

Mr Graham Stafford

Buderim QLD 4556

28th March 2016

Mr John Lock
Deputy State Coroner
Sunshine Coast and South Queensland
GPO Box 1649
Brisbane QLD 4001

Dear Mr Lock

RE: Request for Coronial Inquest into Death of Leanne Sarah Holland

I would like to request a coronial inquest into the death of Miss Leanne Sarah Holland ('Miss

Holland'). An inquiry into Miss Holland's death is not only of public interest but of specific interest to me as I wish to have my name cleared in relation to this matter.

Miss Holland went missing on Monday 23rd September 1991. She was 12 years old. Her body was found three days later, on Thursday 26th September, naked from the waist down, dumped on a bush track at Redbank Plains. Queensland police carried out an investigation and on 28th September 1991, they arrested and charged me with Miss Holland's murder. On 25th March 1992, after an eight day trial, I was convicted of that murder charge. I appealed unsuccessfully to the Court of Appeal on 25th August 1992.

On 19th April 2008, then Queensland Attorney-General, Kerry Shine, referred my case back to the Court of Appeal following new evidence. On 24th December 2009, my conviction was quashed by the Queensland Court of Appeal. On 26th March 2010, the Queensland Department of Public Prosecution stated that they will not retry me.

On 27 April 2010, The Australian Newspaper printed an article quoting Mr Vishal Lakshman, the prosecutor who ran the committal hearing against me. The article quoted from an internal memo Mr Lakshman had written to then Director of Public Prosecution Royce Miller QC about his concerns over my case. In that memo he said "Stafford has been committed for trial and the evidence is entirely circumstantial. There are features in this case that give rise to some doubt that Stafford is the offender in this crime". When the Director persisted with my prosecution Mr Lakshman withdrew from the case. It is noteworthy that many of the problems identified by Mr Lakshman in 1992 we used by the Court of Appeal in 2009 to quash my conviction.

On 8th May 2010, after that article appeared the then Queensland Police Commissioner, Bob Atkinson agreed to reinvestigate the matter and to make their

report public. More than Two years later in December 2012, the Queensland Police Service ('QPS') advised that they had completed their reinvestigations. The QPS advised the media that they had found new witnesses and new evidence establishing my guilt; however they would not release the report. Further, the Director of Public Prosecutions Tony Moynihan refused to re-try me despite this new material. A subsequent independent review to the new evidence by retired Supreme Court Judge, Ken McKenzie QC also held that I should not be retried. However, the people of Queensland have not been told what were the circumstances surrounding the violent and unnatural death of Miss Holland. Those matters have been kept secret by the QPS, the DPP and the Attorney General Department.

Matters setting out reasons for a coronial inquest

A coroner's inquest has never been held in this matter. As Miss Holland's death occurred prior to commencement of the *Coroners Act 2003* (the New Act) a coronial inquest would need to be conducted in accordance with the provisions of the *Coroners Act 1958* (the Old Act) pursuant to s 100 of the New Act.

Section 7 of the Old Act provides jurisdiction to inquire into the cause of the death and the circumstances of the death of a person where the coroner is informed that the person is dead and –

- (a) In the coroner's opinion there is reasonable cause to suspect that the person –
 - (i) Has died either a violent or unnatural death (but so that the meanings of the terms 'violent' and 'unnatural' shall not be affected by anything contained in subparagraphs (ii) to (ix))
 - (iii) Has died in any circumstances of suspicion
 - (ix) Has died in such circumstances as to require the cause of death or the circumstances of death or both to be ascertained or more clearly and definitely ascertained

The autopsy carried out by Dr Ashby (see attached report) found a massive wound on the left side of Miss Holland's head as well as fractures to the front, left and rear of the skull and a broken nose.⁷ These injuries are consistent with multiple blows to her head with a heavy, blunt object. In addition to these blows, Miss Holland's skin was found to be burned in a number of places, most likely with a cigarette or lighter, and marks carved into her skin after she died. It is self-evident these injuries are consistent with a violent and unnatural death. The fact of the burns and marks carved into her skin after she died are circumstances of suspicion and/or require the circumstances of Miss Holland's death to be ascertained.

Considering s 7 of the Old Act, in 1991 an inquiry should have been conducted. It can only be assumed that such an inquest was not commenced due to my arrest. It could be deemed that at the time the holding of an inquest was for no good purpose pursuant to s 16(1)(b). In addition, s 42(2) allowed the coroner to not conduct an inquest where an individual has been charged for the offence. Following my conviction, the coroner was likely satisfied that no good purpose would be served in holding an inquiry and gave such a recommendation to the Attorney General and Minister for Justice.

As my conviction has now been quashed the explanation for Miss Holland's death no

longer exists and the reasons for an inquiry not being held no longer exist. A coronial inquest should now be held. There is a ‘violent’ and ‘unnatural’ death of a child and no explanation as to the circumstances surrounding it.

Doubt about the cause and circumstances of death

The Crown alleged that Miss Holland was killed inside her house at 70A Alice Street, Goodna. My petition addressed the ad hoc and misleading fashion in which the Prosecution presented the scientific evidence. In the 2009 Court of Appeal decision, Holmes JA (now the Chief Justice) said “Mr Freney's evidence, given for the purposes of the 1997 pardon petition, comprehensively demolished the theory that Leanne Holland was killed at her Goodna home. Dr Ashby, the forensic pathologist who went to the site where the body was found, did not accept the possibility that the fatal injuries were inflicted at that location; she would have expected far more blood.”¹¹ Her Honour went on to say:

”The physical acts involved in the killing were not confined to the ten or so blows to the head delivered with a curved, blunt instrument. Dr Ashby's evidence was that the body showed signs of sadistic activity: four crusted marks produced by a hot object held against the skin, made while the victim was still alive; and areas of scratched tracery, made with an implement such as a pin, scalpel or the point of a knife, on her back and one thigh. Those tracing marks were likely to have been inflicted when the girl was close to death. They were outlined with a substance Dr Ashby thought was dried blood, which had not come from the scratches themselves, the inference being that the murderer had taken the trouble to apply it. In addition, the crotch of her underpants was cut and there was a wound adjacent to the anus, possibly made by a knife. Whoever killed Leanne Holland used a variety of implements and took at least a little time about it.”¹²

As the case now stands there is no evidence of what day or time Miss Holland was killed. The prosecution originally relied on entomological evidence to establish her time of death. However, in the 2009 Queensland Court of Appeal decision, Keane JA (now a Judge of the High Court) agreed that the entomological evidence at trial was unreliable to the extent that it purported to establish the time of death of the deceased. “There was also new evidence from Ms Morris, the entomologist who gave evidence at trial, which cast doubt on the evidentiary value of the maggot as evidence that the body of the deceased had been in the boot of the car between the Monday and the Wednesday.”

He went on to say that the entomological evidence which has emerged since the 1997 determination casts some further doubt on the likelihood that the maggot found in the boot of my car was connected to the deceased.

The violent circumstances and the uncertainty regarding the date and time of Miss Holland’s death creates significant doubts about the cause and circumstances of the death. A coroner’s inquiry could establish the circumstances of Miss Hollands death and solve the mystery surrounding Miss Holland’s killer.

Prevention of further deaths or uncover systemic issues which affect public health and safety

My case has been highly publicised with over 100 media articles aired on television

and radio. The book “Who killed Leanne Holland” has been widely circulated. There has been considerable unease in the general community over the original investigation, the trial, and the outcome. There has been no public explanations given as to how Miss Holland was killed.

As I said above, after much public pressure, the Qld Police Service agreed to reinvestigate the matter in 2010 and to make their report public. All the allegations of police misconduct, the manufacturing of evidence, and evidence of perjury were handed to police investigators to assist them in their duties. The names of at least 3 possible suspects for the murder were also provided to police along with the names of a number of previously unknown witnesses whose evidence is vital to the investigation. The QPS advised in 2012 that they had completed their reinvestigations but would not be releasing the report.

There now remains a case of an innocent young girl who was savagely beaten, tortured and murdered with no one established as her murderer or held accountable for it. This combined with the fact that QPS is refusing to release their reinvestigation or try any of the possible suspects raises further concerns regarding police misconduct in my case. As a result, the public’s faith in our justice system has been shaken.

In examining the circumstances surrounding Miss Holland’s violent and unnatural death a coroner’s inquest into the death of Miss Holland would allow the previously unknown witnesses to give evidence in a public forum and for possible suspects to be determined. The police members involved in the original investigation and subsequent reinvestigation could also be questioned to test whether there was indeed police misconduct involved in my case. The public needs reassurance that enforcers of law are not themselves above the law. An inquest may also help uncover systematic issues which affect public health and safety which in turn could assist in preventing similar deaths in the future. The people of Queensland deserve to know how an innocent girl met her death.

Please do not hesitate to contact me if you require any further information.

Kind regards,

Graham Stafford