

Networked Knowledge Media Briefing

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

On 21 July 2015 The Advertiser reported “Murderers lining up to appeal forensic evidence
EXCLUSIVE: Bryan Littlely Investigations Editor

Convicted murderers are poised to launch a wave of criminal appeals challenging the evidence of former state chief forensic pathologist Dr Colin Manock, in a bid to clear their names.

At least 20 potential appeals are being worked on in the wake of Henry Keogh's murder conviction being overturned and a retrial scheduled for next March.

The majority of those appeals will rely heavily on perceived flaws in the forensic evidence of Dr Manock, which was a crucial element of the successful Keogh appeal.

Former University of Adelaide law academic turned justice campaigner Dr Robert Moles said convicted murderer Derek Bromley will lead the charge and is expected to lodge an appeal by the end of this month. He has spent 30 years behind bars and is now at Cadell Training Centre.

He was convicted of the 1984 bashing murder of Stephen Docoza, 21, at the River Torrens and has refused to admit guilt despite it meaning he could have been released from prison up to 10 years ago.

Bromley's appeal case will centre on an argument that Docoza's body was immersed in water for five days and the injuries Dr Manock suggested led to his death could reasonably have happened post-mortem and not as a result of an assault which caused his death.

"Derek could, a couple of times, have admitted to the crime, said he's sorry and walked from prison," Dr Moles said. "But he does not wish to admit to a crime he maintains he did not commit and wants it proven he did not commit the crime."

Free man David Szach, who was convicted of shooting his lover Derrance Stevenson, 44, in his home in 1979 and putting his body in a freezer, will lodge an appeal this year to have his conviction overturned.

And Frits Van Beelen, who was released in 1989 after he served 17 years for the rape and murder of 15-year-old Deborah Leach at Taperoo Beach, will also appeal against his conviction.

Dr Manock provided forensic evidence supporting the convictions of all three men in the new challenges.

In an early 1970s industrial action brought on by Dr Manock when his position as head of the unit was challenged, the Institute of Medical and Veterinary Science gave evidence that Dr Manock had no formal forensic pathology training.

The forensic evidence and expertise of Dr Manock - who retired as senior director of Forensic Pathology at the Forensic Science Centre in 1995 - has been repeatedly challenged in the courtroom since his retirement.

Henry Keogh, 58, is scheduled to stand trial next May for the murder of his former fiancée, Anna-Jane Cheney.

In 1995, he was convicted of Ms Cheney's 1994 murder and sentenced to a minimum 25 years' jail after two trials, the first of which ended in a hung jury. Keogh and his supporters protested his innocence, failing in subsequent appeal bids and pleas for clemency.

In December the Full Court of the Court of Criminal Appeal set aside his conviction following the first-ever appeal under SA's "fresh and compelling evidence" laws. Perceived flaws in the forensic evidence of Dr Manock was crucial in Keogh winning a retrial.

Recently retired legal practitioner Kevin Borick suggests all cases Dr Manock was involved with should be re-examined. "And he should provide an explanation for his conduct, too," Mr Borick said.

Dr Manock declined to speak to The Advertiser.

While dozens of appeal cases are being built to take advantage of the Statutes Amendment Appeals Act introduced in May 2013, there are also families of victims still seeking justice who want to use questions over Dr Manock's credibility as a forensic pathologist to have investigations reopened.

Dr Moles said he was aware of at least 20 cases where background work on appeals was under way. He also knows of at least two cases where families will challenge Dr Manock's forensic pathology reports on their loved ones and are likely to seek the reopening of investigations into those deaths.

"Under the Act, introduced on May 5, 2013, where you have fresh and compelling evidence that there's been a wrongful conviction, there is now a right to a second or subsequent appeals," Dr Moles said.

He said the "fresh and compelling" evidence in many of the appeals being worked on were linked to perceived mistakes made by Dr Manock in collecting and presenting forensic evidence.

"The fact that Dr Manock's evidence has been found to be incorrect and 'not fit' and that he has been discredited as an expert in the field is enough to stand as fresh and compelling new evidence and justify these appeals," Dr Moles said.

He said that poor forensics work by others and the miscarriage of justice had also played out in the wrongful murder convictions of Edward Splatt for the 1977 murder of Rosa Simper in her Cheltenham home and Rupert Maxwell Stewart who was wrongly imprisoned for the 1958 murder of Mary Hattam at Ceduna.

Mr Stewart died last year in Alice Springs and Mr Splatt now has severe dementia and resides in a nursing home.

Dr Moles said the state owed it to the two men to now overturn their convictions.

"As for Ted Splatt, he was pardoned and they paid him \$300,000 compensation. In my mind that is acknowledgment that he was wrongly convicted but it remains on the public record that he was convicted as a murderer.

"The very least the state can do when a wrongful conviction is on the record like that is for the conviction to be overturned on the record."

THE CASES

HENRY KEOGH Jailed for 20 years for the 1994 murder of his fiancée Anna-Jane Cheney.

Status: Appeal successful. Conviction overturned. Retrial set for March, 2016

Basis of appeal: Questions over the credibility of evidence presented at trial and the lack of expertise of Dr Colin Manock in the field of forensic pathology was considered "fresh and compelling" new evidence.

DAVID SZACH Jailed for 14 years for the 1979 shooting murder of his lover Derrance Stevenson.

Status: Released in 1993. Preparing to appeal the conviction.

Basis of appeal: Szach has claimed throughout that he did not commit the crime. Serious

questions have been raised with regard to Dr Manock's forensic evidence, relating to the timing of the murder.

DEREK BROMLEY Remains in prison, having been convicted of the 1984 murder of Stephen Docoza at the River Torrens.

Status: His sentence was completed in 2008 but he has failed to be released on the basis he will not admit to the crime. An appeal to the conviction is being prepared and expected to be lodged in coming weeks.

Basis of appeal: Dr Manock's forensic evidence, in particular the details of when injuries may have occurred, will be challenged.

FRITS VAN BEELEN Originally sentenced to death, he was freed after serving 17 years for the rape and murder of Deborah Leach, 15, at Taperoo Beach in 1971.

Status: An appeal of the conviction is being prepared.

Basis of appeal: Much of the evidence against him during the trial was scientific and prepared by Dr Manock.

RUPERT MAXWELL STUART Was jailed for the 1958 murder of Mary Hattam at Ceduna. Newspaper campaigns helped him to avoid the death sentence. Released in 1973 but imprisoned a further five times over the next decade for breaking parole conditions.

Status: Stuart died last year in Alice Springs. It remains on record that he was a convicted murderer. Dr Moles suggests an appeal which heard new evidence could lead to that conviction being overturned.

EDWARD SPLATT Spent six years in jail for the 1977 rape and murder of Rosa Simper. Was given a pardon in 1984 after a record-setting 196-day Royal Commission.

Status: He was compensated \$300,000 but his murder conviction remains on record and campaigner Dr Robert Moles suggests it should be overturned.

Basis of appeal: Clumsy forensic evidence led to Splatt's conviction. It has been recognised, by way of the compensation, that a mistake was made.