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### Networked Knowledge – Media Report

[This edited version of the report has been prepared by [Dr Robert N Moles](#)]

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On 23 October 2006 The Age reported that the Attorney-General for Victoria would be referring the matter of Colin Ross back to the courts. The report says that fresh evidence suggests that Colin Campbell Ross, who was executed for the 1921 killing of 12-year-old Alma Tirtschke in the infamous Gun Alley murder was innocent as he had always claimed.

The report stated that the Attorney-General Rob Hulls has written to Chief Justice Marilyn Warren asking her to consider a plea of mercy for Ross. It is the first time in Victoria's history that a posthumous pardon may be offered. The unprecedented move comes after legal experts at the Justice Department examined a 31-page petition of mercy, signed by relatives of both the victim and the man convicted of her murder. Mr Hulls has concluded that there is sufficient doubt about the verdict to warrant a new Supreme Court ruling.

According to the report the petition of mercy says the prosecution failed to tell the court that the witness Harding was a known and repeated perjurer. The Crown was aware that his military record included convictions for making a false statement to a superior officer and giving false sworn answers on his attestation papers. The only forensic link came from hairs found on a blanket discovered at Ross' home, which were said to match hairs taken from the victim. Government analyst Charles Price, a chemist by occupation and not a forensic expert, gave evidence that the hairs "were derived from the scalp of one and the same person".

But after the hair samples were rediscovered in long-forgotten archives by methodical researcher-turned-author Kevin Morgan in 1995, he pushed for them to be retested. Mr Morgan has since written a book based on the case called [Gun Alley: Murder, Lies and Failure of Justice](#).

Apparently, 3 years later, a microscopic examination by [Dr Bentley Atchison](#), of the Victorian Institute of Forensic Medicine, showed the hairs were not from the same scalp. A second test by Australian Federal Police forensic expert Dr James Robertson, a world authority on hair identification, confirmed that Price's conclusion was wrong.

The report says that Mr Hulls has written to the Chief Justice requesting an opinion on whether there was a miscarriage of justice in the conviction of Ross in light of the fresh evidence. "This is a substantial petition that asserts some real anomalies in the case," Mr Hulls told *The Age*. "I have power under section 584 B of the Crimes Act to refer this matter to the Supreme Court for advice and I believe the independent judiciary is best placed to advise me on whether a miscarriage of justice has occurred."

If the Supreme Court finds there has been a miscarriage of justice, the Attorney-General will advise the Premier to advise the Governor that Ross should be pardoned. While the petition of mercy calls for the conviction to be quashed,

government legal advice is that a pardon should be pursued.

Author Kevin Morgan, who exposed the flaws in the murder conviction during his 11 years of research for his book, said: "This is good news and a step in the right direction. There is really no doubt that Ross is innocent."

Source: The Age "Push for Colin Ross pardon" John Silvester 23 October 2006

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