

Henry Keogh: New chance at life for man known as the ‘body-in-the-bath’ killer

By **LUKE GRIFFITHS**, JOURNALIST and **MICHAEL OWEN** SA BUREAU CHIEF
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For a man known as the “body in the bath” killer, Henry Keogh appears remarkably content.

Relaxing in his lounge room in a two-storey townhouse in Adelaide’s fashionable inner-east that he shares with wife Faye Hambour, Keogh says he is not angry, bitter or resentful about being convicted of the 1994 murder of his fiancée Anna-Jane Cheney.

Keogh, who spent more than 20 years in jail before his conviction was set aside because of flawed forensic evidence, is philosophical. Indeed, the 63-year-old presents as someone who has put a protective shell around his emotions. Throughout a lengthy interview with *Inquirer* he quotes Nelson Mandela and speaks highly of Buddhism.

He only shows emotion while recounting a promise he made to his family to one day walk free from prison. “I could’ve easily checked out, quite easily, but I couldn’t and wouldn’t do it to them,” he tells *Inquirer*.

“I’d seen documentaries on the aftermath of suicide and I didn’t want to do that to them ... it would’ve been an easy way out and meant the liars had won.”

Those “liars”, in the eyes of Keogh and Hambour, are everywhere within what they say is a deeply flawed legal system.

Keogh, a former financial adviser and insurance agent, served 21 years of a 25-year non-parole period for Cheney’s murder before he was released on appeal in 2015.

This week he settled a compensation claim against the state, accepting \$2.57 million for a substantial miscarriage of justice.

Yet the case, which became one of South Australia’s most high-profile criminal matters with its elements of love, greed, sexual betrayal and murder, continues to divide the community. Its sensational premise was that a beautiful and popular young lawyer was taking a bath when her older fiance made a cold-blooded decision to drown her just six weeks before their wedding. This scenario, as put forward by South Australia’s now discredited former chief forensic pathologist Colin Manock, saw Keogh convicted of murdering 29-year-old Cheney.

State Attorney-General Vickie Chapman acknowledges some in the community believe the settlement amount is “hardly adequate” while others think Keogh “should not receive one cent”.

The case has long caused controversy and sparked several media storms. A December 2001 edition of Adelaide’s *Sunday Mail* featured an attempt by a group of academics, senior lawyers and scientists to re-create the “body in the bath” murder and film it.

The saga is far from over, with Cheney's family this week vowing to pursue Keogh in the civil courts.

The path that led to a renewed battle over whether Keogh, a divorced father of three, cold-heartedly drowned his blonde fiancée as she lay naked in her own bath is a long and complex one involving numerous appeals, including to the High Court.

Cheney, from an affluent Adelaide eastern suburbs family, was well regarded in Adelaide's cliquy legal fraternity and held a senior position as the director of professional standards with the Law Society. Her father, Kevin Cheney, was a respected medical specialist in haematology pathology. The Cheney family has never spoken publicly about the case. When contacted by Inquirer, they requested privacy.

Cheney was 10 years younger than Keogh and their relationship began as a secret two-year affair.

Dublin-born Keogh is the eldest of three sons of Irish immigrants. He was a suburban bank manager turned insurance broker, married with three young daughters, when he first met a 24-year-old Cheney at the Bull & Bear bar in 1989 over Friday night after-work drinks.

He left his wife and children to be with the bright and carefree Cheney, and they lived together in her home in Magill, acquired with the help of a \$30,000 loan from her father.

On March 18, 1994, six weeks before their wedding, the couple enjoyed a Friday night out at the Norwood Hotel, spending about an hour chatting over some wine and potato wedges.

Keogh later went to visit his mother while Cheney stayed home, complaining of a sore back and planning to take a bath. When Keogh returned, he found his fiancée slumped in the bath. He tried CPR after calling an ambulance, but Cheney could not be revived.

Police initially concluded that Cheney died from natural causes. But suspicion fell on Keogh after it emerged he had taken out five life insurance policies, reportedly worth about \$1.2m, in Cheney's name. Her signatures had been forged, although Keogh was never charged over this.

During his trials, the prosecution argued the insurance policies were part of a secret plot by Keogh to cash in on Cheney's death. However, Keogh said there was nothing secretive about them and Cheney wanted to be kept at arm's length from a scheme known within the insurance industry as "tombstoning". Keogh had started work as an insurance agent for the five companies the policies were held with because he feared losing his full-time position at the State Bank. He left the bank to join a stockbroking firm six weeks before Cheney's death.

To keep his links with those companies current he took out the policies for Cheney, a not uncommon practice within the industry.

While police delved deeper into Keogh's finances, two young women came forward independently of each other. Their identities were suppressed. They later testified about having affairs with Keogh while he was with Cheney.

After re-examining Cheney's body as speculation about Keogh's possible involvement in her death swirled, Manock developed a theory that she was a victim of assisted drowning. Among a raft of claims that have since proven false, Manock said Keogh forcefully bent Cheney's legs back above her head in the cramped bathroom, submerging her head in the process.

Manock later admitted that bruise marks might not be proof that someone had gripped her limbs on the night of her death. It also later emerged that faint bruises were most likely sustained 24 hours before her death.

The first trial ended in a hung jury. But after a two-week trial in August 1995, amid intense media scrutiny, Keogh was convicted and given a life sentence. In 2015, an appeal court ruled that the jury in Keogh's second trial had been misled by Manock and there had been a substantial miscarriage of justice.

A third trial was ordered but in November that year prosecutors decided not to proceed. Keogh was not acquitted, but his conviction was set aside. Greg Griffin, a lawyer for the Cheney family, said rather than settle with Keogh, the state government should have either contested his claim or ordered a retrial based on "very clear findings" of the Supreme Court that a properly instructed jury could have reasonably convicted Keogh based on other evidence.

Keogh says he is saddened, not angry, about the prospect of civil action by the Cheney family. Asked what he would say to the family, he says he has "nothing they want to hear". "If I had words that would help them I'd give them ... I wish I did, but I don't know what they are," he says.

"I can understand the emotional side of it because when you lose someone you're looking for something or someone to blame, and that's unfortunately part of the human condition, it's a natural reaction. I would've thought and hoped that at least they could accept that Anna hadn't died as a result of foul play, then that would've given them some degree of closure and comfort. But sometimes the more you try to change someone's opinion, the more they become entrenched — it's sad."

A report by the Crown Solicitor's Office, hidden for the best part of a decade, emerged in 2013; it found Cheney's death was most likely to have been an accident. She probably slipped, hit her head and drowned in the bath, the report said. Medical professor Barrie Vernon-Roberts' crucial 2004 report, which showed the grip marks to be a false finding by Manock, had been withheld without explanation.

In December 2014, Keogh's high-powered legal team applied directly to the full bench of the Supreme Court to clear his name, using new laws that allowed the court to hear an appeal if "fresh and compelling evidence" emerged after a person had been convicted.

Previously, a convicted criminal who exhausted their rights to appeal could only petition the state governor for mercy if they wanted their conviction quashed, which Keogh had done five times without success.

Keogh tells Inquirer if he were a few years younger he would almost certainly have taken his compensation claim to court, rather than settle for \$2.57m.

"For me right now, quality of life, in terms of time spent with family and friends, is far more important than winning in court. Especially if it's going to be five or 10 years, and there's no guarantee at the end of that that you actually emerge a winner — the only people that come out winners there are the lawyers."

Part of Keogh's positive outlook on life is his relationship with 67-year-old Hambour, who initiated contact with Keogh when he was in prison. The former nurse became intrigued by Keogh's case after attending a lecture by Bob Moles, an academic who researches cases that he believes have been tainted by flawed evidence.

"I wasn't a jail groupie or do-gooder," she says.

Hambour admits to thinking Keogh was guilty because of the headlines she had read. “I thought he was guilty ... because just the skeleton of the story does make Henry look guilty,” she says.

But she was soon swayed by Moles’s evidence.

“People assume that the legal system is fair and just, but anyone who’s had any dealings with it are disappointed, hurt, bewildered and very, very poor.”

Moles tells Inquirer that Manock’s “incompetence” was bewildering and that other innocent parties remain in jail because of evidence he gave — which helped lead to criminal convictions in more than 400 cases.

“Clearly, the Keogh case is one of the most important in Australia’s legal history, simply for the reason he was in the slammer for more than 20 years and had his conviction overturned,” he says.

“People talk about the Lindy Chamberlain case ... but Lindy was only in prison for three or four years. I say ‘only’, but being in prison for even just six months would be horrible for someone who shouldn’t be there. Lindy had a relatively short period of time in prison. Yet that is regarded as one of the most notorious cases in Australia.” Moles says the state has a duty to review the cases in which Manock was involved. “At one level, this isn’t even about Keogh, or even the pathologist, it’s actually about how a legal system would prefer to perpetrate injustice rather than achieve justice.”

Chapman, who over several years in opposition raised concerns about Manock’s evidence in parliament with former attorney-general John Rau, says the new SA government has no plans to launch a wholesale review of cases that Manock was involved in.

“At this stage, on the face of it, I can’t see any justification for having any inquiry into the hundreds of cases that would potentially apply,” Chapman tells Inquirer.

However, this does not mean Keogh will give up on helping others find justice. “We have a golden opportunity here to not seek vengeance and have heads on pikes, but to actually fix up some of the laws in the justice system, whether it’s got to do with misconduct from prosecutors or police, or bias, or anything,” he says.

“Rather than just slinging mud, let’s fix it. I don’t want anyone else to go through what I did.”