

## Gary Mills and Tony Poole *'A Murder by Neglect'*

One day, we'll get a letter from a vicar, with no previous convictions, wrongly convicted of murder, with an alibi vouched for by a local magistrate and verified by the Lord Lieutenant of the county.

That's the dream; the reality is that most of our mail, sluicing through the office like a rancid tide, comes from the sordid and compromised world of the con man, the hustler, the gangster, the thief. Many miscarriages of justice spring from the understandable frustration of policemen who know very well that so-and-so is a villain, but can't get him bang to rights. So the police yield to the temptation to improve or manufacture evidence, on the grounds that if he's not guilty of this particular crime, he's certainly guilty of other things just as bad. The criminal does not share this rough-hewn penal philosophy; sure, he regards getting caught and convicted as a professional risk, but nothing outrages him more than the injustice of being put away for a crime he did not commit. It is, of course, in legal terms a miscarriage of justice just as much as that suffered by my fanciful vicar; but it's hard to commit yourself and the team to proving the innocence of a rapist who did not commit that particular rape, or of an armed robber who couldn't have held up that particular post office because he was doing the bank around the corner at the time.

Between the vicar and the rapist, as it were, there's a seam of petty offenders who have been convicted for a crime that seems way out of their league. This can mean one of two things; it may be a natural criminal career development, or it may be that there's been a bit of rough-and-ready tidying up - a minor villain is convicted of a major crime, to get him out of the way.

Could that have happened in the case of Gary Mills and Tony Poole? And there were two other good reasons for tidying them away with a life sentence for murder: it diverted attention from the doctors and police officers in whose supposed care the murder victim died. The

intriguing fact about this case is that the victim was admitted to hospital with apparently superficial injuries, and after fifteen hours either in casualty or the cells of Gloucester Police Station, the man was dead.

It was a case that was to take us half way round the world, but it began in a scruffy neighbourhood in Gloucester, part of a warren of terraced brick villas which seem somehow out of place in the cathedral city capital of the royals' favoured county. It's as if Coronation Street were unaccountably transported into Inspector Morse's Oxford. Indeed, in the course of our investigation we were to knock on the door of Number 25 Cromwell Street - a house destined, a few months later, to become notorious the world over, as the police discovered the bodies of nine women walled up or buried within its modest precincts. None of us can remember if Frederick West or his wife, who at the time of writing are facing charges of murder, answered the door. They were probably out.

Gloucester is not all tea rooms, cloisters, Laura Ashley, and honey-coloured stone; it has always been a rough old place. It used to be a major inland port; coasters would call and discharge their cargoes onto the docks, for collection by the waiting narrow-boats and distribution along the British canal system. Nearby Cheltenham has creamed off much of the quality, while Gloucester is close enough to London - via the M4 or the InterCity - to provide a haven for the capital's criminals when the heat is on.

Conduit Street is part of an urban inner core that's been left too long to rot. A multi-racial neighbourhood fights against the encroachment of drugs and petty crime, typified, in 1989, by the residents of Number 34. One of them, the tenant of the upstairs flat, was Willie Wiltshire, himself a refugee from London's criminal frontline. There was no love lost between Wiltshire and the police; he was wanted in connection with an indecent assault, and was actually suing the Metropolitan Police over a

scuffle with some officers, as a result of which he lost a testicle. There were also rumours that Wiltshire was suspected of having grassed up a member of a south London gang. There were good reasons for Willie Wiltshire to lie low awhile in Gloucester, and while he was there, he could teach his country cousins a thing or two about crime.

The ground-floor flat of Number 34 was occupied by Tony Poole, a minor criminal and drugs dealer with a disarmingly rustic Cotswold accent. One evening in January 1989, Poole was listening to loud reggae music with his friend Gary Mills, a former soldier who was also a small-time villain with a reputation as a wild man. With the two white men was a black man called Neville Jukes; he, too, had had his run-ins with the police. They were making their way through bottles of Bacardi and vodka, the ill-gotten gains of an afternoon spent passing dud cheques in the neighbourhood off-licences. They were smoking ganja. The evening was pleasantly relaxed until Wiltshire arrived to join the party.

Wiltshire was already high on at least one score of amphetamines taken earlier that day; he also had five times the breathalyser limit of alcohol in his bloodstream. He was, according to what Neville Jukes later told me, spoiling for a fight. 'He stormed into the room ... he was either on cocaine or angel dust, which makes you feel five, six times stronger than you really are. He was really aggressive ...' First, Wiltshire challenged Jukes to come outside and have a fight. Jukes laughed him off, and the other two, Mills and Poole, joined in the laughter.

This seemed to madden Wiltshire into incandescent rage. He leapt onto Gary Mills, and the two writhed together on the floor. After a minute, as suddenly as the fight had started, it stopped. The storm had passed. The foursome joked, smoked more cannabis together. Then, again without warning, Wiltshire dived across the room at Gary Mills. This time it was more than a mere scuffle. A knife appeared in Wiltshire's hand; Gary tried to fend off the slashing attack, and got his hand ripped open in the process. He dived across the room for a crowbar, secreted behind the settee, and thrashed it through the air in front of him in an effort to keep the maddened Wiltshire at bay. Tony Poole, who had been concentrating on the music and was, it seems likely, in a world more or less of his own up to that point, realized that the situation was getting out of hand and, with Neville Jukes, managed to part the combatants.

Once again, after this second round, the mercurial Wiltshire seemed to calm down. According to Jukes, he said he'd been stupid and he was sorry - they really ought to reserve their aggression for their enemies, and not waste it upon each other. Then, fuelled by whatever frenzy, driven by whatever demons, Wiltshire launched himself once more on to Gary Mills. This time Wiltshire had the crowbar; he was on top of Mills, pushing down hard on his windpipe. Mills managed to get hold of the knife, and, from his disadvantaged position under Wiltshire, managed to stab his legs and buttocks. Eventually Mills, a trained hand-to-hand army combat expert, got the better of Wiltshire, and used the knife to inflict a series of angry jabs.

The house in Conduit Street has been sold, but the new owner, at the time we were in Gloucester, had not got round to doing the place up. He did agree, however, to lend us the keys to the place. There is quite a lot of refurbishment to do. The front room is still spattered with blood; on the wallpaper there are arcs of splashed, brown dots, or smudges caused by blood-soaked clothing brushing against the wall. The scenes of violent crimes are usually disappointingly prosaic. I remember a neat little bedroom in Dover which didn't betray a hint of the terrible killing its walls had supposedly witnessed. The woodland walk where the two women in the Fell case met their deaths is as pastorally innocent as ever. But the ground floor of 34 Conduit Street has a chill about it; the very fact that no one has bothered to wipe away the stains has somehow left the crime itself unexorcized. The house, a Gothic Edwardian villa, stands alone, surrounded by wasteland or new developments, as if the neighbourhood itself wants to keep its distance. The cameraman was taking an evening shot, and the dying December sun was streaming through the windows. 'I can't photograph this,' he said, 'it's over the top, Hammer-House-of-Horror stuff; the sunlight makes it look as if it's soaked in blood.'

Wiltshire, bleeding freely, was carried out into the street. It was now just after midnight. Gary Mills shouted for someone to get an ambulance for him, and, with Tony Poole and Neville Jukes, made himself scarce. Wiltshire was taken to the Gloucester Royal Hospital, where he succeeded in alienating most of the medical and nursing staff, and where his wounds were logged as 'superficial'. Staff found and confiscated a small, broken kitchen knife in his sock, not the knife used in the attack, but more probably his drugs knife, the utensil he used for dividing up his angel dust. He had a skull X-ray, but at four in

the morning he was discharged from casualty into the hands of the Gloucester Police; he was on the police wanted list because of the suspected indecent assault. After an hour and a half in the dank, Victorian cell, with its spartan green vinyl mattress, Wiltshire was visited by the duty police surgeon.

Dr Chaudhuri says that there's very little that shocks him these days, after what he's seen in his police duties. When I met him, he had just returned from the local railway line to certify that a body found there was dead. 'The head was twenty yards away from the rest of him, they hardly needed a medical opinion,' he laughed. But Dr Chaudhuri was taken aback when he saw the state Wiltshire was in. 'There was blood everywhere,' he said. Wiltshire was shivering in his underpants, confused and restless. He said: 'Don't touch me, I've had it.' Dr Chaudhuri was adamant; Wiltshire should go back to hospital.

Within a few hours, however, Chaudhuri was telephoned by the hospital, 'Thank you for sending us this chap,' said a cheery voice from the accident unit. 'We patched him up and sent him back to the police station.' Chaudhuri was appalled. 'My God, you can't do that!' he expostulated. 'You're taking a terrible chance.' But Chaudhuri deferred to his colleague's judgement.

Later in the day, according to the police account, a sudden crisis arose in Wiltshire's health. He was rushed - for the third time in twelve hours - back to hospital. At half past three, Willie Wiltshire was pronounced dead.

And Gary Mills was wanted for murder.

Mills went round to the police station and made a frank statement. He has never denied being involved in the fight, and he has always accepted that it was he who inflicted the stab wounds. But he insisted that it was a matter of self-defence. 'Look,' he told me darkly on a visit to Gartree Prison, 'the Army taught me how to kill. If I'd wanted to kill Willie nothing would have been easier.'

For a long time, it used to be the programme-makers' policy never to see the subjects of their investigations - the prisoners themselves. We thought there were two big dangers; first, that we would become too personally involved in the people concerned to take a dispassionate view of the evidence. On the other hand, we might be influenced by the fact that we simply didn't like the look of them. There was also the problem that it could place an unfair pressure on the prisoner to lie to us, to improve his case, in his desperation to win our support. And once

we find one of our subjects lying to us, all our confidence evaporates.

I was discussing this policy with a barrister, who was surprised. 'The only time I feel I can assess a client's innocence,' she said, 'is when I meet him and can look him in the eyes.' From then on, we began routinely to visit prisoners, and have found it a vital part of the process. It's not just that you can get a lot more done in a face-to-face meeting than you can through the mail, and those familiar blue-lined letters; it's a sharp and vital reminder that what we're doing is more than an intriguing detective story. The moment the door clangs behind you, and that institutional odour of disinfectant, polish and cabbage assaults the nose, you begin to be able to imagine the horror of being locked away for life for a crime you did not commit. I suppose the only thing worse is being tortured to divulge information you don't actually have.

The police charged Mills with murder; it's less easy to understand why they also charged Tony Poole, although those with cynical minds would understand how the evidence of Poole, Mills' principal defence, would lose much of its effect if he, too, was accused as a joint murderer. What, more likely, inspired the police to charge the two of them was the evidence of two people - one inside the ground-floor flat, one outside.

Apart from Wiltshire, Mills, Poole and Jukes, there was another person in the flat that evening. A young drifter called Kimberley Stadden had come round, to buy some drugs from Tony Poole. Tony told her to come back later: he was expecting delivery of a £10 bag of amphetamines. In court, this led to a wonderful misunderstanding; 'a ten pound bag,' asks a barrister, 'that I presume would be ten pounds in weight, m'lud. ...' Only someone living in a very different world from Tony Poole could entertain the notion of a petty drug dealer lugging round the best part of a stone's weight of speed.

Stadden came back and prepared her injection, dissolving the white granules in a spoon over a candle flame, and drawing the solution up, through a cigarette filter, into her hypodermic syringe. Then she said, the fight erupted around her. Fearful for her fix, she put the needle away and watched, horror-struck, at the scene of carnage. According to her account, Wiltshire was the victim of a vicious and unprovoked attack, startling in its unchecked violence, horrifying in its controlled cruelty. 'Gary hit William over the head a couple of times, and then a blow to the legs and body ... Then Tony started to stab him in the bum, he did this about five times, saying "who's an arsehole now!"'

This version of events was backed up by a man called Paul White, who happened to be passing. Through a gap in the curtain, he saw the figure of Tony Poole, towering over Wiltshire; 'I saw Tony hitting down towards the floor. I then saw the head and the raised arms of somebody trying to protect themselves and screaming "No, Tony, no!"'

The evidence of Kimberley Stadden and Paul White effectively undermined Mills' plea that he'd acted only in self-defence, and Poole's defence that he had never been involved in the fight at all. At Bristol Guildhall, they were found guilty and sentenced to life. The trial had had its ups and downs; a first trial had to be abandoned, when it was discovered that Dr Chaudhuri was on holiday in India. According to the official court transcript, throughout the second trial Mr Justice Swinton Thomas consistently referred to the good doctor as Dr Tandoori.

Mr Justice Swinton Thomas was also to provide us with a major headache when it came to the filming. We were shooting reconstructions in the old crown court at Oxford of various courtroom exchanges, when we decided to check that the actor playing the judge was wearing the right robes. We called the legal outfitters Ede and Ravenscroft, to ask what a Crown Court judge on the western circuit would wear. Apparently, the rig changes with the seasons, but one thing was clear, the Father Christmas outfit we had ordered - the red robes trimmed with the white fur of the High Court - was not the authentic regalia; we should have kitted him out in a fetching purple number.

Panic. Here we were, with a day's hire of a courtroom, stocked with expensive actors and a camera crew, with a judge dressed in the wrong clothes. It would make us the laughing stock of, well, of Mr Justice Swinton Thomas, I suppose, because no one else would notice. But we do like to get things right. And, on reflection, several other people would notice - their Lordships of the Court of Appeal, if it ever came to that. Frantic phone calls and feverish motorcyclists flashed between Oxford and London, until we got the requisite outfit. Someone always notices if you get a detail wrong; a recent *Panorama* programme contained the O-level journalistic gaffe of portraying a judge's gavel - it's only in America that judges avail themselves of little wooden hammers. The feature film *In the Name of the Father*, concerning the conviction of the Birmingham Six, begins with a clanger - the solicitor, Gareth Peirce, drives to work with a barrister's wig on the car seat beside her - and gets worse; solicitors do not address the

Court of Appeal, where there are three judges not one; barristers do not ask to approach the bench; there are no gavels; and the Maguire Seven were not convicted in the same trial as the Birmingham Six. This shouldn't matter - the filmmakers' intention is to make a broader point - but somehow it seems silly not to get such simple things right.

But, who are we to talk? A few weeks later, we just thought we had better check the matter once again. To our consternation, we discovered that the judge had, within months of the trial, been elevated to the High Court. But that was only in the Family Division of the law; would that entitle him to wear his Father Christmas outfit while presiding over a sordid criminal matter? We made endless calls to the Lord Chancellor's Department, only to find that we had been right the first time. Although the judge had no words to speak, and was effectively little more than part of the scenery, we re-shot the entire sequence.

So perhaps we shouldn't be too hard on Mr Justice Swinton Thomas for getting Dr Chaudhuri's name wrong.

We had thought long and hard about taking on the case. Mills and Poole were not the kind of people you'd instinctively choose to be your children's godparents - although in fact Mills has 'got religion' in jail, and we always found the pair of them courteous and quietly spoken. There was also the problem that the BBC's *Rough Justice* had been looking at the case, and we do not trespass on each other's territory. The BBC, after sitting on the case for several months, had only managed to send a researcher up to Gloucester for one day. But our hands were tied until Mills and Poole themselves took the BBC off the case and asked us to look into the matter. As ever, Steve Haywood, producer of this edition of *Trial and Error* and the man with the responsibility of assessing and processing the casework, told the men that we could offer them no guarantees, and that they should not get their hopes up. The only thing we undertake to do is to take seriously every case that comes our way. Each case, however hopeless, represents somebody's fate, and we have a duty to give it serious consideration.

From the very start, from the very first opening of the files, the case didn't seem to add up. Why, for instance, did the court pay so much heed to the junkie, Kimberley Stadden, while the evidence of Neville Jukes, the other neutral observer of the fight in the room that night, had not been called?

Our suspicions deepened when Bob Duffield, researching the case,

rang in from Gloucester. He'd done the single most important thing in any investigation - he'd gone to the scene of the crime. We had always assumed that a ground-floor flat would be just that - so that Paul White could easily have looked in through that convenient gap in the curtains from his vantage point on the pavement outside. But, as Bob had found, the ground floor at Number 34 isn't at street level; you get access to the house up a flight of stairs. For Paul White to have seen anything of what was going on on the floor, he'd have needed the foresight to bring a stepladder along with him.

It was a promising start. We began to investigate Paul White. He, too, was a petty villain. Around the time of the Conduit Street murder, he was involved in a burglary at an Italian restaurant called Fabio's; he was also accused of setting fire to the place. We traced White to a town in East Anglia, but, for the moment, decided to concentrate our researches in Gloucester, among White's associates.

White, we were told, was a weak-minded, whining young man who would always take the line of least resistance. In the hours after the murder, he had excitedly told friends the news that *Tony Poole* had been murdered, confusing the supposed perpetrator of the crime with the victim. He told other friends that he'd made up the story of seeing the attack take place because the police had leant on him - he did have, after all, the Fabio's charge hanging over him.

Another of White's associates, a criminal called Andrew Neal, told us that White could not have seen what he swore to seeing in court. White, he said, had been round at his house that night. He was deeply drunk before he arrived, and, eight or twelve cans of lager hadn't made things any better. White wanted to borrow Neal's car, and nip round to Conduit Street to buy some drugs from Tony Poole. Neal said White was in no state to drive, but at ten o'clock took him round to Number 34 anyway. Poole, however, was still waiting for his supply, and the two of them went back to Neal's house. Just after midnight, they returned to find Conduit Street alive with flashing blue lights and the wail of sirens. It was not the sort of situation that two villains, intent on buying illegal substances, were likely to forget or ignore. They had clearly arrived after the attack, after Gary Mills had called for the ambulance. It was, said Neal, patently untrue for White to claim he'd been there in time to witness anything of any assault.

Even with a stepladder. Even through the chink in the curtains. In any event, there was no such chink. The scene-of-crime photographs,

used in evidence at the trial, show that the curtains were drawn. Tight.

So what about the other witness, Kimberley Stadden? Sue Walker was the other researcher involved in this case, and when she dies you will find the name of Kimberley Stadden engraved on her heart. Sue spent months searching for Stadden. We knew just two things about her from the police statements - her name, and date of birth. The first thing Sue discovered was that these two facts appeared to be mutually incompatible; no Kimberley Jane Stadden had been born in the entire decade of the sixties. Sue checked the registers for England and Wales, the separate Scottish and Northern Irish records, and even the Republic of Eire. No luck.

It is not easy to get lost. There are usually friends who know where to find you, or a chain of forwarding addresses to follow. Officialdom - as anyone who has tried to avoid payment of a parking ticket will know - has its ways of catching up with you. But Kimberley Jane Stadden seemed to have disappeared; exasperatingly, faded away. In vain Sue pumped the computer with its lists of Telecom-subscribing Staddens the length and breadth of the country. In vain she tried the lateral attempt to look for Staddons rather than Staddens. In vain she tramped the streets of Bournemouth, the scene of the last reported sighting of Kimberley Stadden.

At one stage Sue came tantalizingly close. Through friends of friends of Stadden, she went to an address, only to discover that Stadden had just left, leaving behind her, in her haste, her driving licence and national insurance card, as well as a few debts to her rather rueful hostess. Eventually - and there are some professional secrets we have to keep to ourselves - we traced her to an address on a Swindon housing estate.

We knew that if we approached her openly, Stadden would take flight again. We planned a discreet stake-out of the address, but the lie of the land made it impossible to park, unobtrusively, anywhere near. We thought of other, ever wilder schemes to flush her out without arousing her suspicions - a bogus letter from a lawyer, for instance, telling her she'd come into an inheritance. Eventually, we hit on the scheme of having Steve Haywood knock on her door with a special delivery letter she had to sign for. It would give Haywood the chance to get a look at her and confirm that it was the same woman.

We mocked up an identity card for Steve in the name of a fictitious courier company, and prepared some official-looking letterheads. The

idea was to enclose a postal order for £12.78 in respect of a supposed underpayment of benefit - Steve would be working for a notionally privatized department of rebate deliveries. To confuse things further, the payee would be a Mr Keith Stadden, so that the real Kimberley Stadden would assume there had been a succession of clerical errors. That, at any rate, was the plan. To make things look more authentic, the *Trial and Error* team equipped the 'mailman' with a stack of similar envelopes; that way, we hoped, Kimberley Stadden would not feel singled out.

We were rather pleased with our plan. Unfortunately, it didn't work. The flat turned out to be just an accommodation address. All our forgery had been in vain. In fact Steve got a lot of leads simply by the old-fashioned technique of talking to the neighbours.

Harassment? Intrusion? Invasion of privacy? By my book, harassment is continuing to try to see or talk to someone after they have heard what you have got to say, and declined an invitation to discuss it further. Intrusion is when, without breaking the law, you've used your native wit to get access to a place or a person and steal articles, possessions, or private information - pinching a letter, or a photograph off the mantelpiece. As for invasion of privacy, I'm afraid that by definition investigative journalism invades people's privacy. Most people who have been involved in a criminal case have good, or bad, reasons for not wanting it raked over again. We understand that; we also understand that embarrassment or discomfort have to be weighed against the scandal of a wrongful conviction. All we can do is to try to cause as little unnecessary pain as possible.

While the search for Stadden continued, we were investigating the matter of the third witness to that night's events, Neville Jukes. He had actually been in the room, and had tried to separate the combatants. And yet, we discovered, he had not given evidence. Why?

The answer lay in a scruffy interference with justice by a senior police-officer. Just before the committal proceedings - the stage at which the evidence is rehearsed before a magistrate in order to establish that there is a case to answer - there was a telephone conversation between Detective Inspector Gladding of Gloucester CID and Neville Jukes, which Jukes, at his mother's insistence, took the precaution of recording. In the conversation, Gladding clearly warned Jukes not to turn up at court. Jukes protested that he didn't want to see his friends get sent to jail when his evidence could save them; Gladding

replied: 'It's for them to go to jail - or for you to go to jail.' Gladding reminded Jukes that he hadn't paid his fines for various previous offences, 'So if I see you, I've got to arrest you. ... I'll talk to you another time. *Don't turn up at court.*'

Jukes heeded the warning-off, and so his account of what happened in the fight - an account which vindicated Mills and Poole - was not heard. This severely compromised the defence and it was all because of the rules of the legal game under which the administration of justice is conducted.

Jukes, we are fairly certain, made two statements to the police. He says he was himself threatened with a murder charge. One of those statements supported Mills and Poole, but neither we, nor anyone else, knows what he may have felt induced to say in the other. The truth could have come out at the committal proceedings, a sort of dress rehearsal of the evidence before the trial proper. If Jukes hadn't been warned off attending the committal, and had given evidence, he would have been questioned by the prosecution and the defence, so everything he'd said to the police, whichever side it helped, would have come out. Then, when the case moved to the Crown Court, the defence would know whether Jukes was a vulnerable witness - in other words, whether his support of Mills and Poole could be torn to shreds by the revelation of other things he might have told the police in order, as he put it, 'to get them off my back.'

Because Jukes had been warned off, this opportunity to discover whether he was an asset or a liability to the defence case was lost. The defence asked to see the statements - a judge even asked to see them - but the police did not divulge them. So at the full trial, Jukes was never called to give evidence. Legal technicalities, the risk of the unknown, and a policeman's interference had seen to that.

It doesn't exactly square up to the notion of justice. But everything about this case felt tainted, tarnished, compromised. The witnesses themselves were a crew of addicts, thieves or liars; the victim, too, was a villain, the police - if Gladding's recorded conversation is anything to go by - seem to have taken a fairly flexible view of the proprieties; and now the trial process was revealed as compromised also.

The evidence, after all, was reduced to that of Paul White (who we believe lied) and Kimberley Stadden; and, if we were having difficulties running her to ground, we were, in the process, discovering some interesting things about Ms Stadden. For instance, she didn't exactly

beat a hasty retreat from those involved in the fight; she walked home with them, and let Mills use her telephone. She wasn't, it seemed, a casual visitor to Number 34; she knew Tony Poole. She went thieving with Tony Poole. In fact the very vodka the party was consuming had been bought by Kimberley Stadden and Tony Poole that afternoon, using dud cheques backed up by stolen credit cards. The police, it transpired, knew about this, but Kimberley Stadden had understood that no charges would be brought against her, if she gave evidence against Mills and Poole. And Kimberley Stadden had been visited by a carload of Wiltshire's friends and associates before the trial.

We discovered seventeen major contradictions in the three accounts she gave of the fight at the committal proceedings, the first aborted trial, and the final hearing. That's quite apart from the scores of minor discrepancies you'd expect from a witness to such a distressing and confusing incident. These included fairly significant matters, such as whether she had, or hadn't, seen Tony Poole with a knife.

Sue eventually found Kimberley Stadden, through the usual combination of intuition, hard work, good luck and farcical coincidence. Through the electoral roll, she had discovered the name of the tenant of the flat where we had vainly delivered the bogus letter. He had moved, but Sue knew where he was now living. He, surely, must know Stadden's whereabouts, if he had been prepared to allow her to use his flat as a 'drop' for mail. Sue staked out his house, parking unobtrusively in a slip road opposite. It was a two-day vigil before she saw a man make his way to the house. She knocked on the door and introduced herself. The man was clearly uncomfortable, and claimed that he didn't know where Stadden was now living. The situation was saved by another member of the household, a fourteen-year-old schoolboy. He was thrilled to meet 'someone from the telly' and asked what it was about. 'Oh yes, we know Kimmy Stadden, don't we?' he piped up, to the man's obvious flustered consternation. He retreated to the back kitchen and, a few moments later, Sue heard a voice sing out, 'D'you want to talk to her now - I've got her on the telephone.'

Sue followed a set of complicated instructions to an isolated farmhouse. She admits to being terrified as she drove, in pitch darkness, down the seemingly endless track. As she stopped the car, a large, shaven-headed man was caught in her headlights. The farmhouse was, apparently, a sort of commune, organized by a woman who was Stadden's protector and companion.

Stadden, shrewdly defiant, came into the farmhouse kitchen and asked Sue two things: how she had found her, and how much would she pay. Sue said she couldn't answer the first question, and as for money, that was out of the question. 'If you insist on money and that information,' she said, 'you'd better ask me to leave.' After a six-month search, it was quite a gamble to take at the very moment of success, but it succeeded.

Stadden - in spite of threats to complain to the Chief Constable of Gloucester - eventually agreed to come to London and be interviewed. We prefer our interviews to be conducted openly, rather than the gimmicky and morally ambivalent process of secret filming. It's harder, but we think it matters. We'd rather persuade than steal. She admitted that she was 'surprised' not to have been charged for her crimes, and that her evidence contradicted itself. Her explanation was that 'all this happened a very long time ago' - but of course her statements and her court testimony were made at the time, so that explanation loses a bit of its force. She had clearly been frightened - maybe that explained the sixty-odd times her address had changed since the events at Number 34; but was she frightened of Mills and Poole, or of the Wiltshire clan? Had she committed herself so deeply to the version of events which suited the police that she didn't dare step back from it? Stadden maintained with her familiar defiance; however muddled and confused her testimony: 'Yes, I admit it's got a lot of holes in it, but contradictory or not, whether they had provocation or not, it was over the top; it's unfortunate that they're on a murder charge, but at that point in time I believed they were guilty.'

We had gone as far as we could on the evidence available and, indeed, on the evidence not available, like Neville Jukes'; it was time to advance the case in other ways. For Mills' claim of self-defence to have any validity, we had to explain why Wiltshire had so many wounds. We went to an expert in toxicology at the National Poisons Unit, and asked him to assess, from the post-mortem levels of drug traces, how much of each Wiltshire would have had at the time of the fight. Dr John Henry's assessment was that the level of amphetamines would have had two very significant effects on Wiltshire; first, the combination with alcohol could lead to spontaneous, uncontrolled, paranoid violence - exactly the scenario Jukes had described to us. Second, the anaesthetic effect of large doses of amphetamine would have made him impervious to pain; this would explain why Wiltshire kept on coming, and was not

deterred by the wounds he was receiving.

The whole focus of the investigation had switched to those wounds. The strange thing was that, on his first admission to hospital, only a few, 'superficial' wounds had been logged and sutured. When he came back - having spent an hour and a half in the police cells - they recorded many more wounds than had been listed the first time, including, for instance, a broken leg, and a very visible wound on his nose. Either the hospital had failed to note these wounds, or he had - unthinkable - acquired them in police custody.

The whole thrust of the prosecution case was that whatever happened after the fight was irrelevant; the moment Wiltshire received his wounds, the Crown argued, he was done for. Expert witnesses explained that the gravity of his injuries meant that fat and potassium were released into his bloodstream, eventually resulting in death. This argument, of course, meant that the issues of hospital care and treatment in custody need not arise.

'Bullshit!' said Dr Donald Trunkey of Oregon State University Hospital when he read the expert witnesses' assessment. Bob Duffield and I had flown to Portland, Oregon, to meet Don Trunkey because he is the expert's expert when it comes to casualty treatment. We had talked to top professionals in Britain who were appalled at the treatment Wiltshire received, but professional etiquette prevented them from saying so in public. If we couldn't get the best opinion in Britain, then, what about the best opinion in the world - they are not necessarily the same. Everyone told us that Don Trunkey was our man. It was just rather a nuisance that Oregon was on the other side of the world. Coincidentally, Bob Duffield tracked him down to Glasgow, where he was giving a lecture, and flew up with the bulky dossier of medical notes. Dr Trunkey promised to read them on his thirteen-hour flight back home.

Bob and I flew out to hear the great man's verdict. It was staggeringly clear and forthright; Wiltshire hadn't died of any complex release of fat and potassium; the man had died of simple medical neglect. The wounds he received were 'absolutely not' fatal. Simple, basic care would have saved his life. A consultant's sworn opinion that death could not have been prevented by any form of treatment at hospital was, according to Don Trunkey, 'balderdash, absolute balderdash; this man was salvageable when he was brought into hospital. He received inadequate care, unsupervised care,

inappropriate care.' The hospital hadn't sewn him up adequately, nor had they replaced what Don Trunkey estimated was the forty per cent of his blood volume that had been lost. His discharge into police custody was 'totally unacceptable, negligent care.' The apparent high levels of fat and potassium had occurred, said Trunkey, as a result of Wiltshire's terminal agony; they weren't the immediate and fatal result of the stabbing. At any time in the twelve hours since the fight, Willie Wiltshire's life could have been saved.

We flew back with the evidence that there should never have been a murder charge against Mills and Poole at all - because there should never have been a death. Nothing of this had been heard at the trial. There had been virtually no challenge to 'expert' opinion that was, quite simply, wrong.

But Willie Wiltshire's last hours weren't only spent in the care - or lack of it - of the Gloucester Royal Hospital; they were also spent in the care - or lack of it - of the Gloucester Police. And that was the next area the team began to investigate.

For several days, Bob Duffield retired behind a stack of documents, armed with a ruler, sellotape and scissors. At times like this, it's as well not to interrupt him and ask him what he's doing. It's obvious he doesn't want to be distracted. Eventually he produced a vast chart; he had plotted some thirty-eight police statements, breaking them down chronologically. We could now see where every policeman had been - or said he had been - at every stage of Wiltshire's confinement, and what their view was of the condition of the man in their care.

The chart showed a remarkable, self-corroborating schedule of police statements; all supported a perfectly plausible, coherent account of Wiltshire being an uncooperative inmate, 'shamming' his distress, but being properly and professionally attended and supervised. At around midday, Wiltshire suddenly took a turn for the worse; the police registered the crisis, and called at once for an ambulance. But there was one policeman's statement, buried in the material not used at the trial, which did not chime with the others. That statement suggested that the police only registered the gravity of Wiltshire's condition when it was too late, and then only because his solicitor had turned up, and had to be taken down to the cells.

We asked the solicitor, Paul Griffen, for his recollections of that day. A quiet, mild-mannered man, he was still shocked by the memory of what he saw when he was taken to the cells: 'I was amazed ... there

was blood - I can't say there was blood everywhere, but there was blood on the walls, blood on the blanket, blood on the floor ...' Wiltshire seemed to be asleep, and a detective constable tried to wake him up. Griffen continued: 'His eyes then opened, but they sort of rolled around in his head ... and that's when things got into a bit of a panic ...' Officers tried to pound some life back into Wiltshire by chest massage and mouth-to-mouth resuscitation, but the only response was the terrifying and terminal sound of what Mr Griffen described as Wiltshire's death-rattle.

So here were two versions of the attention Wiltshire received in custody where, although he was officially declared dead in hospital, he almost certainly died. In the first, a comprehensive and interlocking series of statements presents a picture of a situation professionally and carefully monitored. The second, based on a 'rogue' police statement and the solicitor's recollections - never heard, incidentally, in court - presents a picture of the police being unaware of Wiltshire's state until the arrival of the solicitor exposed the terminal gravity of his condition.

That was a discrepancy mirrored by another, intriguing difference. The solicitor's arrival at the police station was logged - by the police - at 12.18 p.m. But the solicitor himself said he had arrived at 12.10. Eight minutes' difference might seem a trivial detail - until we established that the call for the ambulance too, was timed at 12.18. If the police were to maintain that they had the situation well in hand before the solicitor arrived, it would obviously be more convenient if the solicitor arrived later rather than earlier. Was this, then, the explanation for the discrepancy between the police's timing and the solicitor's recollection?

The team trawled through the low life of Gloucester - to track down other prisoners who had been in the cells of Gloucester Police Station that night. Each of them provided a piece of the jigsaw; one had heard 'a lot of moaning and groaning', another was moved to protest, but 'I was told to shut up, the hatch on my cell door was slammed down, and I was told to mind my own business.' 'I heard a policeman say "shut up, don't be a baby." 'I don't see how the police could have had any doubt at all that he was in need of help.' Some had been picked up as drunks, some were professional thieves, and their reliability could be blasted away by the greenest barrister on his first day in court. It was, nevertheless, a disturbing and coherent account, but why should we suspect a police concoction, yet uncritically accept an account compiled from such morally unfragrant sources?

The answer, as so often, lay in the paperwork. We sought help from a neutral expert, a former police sergeant in the Metropolitan Police, who specializes in the interpretation of custody records - the Detained Persons Register. His view was that the document represented 'one of the worst neglects of duty' he had ever seen. Worse than that, the Gloucester Police were acting unlawfully in detaining Wiltshire; they had originally held him because the police in London wanted him for questioning in connection with an indecent assault, but in the small hours New Scotland Yard had telexed through to Gloucester that they were no longer interested in Wiltshire. From that point on, the police had no legal right to keep Wiltshire in the cells. They did make a feeble attempt to justify holding him on account of a kitchen knife discovered in his sock at hospital - probably the little knife Wiltshire used in connection with his drug habit - but possession of a knife is not a reason in law to keep a man detained in custody.

Willie Wiltshire died after receiving inadequate care at hospital, and after being wrongfully held in the cells. Even if we accepted the compromised evidence of Kimberley Stadden and Andrew Neal, even if we reject the muzzled evidence of Neville Jukes, even if we reject Gary Mills' claim of self-defence - the fact is that Willie Wiltshire should not have died. Responsibility for his death lies with the system designed to protect him - the police and the doctors - just as much as with those who may, or may not, have inflicted an unprovoked attack on him.

So much suspicion understandably surrounded the case that the Police Complaints Authority itself investigated the matter. This is, for all its claims to independence, effectively an investigation of the police by the police. To make matters worse, their report is secret; all we know is that it runs to twenty-six volumes of evidence and - as I was unattributably assured - it was one of the most exhaustive investigations the PCA had ever undertaken.

Bullshit, to borrow a phrase from the good Dr Donald Trunkey. In the course of our own investigation we routinely asked the people we spoke to about the Police Complaints Authority investigation. Key players told us that they had either not been spoken to, or had been interviewed in a perfunctory manner. One prosecution witness said 'they just asked me if I still stuck to my story.' The actions of DCI Gladding, who had sworn in court that he had never warned Neville Jukes off attending court, were described as 'a genuine mistake.'

The Police Complaints Authority is the public's only defence against

the misdeeds of the police force. This mixture of complacency, secrecy, and - to judge from our own researches - indolent and sloppy coppering, ought to make all of us worried. If this was indeed one of the PCA's most exhaustive investigations, it makes you wonder about the quality of the others it has conducted.

Support for this view comes from an unlikely source - Gloucester's Conservative MP Douglas French. In spite of the fact that Mills and Poole do not represent his natural constituency, French describes the PCA report as a 'whitewash.' Since making the comment on *Trial and Error*, the Chief Constable of Gloucester has protested and asked for a private discussion so that he can explain matters to the MP. Douglas French has very properly decided that too much of this case has been conducted in, let us say, an informal manner, and has insisted that if there is to be any conversation, it should be in the open.

There is something about this case I have felt before, in other, small, self-contained towns and cities. An informal 'freemasonry' of the local professionals develops over the years, a way of rubbing along together, cutting the odd comer, turning the occasional blind eye, ensuring that the boat remains conveniently unrocked. The relationship is like an old and much-loved piece of clothing, which gets increasingly shabby and unhygienic. The holes in it are patched over with the threads of complicit chumminess. I can hear the gin-and-tonic conversations even now - 'when it comes down to it, old boy, they're a couple of ne'er-do-wells who are better off behind bars anyway ... you don't catch villains by doing things by the book, y'know ...'

Filming presented us with the usual crop of absurdities and frustrations. From a film unit's point of view, the distressing thing about the criminal classes is not their moral shortcomings but their sheer unreliability. We picked up Neville Jukes, for instance, one morning, to drive him to a place where we could interview him. On the way, he suddenly asked if he could 'drop something off' round the corner. The convoy - the researcher's car, production car and crew wagon - scrunched to a halt. Five minutes passed. Then ten minutes. After quarter of an hour Steve Haywood grew edgy. Had we been stood up? Twenty minutes. At this rate we wouldn't make the next interview on time, and the whole carefully planned schedule would (as usual) collapse. After half an hour, Neville Jukes sauntered back, a cheeky smile on his face, but with nothing in the way of explanation. All I can say is that Neville has a lot of girlfriends in Gloucester.

Like the famous epitaph of the Raj, 'Here lies a man who tried to hurry the East', when you're dealing with the underworld you have to deal at its pace, respect its priorities. A knock on the door, for instance, does not lead automatically to the door being opened; because a knock on the door could be the police, the bailiff, the man from the electricity board. You can usually tell when someone's in, but not answering; as you knock, you keep your eyes firmly on the windows, to spot the telltale flutter of the curtain; by night, people may be prepared to forego electric light - but a dim, mauve flicker shows they cannot resist their fix of *Emmerdale* or *Eastenders*.

A film unit is not a discreet animal, especially at night, when arc-lights flood the streets and, like moths to the candle, we attract all the drunks and local cowboys for miles around. Television can be an arrogant guest, imposing its own demands when, in truth, we rely on the goodwill of those on whose neighbourhood we have trespassed. But Gloucester drew heavily on our reserves of tact and diplomacy. Every hard man in the city seemed to have lurched up to the camera, to challenge our presence. On more than one occasion these encounters demonstrated our sense of priority. Producer Steve Haywood would put himself between the would-be assailant and the cameraman; the cameraman would put himself between the loudmouth and his own £45,000 camera. Usually good manners work the trick, though not in the case of one neighbourhood tough. 'This is Gloucester, remember,' he said menacingly, and as he left us, pulled the floodlight down from its pedestal and brought it crashing, in a shower of sparks and shards of glass, to the ground.

We're always very conscious of the police when we are filming. Usually they know perfectly well what we are up to. If they didn't one would be very worried about their local intelligence. Sometimes they make a point of cruising slowly by, but more usually they keep out of the way. Gloucester provided the exception. We had it in mind to film a shot to cover the part of the narrative when Wiltshire was brought out onto the street, after the fight, as Mills called for an ambulance. The problem with this sort of documentary is that a lot of the main characters are missing - they tend to be dead or in jail. So this was to be a subtle, oblique, stylized shot of the kerb, black and shiny in a midnight rainstorm, with a trickle of blood running across it, with the reflection of a blue flashing light (you'll have to believe me, it wasn't as crass and vulgar as it sounds). The problem was the blood. Jill, the

supremely competent production assistant, had brought a full range of gore - powdered, liquid, diluted. Unfortunately, the shot just would not work. Time after time, take after take, we tried in vain to get just the right balance of blood and blue light.

It was then that the police arrived. Their torches lit up a forlorn crew, soaked to the skin with rain and spattered with suspicious red blotches. We were asked what we were doing. On these occasions there's no point in fibbing, although a certain economy is diplomatic; we explained that we were making a documentary about a murder. Whose murder? Willie Wiltshire's, we explained. 'My God,' said the officer, exploding with mirth, 'you've made enough mess of the street; what are you going to do when you come to the scene in the cells!'

As ever, transmission of the programme stirred up new evidence from this silted, stagnant pond. We had always been puzzled why the police had hung on to Willie Wiltshire for so long. We assumed that it was because they wanted, quite reasonably, to screw out of him further evidence about the Gloucester drug scene. That certainly would be a plausible, if charitable, explanation. It was only later that we learnt that police searching Number 34 Conduit Street had found the fruits of a burglary an expensive coat and some video equipment. The burglary was from the home of a woman closely related to a Gloucester police officer. Could this consideration have affected the police's apparent determination to hang on to Willie Wiltshire ? Could this have blunted their concern for his well-being?

There is no guarantee that there will be answers to these and a hundred other questions raised by our investigation. I can already see it all spiralling down the black hole of bureaucracy; the Home Office will find that the PCA has already reviewed the case, and so no action need be taken, in spite of the fact that the PCA investigation is itself a cause for concern. An appeal has been lodged, but will their Lordships have access to the PCA report? It's almost certain that the appellants won't be allowed sight of it, so will they be fighting with one hand tied behind their back? Will the Court be at all interested in the fact that Wiltshire died when better care could have saved him - or, delighting in parsing the small print of *nova causa interveniens*, will they follow *R v. Smith* or *R v. Jordan*? It's the arbitrary nature of our system that sometimes so appals; we think of it as a majestic, passionless automaton, when in truth its foundations are as fickle as the men and women who work for it, be they police, lawyers, civil servants, or ministers of state. Barristers representing some of our cases at appeal have told me matter-of-factly that they are confident of winning - unless 'we get [so-and-so] on the bench, in which case we haven't a chance.' It is just bad luck. It's not just the judges; cases can be won or lost, whatever their merits, because of the bumbling indolence of the particular barrister. I've met members of the profession who dazzle with their brainpower, but I've met others, to say no more, who do not. For all the efforts, the arguments, the evidence, justice remains the ideal - but the law remains a lottery.