



PRINT ERROR

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Fingerprints expert: Murder suspect should be back in dock

By Billy Paterson

ONE of Britain's leading fingerprint experts has revealed secret evidence that could have put a man cleared of murder back in the dock.

Peter Swann, a former police superintendent and Home Office adviser, claims alleged killer David Asbury should have faced a retrial for the murder of Marion Ross.

Asbury, 29, was convicted of the killing eight years ago but acquitted on appeal in 2003 after doubts emerged over fingerprints.

Now Swann has written to the Lord Advocate demanding to know why Asbury's appeal against conviction was not opposed by the Crown.

He accuses prosecutors of ignoring 'overwhelming' evidence that would have justified a retrial.

Marion, 51, died after being stabbed in the eye and throat with a pair of scissors at her home in Kilmarnock in January, 1997.

Asbury's original trial was told a fingerprint from the dead woman was found on a biscuit tin in his home at nearby Kilbirnie. But he successfully appealed after serious concerns emerged over the quality of the fingerprint evidence given by experts from the Scottish Criminal Record Office

A number of international fingerprint experts cast doubt on SCRO's analysis of the incriminating print.

We revealed last month how Asbury is suing four police fingerprint experts who gave evidence against him for more than £250,000.

But Swann, the former head of West Yorkshire Police Fingerprint Department, claims that conclusive fingerprint evidence was passed to the Crown before his appeal.

In a letter to the Lord Advocate Colin Boyd, Swann's solicitor David Russell said: 'While you effectively supported the Asbury appeal, you failed to give disclosure that wholly unequivocal evidence was held - prepared at the highest level by SCRO - establishing that the mark on the tin which was recovered from Asbury's home was the right forefinger print of Marion Ross.'

Mr Swann refers to new analysis completed during an internal review ordered after doubts were raised over Asbury's conviction.

He says that makes the evidence that the fingerprint belonged to Marion Ross more convincing.

His letter continues: 'You failed to notify the Appeal Court that SCRO had identified 29 ridge characteristics in sequence - 16 ridge marks constitute verification in compliance with the national fingerprint standard in Scotland.'

'Because of the unopposed appeal, Asbury walked free.'

Swann claims the Lord Advocate should have opposed the appeal based on the fact that he had before him 'overwhelming evidence that would have supported the retrial of David Asbury'.

Asbury's trial was dogged with fingerprint controversy. SCRO evidence based on a thumbprint on the door frame, suggested that Strathclyde Detective Shirley McKie had been in the victim's home.

McKie denied that while giving evidence during Asbury's trial and was later charged with perjury - though she was later acquitted by a High Court jury. She is also seeking compensation

Mr Swann, who has 48 years expertise in his field, has been referred to as 'the doyen of British fingerprint experts'.

His solicitor Mr Russell said: 'Mr Swann is probably the most experienced fingerprint consultant operating in Britain and he has an unblemished reputation for honesty and professionalism when providing expert testimony.'

The Crown Office said: 'The letter will be fully considered and any reply will be made directly to Mr Russell.'

Asbury said last night: 'I would need to speak to my solicitor about this