see a statutory body set up like the [UK’s criminal cases review commission](#) that was established after a number of high-profile wrongful convictions.

Dr Moles said since [1997] the commission, that has the power to call witnesses and re-examine forensic evidence, has taken just 4 per cent of the cases they have been approached to investigate. ‘Of the 4 per cent 76 per cent are successful,’ he said.

‘In total 419 cases have been overturned since [1997], including over a hundred murder convictions and 70 sexual assaults.

‘I get brown envelopes from people in prison every week pleading with me to look at their case. But I just can’t do it, I don’t have the resources. We basically need something that has the resources to give these people a review and that I what a criminal case review commission could do.’

‘We have the right of appeal laws (that allowed Keogh to appeal his conviction) but we don’t have anything to deal with the inquiry and the investigation. And we certainly don’t have any ability to access police records, or anything of that sort.’

### **Our record of high-profile cases where justice was denied**

#### [Darryl Beamish](#)

The deaf and mute 18-year-old Darryl Beamish, was convicted for the brutal 1959 murder of 22-year-old socialite and MacRobertson’s chocolate heiress, Jillian MacPherson Brewer, in her Cottesloe flat. Originally sentenced to hanging before a term of life imprisonment, Beamish spent 15 years in prison. He was exonerated in 2005 after six appeals and after it was determined that the murder was probably committed by Perth serial killer Eric Edgar Cooke.

#### [Lindy Chamberlain](#)

The mother of two was convicted of killing her nine-week-old daughter, Azaria, while camping at Uluru in 1980. She maintained that she saw a dingo leave the tent where Azaria was sleeping. Her conviction was quashed by the Supreme Court of the Northern Territory in 1988 after Azaria’s jacket was found in an area full of dingo lairs.

In 1992 the Australian government paid Chamberlain \$1.3 million in compensation. Ten years later a fourth coronial inquest found that Azaria died ‘as a result of being attacked and taken by a dingo’.

#### [The Mickelberg Brothers](#)

Ray, Peter and Brian Mickelberg were convicted in 1983 of robbery for the stealing of 49 gold bars weighing 68kg in the ‘Perth Mint Swindle’. In 2002, investigator Tony Lewandowski came forward and admitted the police had framed the brothers. Two years later their convictions were quashed and as part of a libel settlement, the West Australian police issued a public apology in December 2007. They were given \$500,000 each and \$658,672 to cover legal fees.

#### [Ronald Ryan](#)

The serial inmate was found guilty of shooting and killing warder George Hodson during an escape from Pentridge Prison, Victoria in 1965. Witnesses said Ryan had shot the warder but there was always some doubt. In 2007, fellow escapee Peter Walker said that it would have

been impossible for Ryan to have shot the guard because his rifle had jammed. Ryan's hanging was met with some of the largest public protests in the history of Australia and led to the end of capital punishment.