



A Bleeding Scandal

Few miscarriages of justice appear to be as blatant as the case of Gary Critchley, who was 17 when he was convicted of a fatal hammer attack on a man called Edward McNeill in a London squat.

Critchley is now 46 and, 28 years down the line, still resident in the hospital wing at HMP Gartree. How a jury ever found him guilty, how the appeal court upheld his conviction and how the Criminal Cases Review Commission (CCRC) can now refuse to send his case back for further consideration is extraordinary.

His solicitor, Glyn Maddocks, is so outraged and exasperated at the criminal justice system's refusal to correct what he says is "obviously a terrible mistake" he is appealing for anyone - witnesses, police, prosecutors, forensic scientists - to come forward. DNA samples would probably answer many of the questions; but police and prosecutors have told the CCRC they cannot trace the many items of forensic evidence from the case that should have been retained.

In the early hours of Saturday 28 June 1980, Critchley, a young punk rocker who had only been in London for two weeks, was found lying seriously injured on a pavement below his squat. He had a broken back, ankle and wrist, and was subsequently found to have suffered brain damage from a hammer blow to the front of his skull. He was able to tell the man who found him that he thought he had been there for some time but could give no account of how he had come by his injuries, and he had no idea whether he fell, was pushed or had jumped from above. Drug traces in his blood showed he had taken large quantities of sleeping pills as well as alcohol.

When the hospital called police to investigate, they found Mr McNeill dead in the squat above and the room covered in blood - most of it that of McNeill, who had been hit with a hammer 27 times, but some of it Critchley's.

Two squatters from the same block initially told police that about two to three hours after they had seen Critchley and McNeill enter the flat, a yellow car had arrived carrying three men, and that one had kept watch while two went up to the flat. But in later statements the squatters changed their accounts about how long the men stayed and even about whether their arrival was on the same night. Police

maintained they were unable to trace the men and inferred that they did not exist.

Inside the flat a bloodstained hammer was found, but with no prints to link it to Critchley. Critchley's blood was also found on a car "crook lock", suggesting he may also have been struck by that. Bloodstained clothing near the body included jeans which had traces of both men's blood and a T-shirt with Critchley's blood only. Despite the fact that McNeill's blood had been spattered all over the room, not one speck of his blood was found on Critchley's clothing. A prosecution pathologist speculated that this may have been because Critchley had been lying injured in the rain for a considerable time - failing to explain how the rain must have washed off McNeill's blood but not Critchley's own. The defence pathologist said this was nonsense and "the attacker or attackers would have been not just specked but drenched in the victim's blood."

The only forensic evidence linking Critchley to the attack was an undone training shoe - two to three sizes too small for him - which Critchley was found to be wearing on his left foot. On his other was one of the laced-up boots which witnesses said he had been wearing that day. Footprints "exactly similar" to the print on the sole of the trainer were found in the flat, which the prosecutor argued showed Critchley was in the room after McNeill was attacked and probably killed.

But if Critchley was wearing one boot and one trainer as alleged, why was there no blood on the sole of the boot and no boot print in the flat? What happened to his other boot? It was not found in the flat. The prosecution's argument was that punks wore clothes like that - even if it was far too small for his foot. As for the hammer blow to Critchley's own head, the prosecution claimed he must have struck himself as he launched his frenzied attack on McNeill. For that to be correct, however, Critchley's injury, which caused him serious frontal lobe damage, would have been caused by the claw end of the hammer - but his injury was the same as McNeill's, consistent with the round end of the hammer.

Prosecutors had relied on the fact that Critchley had told police he did not remember going home with McNeill, but then in a letter to friends written during his three months in hospital, he said he had taken him home and got drunk, and remembered opening the door and being struck. They said that Critchley's claims of amnesia were bogus.

Despite the anomalies, the jury convicted Critchley. A year later, the court of appeal disposed of the case equally swiftly. But this was before a series of high-profile miscarriage cases shook the justice system, revealing how a mixture of cock-up, conspiracy, dodgy police

and “expert” evidence can leave people rotting in jail for crimes they did not commit.

So how has the CCRC now come to reject Critchley’s case? It rejected his argument that new expert evidence should be brought to show the prosecution pathologist’s assertion that rain washed off McNeill’s blood from his clothes was scientifically incorrect. The commission stated that even if that were true, it was possible that having murdered McNeill he changed his clothes before leaving the flat!

However, that contradicts the commission’s earlier statement that he was wearing the same clothes he had all day, which would mean this drunk and drugged-up teenager, himself with a serious head wound, would have to change clothes before carrying out a murder and then change back again – and in any event the other T-shirt found had only Critchley’s blood on it. It is, according to Maddocks, “utter nonsense”.

It also rejected his arguments surrounding the training shoe, saying it was known at trial that the shoes did not fit Critchley and that he had not been wearing it earlier in the day, so this was not new evidence to form the basis of an appeal: The commission had tried and failed to locate any exhibits in the case.

As for the hammer injury to Critchley’s head, his defence team at trial had not called evidence to show that it was caused by the round end of the hammer, thus undermining the prosecution claim that he hit himself in the frenzy. So this was new evidence. But the commission rejected this, saying there was “no reasonable explanation” for the defence not arguing it at the time.

The commission also rejected a series of submissions relating to the changed evidence of one of his fellow squatters. Lawyers for Critchley had argued that criminal charges against one of them had been dropped on the direction of a senior police officer, on the very day he changed his statement to say he may have made a mistake over the day on which he saw men enter the flat and that in any event they had come straight down. At trial the squatter reverted to his original claim.

Solicitor Glyn Maddocks’ appeal to try to get the matter reopened is unprecedented. He has no doubt that whoever was in the flat that night attacked both McNeill and Critchley and then made a bodged attempt at framing the unconscious Critchley by swapping shoes with him.

“The commission has totally ignored the utter absurdity of the prosecution case, that Critchley, having committed this horrible crime, risked killing himself by leaping from a high window to escape, rather than just running down the stairwell,” Maddocks says. “This case is a scandalous stain on our justice system. Others in prison at the time had big

political campaigns to force the courts to re-examine the evidence against them. Critchley had no one – and he is still rotting in jail.”

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