

Litany of flaws

Police botched murder probe

EXCLUSIVE
By COLLEEN EGAN

THE police case that resulted in the conviction of Andrew Mallard for the murder of Pamela Lawrence was deeply flawed, raising questions over whether the real killer will ever be known.

The decision this week to drop a wilful murder charge against Mr Mallard means highly contentious evidence may never be tested in court.

Mr Mallard, 43, this week walked free after almost 12 years behind bars. His conviction was quashed by the High Court in November because crucial evidence was withheld from the defence during his 1995 trial.

Mr Mallard's lawyers, working pro bono to exonerate him of the vicious 1994 killing, were preparing to allege a litany of police blunders at the re-trial scheduled for July.

They included that:

- Police did not take a detailed statement, bloodied clothing or a vehicle from a person before he left the scene, contrary to accepted practice.

- Clothing and a blood-stained vehicle were not seized for two days.

- Clothing was examined by a chemist, but not by a police blood-spatter expert.

- Mr Mallard could not have been wearing those clothes.

- Evidence suggests a member of Mrs Lawrence's family was at the scene before the ambulance arrived, but evidence has never been taken from her to ascertain if she saw anything relevant to the crime.

- Several witnesses saw someone suspicious fitting the description of a bearded man in a bandanna, which a schoolgirl gave to police, but those leads were not followed up.

- People offering information about men wearing bandannas were not interviewed by investigators.

- Mr Mallard's lawyers have been told that bloodied items have been destroyed, as has the property book that should have recorded who ordered the destruction.

- The statement of a witness at the scene was not taken for three days.

- There was an unexplained 20 minutes on the evening of the murder in one crucial recollection of events from a person of interest.

- A person handled Mrs Lawrence's handbag, pointing out that her purse

was missing, after being told by a constable not to touch anything.

- Police did not search Mrs Lawrence's house in the days after the murder to see if her purse, which was the only item allegedly stolen, was there.

- A large drop of blood at the foot of a copper bath, capable of cleaning a murder weapon, in a shed at the back of the shop, was never explained.

- A wrench allegedly used by Mr Mallard (which was proved not to be the weapon) was reported missing more than two weeks after the murder, at the same time Mr Mallard was in police custody giving an unsigned, unrecorded "confession".

Deputy Commissioner Chris Dawson refused to answer questions about the investigation.

"WA Police do not propose to debate the details of the Mallard case in the media," he said. "The proper forum for that now is the Corruption and Crime Commission inquiry instigated by Commissioner Karl O'Callaghan on 21 November, 2005. If the CCC so choose, WA Police would support any hearings into the Mallard case being held in an open forum."

Director of Public Prosecutions Robert Cock QC said in court this week that Mr Mallard was still the "prime suspect", despite the case being too weak to be retried.

Mr Cock said the charges were dropped because of a change in the law regarding video confessions.

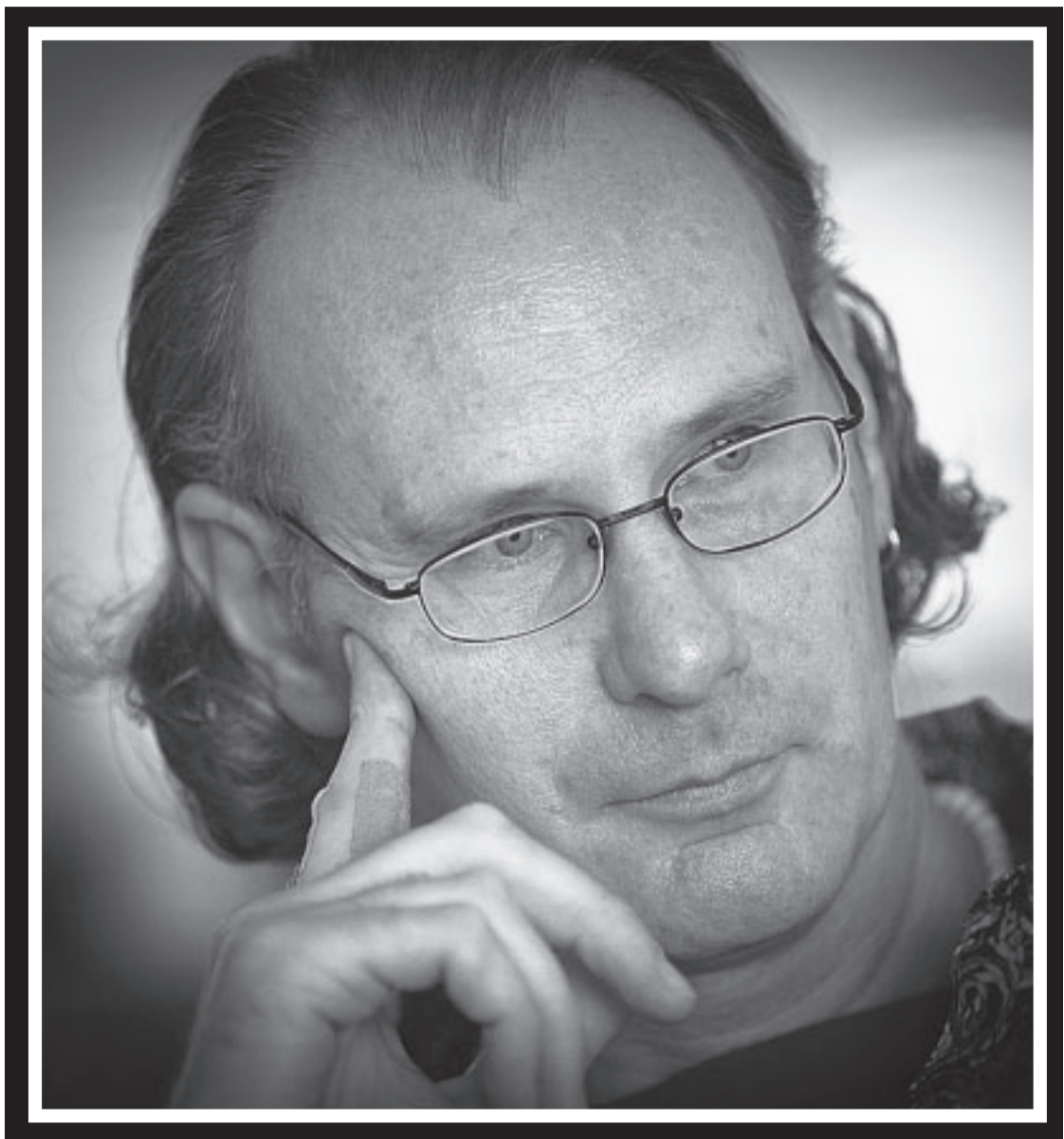
He was confident of re-convicting Mr Mallard if 11 hours of unrecorded, unsigned police interviews could be admitted in court and if a 25-minute video interview was not of a "highly leading nature".

He said he was unimpressed by the blood-spatter report of Canadian expert Joe Slemko because there were credibility problems with Mr Slemko's work in the recent case of Rory Christie.

Mr Cock said: "In Christie, there were to be a number of very considerable anomalies capable of being exposed (and) I was warned that for these reasons his conclusions were not reliable," Mr Cock said yesterday.

Mr Mallard and his family want interstate police to conduct a cold-case review. "We don't want to point the finger at anybody, we just want the investigation to finally be done properly," Mr Mallard said.

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I thought the system

ANDREW Mallard has spoken for the first time about the 12 years he spent behind bars for a murder he says he did not commit.

Mr Mallard, who was released from prison this week after a charge of wilfully murdering Mosman Park jeweller Pamela Lawrence was dropped, wept with relief and sadness as he spoke of his time in jail.

Now 43, he says he was under a lot of stress at the time of the 1994 murder, with mental health problems and rampant marijuana use that made him act suspiciously and left him vulnerable to police manipulation.



Colleen Egan

SPECIAL REPORT

He slipped into a deep depression, exacerbated by heavy marijuana use. In a feeble attempt to escape Perth, he went to Kalgoorlie where he was caught stealing a motorcycle.

He spent two weeks in prison; the only time he served before the Lawrence murder.

After short stints in the eastern states and Britain, he had a nervous breakdown and went to live with his parents. He stopped smoking marijuana and spent a year under the care of a clinical psychologist.

But he moved back to Perth and before long started smoking pot again.

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in Mallard case



FREE MAN: Andrew Mallard contemplates his release from prison, facing page.
CLOCKWISE FROM TOP: Leaving Casuarina; life on the outside; with his sister Jacqui; and, as a boy scout with his soldier father.



PRISON ROUTINE

5.30am: Wake up with back and neck pain after a restless sleep. Make bed, take dietary fibre. **5.45am:** exercise and yoga. **7am:** Muster and shower. **7.15am:** Cells unlocked. **7.30am:** Prepare breakfast, clean cell. **8.30am:** Go to education unit for computing studies. **10am:** Teabreak. Go to library, alone. **10.30am:** Classes. **11.30am:** Muster and lunch. **1pm:** Classes. **2.50pm:** Return to cell. **3pm:** Get changed, walk outside, prepare meal if needed. **3.30pm:** Muster. **4pm:** Walk, try to find space alone. **5.45pm:** Prepare for lock-down. **6.15pm:** Head count and lock-down, meditate. **7pm:** Watch TV. **11pm:** Sleep.

WORST THINGS

1. Not being with loved ones and family. 2. Loneliness. 3. Constant fear of being attacked. 4. Forced to live with people who could be psychotic and frighten me. 5. Unable to do what I wanted. 6. Being treated like a dangerous animal. 7. herded in and out of cells like sheep. 8. Staff not believing my innocence. 9. Poor food, lack of choice. 10. Soul-destroying monotony.

was out to get at me

"I kept on going to job interviews and getting rejected," he said. "All my money was going on marijuana. It all went downhill. My flatmates asked me to move and I had nowhere to go."

In the month before the murder, Mr Mallard racked up a criminal record for petty theft and dishonesty.

He attached himself to a girl who lived in Mosman Park, around the corner from Lawrence's jewellery shop, and scored marijuana for her in exchange for a place to sleep.

In a condition that was later diagnosed as manic-phase bipolarity, Mr Mallard claimed his name was "Andre" and he was working undercover for Interpol.

"I was always trying to impress people by exaggerating or giving a false name," he said. "I wasn't in a fantasy world. I knew what was real. But I didn't want to deal with the reality that I was on the street, I had no money and I felt like a failure. I was trying to impress people and get them to like me."

Mr Mallard said the crime that brought him to the attention of police, for which he was in the lock-up the morning of the murder, was part of this cycle.

He pretended to be a drug squad detective and kicked in the door of the woman's former boyfriend's flat.

It resulted in him being assessed at Graylands Psychiatric Hospital, where detectives visited him about a week after the murder. As one of 136 suspects, he gave several alibis, but they all turned out to be things he'd done on different days.

Before long he was out of Graylands and straight into a police interview room, where a video-record button was never

pressed. But detectives later claimed he confessed.

"I was just freaking out," he said. "I tried everything I could to convince them I was innocent and to answer every question. The detective said, 'I know you're a cold-blooded killer'."

"He brought a photograph of Mrs Lawrence's bloody head and shoved it in my face. I felt awful, horrible. I can't comprehend how someone could do that to someone else."

The detective has denied showing the photograph.

Mr Mallard was released into the night and, unbeknown to him, befriended by an undercover cop. He didn't even think to get a lawyer.

"I was trying to survive with no food or money," he said. "I was thinking, 'I'm a man. I can handle this'."

Brought in a second time, Mr Mallard did a short video interview "to clear my name" and thought the ordeal was over until a detective re-entered the room. "He said, 'We think you did it. You're sick and you're blocking it out of your mind. You need help'," Mr Mallard said.

He was given a Legal Aid lawyer who had never worked on a murder trial. He asked for a QC, but the judge refused. He was convicted and sentenced to life in jail.

Mr Mallard coped with prison by drifting into a fantasy world where he believed he was the victim of a vast conspiracy. He gained a reputation for being mad, which he believes stopped him being picked on.

"I was frightened of being raped, of being killed," he said. "I just kept my head down and was polite. I didn't talk to anyone."

"By the time my appeals failed

I believed I was a scapegoat for a huge organised crime conspiracy and that Casuarina Prison was a huge facility for brainwashing innocent people. I believed they were trying to brainwash me into believing I was a killer.

"I thought my cell was fitted with a camera and microphones, and that while I was asleep they would whisper in my ear to convince me I was guilty. I would point to the ceiling and say, 'You won't get me, you bastards'. It made me look like a real nutter."

Mr Mallard was known for standing all day behind a solitary tree in the middle of the exercise yard and spending endless hours on intricate Celtic art. Records show he was disciplined for cutting the Ministry of Justice logo out of his towels "because he was innocent".

He said he was beaten up once and threatened with death at knifepoint.

"I believed that was part of the conspiracy as well, so I just told them to go ahead and do their worst," he said. "In hindsight that probably helped with my reputation, too."

Mr Mallard's deep paranoia led him to cancel visits with his family because he believed they were being threatened and manipulated by corrupt police. In early 1998, his beloved father died of cancer, but he thought the news was part of the conspiracy.

He did not go to the funeral and for the next two years continued writing to his father in the belief he was not dead.

NEXT WEEK: How Andrew Mallard and a support team fought to reopen his case.

■ Colleen Egan has been investigating the Mallard case since 1998. During those years she has been a supporter of Mr Mallard's family and his legal team.

I tried everything I could to convince them I was innocent and to answer every question. The detective said, 'I know you're a cold-blooded killer'

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