
Dr David Anderson

The objective bystander might wonder what went wrong in the case of Stefan Kiszko. How it was that a totally innocent man had been convicted and who was to blame? When, in 1992, it was clear that Stefan was going to be released from prison, the investigative journalist Steve Panter interviewed Detective Superintendent Richard Holland. The superintendent told him, 'My conscience is clear. Whilst I feel sorrow for Mr Kiszko, I did an honest, professional job. I did not stitch him up'. Perhaps not everyone will agree with that claim and say that was exactly what he did.

When the police were told by Stefan Kiszko that he was receiving hormone treatment they jumped to completely the wrong conclusion. They thought the treatment caused him to lose his self-control and inhibitions and that it had driven him to kill.

Opinions will vary as to who was actually responsible for the wrongful conviction of Stefan. One expressed to me was that it was the police mainly because they did not fully understand and appreciate the importance of the forensic evidence. I reject that view for the following reason.

Dr Anderson was the doctor at Manchester Royal Infirmary who had treated Stefan and prescribed the drug Primoteston for him. I met him in Nottingham on 17 October 2014 by pre-arrangement to discuss the case. He has written a book, *Three False Convictions Many Lessons The Psychopathology of Unjust Prosecutions* (2016, Waterside Press) about the wrongful convictions of Amanda Knox and Raffaele Sollecito (Italy) and Darlie Routier (USA). The third case featured in detail IN that book is the wrongful conviction of Stefan Kiszko for murder; Anderson's recollection of the detail of the murder of Lesley Molseed is both exact and admirable.

He was appointed Senior Lecturer in Medicine at Manchester Royal Infirmary in August 1975. He was at that time a fully-qualified Consultant Physician. One of the first patients he dealt with was Stefan Kiszko who

was an in-patient on the Haematology ward in that hospital. He found his patient to be abnormally developed and extremely sick. He was aged 24 years with severe malnutrition and anaemia which was caused by an extreme dietary deficiency of the B vitamin folic acid. There was nothing in Stefan's past history to suggest any propensity to violent or disturbed behaviour. His employers indicated that they found him to be both reliable and diligent. Dr Anderson told Stefan what his diagnosis was and what treatment he intended to prescribe, namely male hormone injections every three weeks. Apparently Stefan was delighted that his development thereafter would be more normal and that in due course he should be able to have a normal sex life and marriage. He was told however that he would not be able to father children due to his inability to produce sperm, but the injections would greatly improve his well-being. Stefan was keen for the treatment to start. Dr Anderson told him that the injections would be of 125 mg, half the normal dose of testosterone, so that he could adjust to his adult sex urge gradually. It seems his first injection was given on that occasion which seems to be 11 September 1975.

On the morning of Friday 3 October 1975, and again on the morning of Friday 24 October 1975, Staff Nurse Maureen Cliffe of the Department of Clinical Haematology at that Infirmary gave 125mg of that drug intramuscularly to Stefan, in accordance with the doctor's instructions. Stefan's general practitioner then assumed the task of giving the injections during November and early-December. When Dr Anderson next saw Stefan on 9 December 1975 in the Endocrine Clinic in Manchester on a follow-up appointment he indicated his gratitude to the doctor telling him that he experienced normal male sex urges, so the treatment up to that date was proving very successful.

When Superintendent Holland discovered the existence of the treatment at the Infirmary and its details he thought that the injection on 3 October was highly significant. 'When I first saw that child Lesley lying dead I thought we were looking for a monster. I believed the hormone treatment had turned Kiszko into something he had no control over'. It was a very serious error on Holland's part, but one he clung onto, probably for the remainder of his police service.

A police officer, probably of the rank of Detective Inspector, interviewed Dr Anderson and then produced for the doctor's signature a witness statement dated 23 December 1975. That was the day after Stefan's confession to murder.

Dr Anderson recalls that just before Christmas 1975 two officers from the West Yorkshire Police called at his office in the Manchester Royal Infirmary. They informed him that they had evidence Stefan had sexually assaulted and then murdered Lesley Molseed. They further informed him that they knew of the administration of the male hormone injections (we know that Stefan had told the police about them) and they took the view those injections 'tipped him over the edge'.

Anderson told Superintendent Wilkinson in the course of his enquiry that a witness statement (probably the one dated 23 December 1975), was not drafted or signed by him but shown to him by a police officer. It did not reflect his views. Whoever wrote that statement, dealing with the effects of Primoteston, did not fully understand what the doctor had said.

The contentious material appears on page 2 and page 3 of the type-written statement.

'The drug testosterone does in fact cause a change in behavior patterns which is usually accompanied by the person becoming aggressive. Based on my experience in dealing with 20 or 30 such patients, one or two of whom have become quite aggressive I always warn patients who are treated with this drug of the possible dangers with regard to greater sexual drive and shortness of temper, together with the aggressive tendency. The patients are advised that if they feel they are unable to combat any of these symptoms to notify the doctor who will then reduce the dose rate. Based again on my experience I can say that a person suffering from Kizsko's complaint ... that as a result of treatment with the drug testosterone it would be quite possible for a man to become able to ejaculate after a certain period of time, however I would be extremely surprised if the semen emitting contained anything approaching the normal amount of sperm. I would estimate loosely a person in this condition would ejaculate a sperm with the sperm count of 500,000 per millilitre as opposed to the normal 50 million sperm in a millilitre'.

I regard this as being of the utmost importance. Here was a police officer endeavouring to obtain from a senior and experienced doctor who had treated Stefan a highly incriminating piece of evidence, namely that the injections which had been administered to Stefan would enable him to produce semen containing sperm, albeit at a low level. Dr David Anderson would not agree and did not sign this statement. In my view the police knew on 23 December 1975, and appreciated its importance, that semen containing sperm had been found on the clothing of the dead little girl. They had a confession from a man who said he killed her. If his semen contained sperm, that corroborated the confession evidence beyond any doubt whatever. If it did not, and we know it did not, then it undermined the confession to the point of total destruction. Wasn't that the reason why Superintendent Holland made no mention of the semen sample when the case papers were sent to the Director of Public Prosecutions, and why there was no final report ever found indicating the results of the forensic tests at the Wetherby Forensic Laboratory? I consider that several senior police officers knew full well the significance of the findings of the forensic scientists regarding the stains on the little girl's underclothing and Stefan's handkerchief, and wanted a medical version that might indicate that Stefan was capable at some stage of producing sperm, which would implicate him beyond doubt in Lesley Molseed's murder. They never got it.

Dr Anderson was willing to give evidence that the drug treatment would not have turned Stefan into a child killer. Stefan was certainly no monster either. Anderson told the police that in a psychologically normal man the replacement male hormone would only stimulate sexual activity in the normal way. The police and a pliant and hostile press thought otherwise.

Another witness statement, reflecting the true evidence, was written and signed by Dr Anderson. He gave it to the police for them to decide whether to use it in advance of their case. The defence was served with a copy by the prosecution. Although he attended Stefan's trial at Leeds Crown Court in July 1976 and was available to give evidence, neither the prosecution nor the defence called him as a witness. Dr Anderson is quite clear in his recollection: he told those two officers that Stefan

was unable to produce sperm. That would not have been welcomed by the police. He wrote,

‘At the start of such treatment in patients with hormone deficiency it is known that the patient may experience increased drive and aggression as well as an increase in sexual activity, but it is my view and I believe the general opinion in the profession that this results only in an increase or ostentation of existing tendencies and not the arousal of previously uncharacteristic urges. There was no reason to believe that the patient had shown any violent tendencies in the past’.

Dr Anderson made reference in that second statement to the joint medical decision to start the patient on testosterone, as Primoteston, by intramuscular injection in a dose of 125 mg every three weeks. He told the police, so that they could clearly understand it, that the injections would increase Stefan’s sex drive but it would not turn a normal man into a killer. He had started Stefan on a half dose rather than full dose of the injection in order to introduce him to normal male hormone levels gradually and because he had been so ill and malnourished. He believed that other endocrinologists were approached to criticise his treatment of Stefan Kiszko and many said they would have given testosterone at twice the level he had used. He rejects that view and in the event, because Stefan was declared innocent of the murder, it then had no relevance to Stefan’s subsequent reaction to that treatment. In his second statement Dr Anderson made no reference to a sperm count. It was limited to matters within his personal knowledge of the case and his general experience.

Should David Waddington QC have called Dr Anderson as a witness because he would have advanced very cogent and compelling evidence relating to Stefan’s medical condition overall and his reaction to the oppressive treatment over endless hours endured at the police station so that he was compelled to talk rather than remain silent? Stefan simply could hold out no longer and confessed, perhaps thinking he was manufacturing the key to open a door allowing him out of police custody. It is accepted, however, that there is a possibility that Dr Anderson might then have damaged, if not destroyed, the alternative defence of diminished

responsibility that Mr Waddington QC was running at that time. This is yet another reason, in my view, why Waddington should never have run such a defence.

It is a matter of record that on 30 June 1976, i.e. a week before the murder trial was scheduled to begin, Albert Wright wrote to the Director of Public Prosecutions to indicate which witness on the list provided by the DPP would be required to attend the trial and give evidence. This was long after the magistrates' committal proceedings when most solicitors would be in a position to warn the prosecution which witnesses would be required for the purpose of giving oral evidence, as opposed to their written statements being read in court, and being subject to cross examination by the defence. Amongst other reasons, July is part of the holiday season and relevant witnesses might not be available unless warned in time. That is separate and apart from a full and detailed preparation of the defence case by the lawyers involved.

Mr Wright told the DPP in that same letter that he had asked Detective Superintendent Holland to arrange for Dr Anderson to be present on the morning of the first day of the trial because 'both defence counsel wish to interview him'. On any objective view this should have been done well in advance of the trial and not left until the 59th minute of the 23rd hour. Dr Anderson would have been a most helpful witness on two points. First, Stefan's state of health and his ability to withstand pressure in the police station before he confessed, and further the highly relevant evidence whose importance was overlooked, namely that of the seminal staining on the little girl's clothes and its source. Since there were many other matters to deal with on that first day, including the undisclosed witness statements which were formidable, why was Dr Anderson not invited to meet both counsel well before 7 July 1976?

On 25 April 1991, Dr David Anderson was interviewed by Detective Inspector O'Boyle. By this date he was Professor of Endocrinology at the Hope Hospital, Salford, part of the University of Manchester. He was shown a copy of the statement he had made to the police on 23 December 1975. He agreed that the contents were basically accurate but he said he would not agree with the contents of page 3 because it would not have been possible to make such an accurate statement with regard to sperm

counts and for this reason he was not prepared to sign the statement. He said in this last statement, ‘... and much more likely that there would have been no sperm in the ejaculate at all (Azoospermia)’.

In the last paragraph of his statement he said, ‘If on 6th January 1976 ... I had been told that as forensic examination of semen samples from Kiszko showed that he was azoospermic but that sperm heads had been found on the dead girl’s clothes, I would have said that the semen found on the girl was unlikely to have come from Kiszko’.

It is my belief that Professor Anderson thought that the police had wrongly concluded that the hormone injection on Friday 3 October 1975 caused Stefan to be involved in the ‘flashing incident’ at the youth club on that Friday evening, and had driven him to murder two days later. He would not support that theory which was without foundation. Professor Anderson recollects that he told David Waddington QC at Leeds Crown Court that it was clearly not the case that the injections had turned Stefan into a monster, Jekyll and Hyde style. Was that the reason Professor Anderson was not called as a defence witness at the trial in July 1976 at Leeds Crown Court?

As in other cases, if the death penalty had still been in effect in 1976 it is clear that an innocent man would have hanged. Child killers seldom were reprieved by the Home Secretary when sentenced to death. Stefan Kiszko was cleared only because his devoted mother knew the truth, as Stefan did, that he could not have been Lesley’s killer. Until his release, it was likely that Stefan, rather than Ronald Castree, would have died in prison. Castree might never have been called to account for killing Lesley Moleseed. In a most unselfish act, Kiszko’s mother Charlotte used money, granted to her in compensation for an industrial illness, devotedly and generously to ensure her son’s freedom.

Campbell Malone, without other means of paying for independent professional investigations, in contrast to the virtually unlimited resources that lie in the hands of the State, would have been very limited in the practical as opposed to legal help he could have provided to Stefan and his mother.

Once the impartial and competent investigation began, doubts began to grow about Stefan’s conviction. Philip Clegg, who had been Stefan’s

junior counsel at his trial advised Campbell Malone on evidential issues that might be looked at again with a view to launching another appeal. But Stefan's conviction would never have been quashed without the undiminished determination of his mother to fight against the State and establish his innocence, and the unselfish dedication of his solicitor Campbell Malone, to ensure that the law's best servant is the truth.