

Doubt turned prosecutor Vishal Lakshman off Graham Stafford case

- EXCLUSIVE: TONY KOCH
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ALMOST 20 years after Graham Stafford was convicted of the rape and murder of a 12-year-old girl in Ipswich, one of Queensland's most experienced crown prosecutors has revealed that he declined to prosecute at the trial because he did not believe the accused committed the crime.

Vishal Lakshman, 74, who retired in 1992 after 30 years, during which he prosecuted dozens of rape, murder and manslaughter trials in Queensland, is writing an autobiography detailing his life as an immigrant to Australia and the criminal trials with which he was involved. The only prosecution from which he ever withdrew was the 1992 Supreme Court trial of Mr Stafford, who was charged with the sadistic mutilation murder of schoolgirl Leanne Holland.

"I wrote the chapter about Mr Stafford a year ago and my family encouraged me to speak out now because it was my belief and theirs that he was not guilty of the crime of murder," Mr Lakshman said.

"Among the many records I kept and from which I drew to write my memoirs is a copy of a memo I wrote on December 4, 1991, to the then director of prosecutions, Royce Miller QC.

"At the time, I wrote: 'I refer to our brief discussion regarding this matter. 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'."

Among the many high-profile murder cases Mr Lakshman prosecuted were the cases of Bevan Meninga, brother of rugby league great Mal Meninga; Barrie Watts, killer of Sian Kingi on the Sunshine Coast in 1987; child murderer Barry Hadlow, who was released after serving life for one child murder, then murdered another at Roma in western Queensland; and Ernest Knibb, who murdered ABC scriptwriter Miranda Downes on a beach north of Cairns in 1985.

Mr Lakshman's detailed memo to Mr Miller concluded: "I have done many circumstantial evidence cases over the years and this is one of the few in which I find myself having some reservations as to whether the accused is the perpetrator of this crime.

"I may not entertain any such view after some discussion with you but it would be desirable if you would be good enough to look at the material yourself and let me have your comments some time next year."

Mr Stafford said yesterday he was devastated to hear of the memo Mr Lakshman wrote and questioned why the Director of Public Prosecutions did not make the information available to

the defence team at his trial or subsequent appeals. "It is gut-wrenching - this whole thing could have been sorted out before it started if we had known," Mr Stafford said from his Sunshine Coast home. "We knew there was something amiss when my counsel from the committal was changed, and so was the prosecutor."

At the time of the murder, Mr Stafford was living with the Holland family and was engaged to Leanne's older sister, Melissa. He was alone at home with Leanne on the day she went missing. At his trial, the prosecution alleged he beat her to death with a hammer, kept her body in the boot of his car for two days, then disposed of it in the bush several kilometres from the Hollands' home. Her body had burn and stab marks consistent with having been tortured.

Stafford, now 45, was convicted and served 15 years of a life sentence before his release in 2006.

He consistently maintained his innocence and a support team took up his case while he was in prison, organising several appeals.

Last December, the Queensland Court of Appeal set aside Stafford's conviction, on grounds of a miscarriage of justice, and ordered a retrial. But Director of Public Prosecutions Tony Moynihan SC said the crown would not conduct a retrial because in the 20 years since the offence, "evidence had been adversely affected".

So Mr Stafford is left in limbo. His conviction has been set aside and his innocence presumed, but he has served 15 years in prison and the state is not liable for compensation because he has not been found "not guilty". Mr Stafford said yesterday: "I am indebted to the honesty and decency of Mr Lakshman for coming out now as he has done, but the fact is it would have made a huge difference to my appeal team or at my original trial if we had been made aware of it.

"I am just devastated now to hear that this important opinion was available but was kept from me."