

IN DEPTH

Gail Maney has always said she is not a murderer - the Court of Appeal is about to decide if she's telling the truth

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Gail Maney's historic murder conviction will be re-examined at the Court of Appeal on Tuesday. She has always protested her innocence in the case that is the subject of the hit podcast 'Gone Fishing'. Photo: Fairfax Media

A 27-year battle to clear her name of murder has turned Gail Maney into a minor celebrity. As she prepares for a last-chance battle in the Court of Appeal, she talks to Adam Dudding about a life of trauma, survival - and cooking up a storm.

At the Waikato cafe where Gail Maney works as head chef, there's an open kitchen, meaning diners can get up close and watch as meals are prepared.

More and more, though, the cafe's owner Paul is noticing people are taking a peek into the kitchen to see who is back there throwing together the kūmara hash, or poaching the eggs for the spinach-sauced "Green Benny".

Is that really Gail Maney?

Paul doesn't mind that people are curious about his head chef.

"If she's happy, I'm happy. As long as it's not bothering her."

Curiosity is only natural. This is, after all, a woman who Crown prosecutors placed at the centre of a lurid tale of Auckland's late-'80s underworld, littered with drugs, guns, gangs, strippers, sex-workers, murder-to-order and a body in the boot of a car; a woman who may well be the victim of "the worst miscarriage of justice in Aotearoa's history"; a woman who presented her side of this extremely strange story in a [true crime podcast that charted worldwide](#).

Paul is pretty sure, though, the attention from diners isn't really bothering Gail Maney.

"She's pretty outgoing, and pretty open for a chat. I think she's excited just to be getting some momentum, because obviously this is something she's been fighting for for a long time."

By momentum, Paul means the fact that from Tuesday, after years of legal wrangling and lobbying, Maney's case is about to be heard one more time, this time in the Court of Appeal.

Maney has great cause for optimism, because a few weeks ago there was a huge plot spoiler: just a month out from the Court of Appeal hearing, Crown Law sent a memo conceding there had been a [miscarriage of justice at the 1999 and 2000 trials](#) of Maney and her co-defendants, caused by failures to disclose vital documents.

The appeal court hearing must still go through its processes. There are still plenty of potential twists and turns ahead. But this was the single best piece of news Maney had received about her case in decades.

Her boss Paul was delighted when he heard the news. He's been helping where he can. In December, he wrote a character reference in support of a relaxation of Maney's parole conditions. It was a rave review, full of praise for her honesty, reliability, accountability, calmness under pressure and ability to motivate a team.

"Gail," Paul wrote, "really is one of the kindest, thoughtful, caring individuals I have had the pleasure of knowing".

** Listen to the [Gone Fishing](#) podcast via [Apple podcasts](#), [Spotify](#), [Google](#) or wherever you get your podcasts.*

When he hired Maney three years ago as a kitchen hand, Paul knew she'd done jail time, but hadn't asked about the details. But soon after she started, "she gave me a bit of the back-story. And then she mentioned that there was a podcast".

This was the [RNZ/Stuff co-production Gone Fishing](#), which told the whole gory, maddening story of Maney's murder conviction, following a cold-case investigation into the disappearance of 21-year-old tyre-fitter Deane Fuller-Sandys a decade earlier in 1989. (Disclaimer: I was the podcast's co-host and co-producer, alongside investigative reporter Amy Maas.)

Gone Fishing tells some of Gail's early life story: her tough childhood and truncated school career and her drift into a demimonde of party-animal sex workers, drug dealers and gang members, where she accumulated a lengthy rap-sheet for low-level offending.

The podcast explains how she became the focus of a police investigation, but also looks at the reasons to believe the jury got it wrong when they found Maney and her associate Stephen Stone guilty of Fuller-Sandys' murder (and in the case of Stone, for the additional rape and murder of a young woman called Leah Stephens, a week later).

Paul listened to the podcast, "and I was kind of blown away".



Journalists Adam Dudding and Amy Maas, co-producers of the 'Gone Fishing' podcast. Photo: Stuff/Jason Dorday



Gone Fishing: The Fire 28' 43"

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If anything, learning about Gail's murky back-story made him admire her even more.

"I take people at face value and we've always got on really well. She's always been an amazing worker and an amazing person."

He says Maney seems to thrive on the pressure of a working kitchen.

"I would walk into the kitchen and they would have a rail full of dockets and they'd just be laughing and singing and carrying on and pumping out this food. I was like: 'Shit, she's all over it!'"

Paul has a one-year-old daughter, and when he takes her into the restaurant, Maney will come and scoop her up.

"She'll carry her around the kitchen and show her around. Little things like that stand out. It also makes me feel a bit for Gail because I realise that she missed out on a bunch of that stuff with her own kids."

Gail Maney has indeed missed out on a lot. She has spent a total of 15 years in prison. She's on life parole - meaning the threat of being recalled never goes away.

She has been missing for huge chunks of her children's formative years. For most of her life, she hasn't been able to travel outside New Zealand. She's had to inform authorities of where she's living, where she's working and who she's seeing. She's learnt that having a murder conviction isn't exactly helpful when you're looking for a place to work or a place to live.

Starting on Tuesday morning, the Court of Appeal will hear arguments from Maney's lawyers that just might change everything.



Stephen Stone, pictured decades earlier with his parents, was also convicted of Deane Fuller-Sandys' murder and he too protests his innocence. Photo: Jason Dorday / Stuff

This hearing isn't just about Gail Maney.

Mark Henriksen and Gail's younger brother Colin Maney, who were both found guilty of being accessories to Fuller-Sandys' murder, will also be represented.

Crucially, Stephen Stone, the man who was convicted for actually killing Deane Fuller-Sandys at Maney's request, and for the subsequent rape and murder of Leah Stephens, is also appealing his convictions. His appeal, led by barrister Annabel Maxwell Scott, was in fact the one that was set down for an appeal hearing first; Maney's, Henriksen's and Colin Maney's cases were folded into that hearing only later.

The appeal hearing was initially expected to take about six days but the Crown's recent shock memo conceding miscarriages of justice has truncated that: it's now set down for just two. Which sounds sensible - if the Crown has folded before the fight begins, why drag things out in the hearing?

But there's a quirk here: the Crown's admission of miscarriage is on rather narrow grounds. It concedes that a couple of documents which would have been very helpful to defence lawyers weren't disclosed before the 1999 trial, nor before a 2000 retrial of Maney and Henriksen. One of those undisclosed documents is suggestive of collusion between witnesses to get their versions of events to line up; the other is suggestive of police inappropriately pressuring another key witness.

In pre-hearing submissions to the Court of Appeal, the Crown reaffirm the trials miscarried, so all four convictions should be quashed.

In the case of Henriksen and Colin Maney, the Crown then takes the additional step of saying the pair should be acquitted outright, because "the interests of justice do not favour a retrial". It frames this as a largely practical matter, given their alleged offending was "far less serious" than Stone and Maney's.

But for the big fish - Maney and Stone - the Crown isn't exactly backing down.

In its 57-page submission, the Crown argues that sure, there are very serious problems with the reliability of some witnesses; and sure, those missing documents meant the defence was deprived of some powerful ammunition during those trials in 1999 and 2000. But, the Crown argues, there's still plenty of other evidence which looks bad for Stone and Maney. So it's arguing that instead of acquitting these two, the court should pass the cases back to the Crown Solicitor. The Crown Solicitor can then make the call on a retrial.

The submissions for Maney and Stone are, of course, calling for precisely the opposite. Their lawyers would like to see acquittals all round. And they want an opportunity to explain why the flaws in the convictions go much deeper than a couple of undisclosed documents. They want to show the appeal court just how strange and shambolic this entire case has been from the beginning.



Tim McKinnel took on Gail Maney's case soon after the 'Gone Fishing' podcast was released in June 2018. Photo: RNZ / Cole Eastham-Farrelly

Gail Maney has been fighting to prove her innocence since the day she was first charged. Once convicted, she tried to keep her case alive from inside prison. She pursued a new court of appeal hearing, a Supreme Court appeal, and a Royal Prerogative of Mercy. None of them got across the line.

She wrote to the "Innocence Project". She wrote to the justice minister. She even wrote a letter to David Bain's long-time cheerleader Joe Karam, though she didn't hear back.

For the past six years though, she's had a powerful ally at her side.

In the week that *Gone Fishing* was released in June 2018, Amy Maas contacted long-time innocence campaigner **Tim McKinnel** to see what he made of the case.

An investigator and former police officer, McKinnel has a remarkable track record of helping people prove their innocence, including **Teina Pora**, **Alan Hall** and **Terri Friesen**.

Based on a quick appraisal of Maney's case, McKinnel said he could see some definite "red flags", and volunteered to take a closer look.

The closer he looked, the worse it seemed, and pretty soon, McKinnel was all in. Within months, Gail Maney had fresh hope: a

legal team led by Julia-Anne Kincade announced it would represent her, and seek to have her case re-heard by the Court of Appeal.

That was late 2018. Justice moves slowly. Last month I phoned McKinnel. Yes, he said, it really has been a "long struggle".

"We knew that this day should come, but in criminal justice you can never be sure."

McKinnel isn't the kind of guy who counts his chickens before they're hatched, so he took care to point out that the Crown's memo conceding a miscarriage was by no means the end.

All the same, though, "it's an incredibly positive and encouraging step".



Inside the hard-partying West Auckland home where police alleged a murder occurred in 1989. Photo: Supplied

As a rule, it's not the job of a Court of Appeal to reconsider an entire case from scratch. The focus is on problems with procedure or the application of the law, rather than the facts of a case. Which, in this case, is just as well. Two days is barely long enough to scratch the surface of a story that features a large cast of characters, multiple trials, fiercely contested timelines, layers of lies and, strikingly, disagreement over whether one of the murders in question occurred at all.

Without wishing to be too blatant a shill for a podcast I co-produced, I honestly believe your best shot at getting your head around the entire case is to listen to the *Gone Fishing* podcast from start to finish. The character thumbnails and timelines on [the show's webpage](#) are also pretty helpful.

But in brief, here's what happened.

One evening in August 1989, Deane Fuller-Sandys, a 21-year-old tyre fitter, left his parents' house in Auckland, saying he was going fishing off the rocks on the wild west coast beach of Whatipū. He vanished; some belongings that looked like his drifted ashore; and for years he was presumed to have drowned, probably after getting washed off the rocks by a rogue wave.

Almost a decade later, however, police received some tips about an historic murder involving an unidentified body in the boot of a car. After considering several possibilities of people who'd gone missing around the right time, they concluded the victim had been Fuller-Sandys, and the killer had been a violent career criminal called Stephen Stone.



Stephen Stone. Photo: Supplied

Both Fuller-Sandys and Stone had, apparently, been associated with a rough West Auckland crowd that included drug dealers, stripclub bouncers, sex workers, gang members and assorted wild party animals. One of the gathering points for this scene was a shared house in Larnoch Rd, in Henderson, West Auckland, and one of the people living there was Gail Maney, at this time a young mother.

Stone was the focus, but police interviewed numerous members of this loose, semi-criminal community: as lead detective Mark Franklin said in an interview for the *Gone Fishing* podcast, they were trying to figure out "who was who in the zoo".

Some of those people cooperated with police and received immunity from prosecution in exchange for testifying for the prosecution. Others who didn't cooperate ended up as defendants alongside Stephen Stone. Including Gail Maney.

Speaking in 2018, Franklin was unapologetic about that.

"It was basically you're either in the witness stand or you're in the defendant's box it's one or the other. That's the choice they had."

Franklin told Amy Maas and me that things could have been different for Maney.

"If she'd chosen to give us some facts rather than just total denial, then there was every possibility that she would have been given the opportunity for immunity. But she chose not to say anything and not to cooperate."



Former police detective Mark Franklin. Photo: Jason Dorday / Stuff

It took police a while to arrive at their final theory of what had happened to Deane Fuller-Sandys, but this is the version of events that would eventually be presented to a jury: Shortly before Fuller-Sandys disappeared, someone had burgled some clothes and drugs from Larnoch Rd. After talking to a neighbour who'd seen somebody break into the house, Gail Maney decided the burglar must have been Fuller-Sandys. Furious, she asked her associate Stephen Stone to kill him.

Fuller-Sandys was lured to Larnoch Rd and then, in the property's tiny garage, crowded with about 10 people, Stone shot Fuller-Sandys, then passed the gun around and forced several other people to shoot him as well. He and others then disposed of his body somewhere in a coastal forest, before dropping his car off at a Whatipū car park so it would appear that he'd gone fishing.

A week later, Stone also killed Leah Stephens, because she'd been one of the witnesses in the garage and he feared she was about to crack and tell police.

Two men who'd been in the garage when Fuller-Sandys were killed were also present a week later as Stone raped and killed Leah Stephens, and they then helped dispose of her body.



Leah Stephens. Photo: Supplied

It's a horror story - and one that police took a long time to settle on.

In the case of Deane Fuller-Sandys' death, there was no forensic evidence to support the prosecution case: no body was ever found, no weapon, no evidence of bullets flying around a tiny garage, no blood.

Leah Stephens' skeletal remains were found by a dog-walker in a coastal forest a few years after she had disappeared, but there was little forensic evidence to show what might have happened.

This meant the prosecution case for both murders rested almost entirely on eyewitness accounts. Yet it's clear there were serious problems with those accounts, from four key witnesses especially.

Two were men who said they'd been present at both murders (and in the case of Leah Stephens had even taken part in her gang rape before Stone killed her).

They received full immunity from prosecution in exchange for their testimony. Their names are permanently suppressed. During police interviews they told more than a dozen wildly different variations of what they had seen.

The other key witnesses were two women who also received immunity and name suppression in exchange for testimony. But both women later signed affidavits recanting their evidence, saying they had been threatened by police.

The credibility and reliability of these four witnesses was one of the red flags waving at Tim McKinnel from the moment he looked at Maney's case. And six years on, the undisclosed documents referenced in the Crown miscarriage memo go directly to this point.

One was a letter police faxed to the lawyer of one of those two male witnesses. Before this fax was sent there were significant differences between the two men's stories; after the fax, their stories became closely aligned.

The other was a police job sheet detailing a meeting between Detective Senior Sergeant Mark Franklin and one of the two female witnesses, shortly before she made a significant statement to police.

Back in 1999, and again in 2000, defence lawyers never saw the police fax, and it is likely they also never saw the Mark Franklin job sheet. And as the Crown concedes in its submission: "these documents were important to the defence theory of the case", so their non-disclosure was "an error capable of affecting the results of the trials".



Maney at the Larnoch Rd flat. Photo: Supplied

All along, Gail Maney has said that the murder of Deane Fuller-Sandys, in her house, at her request, and seen by a literal crowd of witnesses, simply didn't happen. She says she never even met Deane Fuller-Sandys. In fact, she thinks it's still quite plausible that he drowned while fishing.

Her journey through New Zealand's police, court and penal system has, inevitably, been closely intertwined with that of Stephen Stone, but their paths have been very different.

Stone was convicted of the additional murder and rape of Leah Stephens, and received a heavier sentence than Maney. Though he has said he is innocent, he hasn't fought the kind of dauntless public battle to prove it that Maney has. He has been in jail ever since his conviction in 1999.

Last year, when the Court of Appeal announced a hearing would be going ahead in August 2024, Stone's team supplied a statement to media.

"It has taken a very long time to get here," said Stone, "but it is good to finally have a date for my appeal. I've wasted 25 years of my life in prison for two murders I am innocent of."



Maney carries the weight of her conviction for the murder of Deane Fuller-Sandys (left) through her life since being released from prison. Photo: RNZ / YouTube

In late June, I met Gail Maney in person for the first time in a few years, at the Auckland offices of the licensed investigators firm Zavest, where Tim McKinnel is a director.

This was shortly before the Crown's memo was released, but in any case my plan wasn't to ask Maney directly about the Court of Appeal; her lawyers had told her she shouldn't get into the weeds of her case so close to a hearing.

So she's not going to talk about where she thinks the police and prosecution went wrong.

She's not going to talk about Stephen Stone.

She's not going to talk about Deane Fuller-Sandys (and it's worth noting that every other time I've talked to Maney in the past six years, she's never failed to mention how painful and horrendous it must be for his family, and for the family of Leah Stephens).

Instead, I'm hoping to learn how Gail Maney's getting on. What has she been up to? What's coming next?

Maney is wearing a black Champion-brand sweater, and heart pendant.

She bought it for herself, from Pascoes, a year ago.

"There's no man in my life. At the moment my life is all about self-love. When you love yourself then you can love others, and you emit a different kind of energy."

Maney is interested in the energies people give off and attract. She prays sometimes. She believes in the power of crystals.

"I've got some on me right now. They're actually in my bra. One called blue lace agate, which is an angelic kind of one, and the other one I've got is lapis lazuli, which is for your throat chakra, which is good for speaking and things like that.

"My house is full of crystals. I'll show you."

She reaches for her phone, and plays a brief video tour of a tiny apartment, which has lots of plants, double-glazing, a little deck, a red front door - and a huge amethyst geode (a type of crystal).

She's been living in the same Waikato town for three years now, working at Paul's restaurant all that time. It's been one of the most settled periods of her entire, complicated life. And when you look back at that life, it's striking how important kitchens have been to the Gail Maney story.

She was sitting at her kitchen table, having a coffee with a flatmate, the day that police knocked on her door in 1997, asking

about a cold-case murder. She didn't want to let them in - partly because there was a pot of opium cooking on the stove.

At this point, Maney was thoroughly off the rails. Over the preceding decade she'd run up a lengthy criminal record - for prostitution, shoplifting, driving while disqualified, disorderly behaviour and common assault.

Being charged with murder was the start of a long nightmare, but she also thinks it may have literally saved her life. It interrupted a drug habit which had grown to 120 pills a day - mostly sedatives and opioids.

"It scared me straight. I was just so scared to do anything wrong. I started growing, I guess: looking at my life and seeing the mistakes and the path of self-destruction. I was like - 'Wow, that's pretty hectic and I don't want to be that person any more'."

Over her 15 years behind bars - a decade-long stretch, then two shorter stints because she was recalled for breaching parole conditions - Maney rose to leadership positions in the prison kitchens.

"Working in kitchens and keeping myself busy was kind of a survival thing for me."

She was working in the kitchens at the Auckland women's prison in Wiri when she met reporter Amy Maas, who was visiting as part of a media group. They chatted about a prison recipes cookbook Maney was thinking about writing, but when Maas tracked Maney down after her release, they instead got talking about Maney's fight to prove her innocence.

And now, Maney is once again finding solace and stability in the kitchen, as head chef at Paul's cafe, leading a team of four.

She works five days a week, but in summer that'll go up to six or seven days a week.

"It's a high-stress environment but we've got some good systems in place, we've got a great team and it's a really good energy in there, so we have a lot of fun."

The staff enjoy hearing her war stories about the bad girls and outrageous goings-on inside women's prisons.

"They'll be all gathered around like, 'Oh my gosh tell us more!', then we might get interrupted because some customer has come in and they're like, 'Oh no - we've got to come back to this story!'"

She's financially stable, perhaps for the first time ever. It's nice to be able to actually afford something like an amethyst geode for your flat, or a Pascoes heart pendant.

She hurt her knee recently, so she's been seeing a personal trainer twice a week - "strength training, with a medicine ball and that kind of thing" - and thinking about self-care in general.

"I did a wholefood eating plan for like four weeks and I felt amazing, because I detoxed off 40 years of coffee addiction."

These seem like the pleasantly minor concerns of someone in their mid-50s leading a pleasantly simple life - anxieties about a dodgy knee, watching your diet, moderating your coffee intake.

But Maney is still on life parole for murder, and there are constant reminders of the prison life that's never quite behind her.

She says becoming a duty manager at the cafe has been delayed because the local licensing committee has qualms about her serving alcohol.

"I mean, there's gang members who get their duty manager licence!"

Every two weeks, she is visited at work by her probation officer.

"Every time I see the probation officer, my walls go up straight away."

Her parole conditions have included curfews, bans on drugs and alcohol, and requirements to keep officials informed of where she's working, where she's living, who she associates with, and even the state of her love life. She's never been overseas. Just recently, she applied for her first-ever passport.

Maney says her current officer "treats me like a normal person", but previous officers have at times "treated me like I am a high-risk prisoner and it's full-on interrogation and accusations and then they try to play these little mind games.

"I say to them, this is psychologically abusive, because they'll try and do this trick questioning and I'm looking at them and I go, 'Can we just get to the point?'"

Yes - a "full-on interrogation" doesn't sound fun, but in fairness to her probation officers, Maney has breached her parole conditions a number of times, including a 2012 recall that saw her spend another four years in jail. The breaches have generally involved allegations of drug use.

Not that I want to sound like her parole officer or anything, or get her into fresh trouble, but I feel I should ask: has Gail Maney taken any drugs recently?

"No. Do I look like I have?"

No, not at all.

"That's good," says Maney, and laughs loudly and cheerfully.

"I'm very clean these days. I'm done and dusted with all that stuff. I've got good people around me. I guess I've dabbled a little bit here and there, but it wasn't helpful for me.

"I don't want to be going back to jail. I've got my legal team who have worked really hard. It's disappointing for myself and for everybody, and it's hard to get back out! I don't want to go through that."



Gail Maney. Photo: Jason Dorday/Stuff.

Maney confirms that people who come into the cafe are sometimes interested to take a peek at her.

"Just recently I met a guy who'd listened to *Gone Fishing* and was dying to meet me. He knew somebody I knew, so she introduced us and he was so excited that he rushed home to tell his wife that he'd met me."

How did that feel?

"It's become quite normal."

So where, exactly, is Gail Maney at? She's 57. She's spent half of her life proclaiming her innocence of the murder of a man she says she never met. Her life is looking more stable than perhaps at any time of her life. She's got her first passport.

She's on the brink of a Court of Appeal hearing which, at worst, should confirm that there's been a miscarriage of justice and at best, could see her acquitted outright. (And between those poles there are messier possibilities, including the slim possibility of a retrial.)

It's all adding up to a big year for Gail Maney.

Would she describe herself as happy?

"Yeah, I think I feel like I'm happy?"

Her rising intonation has turned it into a question. She tries again.

"I don't know. I feel like I'm happy, but there are things that are missing in my life. I'd like to be able to have more contact with my family. I've got grandchildren that live two hours away one way and then the others live two hours away the other way."

She pauses to ponder the question one more time, then gives her final word.

"I think I'm happy. I'm OK."



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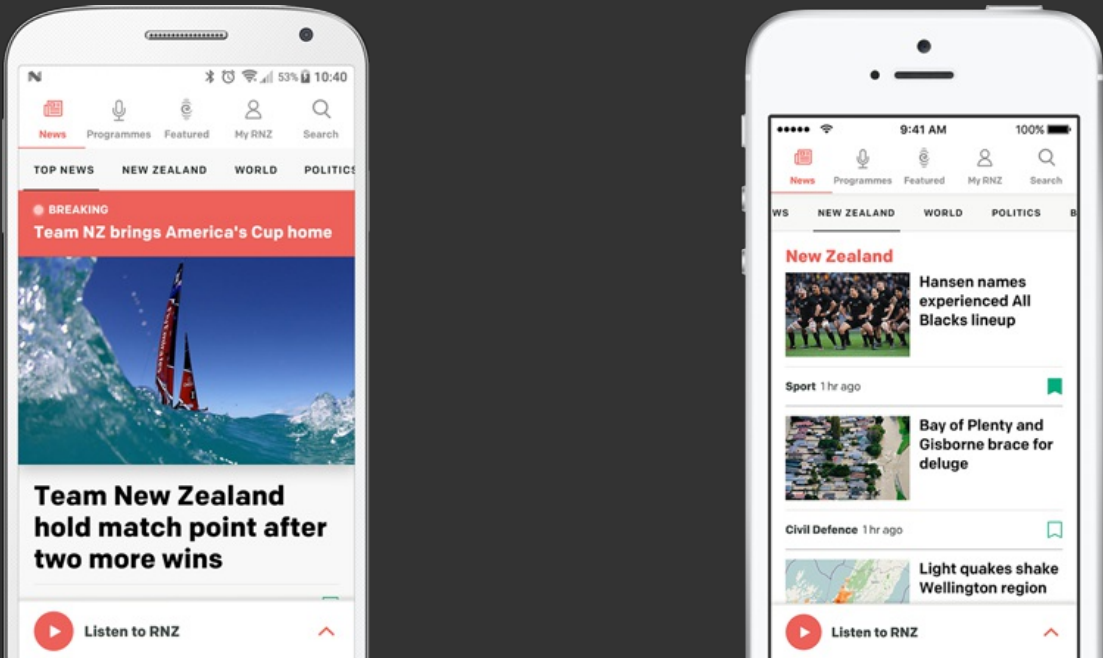
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