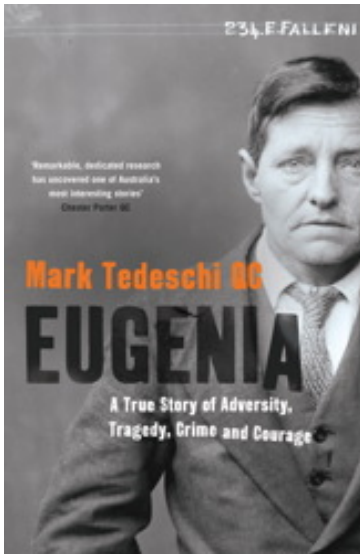


# Eugenia: A True Story of Adversity, Tragedy, Crime and Courage

*By Mark Tedeschi QC – Published by Simon & Schuster in September 2012*

*Review by Wayne Gleeson*

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Legal Studies is the subject I have dedicated my teaching to for over 20 years. In that time my reading of choice has been cases, publications, media reports ... anything to do with the syllabus. Books have been left on the bookcase and only when on a plane do I get the time or urge to read a book for pleasure.

In April, Mark Tedeschi QC asked me if I would read a pre-published copy of a book he had written. I knew of Mark Tedeschi by reputation as NSW Senior Crown Prosecutor. I had read articles written by Mark and had followed his career in prosecuting some of the most noteworthy offenders in NSW.

The book was a true crime story about the life of Eugenia Falleni who was convicted of the 1917 murder of her wife Annie Birkett (nee) in 1920 – yes her wife. I had heard of Eugenia (aka Harry Crawford) from earlier reading of intriguing cases in Australian criminal history. I actually found a copy of a SMH article written in 2005 in which Mark Tedeschi rated the Eugenia Falleni case as the most fascinating trial in NSW criminal history.

In the April holidays I packed up some work and the copy of Eugenia to take on a trip to Sri Lanka. I intended to read the book on the last few days of the holidays at a beach resort on the southwest coast of Sri Lanka. I made the mistake of reading the Introduction and Chapter 1 at the airport. The book was completed before we touched down in Kuala Lumpur on our way to Sri Lanka.

I found the book very easy to read, most enjoyable, gripping and at times sad. While intriguing as a story, as a legal studies teacher the parallels of the criminal justice system in the 1920s and today became apparent in Mark's excellent storytelling.

***Eugenia: A True Story of Adversity, Tragedy, Crime and Courage*** is written from the volumes of factual material that are available on this case. This includes public records, court transcripts, police interviews, media reports and the recollections of people who had direct links to the main characters in Eugenia's life and case. Mark constructed conversations used in the book from police interview records and where there is reference to thoughts and emotions, Mark has inferred these from background factual circumstances in which they occurred.

The book is divided into three distinct periods of Eugenia's life: –

- Part 1 – **The Search For Love** where Eugenia's early life is explained, her transformation into Harry Crawford, her marriages, the death of Annie Birkett, police investigation and her arrest.
- Part II – **Legal Proceedings** where the trial of Eugenia Falleni is described, complete with many parallels with today's criminal trial processes; including the ineffectiveness that places doubt over Eugenia's conviction.
- Part III – **Incarceration and Release** describes Eugenia's imprisonment and subsequent release all to result in a chilling conclusion.

Eugenia Falleni was born in Italy on 25 January 1875 and migrated with her family to New Zealand when she was 2 years old. Mark describes her early life and brings the reader into her battles with her family and her own sexuality. We are then taken on the journey of a fascinating and tragic life – that of Eugenia Falleni (Harry Crawford and Jean Ford).

To place Eugenia's life into a timeframe the reader can relate to, Mark often parallels historical events that occurred at the same time of an event in Eugenia's life. For example in the year Harry Crawford (Eugenia Falleni) married Annie Birkett, *"The British suffragette Emily Pankhurst was sentenced to gaol for conspiracy to commit property damage. Work commenced on the construction of Canberra."*

Part I describes so many fascinating aspects of Eugenia's life it would be a disappointment to readers to reveal them in this review ... simply put, Hollywood would be doing well to fit some of what happened in her early life into a full length movie.

Mark's storytelling allows the reader to see all aspects of Eugenia's life lived as Harry Crawford, warts and all. The reader moves through many different emotions as Mark describes her anguish as a man in a girl's body, her humiliation on the Norwegian ship, her weakness for the drink, her happiness during marriage and her desperation on Annie's death.

It will be difficult for the reader to put this book down in Part I as you just want to learn more

about Eugenia and you feel a real bond to her, hoping that the next page will bring a little more happiness rather than despair.

Part II will shift the reader's interest to the criminal justice system that convicted her of murder and sentenced her to death. Here the legal studies teacher's intrigue with the process will match the interest in Eugenia. Mark's description of the 1920 process and the personalities involved in the trial of Eugenia Falleni will have the reader drawing parallels between 1920 and the 2012 criminal justice system we spend 30% of our course teaching.

Eugenia's trial raises a number of significant legal issues of interest to teachers of Legal Studies. Mark analyses how Eugenia's trial and conviction may well have had a different outcome had it been dealt with today. Some of the issues include:

- the standard and onus of proof required in a criminal trial
- the role of the judge, jury, Crown Prosecutor and defence counsel
- the elements of murder and manslaughter
- the obligation of the police to take a suspect who has been arrested directly before a magistrate
- the official police caution and the right to silence
- the dangers of identification evidence (now called coincidence and tendency evidence)
- the present day judicial discretion to exclude evidence
- role of legal aid
- the obligation of counsel to confront witnesses if they are going to challenge their evidence
- the role of expert witnesses, lies as evidence of guilt and lack of credibility
- techniques of advocacy, including cross-examination
- irrelevant and inadmissible evidence and exhibits
- whether the accused should give evidence (and the former right to make a dock statement)
- a case in reply
- the role of closing addresses
- the judge's summing up
- verdict, sentence, and appeal.

The discussion of these issues and the personalities involved, in a storytelling genre, makes Part II difficult to put down.

One issue that was of particular interest was the role of the media in the *Man-women case*. The media had a field day from the original arrest through to the conviction, her subsequent release from prison and her death. It is interesting that almost a century later not much has changed in relation to the press and its role in the criminal justice system – especially some of the shock jocks and tabloids. What dreadful treatment would Eugenia have experienced today?

Part III covers Eugenia's life in prison at the Long Bay Women's Reformatory and her friendship with Dorothy Mort who was in prison 'at the Governor's pleasure' having been found not guilty of murder on the grounds of mental illness. This relationship was to have a marked effect on Eugenia's life and her subsequent release from prison as Jean Ford. The lobbying for her release, the political climate of the time and her release makes Part III difficult to put down.

Mark comments in the Introduction about the tragic nature of Eugenia's life not only from the aspect of her sexuality and search for happiness, but of the role of society and the legal process. He says, *"the ending ... is so tragically poignant that one can only view fate in the guise of a cat playing with a mouse it has caught, setting it down and letting it go, only to swipe at it with a fearful, final blow just after it has regained its footing."*

Mark, in the Introduction goes on to conclude *"Eugenia's story can be valuable lesson for us today: as an account of how the law can be misguided and unsympathetic; as an illustration of the dangerous agitation that can be whipped up in the public by the media with a salacious story to sell; and as a lesson in the persuasive power of fallacious science."*

A promotional flyer distributed by the Legal Studies Association supplied by the publisher Simon & Schuster states *"This story includes: a tragic main character who believed she was a man trapped in the body of a woman, sexual deception in the dark, an allegation of murder, an over-exuberant police investigation, an erudite judge, a determined prosecutor, an overwhelmed defender, the Press gone feral, the public clamouring for blood – a mix that unsurprisingly led to a miscarriage of justice"*.

Sounds like it could have been set in 2012 and is a movie in the waiting.

Whether you are an avid reader or an occasional plane reader, to quote Molly Meldrum, do yourself a favour and get your hands on a copy of Eugenia (preferable a purchased copy so Mark will delight us with another true-crime story), you will not only enjoy the read but find it a story of a tragic person and a system we need to constantly review so that the tragedy is not even more exacerbated.

There is a rumour that Mark is working on a second book but the case has not been revealed. Could a hint lie in the list Mark created in 2005 of the most important criminal trials? After the Eugenia Falleni case, Mark listed the 1935 Shark Arm Case, 1953 Thallium Poison Case and the 1961 Graeme Thorne Kidnapping Case as the next three most important cases.

<http://books.simonandschuster.com.au/Eugenia-Falleni/Mark-Tedeschi/9781922052292>

<http://www.eugeniafalleni.com.au>