

Networked Knowledge Media Briefing

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On 21 July 2015 Radio 891 ABC Adelaide reported "Flawed murder conviction ruling prompts forensic evidence doubts in other SA murder cases"

A legal ruling that South Australia's former chief forensic pathologist gave flawed evidence at a high-profile murder trial have led to questions about other murder convictions in the state, an expert says. Former Adelaide University law academic Bob Moles authored the book [A State of Injustice](#), which examined and questioned Dr Colin Manock's forensic work.

An appeal court in Adelaide ruled last year that Dr Manock's evidence led to a substantial miscarriage of justice for Henry Keogh, who had been convicted about two decades earlier of drowning his fiancée in a bath. "The jury were denied evidence on critical matters that now render Dr Manock's opinion as to the mechanism of murder no more than unsustainable speculation," the judgment said. "In our view the applicant did not receive a fair trial and there has been a substantial miscarriage of justice."

Mr Keogh was freed from custody late last year, having always maintained his innocence, and might face a fresh trial.

Dr Moles told 891 ABC Adelaide as many as 20 other murder cases in South Australia could now be looking at the potential for appeals. "I think that's a perfectly reasonable estimate of the sort of activity that's going on," he said.

"You have to bear in mind that the forensic expert concerned - who stated publicly that he secured over 400 criminal convictions - if his credibility has been brought into question then potentially all of those [cases] are open to review."

State authorities should act, not wait: Moles

Dr Moles said the state should be proactive about reviewing those convictions. "If you deal with these cases one by one, sending them back to the appeal court, and if the prosecutors maintain their current posture which is to oppose all the points and all the appeals, it would then be extremely costly and time-consuming," he warned.



PHOTO: [John Rau says the SA Government will wait to see what happens regarding other murder convictions.](#) (ABC News)

South Australian Attorney-General John Rau is reluctant to buy into the issue of potential appeals by convicted murderers. "This is entirely a matter for them. I am not going to speculate, we will see what unfolds," he said.

Dr Moles doubted that was the best approach, saying the state needed to do more than wait. "I think it would be very sensible because in a sense the forensic witnesses are appearing on behalf of the state and, if there has been a problem in relation to that, then I think the state itself should take a role, in acting proactively, to sort it out," he said. "A royal commission would be one way of doing it certainly. A legislative review committee of the Parliament suggested a while back that they should set up a forensic review panel to review such cases - which would be a very similar thing - with the power to refer the cases back to the court of appeal.

"The policy which has been taken by the prosecution services in the UK is that, where appealable error has occurred, they don't oppose the appeal. "They make a joint application to the appeal court for the appeal to be allowed. That of course would streamline the processing of such cases."

<http://www.abc.net.au/news/2015-07-21/flawed-murder-convictions-forensic-evidence-other-appeals/6636126>