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'It's been a very long wait' - Gail Maney's 27-year battle to prove she is innocent goes to Court of Appeal

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Gail Maney. Photo: Jason Dorday/Stuff.

A woman's 27-year battle to prove she is innocent of murder will enter a crucial phase at the Court of Appeal on Tuesday.

Gail Maney was twice found guilty of the 1989 murder of Deane Fuller-Sandys, first at a trial in 1999, then again at retrial in 2000.

She has spent 15 years in jail and is now on life parole. Her story was told in the 2018 RNZ/Stuff podcast **Gone Fishing**.

Maney and one-time associate Stephen Stone - who was also convicted of the murder in 1999 - are seeking a full acquittal.



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The **Crown last month conceded** that the 1999 trial, and Maney's retrial the following year, both miscarried, because the Crown failed to disclose two important documents to defence lawyers.

However, even if the court quashes their convictions, the Crown is seeking a retrial rather than an acquittal.

It says there are still opportunities to conduct fresh inquiries into the case and that police are currently planning fresh DNA

testing of samples taken in 1998.

Maney has always maintained her innocence.

A young West Auckland mother at the time Fuller-Sandys went missing, she says she never even met her supposed victim.

Her one-time associate Stone was also convicted in 1999 for the murder of Fuller-Sandys, and additionally of the separate murder and rape of Leah Stevens. He is still serving his life sentence.

There are two other appellants beside Maney and Stone: Gail Maney's brother Colin Maney, and Mark Henriksen, who were each found guilty of being accessories after the fact to the murder of Fuller-Sandys.

They received relatively minor sentences and the Crown is not seeking retrials.

In the case of Maney and Stone, however, the arguments for retrial versus acquittal are set out in duelling pre-hearing submissions by the Crown and lawyers for the appellants.

When Fuller-Sandys vanished in 1989, he was initially presumed to have fallen off rocks while fishing on the wild Whatipū coast, and his body has never been found.

Maney and Stone's lawyers argue that Deane Fuller-Sandys was most likely never murdered at all.

They say the Crown version of events, whereby Maney called for Fuller-Sandys' death, which Stone then carried out an execution-style shooting with a pistol in front of a large number of witnesses at 22 Larnoch Rd, Henderson, simply never happened.

The evidence of four key witnesses, who all received immunity from prosecution, is fundamentally unreliable, they argue. They say the reasons for that range from police coercion and coaching so all four witnesses' accounts matched, to the fact that at least two of the witnesses are compulsive liars.

Stone's lawyers also argue he is innocent of the rape and murder of Leah Stephens. These two convictions depend heavily on the evidence of two of the same unreliable witnesses.

Crown submissions concede a number of the appellants' arguments, including failures of disclosure and police errors. However, they argue that the four key witnesses' evidence is still admissible despite the plethora of lies they all told.

The Crown also points out that a number of other, independent, witnesses have given evidence that supports its case.

The new DNA testing planned by police is of "samples taken by ESR during their examination of the garage and bedroom at 22 Larnoch Road in 1998".

Investigator Tim McKinnel, who has been a key figure in the campaign to prove Maney and Stone's innocence, said the Crown "has had five years to advance any DNA testing they want".

"So to have this dangled out in front of the judges on the eve of the appeal was a surprise."

Maney was nervous as the hearing drew closer, McKinnel said.

"It's been a very long wait for her and Stephen and Mark and Colin, and they just want to get into the hearing and see how it plays out."



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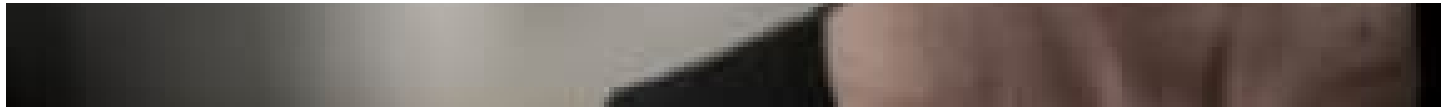


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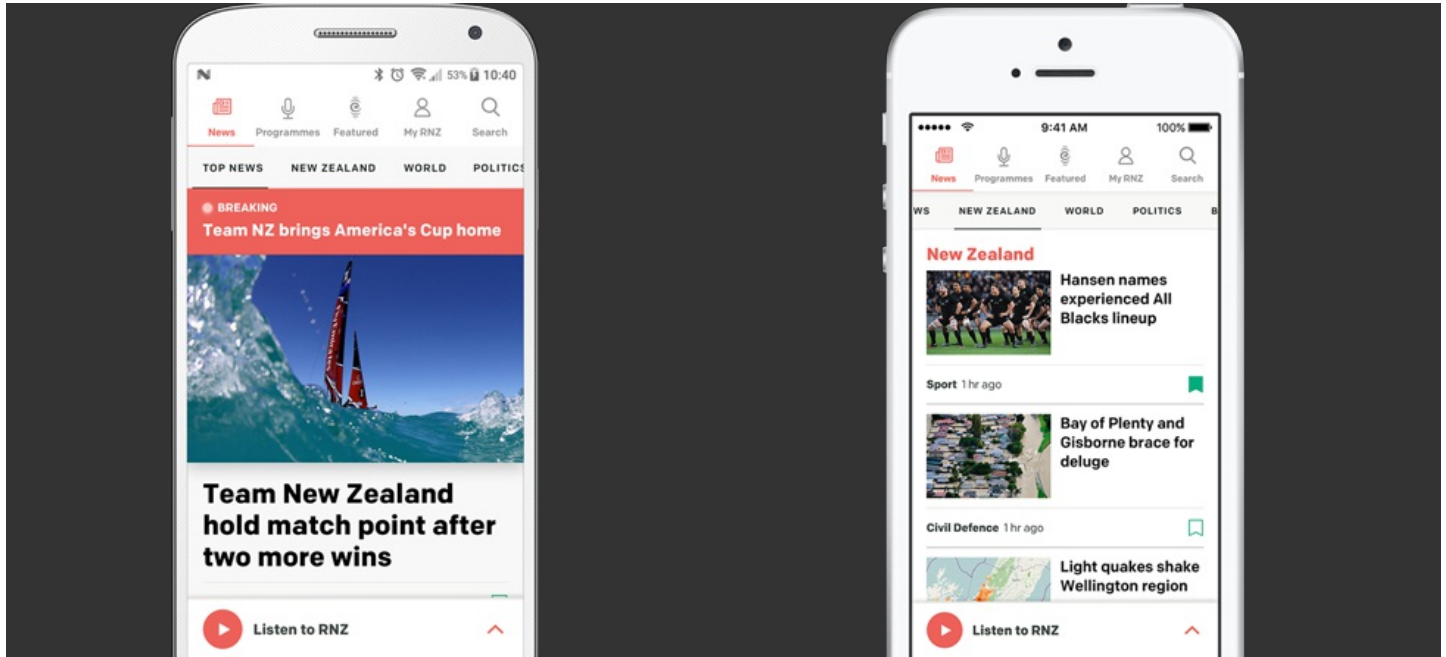


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