

Subject: Shirley McKie Case - Parliamentary Enquiry

Terence Foley - Statement of my involvement

I am a Fingerprint Expert employed at the Scottish Fingerprint Service, Glasgow Bureau, previously known as SCRO Fingerprints. I have over 22 years experience, the past 9 of which have been in my current role as Senior Fingerprint Officer. I am a Fellow Member of the Fingerprint Society and am currently registered with the Council for the Registration of Forensic Practitioners.

Although I was not involved in the original casework or trials regarding the murder of Marion Ross (*HMA v. David Asbury*) and the perjury charges (*HMA v. Shirley McKie*), I was in 1997 requested to take part in a 'blind comparison' when I was asked to compare two impressions, one a scene of crime (latent) print and the other a fingerprint from a Tenprint form and was asked if I could find sufficient detail to eliminate the latent mark against the fingerprint. It should be noted that at this stage I was not advised as to which case the latent mark referred to or informed as to whose fingerprint was being compared, hence the term 'blind comparison'.

Details of the 'blind comparison' are as follows:

- The actual photograph containing the latent mark and the Tenprint form which contained the Left Thumb print were not made available to view or touch physically but were placed on top of a comparator with only the images of both the mark and the Left Thumb print being on view via the comparator screen.
- When I viewed the images on the screen I must emphasise that the screens were clear of any previous markings made by persons involved in the blind comparison prior to myself and that the screens were cleared by me on completion of my own viewing of the marks.
- Before carrying out my part in the blind comparison, I was asked by Mr Dunbar to view both images on the comparator and to submit a conclusion of whether or not I could find sufficient detail to eliminate the mark as being made by the Left Thumb print. At no point was I pressurised or influenced by being made aware of what case the mark belonged to or as to whom the elimination prints on the Tenprint form were obtained from.
- I subsequently found 10 characteristics on both the latent impression and the Left Thumb print which were in sequence and agreement.
- From these findings, my conclusion was that there was sufficient detail to eliminate and I had no doubt that the mark and the Left Thumb print were made by the same person.

Sometime later I was advised that the latent mark was impression Y7, taken from the bathroom door panel in the house of the murdered Marion Ross, and that the fingerprint was the Left Thumb print taken from an elimination form in the name of Shirley McKie.

As a result of this previous involvement and as part of the Scottish Executive's legal preparation for February 7th 2006 (*McKie v. The Scottish Ministers and Others*), I was asked to look at the mark again by using enlargements of the impression Y7 and of the Left Thumbprint of Shirley McKie.

After examining these enlargements, the only change to my original conclusion, with a further 9 years experience to my credit, is that I now found 16 characteristics in sequence and agreement, the necessary minimum standard required to support the identification for court purposes, and subsequently submitted my marked enlargements and statement for the Court of Session stating that I have no doubt that the impression Y7 and the Left Thumbprint of Shirley McKie are from one and the same source.

I was cited by the legal parties representing both the Scottish Executive and the McKie's to appear at the Court of Session and to testify to my conclusions, however was not required due to the late settlement on February 7th.

The above is a true report and statement of my involvement in the Shirley McKie case and the identification of the impression Y7 which I will willingly support as a witness at any future enquiry or hearing, if required to do so.

Terence Foley
Senior Fingerprint Officer
21st April 2006