

IN THE CROWN COURT

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Before:

HIS HONOUR JUDGE R.A.R. STROYAN Q.C.

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Held at:
The Law Courts,
Victoria Square,
Middlesbrough,
Cleveland.

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On:
TUESDAY 17TH MARCH, 1981

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JOHN ALEXANDER SYMONDS

CROSS-EXAMINATION OF GARETH LLOYD

MR. G. RIVLIN Q.C. APPEARED AS COUNSEL ON BEHALF OF THE PROSECUTION

F

Transcript of the shorthand notes of Mrs. F. Morley of Messrs. Humphreys,
Barnett and Co., Official Shorthand Writers, 19 Queen Victoria Street, Leeds.
LS1 6BD. Tel 455082

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GARETH LLOYD(CROSS-EXAMINATION BY MR. SYMONDS)

A HIS HON. JUDGE STROYAN: Yes. I think you said you were going on to deal with ...

MR. SYMONDS: To re-cap.

HIS HON. JUDGE STROYAN: Don't let's re-cap, let's go on.

MR. SYMONDS:

B Q. Do you have your note-book in front of you? A. - Yes sir.

Q. And I believe you told the court that was a contemporaneous note? A. - Yes.

Q. And that is so? A. - Yes.

Q. It was made at the time? A. - Yes at the time.

C Q. Are you normally a very neat writer? A. - No I wouldn't say so.

Q. Would you agree your shorthand note-book is extremely neat? A. - My shorthand is fairly good sir. I am very well qualified in shorthand.

Q. And do you have your statements before you made to 'The Times'? A. - Yes I do.

D Q. I believe you told the court those were made on the day? A. - No, I didn't say that.

Q. Or thereabouts? A. - Thereabouts. Some of them were, I think some days later, it is very difficult to remember all these years later.

Q. Do you have your statement made to the Police before you? A. - No sir.

E Q. Would you look at that now please. Do you identify that as a statement you made on the 22nd of December? A. - I do.

Q. That is your signature? A. - That is my signature.

Q. On every page? A. - Yes, it is my signature.

F Q. I must put it to you Mr. Lloyd that your note-book is not contemporaneous? A. - It is not so.

Q. And in fact it was concocted? A. - Rubbish.

Q. At some later stage of this investigation? A. - Nonsense.

Q. After you received advice from certain persons? A. - Nonsense.

G Q. I must put it to you that your statements are not contemporaneous by any fashion? A. - It is not so.

Q. That they were made right at the end of the enquiry? A. - No sir.

Q. You deny that completely? A. - I deny that completely sir.

Q. Would you look at the transcript of your notes, exhibit 10? A. - Yes.

H Q. At the first entry which is October the 27th? A. - Yes.

Yes/

Q. I believe you said yesterday that my name wasn't mentioned to you until the 28th, is that correct? A. - I don't remember saying that. I don't remember when your name was mentioned to me.

A Q. Would you agree, according to your pocket book, my name was mentioned to you on the 27th? A. - I'll take your word for it.

Q. I would ask you whether or not my name was mentioned to you on the 27th? A. - I've told you, I don't know, I can't remember.

Q. Would you agree, according to your pocket-book, it would appear that my name was mentioned to you on the 27th? A. - At a glance I cannot see your name.

B Q. Would you look at the bottom of page eight of the transcript? A. - Yes.

Q. Do you see my name there? A. - Yes, I see it there.

Q. Detective Sergeant Symonds from Camberwell Green, bloke who nicked me for the case and took me to Camberwell Police Station? A. - Yes.

C Q. If you look over the page on page nine, "A friend of mine rang me up and said, "I've been told to have a word with you, to tell you about how, if anything, of the Nuneaton"? A. - Yes.

Q. I said, "How much do you want"? A. - Yes.

Q. And these notes were made on the 27th, contemporaneously were they? A. - I fancy those notes were made at the time that Perry was talking to me.

D Q. On the 27th did Perry return with you to 'The Times' office and made a statement with you about the allegations he was making to the Police? A. - Yes.

Q. Would you look at the statement? A. - Yes.

Q. And also the statements of

E HIS HON. JUDGE STROYAN: These are not documents made by this witness.

MR. SYMONDS: No My Lord. This is one of the difficulties I am placed in by the Prosecution running their case back to front and upside down. My Lloyd enters this case right at the very end in chronological order. Therefore I won't have the opportunity to recall Mr. Lloyd to question him after Mr. Perry has given evidence, so I must raise the matter now.

F HIS HON. JUDGE STROYAN: What is it you want to suggest?

MR. SYMONDS: I am suggesting that these notes are concocted?

HIS HON. JUDGE STROYAN: You cannot suggest Perry's notes are concocted.

MR. SYMONDS: The notes in his pocket-book.

G HIS HON. JUDGE STROYAN: You have done that.

MR. SYMONDS: Yes. I would like now to have a look at the allegations made by Mr. Perry and his friends on the night of the 27th at 'The Times' offices.

HIS HON. JUDGE STROYAN: I don't follow why that cannot be put to Mr. Perry?

H MR. SYMONDS: It can be put to Mr. Perry but Mr. Perry is being called out of order. He is being called after a week or so of this case, by that time

time/

Mr. Lloyd will have returned to London. I cannot question Mr. Perry about Mr. Lloyd's pocket-book and when he made the allegation to Mr. Lloyd.

A HIS HON. JUDGE STROYAN: Nor can you do it vice versa. You can ask him about any document he has made, and anything he has said. You cannot ask him about what other people have said on other occasions.

B MR. SYMONDS: I was going to ask this witness to look at those documents, not ask him to give hearsay evidence and read out what another man says. I propose to put the question to him, whether or not there was any mention of my name in any of those statements. I don't propose to point out this would be considered rather unusual that a serious allegation against a Police Officer is entered into this witnesses pocket-book on the 27th, this witness didn't consider it necessary ...

C HIS HON. JUDGE STROYAN: Now no speeches. You have plenty of opportunity to make a speech later. I will give you a great deal of leeway Mr. Symonds. It is not admissible in evidence, properly speaking, I will let the witness look at it and we will see what he says. You can put the allegation distinctly. I am not going to go on doing this.

MR. SYMONDS:

Q. Yes? A. - Yes, I have a statement in my hand by Michael Perry. What do you wish me to look at?

D Q. Do you see any reference to me in that statement? A. - Are we talking about the statement of October the 27th?

Q. Made by Mr. Perry at 'The Times' offices following his allegations to you earlier that day? A. - I don't see a reference to your name on that occasion.

E Q. I believe you said elsewhere, after Mr. Perry had made his allegations to you, you decided to take him back to 'The Times' offices and question him rather thoroughly about his allegations and take a statement from him, is that correct? A. - That is true.

Q. Do you think it is unusual that you apparently didn't ask Mr. Perry any questions at that time about myself?

HIS HON. JUDGE STROYAN: I cannot be unusual, he is saying he does it every day of the week. It is really a comment isn't it?

F MR. SYMONDS: My point is that these notes are concocted?

HIS HON. JUDGE STROYAN: We have had that.

MR. SYMOND S: Yes.

G Q. Yes? A. - I have said that is rubbish Mr. Symonds. I can explain why your name doesn't appear in this way. We didn't realise who you were and what your significance was. The fact Mr. Perry had mentioned your name and I noted it in my note-book doesn't indicate we knew then that you were a corrupt Police Officer.

Q. Had Mr. Perry mentioned the name of Detective Inspector Sylvester on that day? A. - I can't remember ...(PAUSE) ... There is a mention of Sylvester.

H Q. There is a mention of Sylvester in that statement Mr. Perry made to you at 'The Times' but there is no mention of Mr. Sylvester in your pocket-book notes? A. - So what?

what/

HIS HON. JUDGE STROYAN: Yes, go on.

MR. SYMONDS:

- A Q. At that stage of the investigation did you have any means of differentiating between Sylvester, Robson, Harris and myself? A. - No sir.
- Q. Would one not normally expect to find reference to all persons in your pocket book notes? A. - No sir.
- Q. Following on from that, referring to your pocket-book notes, page 10? A. - Yes.
- B Q. Rather before that may I refer you to your statement made to the Police, page six.
- MR. RIVLIN: Do you have a copy of this Your Honour?
- HIS HON. JUDGE STROYAN: If it is the one dated the 22nd of December I have.
- C MR. RIVLIN: Yes.
- MR. SYMONDS:
- Q. Do you see mid-page? A. - I do.
- D Q. When referring to this, on Monday the 27th of October you say you said to the Police, "I made a shorthand note of Mr. Perry's account of his meeting with D.I. Robson. He also referred to a Detective Sergeant Symonds from Camberwell Green. He said a friend had approached him, apparently at the instigation of Detective Sergeant Symonds, concerning money"? A. - Yes.
- Q. I decided at this stage some further enquiry was necessary and I invited Mr. Perry and Mr. Laming and Mr. O'Keefe to return to my office at 'The Times' building to obtain from them signed statements giving greater detail of the allegations they were making"? A. - Yes.
- E Q. That is right? A. - That is correct.
- Q. Yet in the statements you have looked at there is no reference to me whatsoever? A. - You have just pointed it out.
- Q. In the statements Mr. Perry made to 'The Times'? A. - No.
- F Q. On the 27th? A. - That is right. You were an extremely peripheral figure right at the early stages of this. We weren't especially interested in you at all. We were interested in another Police Officer.
- Q. Was Mr. Webb present at the taking of these statements? A. - To the Police?
- Q. Of Mr. Perry's statements to 'The Times'? A. - No sir.
- G Q. Following on from those statements concerning allegations against other Police Officers you then sought permission from 'The Times' to tape-record a telephone conversation, is that true? A. - Yes, that is true.
- Q. And you then contacted 'Location Sound Facilities'? A. - Yes.
- Q. Had you ever contacted them before? A. - I don't remember having contacted them before.
- H Q. You said previously that you found the name in the Yellow pages? A. - I can't remember how we came to alight on 'Location Sound Facilities' 11 years ago.

ago/

Q. Is it not a fact on the morning of the 28th you were expecting a telephone call from another Officer? A. - Yes, that is true.

A

Q. I think you said when the call didn't come you made no attempt to contact him? A. - That is true.

Q. Or another, any other Officer apart from myself? A. - That is right as far as I recall.

Q. Do you recall if the tape used on that occasion was a new tape? A. - No I don't.

B

Q. If Mr. Hawkey has said and will say it was a new tape ...

HIS HON. JUDGE STROYAN: You cannot put that. Mr. Hawkey hasn't said it. It is something you can say to the Jury if Mr. Hawkey does say it. You can point out the difference in what they have said. This witness said he doesn't know whether it is a new tape or not.

C

MR. SYMONDS:

Q. I must put it to you Mr. Lloyd, in fact you attempted to contact several Police Officers on that morning? A. - Not true.

Q. I must further put it to you that at some stage and for some reason you decided to erase the attempted calls from tape one? A. - Not true.

D

Q. And that, further, these calls were erased in such a way as to attempt to make tape one appear virgin? A. - Rubbish.

HIS HON. JUDGE STROYAN: Are you suggesting he attempted to erase or did erase, you said attempted to erase?

MR. SYMONDS: That these further calls were erased.

HIS HON. JUDGE STROYAN: Very well. That had better be put to him specifically.

E

Q. The suggestion is that you totally erased certain calls on that tape? A. - I have no knowledge of that at all.

MR. SYMONDS:

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Q. I must put it to you that you erased these other calls to avoid the possible further suggestion, or allegation, that you were in fact acting as an agent provocateur? A. - That is absolute rubbish.

Q. By persuading the criminal Perry to contact a number of Police Officers in the hope that one would eventually agree to meet him and that a tape recording could be made? A. - It is not true.

Q. For the purposes of writing the newspapers? A. - Nonsense.

G

Q. Would you look at tape one, exhibit one please? A. - I have it.

Q. Would you look at the spool of the tape? A. - Yes.

Q. Do you identify your handwriting on a piece of paper attached to that spool? A. - I do sir.

H

Q. Will you read out what you see? A. - October 28th, 'phone.

Q. Now will you look at the white leader on that tape recording? A. - Yes.

Yes/

Q. Do you see any marks upon that? A. - No.

Q. Did you at any time mark the tape itself? A. - No sir.

Q. Is it true to say you marked only the spool? A. - Yes.

Q. And in some cases the boxes? A. - That is right.

Q. Did it ever cross your mind to mark the tape itself? A. - No sir.

Q. But you are aware, are you not, that the tape is very easily removed from the spool? A. - Yes.

Q. And it is the normal part of the procedure of tape recording to run the tape from one spool to another? A. - That is right.

Q. Therefore with no markings being made upon the tape itself you are not in a position to say that this is the original tape? A. - I can tell that very easily by putting it on a machine and listening to it.

Q. And if it was a copy could you tell the difference between an original and a copy by listening to it? A. - Probably not.

Q. Therefore it would be possible to mix up the tapes in some way when they are not marked upon the actual, when no markings are made upon the tape itself? A. - It is perfectly possible for a tape to be transferred to another reel. You have got to remember by then if you play it back on another reel it would be upside down.

Q. On a two-track tape recorder is this not the way of recording upon the second track? A. - Turning the thing over and recording on the other side, that is right.

Q. In this case are not some tapes recorded on both tracks? A. - I cannot recall.

Q. Would you look at your note-book on page, the transcript of your notes, page 30? A. - Yes.

Q. Where you detail copying processes? A. - Yes.

Q. And the very first one do you see both sides recorded? A. - Yes I do.

Q. Now would you infer from this that in fact both sides means the top and bottom track? A. - Quite possibly sir.

Q. So when recording the first track this would be done on one spool, the tape is transferred to another spool and thus turned over and the second track is then recorded from the second spool, is that correct? A. - Yes.

Q. So here we have at least one occasion when a tape has been taken from its original spool and placed on to a second spool in order to record on the other side, or the bottom track? A. - It is entirely possible. I don't remember that kind of detail and I wasn't in control of the tape recording, that was done by a professional engineer.

Q. But you follow the point I have been making? A. - I follow the point you are making. I don't see what remotest difference it makes.

Q. The difference it makes is that you have identified only the spools and boxes of tapes? A. - I have identified the tapes.

tapes/

Q. I put it to you you have not identified one tape? A. - I identified the tapes by simply listening to them.

Q. I think you agreed you couldn't tell the difference between a tape and a copy tape? A. - I don't think, for one moment, that that is a copy tape.

Q. Do you think any of the tapes could be copy tapes? A. - No.

Q. Your Honour may I ask a question along the lines of, 'if an expert witness were to say'?

HIS HON. JUDGE STROYAN: No, you can ask the expert that. You can point out to the Jury the difference between what the expert says and what the witness says.

MR. SYMONDS: Can you advise me on a way to make that point without breaking any rules?

HIS HON. JUDGE STROYAN: I'm not clear what the point is.

MR. SYMONDS: The point is that later on it would show that certain of these tapes are copies.

HIS HON. JUDGE STROYAN: The only way you can say that is if, in his view, any of these tapes, exhibits one to seven, are or could be copies.

MR. SYMONDS:

Q. In your view could any of these tapes, exhibits one to seven, be copies? A. - I really don't know. Both originals and copies were handed over to the Police. The control of the Police enquiry was carried out by an extremely corrupt Police Officer who is now in jail. If he deliberately or accidentally muddled the tapes up I know not.

Q. What you are saying is if any of these tapes are now copies the muddling up couldn't have occurred during your custody of them? A. - That is right.

Q. Did you at any time erase any parts of these tape recordings? A. - Yes I believe a tape, as I have already given evidence, was used from a meeting with Sergeant Harris when the Uher batteries ran down and the tape was useless. I think that tape was used in another recording, but I have no clear recollection of it.

HIS HON. JUDGE STROYAN:

Q. So the effect of that would be to erase the Harris conversation? A. - There would be no Harris conversation on it.

Q. Whatever noises ...? A. - Whatever noises there would be at the start of it some might still be there, some wouldn't be. The machine would over record with the Defendant's meeting.

MR. SYMONDS:

Q. So the tape you have just been talking about is in fact tape three exhibit four in this case. The one where part of the Harris recording has been erased? A. - If that is the exhibit number, yes.

Q. I think you said that tape starts, not at the beginning, but in the middle. In reference to the alleged recording of myself and Perry? A. - That would be quite feasible, if the machine was running whilst we were waiting for the meeting to take place, of course it would be in the middle.

middle/

Q. Are you saying this machine was put into the record or recording mode at the beginning? A. - I really don't recall.

A Q. I'll come back to that point when we deal with events of the 31st. Will you look at the box containing exhibit one, which I believe is before you? A. - Yes.

Q. Do you recognise the writing on that box? A. - No sir.

Q. If it was Mr. Mounter's writing would you recognise it? A. - I would, it is not.

B Q. Are you in a position to say it is not your writing and it is not Mr. Mounters? A. - Yes.

Q. Have you any idea whose writing it could be? A. - It might be one of our secretaries.

C Q. Why should one of your secretaries write and make marks upon the box, exhibit one? A. - Because she was required to go to 'Location Sound Facilities' and get tapes copied.

Q. This is Miss Woore? A. - Yes.

D Q. If you recognise no writing on that box does that mean when Miss Woore took that tape to be recorded the tape was resting in a completely blank box? A. - I really don't know, yes it probably was, yes it probably was. This was the first of the tapes and contained the 'phone calls.

Q. Is it not a fact that that tape has no actual writing upon the spool itself? A. - It has the piece of envelope that I stuck to the spool.

Q. And on the other side? A. - No, nothing.

E Q. Nothing at all. When Miss Woore took this tape to be copied, she had control of that tape recording and you were not present? A. - Yes.

Q. And if Miss Woore placed, shall we say, the wrong tape in the wrong box, by this I mean the original tape in one box and a copy tape in another box ... A. - I wouldn't make an atom of difference.

Q. It wouldn't make an atom of difference? A. - No.

F Q. I suggest to you if that happened, this would have happened during the time you had custody of the tape recordings and before they were handed over to the Police. I suggest it does make an atom of difference because it would mean that the true, original tape recording isn't before this court? A. - Rubbish.

Q. Did you realise the importance of the true original tape recording eventually coming before the court? A. - Of course we did. That is why we went to the great lengths we did to ensure they were kept in safe custody.

G Q. And what were those lengths? A. - We had a special filing cabinet, a brand new one, delivered to 'The Times' news room. We had two keys, one of which went to me and one to Mr. Mounter and no-one else had access to it, except under our control.

H Q. When was this filing cabinet delivered to your office? A. - I don't remember but it was early on in the investigation.

investigation/

Q. The investigation lasted a month? A. - Yes.

A Q. Can early on be after one week? A. - I think certainly within the first week. As soon as we had obtained tape recordings which we considered extremely important in the investigation we were carrying out we realised the value of them.

Q. Until this steel safe was supplied how did you guard the security of the tape recordings? A. - They remained in either mine or Mr. Mounter's custody as far as I can recall.

B Q. By remaining in your custody does that mean you took them home at night? A. - I think on at least one occasion I did.

Q. You didn't leave them in the office? A. - I needed to take them home at the outset to listen to them. The following day for these meetings we went straight from our respective homes to those meetings which were in south London. We would have to take the tapes to listen to the tapes because we had no play-back equipment in the office... to listen to them.

C Q. But these tapes were transcribed in the office? A. - Yes, but not until a later stage. Not until we had something worth transcribing did we start transcribing.

Q. I don't want to play exhibit one, tape one Your Honour. Would the Prosecution accept there is a part erased, the remainder of a call on tape one.

D MR. RIVLIN: The best I can do for the Defendant is to say we accept that exhibit one, tape one may not have been a factory fresh tape when it was first played. I can go on from there and accept and make a formal admission of the fact that exhibits, tape number five, exhibit number three and tape number three, exhibit number four weren't factory fresh tapes when the recordings which at present appear on them were taken. I hope that will be of some assistance but I cannot make any more admissions than those.

E HIS HON. JUDGE STROYAN: You accept that exhibit one, tape one may not be factory fresh. You accept tape five, exhibit four and tape four were not factory fresh when the recordings on them were made.

MR. RIVLIN: Yes.

MR. SYMONDS: The question was about the part erased, the 'Tim' call.

F HIS HON. JUDGE STROYAN: Part erased what?

MR. SYMONDS:

G Q. 'Tim' call? A. - I think that can be readily explained. When we set the equipment up in the flat of Mr. Perry's mother I am sure the engineer would have carried out a test on it to make sure it was working properly. He may have recorded a 'Tim' signal. I don't remember, it wouldn't have been of any particular interest to me anyway.

Q. Having recorded 'Tim' he could have erased it? A. - He may have gone back to the front of the tape to set it up for the telephone calls that we were initiating to you.

Q. Could this tape be played, to hear this snatch of 'Tim'.

H HIS HON. JUDGE STROYAN: Where do you say it comes.

comes/

MR. SYMONDS: Right at the beginning of tape one.

A HIS HON. JUDGE STROYAN: It doesn't seem to me too important. We can have the first part played if you like, very well. How far do we want to go in the tape, until the conversation starts you mean?

MR. SYMONDS: Right at the beginning of the tape.

HIS HON. JUDGE STROYAN: Until the conversation starts?

MR. SYMONDS: There are several conversations on this tape.

B HIS HON. JUDGE STROYAN: Very well, let's have it from the beginning.

MR. SYMONDS: Yes.

(TAPE ONE PLAYED)

MR. SYMONDS:

C Q. Did you hear that part of the speaking clock? A. - I take your word for it,

HIS HON. JUDGE STROYAN: I cannot make that out.

MR. SYMONDS: Would you start again and play it for a moment or so.

D MR. RIVLIN: Your Honour it sounds like 'Tim' to me. If it helps the Defendant in any way for me to say that so be it.

HIS HON. JUDGE STROYAN: That may help you it may not Members of the Jury. The Prosecution are prepared to accept it may be 'Tim'.

MR. SYMONDS:

E Q. Would you agree that is only part of a 'Tim' call? A. - If it was a 'Tim' call.

Q. It would appear from that that the remainder of the 'Tim' call has been erased? A. - Quite probably. I have just told you the engineer set up the machine and wanted to test it on the 'Tim' signal.

Q. It would have been erased because it was of no use to you to keep? A. - We weren't interested in the 'Tim' call. We were interested in you.

F Q. I suggest you erased other conversations from various tape recordings? A. - You have already suggested that to me and I have already denied it.

Q. Conversation which you would have considered no use to you? A. - No.

HIS HON. JUDGE STROYAN: Yes.

G MR. SYMONDS:

Q. I suggest while you were sitting in Mr. Perry's flat waiting for Mr. Robson's 'phone call and making these 'phone calls which now appear on tape one. On that occasion you claim to have spoken to Mr. Perry about meeting? A. - Yes.

H Q. And did you make notes in your pocket-book regarding Mr. Perry's allegations against me? A. - I made reference to the telephone calls that we made to you.

you/

A Q. And then following on from the reference to the telephone calls which are on page nine. Page 10 goes on to deal with the arrangements of setting up a meeting for that afternoon, is that correct? A. - That is right, yes.

Q. At 'The Plough'? A. - Yes.

Q. Then page 10, and page 11 and page 12 are concerned with the meeting in the afternoon? A. - Yes.

B Q. Then on page 13, after you have finished with your notes on the meeting, there is a line in your note-book which says, "During our wait in the Woolwich flat Perry told me ..", do you see it? A. - Yes.

HIS HON. JUDGE STROYAN: Page what?

MR. SYMONDS: Page 13 Your Honour.

HIS HON. JUDGE STROYAN: I have got that.

C MR. SYMONDS:

Q. You then detail Perry's allegation to you about Nuneaton, do you see that? A. - Yes, I see that.

Q. Now, why did you make these notes at that stage of the day? A. - I don't remember.

D Q. Because if these notes were contemporaneous they would have been made in the morning at Perry's flat and would appear in your pocket-book before the details of the meeting in the afternoon? A. - Not necessarily.

Q. So what you are saying is that Perry made this allegation to you in the morning, is that correct? A. - I really don't remember. You are asking me fine detail about something that happened 11 years ago. If you were here 11 years ago I probably could have helped you. I really don't remember.

E Q. Let's look at things logically. If you were waiting in the flat on the morning of the 28th and Mr. Robson telephones you and if Perry made serious allegations to you about another Police Officer, myself, whilst waiting in his flat that morning, would you not expect to find the notes concerning that allegation entered in your pocket-book before notes regarding the meeting several hours later? A. - Not necessarily no sir. We had lots of conversations with Mr. Perry at lots of different times of the day. We were waiting in all sorts of places for these meetings to take place. When we were in the flat I do remember him talking about you. That is why we initiated the telephone calls to you. We thought Mr. Perry is making serious allegations what better way of testing it out than telephone call and see what your reaction was. By golly he was right.

F Q. I have once before put it to you and I'll put it to you again. In your eagerness to write some sort of scandalous story .. ? A. - Don't be farcical.

G Q. You were persuading Perry to 'phone up every and any Police Officer he knew? A. - That is nonsense. What a ridiculous way that would be to go about an investigation. We were dealing with professional, corrupt, sinister Police Officers.

H HIS HON. JUDGE STROYAN: Mr. Symonds I think you should recognise that you may not be doing yourself much good by this line of cross-examination. I think it is in your own interests to point out what conclusions the Jury may be drawing from this.

this/

MR. SYMONDS: I understand absolutely what Mr. Lloyd is doing. He is latching on to every opportunity to make wild ...

HIS HON. JUDGE STROYAN: Mr. Symonds I am not having speeches made.

MR. SYMONDS: Wild allegations.

HIS HON. JUDGE STROYAN: I am not having speeches made. You will continue with your cross-examination.

MR. SYMONDS:

Q. Now I think you said on returning to 'The Times', after attending the observation or whatever, you were in the habit of transcribing your shorthand notes in your pocket-book into statement form for the benefit of your employers? A. - I didn't say anything of the sort Mr. Symonds and you know very well I didn't say anything of the sort.

Q. When did you make these statements to 'The Times'? A. - They were made by enlarge on or around the days when we were carrying out the enquiries. As time went on and the work built up and the amount of paper work snowed us under we got behind with it. We were trying to concentrate on various meetings we were having to worry about getting equipment and cars and everything else around London. There was a great deal of detailed work to be done on this. It was an extremely difficult investigation to carry out.

Q. So it could have been one or two days later? A. - It could easily.

Q. When you made your statement to 'The Times'? A. - Yes.

Q. It could have been? A. - Yes it could have been.

Q. Would you look at your statement to 'The Times' dated Tuesday 28th of October. Beginning, 'In the company of Julian Mounter' .. and so on, ..' monitored telephone calls ...'

HIS HON. JUDGE STROYAN: What page is this?

MR. SYMONDS:

Q. Statement 1A. It is the second statement of Mr. Lloyd's bundle? A. - Yes I see it.

Q. I think you start off your statement by referring to monitoring telephone calls between 10.15 a.m. and three p.m. Is that right? A. - Yes.

Q. The home of Mr. Michael Perry? A. - Yes.

Q. You go on to say the call from Mr. Robson didn't come and you telephoned Camberwell Police Station? A. - That is right.

Q. Then you go down half a page. You are still talking about the telephone conversation in the morning and you end up that part by saying, "Mr. Perry suggested 10 p.m. and the Sergeant agreed. We have a recording of this conversation"? A. - Yes, produced in court.

Q. Then you say at 2.45 p.m., "We rang again to bring the appointment forward and Mr. Perry was told the Sergeant was out". You talk about other calls? A. - Yes.

Q. You talk about setting up the meeting? A. - Yes.

yes/

Q. And the next page is to do with the preparations you made for the meeting?
A. - Yes.

Q. And the next page, page three? A. - That is right.

Q. Now in the statement you made on the 28th or some days later, there is still no reference to your notes and the note book, allegedly contemporaneously made, about what Perry said to you during your wait? A. - So what?

Q. I would suggest to you, if your note book is true and contemporaneous and bearing in mind the details you have gone into over three pages, recording details of the meeting and whatnot. I would suggest you would expect to find in this statement some reference to Perry's allegations against me as to what it was all about, money? A. - The allegations are contained in a phrase here, 'We have a recording of this conversation'.

Q. That is referring to the telephone call? A. - That is right.

Q. That doesn't refer to a page and a half of pocket-book notes about Perry's allegation about money? A. - Perry's allegation about what?

Q. Money. It took up nearly all of page 13 of your transcript of notes?
A. - I don't follow what you are trying to suggest Mr. Symonds.

Q. What I am trying to suggest is that your note book is in fact concocted?
A. - You have already said that and I have told you that is rubbish. I would see no point in concocting a note book.

Q. If this is your true, original note-book you would have made some reference to these very serious allegations against me by Mr. Perry, allegedly on the 28th. You would have made some reference to those in your statement to 'The Times', on the 28th or some days later? A. - No. Mr. Perry was making allegations about all kinds of Police Officers. We were concerned initially with one Detective Inspector Bernard Robson who was blackmailing him with jelly. You came on the scene rather peripherally later on. There are lots of references to your corrupt behaviour in my note book as given to me by Mr. Perry later. Lots of them.

Q. Why didn't you make some reference to those allegations on a day later or some days later when you were reporting to your superiors in 'The Times' by way of statements? A. - I wasn't referring to my superiors in 'The Times' by way of statements.

HIS HON. JUDGE STROYAN: We have had this point time and time again. You have made the suggestion that the note book was concocted, you have made the suggestion. I'm sure the Jury are wanting to listen to what you say happened on these three occasions in respect of which you are charged. Can we please get on.

MR. SYMONDS: I would disagree with you Your Honour very much on that point. I would say the Jury are and should be interested in listening to the facts of the case. I am charged for

HIS HON. JUDGE STROYAN: Mr. Symonds I am not having a speech, kindly continue your cross-examination.

MR. SYMONDS: There is more to this than the tape recordings. There is the whole business of money.

HIS HON. JUDGE STROYAN: I am well aware of that. Kindly continue your cross-examination.

examination/

MR. SYMONDS:

A Q. In your pocket-book notes, page 13, you say, "During our wait in the Woolwich flat Perry told me .."? A. - Yes.

B Q. And you then go on to the details of Perry's allegation about money. If you look at your statement to the Police page 15, where you have just finished detailing the alleged meeting on the afternoon of the 28th. You say in the top paragraph, perhaps you had better look back on to page 14 and, you can see there you are talking about after the meeting where you took Perry to the public house and searched him and removed his socks. You didn't search inside his socks. You say, "Mr. Perry, Mr. Mounter and I went into the public house where we sat at a table and consumed some refreshment and discussed what had taken place". Do you see that? A. - Yes.

C Q. Then you say, "Mr. Perry also enlarged upon the circumstances in which he had met Sergeant Symonds"? A. - Yes.

C Q. Then you say "Mr. Perry said that about four weeks before Nuneaton Police had raided his flat"? A. - Yes.

C Q. In your pocket-book almost identical wording, 'About four weeks ago Nuneaton Police visited his flat'? A. - Yes.

D Q. In your pocket-book you say that Mr. Perry made this allegation to you in the morning at Mr. Perry's home address. In your statement to the Police you say he made this allegation to you in a public house in the later afternoon. In your statement to 'The Times' you say nothing whatsoever about it? A. - So what?

HIS HON. JUDGE STROYAN: Yes. Well go on.

MR. SYMONDS:

E Q. Yes? A. - Yes. The statement to 'The Times' deals with the meeting we set up with you of which we had tape recordings of your criminal behaviour.

E Q. Now is the time to put to you one or two further allegations which I would have come to in due course and that is; that you have a long history of mental derangement? A. - Rubbish.

HIS HON. JUDGE STROYAN: What?

F MR. SYMONDS: Derangement.

F Q. And that you spent most of your Army service as a Private in the R.C.A. in fact in an Army hospital being treated? A. - Nonsense.

F Q. And you have had a number of illnesses to do with neurosis? A. - Nonsense and you know its all lies.

G Q. The last being shortly after this allegation was printed in 'The Times'? A. - Nonsense.

H MR. RIVLIN: I'm sorry about this. If Counsel were representing Mr. Symonds he would only be able to put such allegations if he had what I would suggest would be hard facts to support them, or at least some quite reliable information on which to put such an allegation. Now I am sure that Mr. Symonds will appreciate if he is going to make allegations against people, he is fully entitled to make allegations against people if he wishes. But there has got to be some basis for these allegations and allegations of a scandalous nature are not permitted in court unless there is some basis for them.

them/

A. - You tried that trick 11 years ago in the lower court. It is simply to try and prejudice the Jury against me, you are a corrupt and evil man.

A HIS HON. JUDGE STROYAN: You heard what Mr. Rivlin says. He is quite right about the law. Scandalous allegations such as you are putting should only be put if there are hard facts ...

MR. SYMONDS: We have Mr. Lloyd saying, 'You are a scandalous ..

HIS HON. JUDGE STROYAN: No speeches now.

B MR. SYMONDS: .. evil, corrupt bla, bla, bla. I put one or two allegations back to Mr. Lloyd, which I hope to back up later on by calling evidence and I am stopped. I would ask Mr. Rivlin to attempt to exert a modicum of control over his witness and advise him against taking every opportunity to blurt out such remarks.

C HIS HON. JUDGE STROYAN: Mr. Symonds you have produced that situation entirely of your own making, I warned you only a few moments ago that the line of cross-examination you were taking might be damaging. I warned you and you have decided to continue it and it is entirely because of what you have done that you have got the answers you have got.

MR. SYMONDS: Your Honour advised me only to talk about three tape recordings. This case ...

D HIS HON. JUDGE STROYAN: I did not advise you to do anything of the sort. I said what the Jury would be probably interested in were the facts relating to the three charges they were trying.

MR. SYMONDS: I pointed out the three charges which I am being tried are all to do with an alleged favour to Mr. Perry regarding the events on the 24th of September when arrested by Nuneaton Officers for an offence at Nuneaton. That is the alleged favour. I would respectfully submit it is part of this case, despite Mr. Rivlin's speech to the Jury, in which ...

E HIS HON. JUDGE STROYAN: We are having no speeches to the Jury. Mr. Rivlin made a proper suggestion. Would you continue please.

MR. SYMONDS:

Q. Now turning back in your pocket-book to page nine. I think you said there that Symonds seemed perfectly aware of what Perry wanted to talk to him about?
A. - Yes, that is right.

F Q. I think you said something similar in evidence? A. - That is right.

Q. If you look at the transcript, I believe it is 35 A, the, 'The Times' transcript which is the transcript you took part in preparing? A. - I very probably even typed it.

G Q. Pardon? A. - I probably even typed it.

Q. You typed it? A. - Quite possibly.

HIS HON. JUDGE STROYAN:

Q. What page? A. - It is the initial page, page one.

H MR. SYMONDS:

Q. Did you type all the words found within this? A. - I don't remember. It is

is/

quite possible I did this or one of the early tapes. The first of the tapes it was quite an easy one to listen to and we would probably have been paying a lot of attention to the tapes at this stage.

A Q. Looking at the third page in the transcript. I think it is the transcript of the telephone call. Would you point out there the words that drew you to that conclusion? A. - At page one sir?

B Q. To do with the telephone call, Perry, telephone calls from mothers home, Woolwich? A. - Yes. Perry, "Symonds"? "Yeah"? Perry, "I'd like to see you about ..eh! you know". Symonds, "Yeah, where are you now"? Perry, "Well I'm at Woolwich now you see". Symonds, "Woolwich"? Perry, "Yeah". Symonds, "Em. I'll see you tonight". Perry, "Tonight"? Symonds, "Yeah". Perry, "It'll have to be late tonight then". Symonds, "Yeah .. about .." and goes on in that frame.

C Q. What part exactly drew you to the conclusion that Symonds seemed perfectly aware of what Perry wanted to talk to him about? A. - Well, "I'd like to see you about ..eh! you know". You didn't need any further clarification of it. You immediately said, "Yes, where are you now"? Not, "What are you talking about" or "Who are you"? Or, "Have you got some information for me"? "I want to see you about ..eh! you know".

Q. And that is your evidence is it? A. - That is my evidence yes.

D Q. Is it true you were telling Perry what to say whenever he made a telephone call and whenever he kept a meeting? A. - We tried to persuade Mr. Perry as far as possible to draw out the fact that he was paying money to you. He is an inarticulate young man with no great vocabulary, these were extremely guilty conversations.

MR. RIVLIN: I do what the Defendant asks I should do. I am sure Mr. Lloyd doesn't mean to express an opinion about this case. He has obviously got strong views of his own. I hope he won't use expressions that could be seen to be making a decision about this case. The temptation may be there, it is a difficult situation he is in.

E HIS HON. JUDGE STROYAN: Yes very difficult indeed. Mr. Lloyd you know the rules, all I can do is to ask you to guard your tongue as far as possible.

MR. RIVLIN: If the Defendant insists on asking Mr. Lloyd for his opinion then he is going to get it.

F HIS HON. JUDGE STROYAN: I have warned him about this twice now.

MR. RIVLIN: He can't complain if he did get it. He did ask Mr. Lloyd his opinion as to what it meant. If he is going to ask a question he will get Mr. Lloyd's opinion, it is a two-way thing.

HIS HON. JUDGE STROYAN: That is why I warned the Defendant a little earlier on.

G MR. RIVLIN: Yes I know.

HIS HON. JUDGE STROYAN: I am sure you understood that Mr. Symonds. If you ask unfortunate questions you will get unfortunate answers.

MR. SYMONDS: If the transcript is read back and the past couple of thousand words I think you will find that the question asked referred to two or three words in the transcript regarding a telephone call.

H HIS HON. JUDGE STROYAN: We all have seen the transcript.

transcript/

MR. SYMONDS: The answer involved allegations of my conduct over a period of time. I think if you read the transcript back.

A HIS HON. JUDGE STROYAN: We have seen the transcript. The Jury will have to make their minds up about it at the end of the case. May we go on please? What is the next topic?

MR. SYMONDS:

Q. Now you recall of this conversation an appointment was allegedly made for 10 o'clock? A. - That is right.

B Q. I believe your evidence was that you changed it or you made arrangements to change the time of this? A. - Yes. We had to bring the time forward because we wanted to photograph it.

HIS HON. JUDGE STROYAN: We are now on to the second tape.

MR. SYMONDS:

C Q. We are still on the first tape. So it was your idea to change the time, is that correct? A. - Yes.

Q. Because you wanted to photograph the meeting? A. - Yes.

D Q. Would it be true to say you were controlling the whole thing. The time of the meeting, Perry's words, to arrange the meeting? A. - We couldn't control Perry's words. We wanted to see what the relationship was between you and Mr. Perry to test out his allegations about your conduct. We made this telephone call, it was quite evident from the telephone call that you knew precisely what he was talking about and you readily agreed to a meeting. That meeting was arranged later, 10 o'clock, it was too late for us to be able to photograph it because the light would have gone.

E Q. What time was the telephone call made to change the meeting, according to you? A. - To my recollection it was during the afternoon. I think we went into a telephone box and rang from a telephone box. I have only got a hazy recollection.

Q. Late afternoon. Would it be true to say that before the time of the meeting was changed you had made certain arrangements for additional recording equipment to be placed in Mr. Perry's car? A. - Yes, that is right.

F Q. Was this equipment brought out by a member of the 'Location Sounds Facilities' staff? A. - It would have been, yes.

Q. Did you observe this equipment being fitted? A. - No sir.

Q. Are you in a position to say where the microphone was? A. - Yes, under the dash-board.

G Q. Was this microphone attached by a direct line to a recorder secreted in the boot of Mr. Perry's car? A. - Yes it was.

Q. Was Mr. Perry also fitted up with a radio microphone broadcasting to a receiver attached to a second recording device? A. - That is right.

Q. Did you give Mr. Perry any instructions before he went to this meeting? A. - Yes.

H Q. Concerning, for example, trying to lure the Police Officer into his car? A. - Yes we did.

did/

Q. Can you recall the advice you gave him? A. - We said, "Try and get him in your car".

Q. Maybe to read a newspaper?

HIS HON. JUDGE STROYAN: Hearsay again.

MR. SYMONDS:

Q. That was said on oath before actually. So before the time of the meeting in the afternoon was arranged and changed, Perry had been fitted up with broadcasting device and two independant recorders? A. - Yes.

Q. Did you make arrangements for a photographer to attend this meeting? A. - Yes.

Q. Can you recall who that was? A. - Colin Sims, if we are talking about the 28th.

Q. Pardon? A. - If we are talking about the 28th.

Q. Can you recall where Mr. Sims met you? A. - No I can't.

Q. Was it at Perry's house or was it ..? A. - No. I think ...

Q. If you look at page 10, half way down in your pocket-book? A. - I see a reference to it. I can't remember where we met, I have got a note, "Plough, met photographer Colin Sims". I can't remember where we met him. We probably rang the office and said, "Can you get a photographer over to us"? at wherever we wanted to rendezvous.

Q. Would it follow from the note in your pocket-book it was quite possible that you met Mr. Colin Sims at 'The Plough'? A. - Probably.

Q. At five p.m. according to your note book? A. - Yes, that is right.

Q. At five p.m. did you manage to make contact again with Camberwell Police Station? A. - Yes. I have got a note here, "Perry talked to the Sergeant about five p.m. from a 'phone box near Plough and asked if Symonds could meet".

Q. Were you present? A. - In the 'phone box, yes.

Q. Did you hear the conversation? A. - Yes, by sharing the ear-piece.

Q. Did you make any attempt to record this telephone conversation? A. - No. We were in a telephone box.

Q. Did you ask Mr. Hawkey to record the telephone conversation? A. - No. Not to my recollection. He may not even have been there.

Q. And I believe you said in evidence that you searched Mr. Perry? A. - We did.

Q. Why was that? A. - Why?

Q. Yes? A. - To ensure he had nothing on him other than the £50 he was handing over to you.

Q. By referring to your pocket-book, by referring to your pocket-book can you see how much Perry is claimed to have had on him on that day? A. - It would be about £90, I suppose. He handed me £40 and was giving you £50.

A

- Q. Was the recording device attached to Mr. Perry, attached before or after you searched him? A. - I think the search would have been before hand. We wouldn't have wanted to interfere with the microphone placed under his shirt.
- Q. Did you test this microphone before leaving for the meeting? A. - I didn't. All these technical arrangements were in the hands of Mr. Hawkey.
- Q. Do you recall experiments being made to show this equipment was working satisfactorily? A. - There certainly were experiments made but I don't particularly recollect them.

B

- Q. And if you look at page 11 of your statement to the Police, to refresh your memory? A. - Yes.
- Q. Do you see something about under what condition the transmitter and the receiver worked satisfactorily... half way down? A. - The experiment showed this equipment only worked satisfactorily when the transmitter and receiving equipment were in close proximity to each other.

C

- Q. Was Mr. Perry taking part in these experiments, did he? A. - I really can't remember. It is apparent we had two recording engineers there. It will, it may well have been done between them. If I am using radio microphones in my capacity in the B.B.C. it is tested out by recording engineers. I am not a technician.

HIS HON. JUDGE STROYAN: Yes.

D

MR. SYMONDS:

- Q. If Mr. Perry had been taking part in this testing he would have been aware of the fact that the transmitter and receiving equipment only worked in close proximity to each other? A. - I really don't know what Mr. Perry was aware of as far as technical equipment was concerned.

E

- Q. Do you recall the transmitter Mr. Perry was using on this occasion? A. - No I don't.

- Q. Was it a transmitter placed in his pocket of some sort? A. - Yes. It would probably have been put in his back pocket.

- Q. Would it have been a device he would have had to switch on at some stage? A. - No. It would have been switched on before he went to the meeting.

F

- Q. Before he went to the meeting? A. - Yes. He would have been instructed not to touch it.

- Q. It would have been switched on at 'The Plough' would it? A. - Yes.

G

- Q. When we play this tape recording there should be a recording of the car driving from 'The Plough' to 'The Rose' should there? A. - No because the recorder wouldn't be in operation then. While we were going to the meeting, me in the back of Mr. Perry's car there would be no recording taking place. The engineers were in position round 'The Plough', as far as I recall. We arrived and just short of 'The Plough' I bailed out of the back and Mr. Perry carried on. Then unfortunately was lured into your car rather you being lured into his.

H

- Q. Is the situation now, to your memory, that the transmitter was switched on at 'The Plough' but the receiver wasn't switched on until 'The Rose', is that what you are saying? A. - I would be misleading you and everyone else if I gave an answer to that because I simply can't remember. The use of this

this/

equipment was in the hands of Mr. Hawkey who was qualified to use it. How it was operated and when it was operated was up to him. When he equipped Michael Perry with it I think he would have told him not to touch it, as engineers would tell me if they were equipping me with one of these devices now. They are sensitive and one has to be careful with them.

Q. You do recall the transmitter was of a type Mr. Perry had to switch on himself?
A. - I don't recall.

Q. Casting your mind back to the series of observations you did. Can you recall more than one occasion when the recording failed because Mr. Perry had not switched on his transmitter properly or hadn't been able to reach it in his pocket or whatever? A. - No. There was an occasion when he was using the pocket Grundig and he couldn't get at that and switch it on and after that I think we taped the thing into the recording mode so he didn't have to worry about it. He was trying to use this equipment through the pocket of a coat and clandestinely.

Q. You say you gave Mr. Perry £50 in notes? A. - I didn't give it to him, he had it already.

Q. He had it already? A. - He brought money to pay you. We said, 'How much are you paying him'? He said, "£50".

HIS HON. JUDGE STROYAN:

Q. We can't have this conversation I'm afraid? A. - Yes.

MR. SYMONDS:

Q. I must suggest to you, you were supplying Mr. Perry with sums of money throughout the course of these meetings which Mr. Perry, you may well have believed that Mr. Perry was due to pay to Police Officers? A. - I wouldn't dream of giving you a farthing.

Q. Not even for a good story? A. - Certainly not.

Q. Why did you decide to keep this remaining £40? A. - So it couldn't be confused with the 50 he was handing over to you.

Q. I think you said Mr. Mounter wrote down the numbers of these notes, is that right? A. - Yes, that is right.

Q. He wrote down the numbers of the notes which Mr. Perry was supposed to hand over? A. - Yes.

Q. I believe it came about that these notes were written on a cheque book cover? A. - Yes.

Q. Would you look at the cheque book cover.

HIS HON. JUDGE STROYAN: I don't think anything turns on it. No-one has seen or heard of those notes again. I don't think the numbers matter.

MR. SYMONDS: I think it does.

HIS HON. JUDGE STROYAN: Why?

MR. SYMONDS: You told me not to make speeches.

HIS HON. JUDGE STROYAN: Just tell me why.

why/

MR. SYMONDS:

A Q. The situation is that through some form of incompetence or lunacy Mr. Mounter was writing down certain numbers on bank notes which were allegedly handed over to the Police. Mr. Lloyd was writing down the same numbers which he was allegedly keeping and returning to Mr. Perry after the meeting? A. - I ..

HIS HON. JUDGE STROYAN:

Q. You have heard that suggestion, is that right or wrong? A. - I don't remember.

B Q. Yes.

MR. SYMONDS:

Q. I'd like to explore that because I think it is of some importance, it shows incompetence for one thing? A. - If it showed anything it showed over zealousness. What we were doing was recording numbers of both notes.

C Q. This happened not once Your Honour but on several occasions? A. - That is very probably the answer. I wouldn't have wanted to be accused of holding onto Mr. Perry's money.

Q. You must remember I am accused of accepting this money? A. - Which you did.

Q. It is an important question in the context of this trial. In fact ...

D HIS HON. JUDGE STROYAN: What is the question you want to ask?

MR. SYMONDS:

Q. Did you make a record of the bank notes that you retained on this occasion? A. - No. I have only a note he handed over to me £40 consisting of

E Q. £40. I understand you made a statement to 'The Times', if you look at the same statement to 'The Times' made on the 28th or a couple of days after. Statement 1A, page two, I'll read it out to you. "Our photographer Mr. Colin Sims, commissioned by 'The Times' took Mr. Perry into a yard and he handed over to me the sum of £59", do you see at the top of page two? A. - Yes.

F Q. In your pocket-book you say Mr. Perry got £40, you say in your statement he got £59. Is that some form of incompetence or a mix up? A. - It certainly couldn't have been a mix up, I really can't remember.

Q. When you handed this money to Perry or when you handed Perry's money back to him did you instruct him in some way as to how he should hand this money over? A. We asked him to try and make some reference on the tapes to the money.

HIS HON. JUDGE STROYAN: Now all this is hearsay again.

G MR. SYMONDS: My Lord. The question was whether he asked Mr. Perry to hand over the money in a certain way. The hearsay answer, which is nothing to do with the question, was about making reference to money on tapes. What I was getting at in evidence, before we have heard about Perry holding the notes out so the photographer could get a picture.

HIS HON. JUDGE STROYAN: We haven't heard a word about that in evidence before.

H MR. LLOYD: I do remember that.

that/

MR. SYMONDS:

A Q. You do remember asking Mr. Perry to fan them out and hold them up for your photographer to take a photograph? A. - Yes.

Q. That was the idea of having the photographer there? A. - Yes, that is right.

B Q. I think you also said, 'It is out now, we may still continue with it'. You also say you instructed Mr. Perry to be sure to make reference to the money on the tape, is that right, or during the recording? A. - We asked him to try to do so. This was an extremely nerve-racking ordeal for him, to be in a car with you, knowing he was handing over a bribe and trying to talk about money. As you know he is not an articulate man and we didn't want to do anything that would, that would in any way be out of his own character of speech. But we did try to impress upon him the need for us to obtain evidence of what he was saying about this, paying this money over.

C Q. I believe you also asked him to wait for it to be asked for, if possible? A. - I don't recall that, but I would expect we may well have done. We weren't in favour of you having this money at all.

Q. I see. You noted very carefully, precisely on page 10 of your note-book certain other possessions left in Perry's pockets, handkerchief, two keys on a ring, small quantity of loose silver change and four sticks of Juicy Fruit chewing gum, is that right? A. - Yes.

D Q. Did you often see Mr. Perry chewing gum? A. - I can't recall ever having seen him chewing gum. I wouldn't have paid much attention if he did.

Q. At that meeting he had in his possession four sticks of Juicy Fruit chewing gum? A. - It would appear so.

Q. At what time exactly do you recall was the time of the meeting changed to 5.30? A. - I have got a note in my note-book that Perry talked to you about five o'clock from a 'phone box near 'The Plough'.

E Q. Also in your note-book you say there was Mr. Mounter with you and Mr. Hawkey, yes? A. - Yes.

Q. Mr. Sims? A. - Yes.

Q. And two sound engineers, on the bottom of your note-book you say, 'Ken Hawkey joined by a colleague'? A. - Yes. I don't recall him now.

F Q. Do you recall this gentleman at all? A. - I don't recall him at all.

Q. But did this colleague of Mr. Hawkey go with you to the meeting? A. - Yes. He would have done.

Q. Onto page 11. You describe how you all travelled to 'The Rose'? A. - Yes.

G Q. Do you recall whether you were sat in the front or the back of Mr. Perry's car? A. - I was definitely sat in the back. I was hiding down behind the seat, concealed behind the seat.

Q. Why was that? A. - So you wouldn't see me.

Q. So I wouldn't see you? A. - I, so you wouldn't see me.

H Q. Wasn't the plan for me to get into Mr. Perry's car? A. - No. We were driving to the meeting in the Benhill Road in Camberwell. After the search and everything else he had been equipped with the microphones. I was in the back

back/

of the car to try and ensure the continuity of the money, that he still had the money on him. I had to get out before the meeting started, so just short of 'The Rose' he pulled up, just momentarily, for me to get out of the back and he drove on and I walked on into Benhill Road.

A Q. Before you got out of the car did you have any reason to believe that the white Vauxhall car that you were going to was already in position? A. - I didn't know and the arrangement had been that you should meet him within half an hour.

B Q. Is there a map of 'The Rose' area. I believe Prosecuting counsel did say he would produce maps later on.

B MR. RIVLIN: Yes I did, we had a plan prepared. If the Defendant would like to have a look at it we will show him it now. It only arrived yesterday, we haven't, as yet, got a statement of additional evidence proving it. If the Defendant would like to have a look at it certainly.

HIS HON. JUDGE STROYAN: Yes.

C MR. SYMONDS: I think the Jury may not understand the description, so far, about getting out at the junction.

HIS HON. JUDGE STROYAN: Let Mr. Symonds have a look at it first.

MR. RIVLIN: I'd like to enquire if the plan is agreed?

D HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Yes.

MR. RIVLIN: In those circumstances the Jury can have copies, perhaps one between three. They are quite big plans. May this become exhibit 42?

HIS HON. JUDGE STROYAN: Yes.

E MR. RIVLIN: If the Jury would mark this exhibit 42.

HIS HON. JUDGE STROYAN: Perhaps you can look at exhibit 42.

MR. RIVLIN: In the box, on the right hand side of the plan, there is a key to four locations, then it is not a difficult matter to find those places.

F HIS HON. JUDGE STROYAN: There we are.

MR. SYMONDS:

Q. Do you see on the bottom right hand corner of your map 'The Rose' public house? A. - Yes.

Q. Whereabouts is 'The Plough' on this plan, do you recall? A. - 'The Plough', 'The Plough' is in Camberwell? You are talking about 'The Rose'.

G Q. 'The Plough' was where the equipment was set up and you met Mr. Sims and you carried out your preparations? A. - I really don't remember where the equipment was set up.

Q. Was it a long way from 'The Rose' or a short way? A. - I can't remember, I really can't remember.

H Q. When you talk about coming into Edmund Street and getting out at the junction can you help us looking at the plan, which end of Edmund Street did you come

come/

in and which junction did you get out? A. - I have got a note which says 'at the junction of Elmington Road which crosses Benhill Road' where I got out.

A Q. You got out at the junction of Benhill Road and Elmington Road which is not in sight of the plan? A. - Yes.

Q. Of 'The Rose'? A. - Of 'The Rose'.

Q. Looking at the plan you can see the road turns to the left there which would be 200 yards approximately? A. - Yes.

B HIS HON. JUDGE STROYAN: It kept on straight for 200 yards?

MR. SYMONDS: Yes.

Q. This was at five o'clock, was it not, when you drove to 'The Rose'? A. - I have got a note at five o'clock we were at 'The Plough'.

Q. Yes? A. - And the meeting was at 'The Rose' in half an hour's time.

C Q. Wasn't the meeting arranged for 5.30? A. - Yes, that is right.

Q. By looking at your pocket-book and your statements to 'The Times' and your actual statement to the Police, would it appear that you set off in good time, in fact about half an hour early for the meeting? A. - No it wouldn't appear, it would appear at five o'clock Mr. Perry telephoned you and advanced the time of the meeting to 5.30 and we then had whatever time was intervening to make the arrangements to get to 'The Rose'. But I really have no clear recollection of it now.

D Q. Well if I can just help you by reading from page three of your deposition. At the top of the page, that you did say there Mr. Sims followed in the Sound Engineers car, brought up the rear. This would have been shortly after five o'clock? A. - That was the deposition made at the time.

E Q. So there is the situation that you left in good time, just after five o'clock? A. - Yes.

Q. On arrival were you astonished or surprised to find the white Vauxhall already in position? A. - Yes. In fact, as I told you, I bailed out of the back of Perry's car and walked on and saw him swinging into the space where the white car was.

F Q. You got out at the junction of Benhill Road and Elmington Road and you started to walk? A. - I followed the direction of Perry's car as if I were an ordinary pedestrian.

Q. You saw Perry's car swinging into a gap, whereabouts in Edmund Street did you see that? A. - What?

Q. In Edmund Street? A. - That is in Benhill Road.

G Q. This had been in Edmund Street, according to the plan? A. - It is a continuation. Edmund Street and Benhill Road run into each other, you can see that from this plan. I understood 'The Rose' to be in Benhill Road, Camberwell. I don't remember exactly, with 'The Rose' on the left, as far as I can recall and your car was positioned on the right, it is a long road.

H Q. My car was on the right hand side of the road? A. - As far as I can recall.

Q. The public house was on the left as you look to the scene and you say Mr. Perry swung into a gap? A. - Yes.

Yes/

Q. Behind or in front of my car? A. - I have got, 'into a gap in front of a white Vauxhall'. You have got to appreciate this is 11 years ago now. This kind of fine detail I have got great difficulty in remembering.

A Q. But you did make notes, in statements you have the facts? A. - My statements and depositions at the time would be a much clearer recollection of them.

Q. You are entitled to look at them to refresh your memory.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS:

B Q. Now you say in your statement to the Police, page two, 'he suddenly swung his Wolseley saloon into a gap in front of the white Vauxhall' and you give the number of the Vauxhall, registration number, 739 CRK, is that right? A. - Yes.

Q. That is in your statement to 'The Times'? A. - Yes.

C Q. You didn't mention this registration number in your pocket-book notes? A. - No. I wasn't in a position to go walking around waving a note book in front of your car while you were having meetings with Mr. Perry.

Q. Where did you take that registration number from? A. - Well I don't remember, I really don't remember.

D Q. But not from your note-book? A. - No. If it isn't in my note-book it was obviously not from my note-book. I have no recollection whatsoever.

Q. Is it true to say you got out of Mr. Perry's car and started walking whilst out of sight of 'The Rose' and the white Vauxhall? A. - Yes.

Q. There was no chance of anyone sat in the car near 'The Rose' seeing you? A. - Yes.

E Q. And no-one at 'The Rose' seeing you? A. - Yes.

Q. While walking down Edmund Street were the cars already in position or did you say you saw the Wolseley swing into position? A. - I recollect, I have a note in my pocket-book of seeing Perry's car swing into a gap.

Q. Then did you walk on past the cars? A. - Yes. I walked on past the cars.

F Q. I believe you said in evidence that you identified me as sat in one of the cars? A. - You actually looked at me as I walked past.

Q. You are quite sure of that identification are you? A. - Oh! yes.

Q. I believe you said in evidence at that time I was beardless? A. - Yes.

G Q. Did I have a moustache? A. - I can't remember.

Q. Was I wearing glasses? A. - No, I don't think you were. I remember you being a large bulky man, sat behind the wheel of this car and looked up and gave me a sharp glance as I walked past.

H Q. You didn't make any note in your pocket-book of any form of description of myself, large, bulky, moustache, sharp glance? A. - This is not a Police note-book. This is a journalistic note book for refreshing my memory about writing an article.

article/

HIS HON. JUDGE STROYAN: I take it from the way you are putting these questions that you are accepting that you were in the car. Is that right? Because if not you ought to put it to him.

A

MR. SYMONDS: I would like to ask one or two questions more.

HIS HON. JUDGE STROYAN: Are you suggesting his identification is wrong and it was someone else in the car?

B

MR. SYMONDS: I am suggesting that this man is a liar because he did not identify me as such, in any way, either by writing a description in his pocket-book. He says he saw Harris and wrote a detailed .. of the description of Harris. There is no description of mine, there was the colour of Harris' suit and shoes. But 12 years later he comes here and identifies me, four stone heavier and with a beard and 12 years older.

HIS HON. JUDGE STROYAN: Are you suggesting to him that his identification is wrong and it wasn't you in the car but someone else?

C

MR. SYMONDS: No I am not.

HIS HON. JUDGE STROYAN: Alright.

MR. SYMONDS: I am saying his identification of me isn't based on actually seeing me at the time and identifying me but because I happen to be standing in the box today, now.

D

HIS HON. JUDGE STROYAN: The note I have just written is this; 'that I am not suggesting it was someone else in the car but I am suggesting he has been giving dishonest evidence about this', is that right?

MR. SYMONDS: Yes.

E

Q. May I go back. Why did you describe Sergeant Harris in considerable detail when you first saw him and not me when you first saw me? A. - I can't remember. Possibly to distinguish Sergeant Harris from you but I really don't remember. You were both big men.

F

Q. I think later on you say you saw Mr. Mounter sitting with the two sound engineers in another car? A. - I certainly did see him sitting, I think he was in the sound engineers car, with the sound engineers, trying to pick up your conversation.

Q. I believe you went on to make a telephone call to your office? A. - No, I don't remember that but I would accept that now.

Q. Did you see the photographer on that occasion? A. - Yes I did.

Q. Did he take any photographs? A. - I don't think he did. I don't think he was in a position to do so, it would have been much to difficult.

G

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS:

H

Q. And you say you then collected a tape recording which we now know is tape two, exhibit two? A. - Yes.

Q. Would you please look at it? A. - Do you identify the writing on the box? A. - Yes.

Q. Is it your writing? A. - Yes.

Yes/

Q. Would you read the words written there? A. - Master, October 29th 1969, Rose public house, Camberwell, Perry and D.S. Symonds.

A Q. When did you put that writing on the box? A. - I don't remember.

Q. Could it have been some days later? A. - Yes.

Q. At the time of copying maybe? A. - It would have been before the time of copying. We may have put it on at the time we sent Miss Woore to 'Location Sound Facilities' to copy it but I don't remember.

B Q. I don't want you to keep these. Are you saying, I understand, Miss Woore copied that tape recording? A. - I don't know, or if it was part of the batch I took to 'Location Sound', I could have put the note on then.

Q. Will you look at the spool of tape two, exhibit two? A. - The spool has my writing on it.

C Q. When did you put that writing on? A. - I think that would have been put on at the time of its retrieval from the machine.

Q. And is the writing upon the label of the spool? A. - Yes it is.

Q. In small neat writing? A. - Yes.

D Q. Why did you write on the label of that spool and not on the label of the spool in exhibit one? A. - I cannot recall. The only purpose of these notes is for us to be able to identify the tapes. The piece of sticky envelope that I put on to the telephone tape was a ready identification on the telephone tape and still is.

Q. You heard this tape played in court and I think you identified it as being an original tape? A. - Yes.

Q. I believe you identified it just by listening to it? A. - Yes.

E Q. When you were listening to this tape were you following the words on any kind of transcript? A. - Yes.

Q. Which transcript, can you recall? A. - The one that was produced to me in the box.

Q. It was, I believe was the transcript 35 D? A. - The Police transcript.

F Q. The latest one? A. - Yes.

Q. When you followed these words on the transcript could you hear the words clearly? A. - Very clearly.

Q. Did they match exactly the words you saw written on the transcript? A. - Yes.

G Q. You saw no mistakes? A. - No.

Q. Did you see any words or hear any words that you didn't recall having heard before? A. - Yes I would certainly. When we first heard the tapes there was quite a lot of it we couldn't understand. The Police transcripts which were listened to with very much more sophisticated machinery and by very much more sophisticated ears which were able to transcribe them with much greater accuracy than ever we were.

H Q. So what are you saying? Is it that words which you couldn't hear before you can hear now quite clearly? A. - Yes.

Yes/

Q. And you think it is because of some sophisticated form of machinery being used to play the tapes? A. - This equipment is extremely good. One has hoped it is a very accurate and careful transcript.

A

Q. At the time this recording was made, on the afternoon of the 28th, what were you mainly interested in. What did you hope to find from the tape recordings when you eventually listened to them? A. - We hoped to test out Perry's allegations about you.

Q. Yes? A. - And we could have no better evidence than that of what he was saying than to listen to your conversation with him and we hoped to identify the passing of money.

B

Q. You hoped to identify the passing of money? A. - Yes.

Q. So you would have been looking, particularly, for some reference to money when you played back the tape, is that correct? A. - We would be looking at the whole tape, I think, very objectively. As I have already said we weren't over confident at the outset that Perry was telling us the truth. We had to test out what he said. We didn't know whether this was an entirely innocent exchange between you and him.

C

Q. Do you recall whether you could find any reference to money on the tape recording when you played it back? A. - No I don't think there was. On my own I think I made some reference in my note-book to there being significant snatches. We were obviously very disappointed when, that we had a ready recording, he hadn't been able to get you into his car, you had got him into yours. The transmitter and receiver had been in poor proximity that occasionally only occasionally was the conversation picked up. None the less passages of the conversation we heard we thought tended, just tended to bear out some of the things that he was saying about you and we considered that significant.

D

HIS HON. JUDGE STROYAN:

Q. What you thought about it isn't, I'M afraid, evidence, because the Jury have to decide ..

E

MR. SYMONDS:

Q. If you had heard any reference to money you would have made a note of it in your pocket-book would you not? A. - Not necessarily. There was reference to money on the tape. We regarded the tape as eminently better verification than anything I wrote down in my note book.

F

Q. Your Honour I would now like to play tape two, exhibit two.

HIS HON. JUDGE STROYAN: For what purpose?

MR. SYMONDS: Pardon.

HIS HON. JUDGE STROYAN: For what purpose?

G

MR. SYMONDS: To point out some passages Your Honour, to Mr. Lloyd.

HIS HON. JUDGE STROYAN: Very well.

MR. SYMONDS:

H

Q. Would you please listen to tape two, exhibit two. I would like it played from the very beginning.

MR. RIVLIN: I object for this reason and for no other reason, if it be the case

case/

A on the tape there is something like 19 minutes of silence before we come to some words. I cannot for the life of me see the point in us all listening in silence waiting for something to happen. I object simply and solely because in our submission it would be a waste of court time. If the Defendant says, may I say this, if the Defendant says these transcripts are inaccurate and we find something in, for example, the first 19 minutes I would be the first to say, "Let's play the tape to see if you are right".

MR. SYMONDS: According to the Prosecution's transcripts this tape lasts for nine minutes and 25 seconds.

B MR. RIVLIN: The same principle applies to this and others. If we look at tape four, page four, tape two, this is the transcript Your Honour.

HIS HON. JUDGE STROYAN: What is this?

MR. RIVLIN: This is the transcript.

HIS HON. JUDGE STROYAN: This is made ...

C MR. RIVLIN: There are whole minutes of silence, according to the transcript. If the Defendants says, "Well we don't agree there are whole minutes of silence", then of course the tape should be played. It is my submission to the court if we have just got to sit here in court listening to nothing that is a waste of court time.

HIS HON. JUDGE STROYAN: Of course it is. What do you say Mr. Symonds.

D MR. SYMONDS: Those minutes of silence are very significant. I think it is quite wrong and incorrect ...

HIS HON. JUDGE STROYAN: Just listen to me.

E MR. SYMONDS: .. just to play the Jury snatches of tapes two, exhibit two. I think the tapes should be played through and this tape does only last, according to the Prosecution information here, nine minutes and 25 seconds. According to the transcript 35 B, the full transcript. I think the Jury should hear the odd minute of silence so they can see for themselves that a lot could have been said and was done during those minutes. It is quite wrong just to play snatches especially selected by the Prosecution.

HIS HON. JUDGE STROYAN: Just listen to me.

F MR. SYMONDS: The Jury should have a chance to hear it.

HIS HON. JUDGE STROYAN: I am anxious to avoid wasting the Jury's time and public time and public money. I can, at the moment, see no point in asking the Jury to listen to silence. What I shall say is that we can start this tape when the voices start and it can be played through. I am going to allow you to go through this tape. I shall require a lot of persuasion to do it with any other tapes.

G MR. RIVLIN: I can save the Defendant's time, if his point is a lot may have been done during the minutes of silence, of course we would accept that.

MR. SYMONDS: I don't accept the first two minutes of silence. There is importance in....

HIS HON. JUDGE STROYAN: Very well we will play it. Play it please.

H MR. SYMONDS: I'd like it played from the beginning. I'd like you to listen carefully during the first two minutes of silence.

silence/

HIS HON. JUDGE STROYAN: I am giving you a great deal of latitude now, don't you abuse it.

MR. SYMONDS:

Q. Now when you listen to this tape recording will you follow it on 'The Times' transcript and will the Jury follow it. Exhibit 35 A? A. - Are we talking about October 28 at 'The Rose'?

Q. Yes October 28 at 'The Rose'? A. - Yes.

HIS HON. JUDGE STROYAN: Switch it on please.

(EXHIBIT TWO PLAYED FROM THE BEGINNING)

Q. Did you hear some words there? A. - I heard something.

Q. Did you hear the words, "He is up here"? A. - I don't know what I heard.

Q. If you would listen to that bit carefully, "He is up here" and see if that could be your voice. Turn it back please.

(EXHIBIT TWO PLAYED BACK AGAIN)

MR. LLOYD: A. - I couldn't possibly identify my voice from something as brief as that.

Q. Would you go on to the conversation.

(EXHIBIT TWO PLAYED ON)

HIS HON. JUDGE STROYAN: We have a whole tape. You said you want to hear the whole tape. How much more is there?

MR. SYMONDS: Seven and a half minutes. If the Prosecution would agree that the transmitter remained switched on for a further seven and a half minutes where you hear the noise of a car passing and radio interference. There is no point in playing that.

HIS HON. JUDGE STROYAN: I am quite sure there isn't.

MR. RIVLIN: I don't want the Jury to hear anything that would be a waste of time. If Your Honour would look at exhibit 35 B and the Jury would, it is the first Police transcript with everything on it. If they turn to page six, if they look at page six, that is the tape of the one we have just been listening to. If they look half way down, 'car starts', then there is a transcript of the part of the tape they have just been listening to just this moment. It is not part of the conversation between the Defendant and Mr. Perry.

HIS HON. JUDGE STROYAN: And is therefore inadmissible.

MR. RIVLIN: And is therefore inadmissible. I'd hate them to think that all this is being heard for the first time, that it has been concealed.

HIS HON. JUDGE STROYAN: Is there some point you want to make about it?

MR. SYMONDS: I wonder if the Prosecution would agree that from now on, on this tape recording, there is another seven and a half minutes of scattered conversation, car passing and some interference which goes on to show that Perry remained in his car for a further seven and a half minutes.

MR. RIVLIN: I am not able to agree it, I don't have the instructions. If I

get instructions on it which accord with what the Defendant says then, of course, I'll agree it.

A

HIS HON. JUDGE STROYAN: What is the point you want to make?

MR. SYMONDS: A number of points.

HIS HON. JUDGE STROYAN: Ask the witness.

MR. SYMONDS:

B

Q. Did you follow this recording on your 'Times' transcript? A. - Yes.

Q. Did you hear words which are not on the tape transcript? A. - Yes I did.

Q. Can you explain why these words which you can now hear clearly are not on the tape transcript? A. - Yes, because it is very much more sophisticated equipment. I have heard these tapes innumerable times now and I am much more familiar with your thieves jargon and much easier to hear.

C

Q. For example looking at exhibit 35 D, the latest Police transcript? A. - Yes.

Q. At 5.10? A. - Which document?

Q. Page four? A. - Yes.

Q. At 5.10? A. - Yes.

D

Q. And words, "Anyway I'll have to go and see your bits and pieces and tell him you have got the .. and tell him to get in touch with the Governor down at" something, "office, I can tell you later". Did you hear those words?

HIS HON. JUDGE STROYAN: Mr. Symonds the Jury have heard the tapes, what the Jury will decide upon is what they have heard from the tapes. It is a waste of time asking this witness what he heard from the tapes.

E

MR. SYMONDS: The Prosecution spent nearly two days taking the Jury through these transcripts and through the tapes. There are a number of transcripts in existence whereby people have heard different things.

HIS HON. JUDGE STROYAN: Of course there are. What is the next point?

MR. SYMONDS: Am I allowed to ask questions about the transcript?

F

HIS HON. JUDGE STROYAN: Yes, if they are relevant.

MR. SYMONDS: Well comparing the rest of page four of the Police transcript against two of 'The Times' transcript, apart from that 5.29 Perry is supposed to say, "I don't know you". This also doesn't appear.

G

HIS HON. JUDGE STROYAN: We are not going to have this cross-examination. The Jury can see both transcripts when they have heard the tape recording and it is a complete waste of time to go through them bit by bit with this witness.

MR. SYMONDS: This is the man that made the transcript.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Surely there is no better person to be questioned.

H

HIS HON. JUDGE STROYAN: The Jury have heard the tapes, they can see what he has written down and what the Police have written down. I am not having time

time/

wasted by going through the tape recordings again. The evidence is the evidence on the tape recordings which the Jury have heard. Next question.

MR. SYMONDS:

Q. Do you think there is any interest of reference to money, which can clearly be heard on the Police transcript, which didn't exist on 'The Times' transcript at 7.31?

HIS HON. JUDGE STROYAN: I have told you the Jury have heard these tapes, they have seen the transcripts. You can draw their attention to these matters in your speech. Yes.

MR. SYMONDS:

Q. By looking at 'The Times' transcript, page three, do you see after 'not recording' 'P' "Think this will do , missed off the first bit." Do you see that? A. - Yes.

Q. Does it appear from that that Perry after the meeting says to you, 'Think this will do missed off the bloody first bit'? A. - Someone said it, it certainly sounds like Perry.

Q. When you made the transcript how did you differentiate, this is the statement of D.S.S. and statement of P.? A. - Because we could hear.

Q. Are you saying you could differentiate between those voices? A. - I could differentiate between your voice and that of Mr. Perry's without any question of doubt. No difficulty at all.

Q. Did Mr. Perry assist you with this in any way? A. - No he didn't.

HIS HON. JUDGE STROYAN: We will resume at 2.15. I believe there are one or two questions about the future administration subject of this case which I will deal with at two o'clock. 2.15.

LUNCH ADJOURNMENT

(JURY NOT PRESENT)

HIS HON. JUDGE STROYAN: I thought it might be useful at this stage to think a little about what witnesses may be needed by the Defence. What witnesses are there? What witnesses are there?

MR. SYMONDS: The number of witnesses I have listed, through my solicitors, I did ask for 17 for the trial within a trial. I think there were a further six or eight that I asked to be subpoenaed for the main trial. In addition to those there were a number of other witnesses who have not been either previously subpoenaed, before the practise direction, or were not included amongst the 17 you did give permission for a number of other witnesses I called.

HIS HON. JUDGE STROYAN: I think you have to be careful about that. In fact on the trial within a trial you asked for a lot more witnesses than you in fact called.

MR. SYMONDS: I wanted to call a number of witnesses for the trial within a trial.

HIS HON. JUDGE STROYAN: There are a number of witnesses you didn't call; there was Moody and Lambert who you decided not to call. You called your three experts, then you called Miss Millard who didn't in fact add anything to the case.

case/

A MR. SYMONDS: I submit Miss Millard made a very important contribution to the case by stating, as is stated in her recent statement to the Police, that copying sessions were carried out every night, which is hidden at the moment. After every recording session her evidence is, or should have been, to the effect that the reporters returned to 'Location Sound Facilities' and made copies every night, which does supply the opportunity ...

HIS HON. JUDGE STROYAN: That was duplication.

B MR. SYMONDS: The evidence given by the reporters is that there were only two copying occasions, that was on the 11th and 25th. There were more than two copying occasions, those occasions on returning every night to the 'Location Sound Facilities' to the sound proof cutting rooms supplied their opportunity to tamper with the tapes and produce tampered tapes to the superiors at 'The Times'.

HIS HON. JUDGE STROYAN: She said, 'I don't know if I was present on various days when tapes were copied. My memory of the copies is confused'. It is not justifiable to ask for her to be brought at public expense.

C MR. SYMONDS: I referred her to, at the time she made that statement if her memory was fresh. If you look at page one you will see she states copying was carried out every night during the period of recording and after observations.

D HIS HON. JUDGE STROYAN: You didn't call Moody and Lambert who were both here. I am not asking you why. I am saying this, that you wouldn't be justified in having people come here and if they will not be called.

MR. SYMONDS: If you recall on that day I was in no condition....

HIS HON. JUDGE STROYAN: You were given every opportunity. I asked you in clear terms.

MR. SYMONDS: You asked many questions.

E HIS HON. JUDGE STROYAN: I will not allow endless waste of public time and money by duplication. I will say, if there are witnesses who your solicitors think are relevant and it is admissible evidence and evidence which is genuinely helpful to the Defence then, of course, you should call them. What I don't think I would be justified in doing is to allow witnesses who merely duplicate what has been given in evidence.

F MR. SYMONDS: I don't understand what Your Honour means by duplicating?

HIS HON. JUDGE STROYAN: Cover the same ground, repetition. There has been a lot of repetition in this case.

MR. SYMONDS: Where two entirely different witnesses came and swear to the same effect I would say that is going to strengthen ...

G HIS HON. JUDGE STROYAN: We will see where the case goes. I am not going to allow a lot of witnesses to come and say the same thing, unless it is of some material point which is in dispute. If it is not in dispute one witness is enough. There is no point in having endless duplication.

MR. SYMONDS: What point is Your Honour referring to in the matter of duplication?

H HIS HON. JUDGE STROYAN: There has been a great deal of duplication in this case and a great deal of unnecessary questions have been asked going over the same ground. I am not going into that now. What I will say is this; and what I have said before, that witnesses who can give relevant and admissible

admissible/

evidence which is relevant to the Defence on the matters in issue which is not mere duplication of each other then of course, I will give leave to call those.

As far as any other witness is concerned I will not give any decision now. We will see where we get when we know what the issues are at the end of the Prosecution case. If you give your own evidence, if you choose to do so, after that we will know what the issues are. If there are witnesses who can give evidence on relevant topics for the Defence then they should be called. But we are not going to have witnesses who cannot give evidence which is relevant and helpful to your case. I don't think we can decide whether some of them will be necessary now. I am sure your solicitor knows the names of those you will want, or some of them. I will decide when you have given your own evidence, if you do, what the issues are and if there are witnesses who will be helpful to you on the issues which appear at this stage in the case, well then of course you shall call them.

MR. SYMONDS: The situation may arise in the main trial which arose during the trial within a trial when the Prosecution close their case I shall have more witnesses to call.

HIS HON. JUDGE STROYAN: You needn't tell me about that now.

MR. SYMONDS: Are you saying if I don't give evidence for myself I won't be allowed to call evidence?

HIS HON. JUDGE STROYAN: No, I am not saying that at all. There will come a stage, either at the end of the Prosecution or it will come after your evidence when we know exactly what the issues are. When that stage is reached well then we can take sensible decisions about what witnesses will be necessary. There will be some witnesses who you are calling in any event, you mentioned something like 17. If there are statements from those witnesses which are genuinely helpful then you will have leave to call them. If there are others you can apply for them.

MR. SYMONDS: Your Honour has seen the statements from the bulk of the 17 witnesses which were produced instead of the witnesses.

HIS HON. JUDGE STROYAN: All those?

MR. SYMONDS: Would you agree they have something of relevance to say?

HIS HON. JUDGE STROYAN: That will depend on what the issues are at the end of the case. Some of them seem to have something relevant to say, others don't. I cannot bring it to mind now, when we see how the case goes on we will be able to see which of them you need. There were some of them who I think should be called. But I cannot predict what the issues will be at the end of the case. Very often during a case the issues become narrower and clearer as the case goes on, I hope that will be so here. If there are witnesses who are going to be, in the view of your solicitors, relevant and admissible and helpful to your case then you will be able to call them. I don't think I can say anything more for you at the moment. Mr. Green is there any further helpful ...

MR. GREEN: The way it has arisen it is already fairly clear to Mr. Purnell and myself there will be some dispute, without wishing to go into it in detail, between Mr. Symonds evidence of relevance and later on ..

HIS HON. JUDGE STROYAN: Yes.

MR. GREEN: And it was our wish that that could, perhaps, be cleared up. It is perhaps fairer to Mr. Symonds to decide who he will be able to call.

call/

A HIS HON. JUDGE STROYAN: Those who you think are relevant and useful certainly the Defendant will have leave to call them and they can be ready for the end of the Prosecution case, when that moment arises. I am sure they will keep the pot boiling until we know and I shall have to decide on, I won't force you into a decision, about taking a decision. I shall give some indication myself about who else shall be called.

MR. GREEN: The ones of which we have no doubt.

HIS HON. JUDGE STROYAN: You shall call.

B MR. GREEN: We shall call.

HIS HON. JUDGE STROYAN: If there are further witnesses who will be useful they certainly shall be called and we shall decide upon that when we have dealt with those who you are satisfied are relevant.

MR. GREEN: Yes thankyou.

C HIS HON. JUDGE STROYAN: Do you want to add anything Mr. Rivlin?

MR. RIVLIN: No thankyou, except for this Your Honour; if there is a dispute then to be fore-warned is to be fore-armed. It is best that some statement should have been taken from that person so Your Honour would be in a position to judge.

HIS HON. JUDGE STROYAN: I think I have already indicated that.

D MR. GREEN: It is not a question of statements, they exist in almost every case.

HIS HON. JUDGE STROYAN: Those whom the Defence solicitors feel are relevant can be called. Those who don't fall into that category we will consider when we see the issues.

E MR. RIVLIN: The question of relevance is no concern of ours. The Defendant may wish to take us by surprise by calling those witnesses. If Your Honour would wish to hear those matters in chambers in our absence, if it is felt by the Defendant he could be prejudiced by our being present during such discussions we would absent ourselves.

HIS HON. JUDGE STROYAN: That is all we can do at the moment, Mr. Symonds. Very well we will proceed.

F MR. RIVLIN: Before the Jury come back ...

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: May I tell you Mr. Collins and Mr. Vernell are both hear. I appreciate that they may not be reached today. If they are not reached today I would welcome their being called tomorrow. On the face of it their evidence shouldn't take very long.

G HIS HON. JUDGE STROYAN: No.

MR. RIVLIN: Perhaps that is a matter the Defendant can turn over in his mind before the end of the day.

HIS HON. JUDGE STROYAN: Yes. Are you likely to be long with Osbourne?

H MR. RIVLIN: Collins and Vernell.

HIS HON. JUDGE STROYAN: I will, I think we will try and finish this witness today.

today/

MR. RIVLIN: Yes, certainly.

HIS HON. JUDGE STROYAN: And then we will see where we go with the others tomorrow. I would hope to call them, in any event, tomorrow.

(JURY RETURN AT 2.18 p.m.)

(CROSS-EXAMINATION CONTINUED)

MR. SYMONDS:

Q. After the meeting on the 28th you took possession of tape two, exhibit two and marked it? A. - Yes sir.

Q. And did you then play it back? A. - Yes.

Q. Who was present when you played this tape back? A. - This is the tape we listened to this morning is it?

Q. Yes? A. - Well certainly the recording engineers would have been, Julian Mounter, quite possibly Miss Millard, possibly Michael Perry and myself.

Q. Would you look at page three of your statement 1A, regarding the events on the 28th of October?

HIS HON. JUDGE STROYAN: Which one is this?

MR. SYMONDS: The statement to 'The Times'.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. About half way down, do you see? A. - You will have to indicate to me where in this bundle it is sir.

Q. It is the second statement you made to 'The Times'? A. - Well they are marked this way in this bundle.

HIS HON. JUDGE STROYAN: At the bottom of the page, bottom right hand corner, Tuesday the 28th of October is it?

MR. SYMONDS: Perhaps it would be easier if Mr. Lloyd referred to the typed ...

HIS HON. JUDGE STROYAN: Which page is it?

MR. SYMONDS: Page three.

HIS HON. JUDGE STROYAN: Page three is the 27th of October, they are talking about the 28th.

MR. SYMONDS:

Q. 1A, Garry Lloyd, Tuesday the 28th? A. - Yes, I have it.

Q. Page three? A. - Yes.

Q. "I returned to the sound engineers car where we played back the tape"? A. - Yes.

Q. "Which included significant snatches of conversation"? A. - Yes.

Q. "Mr. Mounter and I followed Mr. Perry who was sitting in his own car further along the road"? A. - Yes.

Yes/

Q. Was Mr. Perry present when you played back the tapes? A. - He wasn't present when we played that.

A Q. Did you question Perry and ask him about events that happened the previous half hour? A. - Yes.

Q. Did you make notes? A. - I can't remember, I may well have done.

Q. Look at page 12 of your pocket-book.

B HIS HON. JUDGE STROYAN: What Mr. Perry told this witness is hearsay whether it is written down or not.

MR. SYMONDS:

Q. Yes? A. - Yes, I see it.

Q. Do you see some notes written down there which are in fact not recorded on the tape recordings? A. - Yes.

C Q. Do you see at the bottom of the page a sentence about a certain proposed action which is quite different to the sentence about a certain proposed action on the bottom of page three? A. - I don't understand you sir.

Q. Did Perry infer that I was offering to put him on to some interesting theft jobs? A. - Yes.

D Q. And you made a note of those? A. - Yes.

Q. On the bottom of page 12 of the transcript? A. - Yes.

Q. If you look at the bottom of page three, it was your report to the superiors of 'The Times'? Did this become transcribed into an allegation that I, myself, was going out on a breaking and entering job that night, which is quite a difference? A. - Yes.

E MR. RIVLIN: No, the Defendant, if I may say so, is right to have put what he has. He cannot just put part of a sentence or just one sentence where there are two or three sentences that relate. If one looks at a relevant document, which is the statement to 'The Times', second statement page three, page seven of the whole bundle.

HIS HON. JUDGE STROYAN: Yes.

F MR. RIVLIN: Your Honour can see how the last paragraph reads.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: The whole of the last paragraph reads. It is important not to mislead the Jury who don't have this in front of them.

G HIS HON. JUDGE STROYAN: The paragraph should be put.

MR. SYMONDS: I thought you said it was hearsay evidence, I was about to put the paragraph.

HIS HON. JUDGE STROYAN: You put it.

MR. SYMONDS: Is it hearsay evidence or not?

H HIS HON. JUDGE STROYAN: It is. As you are asking this witness about two different things he said on two different occasions in cross-examination is correct. It

It/

is important you put it properly in its context, if you want to be fair about it.

MR. SYMONDS:

Q. Looking at your statement to 'The Times', page three, bottom paragraph?
A. - Yes.

Q. Does it read, "Mr. Perry told me that Sergeant Symonds had told him he now considered Perry was alright. Mr. Perry said he had openly handed over the £50 which we had watched him earlier put into his top pocket. The Sergeant had told him, 'We have got some interesting things for you for Christmas'?"
A. - Yes.

Q. 'Mr. Perry said this meant that the Sergeant was offering to put him on some theft jobs'? A. - Yes.

Q. 'Mr. Perry said the Sergeant may be going to do a breaking and entering job that night and told him to take care'? A. - Yes.

Q. It would suggest that I had told Perry that I was off to do a breaking and entering job that night, would you agree? A. - Yes.

Q. Looking in your pocket-book, page 12, I will start from the middle of the last paragraph; 'Mr. Perry told me Sergeant Symonds had told him how he considered Perry was alright. Perry said he had openly handed over the £50 which we had watched him put in his top pocket. The Sergeant also told him, "We have some interesting things for you for Christmas"? A. - Yes.

Q. Perry thought the Sergeant was offering to put him on to some interesting theft jobs? A. - Yes.

Q. And the Sergeant told Perry he may be going on a breaking and entering job and to take care. It is quite interesting ...? A. - We have already ...

Q. There is no reference on the tape recording ...

HIS HON. JUDGE STROYAN:

Q. The witness was going to say something. What were you going to say?
A. - The answer is; on transcribing this from my shorthand note in my notebook and this later statement being made to 'The Times'. I have read my shorthand note as thinking he might be going to do a breaking and entering job that night putting the comma in the wrong place. You will appreciate shorthand is phonetic and the grammar can easily be mis-transcribed. What I have done is I have transcribed it thinking that he was referring to you going to do a breaking and entering job and of course what it really means is that you thought Perry was going to do a breaking and entering job. The comma is in the wrong place.

MR. SYMONDS:

Q. Is it a fact no-one else can read your form of shorthand? A. - Very probably.

Q. It is your own private form of shorthand? A. - No it isn't. It is classical Pitman shorthand. It is true to say that shorthand is usually, it develops rather individual styles and sometimes can't be read by other people.

Q. After retrieving the tape and playing it you say in your statement to 'The Times' that you followed Mr. Perry along to another public house and 'In the yard of which we again searched him'? A. - Yes.

Yes/

Q. There is no reference in your note-book to searching Perry after the meeting?
A. - I didn't need to put it in my note-book.

A Q. You wouldn't need to? A. - I must repeat again Mr. Symonds, that my note book isn't a Police note book. It was there for the purpose of my investigation, if we were going to write a story about it later on it would be there for my reference.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS:

B Q. Did you search the car? A. - Yes.

Q. Did you make a note about that in, either your note-book or your statement to 'The Times'? A. - I don't know. I wouldn't have thought it necessary to do so anyway, I knew I searched it.

C Q. When you searched the car did you search it carefully? A. - As carefully as we could. We couldn't take the car to pieces. We tried to make it as careful a search as possible.

Q. Did you look under the carpets of the car for example? A. - I think we probably did yes, but I don't remember.

Q. Do you recall the sort of carpet in the back of the car? A. - No I don't.

D Q. If it was particularly dirty and scruffy would you recall it? A. - No I wouldn't.

Q. If it had been a muddy old sack would you have recalled it, lifting this muddy old sack up? A. - I don't recall there being a muddy old sack in it at all. If there was we would certainly have lifted it up.

Q. Would you describe your search as cursory? A. - Yes.

E Q. And according to your information at that time and that day, starting from the morning, when Perry alleged certain serious, made certain serious allegations against me and you then recorded a telephone conversation. You then recorded a meeting which, according to you, contained certain significant snatches of conversation? A. - Yes.

F Q. According to your evidence Perry had been supplied with £50 in his pocket, according to your evidence, shortly after the meeting you searched him and he didn't have £50? A. - Yes.

Q. That is your evidence. Would you say it crossed your mind at that time that some sort of crime had been committed?

HIS HON. JUDGE STROYAN: What do you mean, by whom?

MR. SYMONDS: By myself to start off with.

G HIS HON. JUDGE STROYAN: I find it difficult to understand that question.

MR. SYMONDS:

H Q. I will put it again. Remembering, or bearing in mind your evidence that on the 28th of October, in the morning, Mr. Perry had made serious allegations against me to you. You had then tape recorded a telephone conversation which, to your mind, partly bore out part of Perry's statement and the fact he knew a Police Officer called Symonds by name at Camberwell Police Station.

Station/

A

Following on your actions that day of taking the numbers of £50 worth of notes and giving them to Perry shortly before going to the meeting and then taking a tape recording of the meeting which you say contained significant snatches of conversation. Then shortly after the meeting, according to your evidence, searching Perry, and according to your evidence the money had gone. Would you say that, to your mind, at that time, on that day, a crime had been committed? A. - Yes.

Q. And did it cross your mind that may be your duty as a citizen would be to report that crime to the proper authorities? A. - Who were the proper authorities?

B

Q. The Police, for example? A. - You are a Policeman.

Q. One of 30 thousand. What about other, more senior Police Officers? A. - You are a 'firm in a firm' Mr. Symonds.

Q. And when did this information of 'firm in a firm' come to you? A. - Later on.

C

Q. In that case you had no reason to imagine 'firm in firms' on the afternoon of the 28th? A. - We certainly didn't have enough evidence on you to go to the Police and you were only one person we were investigating.

HIS HON. JUDGE STROYAN:

Q. We didn't have enough evidence to go to the Police on October 28th, is that right? A. - Yes.

D

Q. Yes.

MR. SYMONDS:

Q. And did your knowledge of the law extend to the fact that if I had committed a crime on the 28th so had Perry? A. - No.

E

Q. Would you realize that now that, according to the law, the alleged giver is just as guilty as the alleged receiver?

MR. RIVLIN: I am afraid we would disagree with the Defendant if he says that is the law. It depends what Perry's motive is at the time. If Perry was surrounded by people investigating charges of corruption and Perry's motive was to expose a corrupt Police Officer, if that was a motive it is not a corrupt motive. The Defendant ought to be careful when he puts propositions of law forward. One has to look at the mind of the person in question at the time.

F

HIS HON. JUDGE STROYAN: Yes. It depends on Perry's state of mind.

MR. RIVLIN: It depends entirely on what Perry's state of mind was at the time that he gave the money and what his intention was. If it was assisting in exposing corruption that is not corrupt.

G

HIS HON. JUDGE STROYAN: The giver of the corrupt gift.

MR. RIVLIN: The receiver of the corrupt gift may have a different state of mind.

HIS HON. JUDGE STROYAN: The giver of the corrupt gift, if giving it corruptly would be guilty, whereas the receiver of the corrupt gift, if he did it, not as a matter of corruption but with the intention of exposing crime he would be not guilty.

H

MR. RIVLIN: Perry is the giver, not the receiver, this is the other way round.

round/

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS:

A Q. So continuing on from that, which I understand to be that Perry was either guilty or not guilty of committing a crime ...

HIS HON. JUDGE STROYAN: Don't go into questions of law I will deal with them in summing up?

MR. SYMONDS:

B Q. Continuing on from that would you consider that counselling the commission of a crime by yourself had taken place? A. - No.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS:

C Q. So did you then take tape two back to 'The Times' that evening and tape one? A. - We very probably would have done, I really can't remember.

Q. What about the tape which was in Perry's car, what did you do with that? A. - We would have retrieved it.

Q. And would you have copied it or returned it to your..? A. - I don't know, there was nothing on it.

D Q. Would you have written on it? A. - I wouldn't have thought so, no, it was absolutely valueless, it had nothing on it.

Q. Was it your habit to write on these tape recordings immediately after removing them, before listening to them? A. - As we gathered more tapes, yes, we did.

Q. Was it your habit to advise Mr. Perry to put his wireless on? A. - Yes.

E Q. And keep it on until the meeting commenced? A. - Yes.

Q. And switch it off again, switch it on again immediately after the meeting had finished? A. - Yes, I believe so.

F Q. Was part of this idea to be able to place a date and time by reference to radio broadcasts? A. - I think it was so that we could actually have some signal of what was happening. I really can't remember the detail of that.

Q. Did it occur to you that even a radio programme switched off at a certain time and switched on again sometime later could help to establish the date and time the meeting took place? A. - We didn't need the date and time the meeting took place, we were standing there watching it.

G Q. When you watched these meetings you were always exact on noting times and such? A. - No.

Q. You weren't? A. - No.

Q. Would a radio programme have assisted? A. - We didn't need to be very exact about it.

H HIS HON. JUDGE STROYAN: Yes.

Yes/

MR. SYMONDS:

A

Q. On the 30th. When you returned to 'The Times' did you play these tape recordings to anyone? A. - Yes we did.

Q. Can you recall who that was? A. - News Editor Mr. Colin Webb and quite probably, if he were there, the Home Editor Mr. Michael Cudlett(?).

Q. Were you present when these tape recordings were played? A. - Yes.

B

Q. And on what machine were they played? A. - On a machine supplied by the sound engineers.

Q. Was this machine supplied by the sound engineer on the very first day? A. - Yes.

Q. 27th and 28th? A. - Yes, he supplied all the equipment we used.

C

Q. Therefore you were in a position to play these tape recordings at your place of work? A. - He would have brought the equipment to 'The Times' to play them, yes.

MR. SYMONDS: Your Honour, about this question of the transcripts I still think it is an important, for me to compare the transcripts of 'The Times' against the ...

D

HIS HON. JUDGE STROYAN: You can compare them in your speech to the Jury, they will see them and they will have all the time they want to see them. Lets not lose time by doing what can easily be done by reading.

MR. SYMONDS:

Q. I'd like you to turn to the 30th of October. I'd like you to look at tape three and tape four? A. - Yes.

E

Q. It is part of that tape recording referring to making telephone calls? A. - Yes.

Q. Can you tell from the box? A. - Yes it does.

Q. Is it to your knowledge that those telephone calls recorded on that tape were made on the 30th of October? A. - I don't recall when they were made.

F

Q. Can you look at your statement number three, it is immediately following in your bundle, the statement we have just been looking at, it is the one about the 28th. If you look at the second paragraph do you see something about a 'phone call being recorded? A. - Yes.

Q. Would that be the recording that you have there? A. - Yes.

Q. Would it follow that recording was made on the 30th? A. - Yes.

G

Q. Was that recording made at Perry's home address? If you look at the first paragraph? A. - Yes it was.

Q. And did you observe a meeting that day? A. - Yes.

Q. Did you make a tape recording that day? A. - Yes.

H

Q. Later that afternoon? A. - Yes.

Q. Looking at page three? A. - Yes, we did.

did/

Q. That tape you have there now? A. - Yes.

A

Q. Does 3A refer to that meeting on the afternoon of the 30th? A. - Yes, that was the meeting that the batteries of the recorder ran down.

Q. Continuing on from page three of your statement to 'The Times', do you notice you gave a rather full description of Sergeant Harris in that statement. Dark green mixture suit, brown suede shoes, bald patch? A. - Yes.

B

Q. Did you pick up the first part of that conversation of 3A and then did something go wrong with the recorder? A. - The batteries ran down which we didn't discover until later on.

Q. That evening, on the 30th, did you go somewhere to make further telephone calls, in fact to the house of Mr. Perry's brother? A. - Yes we did.

Q. Did you record telephone calls made from that address? A. - I don't remember that. I remember going to the home of Perry's brother but I don't remember recording telephone calls.

C

Q. During that evening of the 30th do you recall going to a public house across the road from Perry's brothers house? A. - No I don't. But I'd accept it if you say we did.

Q. Together with Mr. Mounter and I believe, Miss Millard? A. - Quite possibly sir, yes.

D

Q. During that day had you made arrangements for a photographer to join your party, Mr. Pridmore? A. - Yes that is right, we did.

Q. Do you recall Mr. Pridmore arriving at this public house that evening in a hired car? A. - No I don't recall.

Q. Driven by a Mr. Owen? A. - No I don't recall.

E

Q. Could Mr. Pridmore have brought a parcel to you at 'The Times' office? A. - I don't remember.

Q. By that, maybe he did and maybe he didn't? A. - Maybe he did, maybe he didn't, I don't remember.

Q. At this stage tapes one and two have been recorded on the 28th. Tapes three and four have been recorded on the 30th, that day? A. - Yes.

F

Q. It is quite possible you would still have had tapes three and four in your possession? A. - Yes.

Q. At that time of your investigation were you still taking the tape recordings home at night for safety? A. - If they weren't locked up in the filing cabinet and we didn't have the filing cabinet then, yes, I would have done.

G

Q. Would it follow it was quite feasible you would have arranged for Mr. Pridmore to bring tapes one and two from 'The Times' to you so you could look after them that night together with tapes three and four? A. - Yes, or it is quite feasible he could have brought tapes to us. I don't remember Mr. Pridmore doing this. Mr. Pridmore was a photographer, he was attached to 'The Times' staff. If some tape recordings were being transcribed by our secretaries or something he might have brought them up to us to listen to them on the equipment we had on the road. I don't remember the incident at all. I have no recollection in any way.

H

Q. On the 31st did you attend a meeting between Mr. Perry and other Police Officer;

Officers/

in the morning. Referring to your statement number four, regarding October the 31st? A. - Yes we did.

A Q. If you turn to page 17, bottom of page 17, it is the last couple of lines, before October 31st ..? A. - Yes.

Q. Do you see, "We 'phoned Symonds again, again failed to contact him"? A. - Yes.

Q. Does that mean you failed to contact me on the evening of the 30th? A. - Yes.

Q. But no recordings exist? A. - I don't know whether we recorded that at all.

B Q. On the 31st, in the morning, did you fit up some devices, some tape recording devices in respect of two other Police Officers? A. - Yes.

Q. Can you remember if those recordings were successful, by looking briefly at pages 18 and 19? A. - I think they were, of course there is reference on this box to one of those meetings. The meeting I have just referred to in which the batteries

C Q. If I can interrupt you there, the meeting on that box is the meeting on the 30th, the previous day, when the batteries ran down. We are now talking about the 31st? A. - Yes.

Q. Glance briefly through your notes? A. - Yes.

D Q. Would it appear to you that was an unsuccessful attempt on that day, on that morning?

HIS HON. JUDGE STROYAN: In relation to somebody else?

MR. SYMONDS: Yes.

Q. In fact the car drove off, is that right? A. - If you can just point out the reference in my note book.

E Q. In your notes of that day, of that morning, there is no reference to taking possession of any tapes? A. - That is right I remember that. This was another Detective.

HIS HON. JUDGE STROYAN:

F Q. Which page? A. - 20, mid-way down. Detective Sergeant Harris had driven to Old James Street at 10.30 a.m. Harris signalled with a wave of his hand to follow him. Perry moved the car, he went off and sat in Harris' car. Once again we had no recording of that, and moved out of radio range too.

MR. SYMONDS:

Q. There were no tapes kept of that meeting? A. - No.

G Q. What would have been your normal procedure with those tapes? A. - They would have gone back to Mr. Hawkey. We were only interested in tapes ...

Q. They would have been returned to stock?

HIS HON. JUDGE STROYAN: He cannot say anything further than they had gone as far as Mr. Hawkey.

H MR. SYMONDS:

Q. Yes. Now looking at your statement, number four, regarding the events of

of/

the 31st, the first paragraph? A. - Yes.

A Q. You say Mr. Perry had in his possession £50 and numbers were taken. If you look at page 24 of your Police statement, half way down, referring to exactly the same event, I will follow on from that. He also had a small quantity of silver, a rent book and notice of a Police breathalyzer. In your statement to the Police you say he was in possession of £88 in Bank of England notes, a rent book and a notice of a Police breathalyzer test?
A. - £55.

B Q. £55 in your statement to 'The Times' and £88 in your statement to the Police, do you see? A. - I don't see it.

HIS HON. JUDGE STROYAN: I wonder if that might be ..

MR. SYMONDS:

Q. In regard to your notice of the 31st ...

C HIS HON. JUDGE STROYAN: Which page?

MR. SYMONDS: One of statement number four.

HIS HON. JUDGE STROYAN: Would you give me the page reference in the bundle.

MR. LLOYD: I have got it as four.

D MR. RIVLIN: 13.

MR. LLOYD: Mr. Symonds is referring to my Police statement, page 24, £88, that could have been a mis-type by the Police. I don't know. I don't recollect these kinds of details.

MR. SYMONDS:

E Q. But quite important would you say, in view of the seriousness of the allegation

MR. RIVLIN: Well the Defendant may have a good point, if he has I don't want to stop him from taking it. If you look at page 24 of Mr. Lloyd's statement to the Police.

HIS HON. JUDGE STROYAN: Yes.

F MR. RIVLIN: And read the next sentence and then look how it is put in Mr. Lloyd's statement to 'The Times', the Jury might get a clearer picture of what Mr. Lloyd has said about this.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: It must be right in our submission.

G HIS HON. JUDGE STROYAN: It must be a misprint.

MR. RIVLIN: It must be right if the Defendant is going to draw something to the Jury's attention he should draw the whole passage to their attention so they can make up their minds whether he is making a good point or may not be making a good point. If you look at the two, I will say no more than this, if you look at the two the Jury might get a different impression from that which they have been given.

H HIS HON. JUDGE STROYAN: You ought to read the whole paragraph.

paragraph/

MR. SYMONDS:

A Q. I will read the whole paragraph; "Before leaving the car park Mr. Mounter and I searched Mr. Perry in his car. He was in possession of £88 in Bank of England notes, a small quantity of silver, a rent book and a notice of a Police breathalyzer test. I dictated the serial numbers of £55 worth of notes to Mr. Mounter who recorded them on the Travellers cheque book cover, exhibit number ... We handed this money back to Mr. Perry, he put £50 in the top pocket of his suit jacket and £5 in his trousers ..."

B MR. RIVLIN: If the Defendant would read the paragraph from Mr. Lloyd's statement to 'The Times' the Jury will see if there is any difference.

MR. LLOYD: Yes, there is £88.

MR. RIVLIN: If you would just listen please.

HIS HON. JUDGE STROYAN: This is page 13?

C MR. RIVLIN: Yes, 13.

MR. SYMONDS:

Q. "Mr. Perry had in his possession £55, the numbers of which I dictated to Mr. Mounter"? A. - Yes.

D Q. "He also had a small quantity of silver, a rent book and a notice of a Police breathalyzer test. We retained these items with the exception of £55 which we returned to Mr. Perry and he put it in the top pocket of his suit jacket"? A. - It is perfectly simple and perfectly clear. He had £88 when he arrived for this meeting, I held on to £33. We handed over to him the £55, £50 of which he was to pay over for this meeting. He had an extra £5 in the fob pocket of his trousers, we thought he ought to have something over the odds, £50, in case he had to go and have a drink.

E Q. If you look carefully at the statement to 'The Times', you say he had in his possession £55? A. - That £55 was the money he was taking to the meeting. £50 he was to hand over at the meeting to this other Police Officer. We thought it would look unnatural that he had only £50 on him, we thought he ought to have a fiver in case he needed to have a cup of tea with this Officer. He had £5 in the fob pocket of his trousers, he had the other £50 in the top pocket of his suit, the jacket pocket of his suit. I hung on to £33, £55 plus £33 is 88 isn't it?

F Q. There is no reference to the £33 in your statement to 'The Times'? A. - We didn't need to refer to it, it is irrelevant. I hung on to it for him, the £33 until the meeting was over. As soon as he came back I gave him the £33.

Q. Did you record the numbers of those £33? A. - I don't recall, I may have done.

G Q. If you look at the statement to the Police it says you did? A. - I did then, it is absolutely irrelevant.

Q. So either, after keeping this meeting in the morning Mr. Perry either had £5 or £33, plus £5, £38. He either had £5 or £38 at the end of the meeting with the other Police Officers, according to your evidence? A. - When he came back from the meeting he would change the £5 in his fob pocket, he would have the £33 I handed over to him which I had while the meeting was going on.

H Q. Then you all had lunch is that right? A. - I don't remember that, I'd accept that, yes.

yes/

Q. If you look at page 28 of your statement, second paragraph? A. - Yes.

Q. First paragraph, "Totally unsuccessful, the two tapes used on that occasion were not taken possession of by me and returned to the sound engineers. After this we went to the public house called the 'Kings Arms' in East Dulwich where we had lunch"? A. - Yes.

Q. Do you remember if Mr. Perry was with you during lunch? A. - In my Police statement which was made soon after the time I have been asked if Mr. Perry remained in our company during that lunchtime, I have no clear recollection. I recall him being in the public house, I believe I bought sandwiches for him. Mr. Anthony O'Keefe, a friend of Mr. Perry, who had been one of the original complainers to 'The Times' appeared briefly in the public house and there was some conversation between us'.

Q. After lunch? A. - After lunch I was with Mr. Perry when he made a telephone call to Sergeant Symonds from the 'Kings Arms' public house arranging to meet the Sergeant. I made no note of this call which was made from a public coin box outside the bar'.

Q. Two points which arise from that; and the first one is, Mr. O'Keefe was one of the original complainants to you on the 27th of October was he not? A. - Yes, that is right.

Q. And during your tape recording sessions and you made arrangements to meet Police Officers was O'Keefe, was he taking some part in this? A. - No.

Q. He was with you that lunchtime? A. - Yes. Yes, he was.

Q. What about the other complainant, Mr. Laming, was he taking any part in this? A. - I don't remember him at all.

Q. Mr. O'Keefe was aware of what was going on? A. - I think it was purely fortuitous that he happened to turn up. These public houses were the haunts of Mr. Perry and his friends and the Police Officers we were taping. It wouldn't have been at all unusual for them to be there.

Q. You have no recollection of the various recording instruments set up for the meeting which was to take place between Perry and myself that afternoon? A. - Yes.

Q. That is why you have no notes? A. - I don't follow that question.

Q. Is it true to say you can't help the court as to what sort of machines were used and what tapes were used on that day? A. - All these recording arrangements were in the care of Mr. Hawkey who was a professional recording engineer. I had no technical knowledge of these matters. I was perfectly content to leave it to him.

Q. According to your statement with the Police you were not present when these tape recordings were set up? A. - No it would have been a matter of no interest to me to see them set up.

Q. Following on the next page you say the meeting was due to take place at 2.30 p.m. in the vicinity of 'The Grove'? A. - Yes.

Q. Before you were allowed to take up positions Mr. Mounter and yourself sat in Mr. Perry's car with him and searched him, is that true? A. - Yes that is true.

Q. You say you were concerned to ensure Mr. Perry wasn't in possession of bank notes other than the £50 which he was required to hand over to Sergeant

Sergeant/

Symonds at that meeting? A. - Yes.

A Q. Did you make a note of the numbers of these £50? A. - According to my Police statement, they were recorded on the cheque book cover again.

Q. Whether Mr. Perry had £5 on him after that morning or whether he had 33 or 38, who gave him the extra money to make up this £50 which he set off with? A. - He did.

Q. He did? A. - He arrived with the money he was to pay over.

B Q. Was he not with you for lunch that day? A. - Yes.

Q. Did you not go from another meeting with Police Officers? A. - Yes.

Q. What opportunity did he have to obtain this £45 or £17? A. - He had probably gone home to get it.

C Q. Was it Mr. O'Keefe perhaps gave it to him? A. - I don't know, I don't remember. He was responsible for the payments he was to be handing over. It wasn't up to us to supply money to him.

Q. When you said, in the Police statement, you recorded the numbers of £33 of bank notes? A. - Yes.

D Q. Can you see where you recorded it in your pocket-book, those numbers that he had left over? A. - Perhaps you would indicate the place to me ...(PAUSE) I've got it.

Q. Which page is that? A. - Page 18.

HIS HON. JUDGE STROYAN:

Q. Of what? A. - Transcript of notes.

MR. SYMONDS:

E Q. The £33. This was the money Perry had left over after, left out of his money, four £5 notes, or is it five? A. - Four £5 notes, a £10 note..

Q. And three £1 notes? A. - Yes.

F Q. When Mr. Mounter was making his notes on the cheque book cover you were present and you saw him taking the numbers of those notes or were you reading the numbers to him? A. - Yes, if it was me who was reading them to him.

Q. Would you look at the cheque book cover please. I'd like to make it an exhibit now, it will be an exhibit in the case? A. - Yes.

Q. Do you see bank note numbers written on that cover? A. - Yes.

G Q. Is it true to say written on that cheque book cover are only bank note numbers of bank notes allegedly handed over to the Police? A. - I don't remember.

Q. Was it not the plan or the system that you always recorded the numbers of the notes kept and Mr. Mounter always recorded the numbers of the notes handed over? A. - We didn't always. Later on, as time went on, we didn't bother with this keeping ...

H Q. May I see that? A. - I am perfectly willing to accept that.

that/

HIS HON. JUDGE STROYAN: No-one has the faintest idea of what they are.

MR. SYMONDS:

A

Q. If you look at this cheque book cover, at the very top do you see a list of numbers? A. - Yes.

Q. Down by the side of the list of numbers do you see a note about, 'hand over on the 31st'. Do you see something ..'31st'? A. - I see October 31 and a tick. I didn't make this note, it was Mr. Mounter. I see one, 'October 31st'.

B

Q. Will you add up the numbers of these valuations and see what it comes to, does it come to £50, a number of £5 notes and a £10 note? A. - 55.

Q. Would you assume from that, that is a list of the £55, £50 to the Police and £5 for his fob pocket? A. - Yes.

C

Q. Would you carefully look at the list of the money handed over, do you see this number, A55332984? A. - Yes.

Q. Is that a £10 note? A. - Yes and it appears in my note book.

Q. Do you see this number X4093953202? A. - Yes.

Q. Is that a £5 note? A. - Yes.

D

Q. Do you see the number X56909934? A. - Yes.

Q. Is that a £5 note? A. - Yes.

Q. Do you see the number X56909935? A. - Yes.

Q. Is that a £5 note? A. - Yes.

Q. Do you see the number X56909933? A. - Yes.

E

Q. Are those numbers part of the recorded numbers on bank notes allegedly handed over on the 31st, according to Mr. Mounter? A. - I don't know.

Q. Look at page 18 of your pocket-book are not, from which I was reading out those numbers, are those numbers also not recorded by you as being retained in your possession? A. - Those matters were exhaustively examined by the Police, in examination.

F

Q. And they took great interest ..? A. - Yes, as you are now.

Q. Mr. Mounter has listed bank notes allegedly handed over to the Police and you have noted the same numbers retained for safety and returned to Mr. Perry after the meeting? A. - There is a straightforward explanation for it.

G

HIS HON. JUDGE STROYAN:

Q. What is it? A. - I can't remember, it is somewhere deep in these documents.

MR. SYMONDS:

Q. I didn't get that reply? A. - It is somewhere deep in these documents.

H

Q. There is a perfectly straightforward answer? A. - Yes.

Yes/

Q. Did you attend the meeting at 2.30 p.m. on the 31st at 'The Grove' public house? A. - Is this the meeting with Harris?

A

Q. On the afternoon of the 31st? A. - Yes.

Q. If you look at page 29, you and Mr. Mounter sat in Perry's car and searched him? A. - Page 29 of my note book.

Q. Page 29 of your statement to the Police? A. - Yes.

Q. You searched Mr. Perry whilst he was sitting in his car? A. - Yes.

B

Q. Did you encounter any difficulty in searching someone whilst the three of you are sitting down? A. - It wasn't easy. We felt we couldn't stand out in the street and do it, it would attract attention.

Q. Did you feel his back pockets? A. - We were able to do all that.

Q. Did he have to lift himself off the seat? A. - He would have had to.

C

Q. Did you consider you had carried out a thorough search? A. - Yes. It is perfectly feasible to be able to search someone in a fairly roomy ex Police car, yes.

Q. Having searched Mr. Perry did Mr. Perry set off for a meeting at 'The Grove' in his Wolseley car? A. - Yes.

D

Q. Were the recording devices switched off? A. - Yes.

Q. Were they switched on, in fact, at 'The Kings Arms' public house? Where you had lunch? A. - I don't remember.

Q. Or were they switched on somewhere nearer 'The Grove'? A. - I don't remember.

Q. I see. You say the meeting was, you travelled to the vicinity of the meeting with Mr. Mounter and Miss Millard with a car belonging to the recording company, on page 29? A. - Yes.

E

Q. "We can't recall now whether we had Mr. Perry's vehicle in our sight for the whole of the journey"? A. - That is right.

Q. Would that be right? A. - Yes.

F

Q. "At a side turning off Lordship Lane", perhaps we can look at our map. The last meeting was at 'The Grove', 'The Rose' itself, at 'The Rose', that is the top right hand corner of your map? A. - Yes.

Q. Can you tell us where 'The Kings Arms' public house is on this map? A. - No.

Q. Was it a long way from 'The Grove' or fairly close? A. - I don't remember it at all.

G

Q. You travelled down Lordship Lane?

HIS HON. JUDGE STROYAN: Just to the left of 'The Grove'.

MR. SYMONDS:

H

Q. Would that be coming from the Camberwell area towards 'The Grove' or down Lordship Lane from the Beckenham area? A. - I don't remember sit.

Q. At a side turning you alighted from the vehicle, you left Mr. Mounter and

and/

Miss Millard to take up a pre-arranged position with their vehicle? A. - Yes.

A Q. Can you recall the pre-arranged position? A. - No.

Q. Can you recall why they should take up a pre-arranged position? A. - To monitor the meeting with you.

Q. Would you assume they had a tape recorder on which was attached to a radio receiver receiving from a transmitter on Perry? A. - It could well have been.

Q. That would have been called a mobile? A. - Yes.

B Q. I know you weren't present at the setting up of these machines? A. - No.

Q. It would appear there were three machines in action? A. - Yes.

Q. Two in the boot and one mobile? A. - Yes.

C Q. Following on from that you say at 2.20 you walked past the car parked at 'The Grove' tavern. You saw Mr. Perry's car, index number 409 BLU parked alongside a white Vauxhall, index number 739 CRK? A. - Yes.

Q. Is that correct? A. - Yes.

Q. Was it raining that day, can you recall? A. - It may have been, yes.

D Q. Because you say, "I could see two or three figures in Mr. Perry's car?" A. - Yes.

Q. Is that how it appeared to you, it could have been three figures? A. - Yes.

Q. You had a glance and couldn't identify the persons? A. - Yes.

Q. Does this mean you walked through the car park? A. - I walked past.

E Q. You looked through an open gateway? A. - Yes.

Q. And you saw these two cars? A. - Yes.

Q. I wonder if you could look at the photographs, which the Jury have also, of the events of the 31st. I wonder if I could have a set please. It is exhibit number 11? A. - Yes thank you.

F Q. Looking at the first photograph, frame number 10, photograph number one, page one. Is that the scene you have just described that you saw as you walked past the open gateway? A. - Yes.

Q. Is the post to the left, far left of the photograph, is that, in fact, the gateway? A. - It could well be.

G Q. From that distance and range at 2.20 p.m. you saw two or three figures in the black car, the Wolseley? A. - Yes.

Q. Continuing on from that you say when you walked past the entrance you saw Mr. Pridmore, the photographer? A. - Yes.

Q. And did you gather that Mr. Pridmore had already taken, perhaps, this photograph? A. - He had already taken a photograph.

H Q. He had already taken a photograph? A. - Yes.

Q. As this is the first photograph in the bundle, it is frame number 10, it would

would/

follow Mr. Pridmore may have taken this photograph minutes before you, in fact, passed the same place and saw the same scene? A. - Yes.

A

Q. At 2.20 p.m. Did you then leave the vicinity of the car park, according to your statement to the Police? A. - Yes.

Q. When did you next see Mr. Perry. May I correct that. Did you see Mr. Perry or the while Vauxhall leave the car park? A. - No, I don't believe I did.

Q. What was the next time you saw Mr. Perry? A. - I don't remember, it will be in my statement somewhere.

B

Q. Were you present when the two spools of tape which are now tape five, exhibit three, and tape three, exhibit four. Were you present when these spools were removed from the recording device? A. - I believe I was, yes.

Q. I believe you made a note in your pocket-book to that effect, you were present? A. - I have made a note that that is so.

C

Q. Did you question Mr. Perry about what had happened before playing back these recordings? A. - Very probably, yes.

Q. You made no notes in your pocket-book of anything he said? A. - I don't remember, but very probably not.

D

Q. It was not even your rule to question Mr. Perry before listening to the tapes? A. - I don't think we had any agreed, prescribed rules. What tended to happen was while the engineers were removing the tapes I took Michael Perry aside and said, "What happened"? I would then hear his account of the meeting with you and while the tapes were being spooled back he would tell me what was going on and we would play the tape. There were occasions when I made notes about it and other occasions when there was absolutely no point in making notes about it and I wouldn't have time anyway because the business of spooling back would be quite brief.

E

Q. When you looked in the car at 2.20 p.m. ...

MR. RIVLIN: If it is being suggested, as it seems to be, that nothing was said by Perry as to what was going on, all the witness has to do is look at page 23 of his notes, four lines up from the bottom of the page. Exhibit number 10, transcript of notes, page 23, four lines up from the bottom of the page. Does Your Honour see that.

F

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. I am grateful to Prosecuting counsel for pointing that out. I'd like to ask one or two questions following on from that. Look at page 23 of your pocket-book, at the very bottom, it is rather an important statement there. You say you searched Perry after the meeting, in his car, and in a side turning near 'The Grove' the money was gone? A. - Yes.

G

HIS HON. JUDGE STROYAN: Perhaps you had better read it again.

MR. SYMONDS:

Q. I will certainly. If you look at your statement to 'The Times' which is statement number five, October 31st? A. - Yes.

H

Q. It starts off there, I can remind you very quickly, have you got it?
A. - Yes.

Yes/

A Q. "2.20 p.m. on Friday, walked past the car park, meeting had been arranged between Mr. Michael Perry and Sergeant Symonds. Saw Mr. Perry's car, registration number 409 BLU, alongside a white Vauxhall 739 CRK. All I could see, at a glance, was two or three figures in Mr. Perry's car?
A. - Yes.

Q. Before the meeting you searched Mr. Perry in the company of Mr. Julian Mounter and you took the numbers of the £50 of notes. That ties in with what you say about searching him in the car. You saw the photographer pass the same entrance to the car park, he had the camera with him, he had been able to get a couple of pictures.

B MR. RIVLIN: I'm sorry, the lady Shorthand Writer is having to make a note.

MR. SYMONDS:

Q. Mr. Pridmore told you he had been able to take a couple of shots. You saw the tapes removed from the tape recorders later? A. - Yes.

C Q. "And they have since been in our possession, kept in the locked filing cabinet with keys held only by Mr. Mounter and myself"? A. - Yes.

Q. "The only person who has had access to them has been .." and there is a blank space there? A. - Yes.

Q. Who did you intend to put in this space? A. - The secretaries who had access to them.

D MR. RIVLIN: Would the Defendant read further.

MR. SYMONDS:

Q. "The only person who had access to them has been .." is blank space, "who took the transcript. She has since signed a statement. She has not added to them or altered them in any way"? A. - Yes.

E Q. Would that person who is going into the blank space be Miss Woore or somebody else? A. - Whoever made the statement.

Q. Isn't that an unusual form of statement to make? A. - No.

F Q. "I saw the tapes removed from the tape recorders later on. They have since been in our possession, kept in the locked filing cabinet". Are you sure this statement is contemporaneous, dated the 31st of October and you are saying in ...

HIS HON. JUDGE STROYAN: It is not.

MR. SYMONDS:

Q. I ..? A. - It is dated the 27th.

G Q. Was it made on November the 27th? A. - I don't remember when it was made.

Q. It wasn't made on the 31st? A. - This was probably made a lot later. It seems to accord very much with the notes from my pocket-book.

H Q. It doesn't really. In your pocket-book you say, "We searched Perry again after the meeting in his car in a side turning near 'The Grove'. The money had gone". You don't mention anything about that in your statement to 'The Times'? A. - No.

No/

Q. About searching Perry afterwards? A. - All these, "Afterwards Mr. Mounter and myself searched Mr. Perry, he no longer had the £50 on him", previous page.

A HIS HON. JUDGE STROYAN: Do be careful Mr. Symonds. I am sure you don't want to make false impressions.

MR. SYMONDS: The question may be, should have been, I have got a note here Your Honour. The one that Prosecuting counsel particularly wants me to read out, on the bottom of page 23.

B HIS HON. JUDGE STROYAN: It may have been a mistake. I am not going to be too precise. It did sound as if you were saying Mr. Lloyd's statements to 'The Times' didn't contain something it ought to contain. It may have been a mistake on your part.

MR. SYMONDS:

C Q. On the very bottom of page 23. It is a point raised by Prosecuting counsel. Did you write a note in your pocket-book, "Perry told me he had handed over the £50 to Symonds"? A. - Yes.

Q. Now that is, I meant to say, that is not in your statement to 'The Times' which I would submit is a vital and important statement? A. - No, it isn't.

Q. And that is not in your statement to the Police made many weeks later? A. - I accept that.

D Q. Would you say that is, considering the nature of the charges, would you say that is probably the most vital statement made by Perry that day, because you took care to note it in your pocket-book. "Perry told me he had handed over the £50 to Symonds"? A. - Yes. He had a tape recording of it didn't he?

E Q. We'll come to that. Now there is no reference to playing back the tape recordings in your pocket-book nor in the statement to 'The Times'? A. - There is absolutely no necessity for me to log all this extraneous information in my note book. My note book was there for my reference and nobody else's.

Q. In your contemporaneous note, made on the day, the 31st, the sentence before, "Perry told me he had handed over the £50 to Symonds. I had watched the tapes removed from the tape recorders later and remained under our surveillance and..." A. - Yes.

F Q. Was that made that day? A. - Yes.

Q. At the time? A. - Yes. It may have been made a matter of hours later. I was making notes at various times during these enquiries, you can see the size of this transcript. I made notes when it was convenient to do so. We had an awful lot of balls in the air when doing this investigation. There was a lot to think about and a lot to do.

G Q. Was there a tape recorder with Mr. Mounter and Miss Millard on this occasion? A. - I don't remember, I haven't documentation of this case which will say in there. I don't remember.

Q. Now would you look at tape three, exhibit four. Do you still have that with you? A. - No.

H Q. Is that hand-writing on that your hand-writing? A. - Yes it is.

Q. Will you read out what you see there? A. - 'Master, October 31, 1969. 'Grove'

'Grove' /

in meeting with Symonds. Duplicate taken with radio and 'phone calls.' There is some writing on the back of the box, do you wish me to read that?

A

Q. Yes? A. - 'Start of tape includes meeting with Harris.'

HIS HON. JUDGE STROYAN: We have had this once. The Members of the Jury can read it.

MR. SYMONDS:

B

Q. There is a point I'd like to make? A. - 'Start of tape includes meeting with Harris outside the Edinburgh Castle. Duplicate of little use batteries of the Uher were ran down. We have a perfect recording from a Nagra direct recording.'

Q. Can you remember when you made that writing on the box, can you recall?
A. - I don't know.

Q. Would it have been on the 30th or the 31st? A. - I don't know.

C

Q. Will you look on the spool? A. - Yes.

Q. Would you say what it says? A. - On one side which my hand, it says 'phone calls' and the other is Mr. Mounter's hand which is illegible.

Q. Any dates? A. - There will be dates on the side Mr. Mounter has written on, with the passage of time it has become illegible.

D

Q. When you have given evidence about marking boxes and spools I understand there have been slight variations about the time of marking, either immediately afterwards or sometime after. Would you have marked that box on say, the 30th, the same day? A. - I just wouldn't remember.

Q. It would be very unusual to write, 'Start of tape contains conversation with Harris'? A. - No.

E

Q. On the 30th? A. - Well in that case it must have been done later. I really can't remember.

Q. On the 31st? A. - Whatever, I don't remember.

Q. Surely you wouldn't have it in mind on the 30th that there should be more tape recordings on that tape? A. - Why not?

F

Q. Weren't you using one tape for one recording and keeping it as bullion?
A. - Keeping it as what?

Q. Bullion? A. - Bullion?

Q. According to your evidence? A. - I don't know what you mean.

G

Q. So far we have had one tape with one 'phone call on it and we have had one tape with one meeting on it, on the 28th? A. - Yes.

Q. I think throughout the series we have one tape to one event, one meeting, no matter how long it, or how short and that tape is kept separately. What I am asking is, would you have realised on the 30th that this tape was to be used again or for a longer period? A. - Oh! no, clearly not.

H

Q. Would it be likely that this, 'Start of tape includes meeting'. Would it be likely those words were written on the box a day later, after the 31st, when you had made a further recording on the tape? A. - Very possibly, very

very/

possibly.

A Q. Now we have gone into this tape a little bit. We have more or less established that the 'phone calls were made on the 30th, the first recording was made on the 30th?

HIS HON. JUDGE STROYAN: Can we go forwards and not backwards. We have heard the evidence. You are quite right in your summary. We don't want to hear it again.

MR. SYMONDS: I haven't raised this.

B HIS HON. JUDGE STROYAN: We have heard it. Can we have the next question?

MR. SYMONDS: Are you forbidding me to make this point?

HIS HON. JUDGE STROYAN: No I am not. I want to go forward. Now what is the point. The last point related to the phrase on the tape, 'Start of tape', you made a point about that phrase.

C MR. SYMONDS:

D Q. Yes, very good. So here we have a tape on which there are two separate conversations, or instances, which took place on the 30th and this tape has now been produced from somewhere and fitted on to the recording device, but not fitted on to start at the beginning, fitted on to a recording device half round there and used to record an alleged conversation on the 31st?
A. - If you say so.

Q. I can see, I think it must be agreed, surely by now, that two of these recordings referred to events on the 30th? A. - I am absolutely lost at what you are trying to get at.

Q. On the 30th what did you do with these tape recordings, did you take it home or back to 'The Times' offices? A. - If it was the one in which the batteries of the Uher ran down I think it probably went away with Ken Hawkey.

E Q. Went away with Ken Hawkey? A. - There wouldn't have been much point.

Q. It would have been Ken Hawkey who took this tape home or back to his factory or office on the night of the 30th? A. - It could well have been. If it had nothing on it of any value to our investigation we wouldn't have seen any point in hanging on to it.

F Q. There was a 'phone call of considerable value in your other investigation? A. - What does the 'phone call relate to?

Q. The making of an appointment between Mr. Perry and Mr. Harris, and alleging to meet at the Edinburgh? A. - That was important.

Q. It would have been considerably important? A. - Yes.

G Q. So would this tape not have come under your security umbrella, going back to 'The Times' and being locked up in the steel safe? A. - It would have done

H Q. Why did you take it out of the steel safe on the morning of the 31st and recording some more on it? A. - I can't remember. We would have taken some of these tapes in the early stages back to this machine that Mr. Hawkey had when we travelled about from these various addresses we were operating from, to listen to them because we would only have had those machines to listen to them on. It may have been then it was decided to use this tape. I don't remember.

remember/

Q. I wonder if I could have five minutes to suck a throat pastille, I feel my voice is about to go.

HIS HON. JUDGE STROYAN: Very well.

MR. SYMONDS: I don't want to get laryngitis and not be able to speak for a couple of days.

HIS HON. JUDGE STROYAN: You must try to make more expeditious approaches. If you kept to what was strictly wanted you wouldn't have to ask many questions.

ADJOURNMENT

MR. SYMONDS:

Q. We were talking about the writing on box three. Carrying on from that, meeting to be outside Edinburgh Castle, you put 'outside Edinburgh Castle, on duplicate, is that 'on duplicate' or 'in duplicate'. Because according to my schedule it says 'on duplicate'? A. - I think it is 'a duplicate'.

Q. What is the meaning of dupe?

HIS HON. JUDGE STROYAN: What?

MR. LLOYD: A. - The word, to dupe?

MR. SYMONDS:

Q. No dupe. In the television, in the cinema business and making films and all the rest of it? A. - Dupe, I don't know.

Q. May I suggest 'dupe' is a common phrase for a copy? A. - If you say so.

HIS HON. JUDGE STROYAN:

Q. Have you heard it? A. - I can't recall having heard it.

Q. Yes?

MR. SYMONDS:

Q. This is the only tape in this series where you have written 'duplicate'. Because there are ...

HIS HON. JUDGE STROYAN: It is 'duplicate taken with radio mike'.

MR. SYMONDS:

Q. According to my schedule, schedule A, 'on duplicate'? A. - A duplicate, a duplicate. That tells me that this tape was a duplicate second recording of the Nagra direct recording. We had two recordings, one direct from the microphone to the boot of Mr. Perry's car. The other one by radio mike which we would have looked upon as a duplicate.

Q. You wouldn't regard the second tapes as your back-up tapes? A. - To some extent. What we were concerned to do was to try and listen to your conversation, and those of other Officers we were investigating, with Mr. Perry. From that we would deduce what was going on. We have tried, as I have explained already, to use the belt and brace principle. As time went on we realised radio recordings were difficult to obtain by virtue of their nature, sometimes we couldn't rely upon them. So we endeavoured all the time, as far as we could, when we realised this to try and get direct recordings.

recordings/

that is recordings from the microphone direct on to the recorder from the microphone under the dash-board. Sometimes it wasn't possible. We didn't know how these meetings were going to take place. We hoped they would take place in Mr. Perry's car and then they didn't. If a Detective motioned Perry out of his car he could hardly sit there like a lemon.

- A Q. Is it right this is the only occasion in this series, in the whole series, where a back up tape has been referred to as a duplicate? A. - Yes I will accept that.
- B Q. If you look further, there is two tapes and one back up? A. - I am perfectly ready to accept that.
- B Q. Could this tape 3A and 3B be some sort of copy tape made, perhaps, for the use of the typist who was transcribing? A. - No.
- Q. It couldn't? A. - No.
- Q. Maybe two or three incidents put on to the one tape for compactness? A. - No.
- C Q. Going back to the third duplicate, it is not true the third duplicate, tape 3B erases part of 3A, therefore 3A isn't a duplicate of tape four? A. - As far as I was concerned this was a duplicate of a perfect recording and that we had by direct methods on to the Nagra. It was absolutely fine, we could hear that recording, we could understand what was going on. This one which was taken as a second recording on the radio mike equipment didn't work because the batteries ran down.
- D Q. Yes? A. - Now that was unfortunate. In fact it didn't matter because we already had the direct recording.
- Q. Didn't you have access to more or less an unlimited supply of brand new tapes from 'Location Services'? A. - We had access to as many tapes as we required. As time went by we realised we needed new tapes and Mr. Hawkey was instructed to bring new tapes.
- E Q. This wasn't a homing pigeon exercise? A. - No, it was an expensive exercise.
- Q. You would make a telephone call where people would come rushing out from 'Location Services' with tapes? A. - It was a very expensive operation.
- Q. And the sound engineers with you were always properly equipped with, such as they carried with them boxes of spare batteries and a selection of brand new tapes? A. - They certainly didn't at the start. Clearly Mr. Hawkey didn't know the batteries on the Uher were flat. There is no means of telling that either. Batteries go down on tape recorders as they do on any other machine.
- F

HIS HON. JUDGE STROYAN: We have had this already.

MR. SYMONDS:

- G Q. Can you recall whether tape five was a new tape? A. - No I can't.
- Q. I believe you made no notes about that? A. - No.

HIS HON. JUDGE STROYAN: It is accepted it is not.

MR. SYMONDS:

- H Q. When you listened to these tapes afterwards, tape five, exhibit three, and when you made your transcript of this tape recording, if you look at it now,

now/

page five of 'The Times' transcript, October the 31st, 'Grove'? A. - Yes.

A Q. You say this was a direct recording, perfect and you could hear everything fairly clearly, could you? A. - I mean I used that description, 'perfect', rather casually, of course it was hardly studio quality or anything of the sort. What we meant by that, what I meant by that is that one could, it was a perfectly audible recording.

Q. Looking quickly through your transcript, do you see any reference to money in the transcript you made and the passing of money? A. - First of all if you would like to turn to page eight.

B Q. Yes? A. - About a third of the way down.

Q. Yes? A. - There is a reference to Mr. Perry telling you that he cleared himself with the whatsaname today, with the jelly thing. What he meant was, by that was he had paid off Inspector Robson. That is one reference to money.

Q. That is a bit of guess work, money is mentioned? A. - He cleared himself.

C Q. Inspector Robson was looking for names of ..? A. - You are obviously referring to money so let me go down. At the top of page 12, "I've done the other geezer for the jelly like". He meant he had paid off Inspector Robson.

Q. There is no actual reference to money? A. - There is no actual reference.

Q. Inspector Robson was, in actual fact, looking for the names of criminals?
A. - Yes.

D Q. Would you carry on.

HIS HON. JUDGE STROYAN:

Q. You are looking at the top of page 12? A. - I have moved on. There is the advice you are giving to Mr. Perry about how he should sort away his criminal earnings in a little sweet shop.

E MR. SYMONDS:

Q. Is there any reference ...? A. - To money passing hands?

HIS HON. JUDGE STROYAN:

F Q. Would you look at the top of page 12? A. - Yes.

Q. Is there anything there? A. - There is a garbled passage there that we couldn't decipher on our attempt at transcribing the tape.

MR. SYMONDS:

G Q. That means you couldn't decipher it? A. - Yes, as you in there say, "Yeah, yeah, that's worked alright then". "Yeah, I've got it". That is Mr. Perry saying, "I've got it".

Q. Garble, "Don't you mention it to no-one"? A. - I think that refers to him handing over the money to you.

H Q. That is all guess work. There is nothing, you haven't come across in any way such as, "Here is the money, thankyou very much". Something like that?
A. - In these transcripts we have got out of those, I have already explained to you. Our attempts at transcribing these tapes were somewhat basic. Listening to it on these machines now, with the benefit of the tutored ear

ear/

of the Police investigators now, I think there is reference to money, certainly at this stage.

A

Q. We have all heard this reference ...

MR. RIVLIN: The Defendant obviously wants assistance about this. Assuming he does, we all know how very carefully he has read all the documents in this case. He, if he would look at the top of page five, October the 31st, 'Grove' and look at the first sentence. "The car radio switched on ...

B

MR. SYMONDS: This is a most unusual course, I would just like to start assisting my witnesses when they are being cross-examined by Mr. Rivlin, with great relish I am looking forward to it.

MR. RIVLIN: The witness is making a point, the Defendant is making a point through the witness to the Jury, that there is no reference to money. He is making a point through a witness. If he is making a point it has to be an honest point. He, if he knows that this reference is here it is no good to make a suggestion to a witness and forget about it.

C

MR. SYMONDS:

Q. On the subject reference to money? A. - On the top of page five, Mr. Perry is saying, "Got a bit of dough".

Q. What does, "Got a bit of dough" mean? A. - He has got the money to pay to you, but not the full amount.

D

Q. Is that your reasoning or what Mr. Perry told you? A. - That is the transcript we actually made. We listened to them and we heard that, "Got a bit of dough". We couldn't understand the ensuing part of the statement, "I got a bit more done". Certainly that is a reference to the money.

Q. Is that the only reference according to you? A. - That we were able to define from our listening to it.

E

Q. Where Perry says, "Got a bit more done"? A. - We got it as 'done', it may have been 'dough'. At this stage it was very, very difficult for us to hear what was being said on these tapes. As I have already said, Mr. Perry is not articulate, he is not a professional broadcaster. It was very difficult for him to refer to money.

Q. According to 'The Times' transcript, "Got a bit of dough" garbled? A. - Yes.

F

Q. If you look at exhibit 35 D, where the trained ear experts have listened to this tape? A. - Page?

Q. Seven, with their equipment and such? A. - They have it as, "You know, a bit more dough".

Q. "You know, a bit more dough". Which is different. It follows on?
A. - Yes.

G

Q. When you listened to this tape recording ..? A. - Yes.

Q. Did you hear the words, "How are you doing Mickey"? This is on the top of 35 D, it is not in your transcript? A. - I don't recall it. I consider the Police transcripts are immanently better than ours. I would accept their transcripts.

H

Q. My Lord, I'd like to play tape five, the first two or three minutes. The vital words, "How are you doing Mickey?" and "A bit more dough". See

See/

that line. This is where we are discussing.

HIS HON. JUDGE STROYAN: Have you questions you want to ask about it?

A MR. SYMONDS: Yes. Because the point I am going to make, by listening to this tape recording. You can see the faint voice, "How are you doing Mickey?" obviously comes from outside the car. Then I will suggest there was the sound of the car door being moved and opened. I would suggest Perry is mumbling to himself, "Got a bit more dough". Then I am getting into the car and I am going to suggest this was said, and said deliberately so I couldn't hear it.

B HIS HON. JUDGE STROYAN: Was this witness present when that happened?

MR. LLOYD: Yes.

HIS HON. JUDGE STROYAN: You can't ask him.

MR. SYMONDS: This witness made the transcript.

C HIS HON. JUDGE STROYAN: You have got to ask him about what happened.

MR. SYMONDS: I can agree. As this witness wasn't there he should have been in the position of having the tapes played to him to identify him and these were hearsay evidence and they should have been identified by Mr. Perry, the criminal who made the allegations. There seems to be one example for the rich and one for the poor.

D HIS HON. JUDGE STROYAN: The witness heard them played over immediately after he took them off the machines. It was at that point he identified them. If you want to have the bit of the tape played you can.

MR. SYMONDS: Thankyou.

HIS HON. JUDGE STROYAN: How far do you want, down to

E MR. SYMONDS: Yes. Where the voice is loud and clear, the bit before that is mumbled.

HIS HON. JUDGE STROYAN: We shall hear.

(TAPE FIVE PLAYED, FIRST FEW MINUTES ONLY)

MR. SYMONDS:

F Q. Well we are certain of that time. Would you look in your pocket-book for the 31st, in the afternoon? A. - Yes.

Q. And look at your statement, number five, for the 31st, in the afternoon? A. - Yes.

G Q. Would you see on statement number five. "At 2.20 p.m. on Friday October 31st"? A. - Yes.

Q. Would you see in your statement to 'The Times', pocket book? A. - Yes.

Q. On page 22. "2.20 p.m. I walked past the car park", would you look at your statement? A. - Just a minute, where are we?

H Q. Page 22. Page five, statement number five of your statement? A. - Yes, I have it.

have it/

- Q. Will you look at page 29 of your statement to the Police, so those are the three records, four statements to 'The Times', statement to the Police?
A. - What is the page number of my statement to the Police?

A

- Q. Statement to the Police, 29? A. - Yes.

- Q. Statement to the Police 29, bottom paragraph, third of the way through it, "At 2.20 p.m. I walked past the car park of 'The Grove' tavern, and I saw Mr. Perry's car, I could see two or three figures inside"? A. - Yes.

B

- Q. Statement to the Police, "At 2.20 p.m. on Friday October the 31st I walked past the car park" etcetera, "All I could see at a glance was two or three figures in Mr. Perry's car"? A. - Yes.

- Q. In your pocket-book, "At 2.20 p.m. I walked past the car park of 'The Grove' I saw Perry's car, registration number 409 BLU. I could see two or three figures". That is strong evidence at 2.20 p.m. you walked past the car park and looked in, you say two or three figures in Mr. Perry's Wolseley car?
A. - It was in fact two figures.

C

- Q. You remember now? A. - No. I think at the time, I am being entirely honest about this, I walked past the car, past the entrance to the car park. I only had time to glance in, I couldn't make myself too apparent, and I could see the cars

D

- Q. Yes? A. - And I could see what I thought was a misted up window, I believe it had been raining. All I could see was some figures in the car, to be honest I couldn't say whether there were two or three.

- Q. On the day you made your notes you thought two or three? A. - That's right.

- Q. A couple of days later a statement to 'The Times', two or three. A statement a couple of weeks later, two or three? A. - It should show the contemporaneous nature of this note.

E

- Q. I don't want to go through this, I would like, after we have broken tonight, tomorrow morning I'd like the Prosecution, unless they are prepared to make a concession now. I'd like the Prosecution to play this tape from the beginning, tape number five, they will hear radio music, then they will hear an announcement of the time by a B.B.C. announcer, the time is now five past two. Then their music continues for 19 further minutes, I believe, maybe a couple of minutes long, then you will hear from outside the car, "How are you doing Mickey"? This means that at 2.20 p.m. when Mr. Lloyd walked past this car with Mr. Pridmore, according to the photograph, and saw two or three people in the car it means either one of two things. Either I wasn't in the car because, according to the record, the conversation doesn't start until five past. Either I was in the car and there was the conversation taking place which was afterwards eliminated from the tape recording? A. - No conversation was eliminated from the tape recording.

F

- Q. I would like to make a concession tomorrow morning or you must play these 25 minutes.

G

HIS HON. JUDGE STROYAN: I am not having 25 minutes of useless tape played?

MR. RIVLIN: We will do what we can. I'm sure Mr. Penner or Mr. Eley wouldn't mind listening to some music before we come into court. If we are able to agree that which the Defendant claims we will be happy to do so.

H

HIS HON. JUDGE STROYAN: It does entirely depend on whether this witness has got his time accurate.

accurate/

A MR. RIVLIN: We ought to wait and see what Mr. Penner and Mr. Eley have to say. The Defendant asked us to make a concession about tape number two, I am not convinced 'concession' is the right word. We are happy to agree, in relation to tape number two, that is the broken up tape, the original continues to record, that is after that which appears on the transcript. It continues recording car noises, etcetera, until the end of the tape and the end of the tape comes approximately eight minutes from the end of the transcript.

MR. LLOYD: If it is of any assistance I wouldn't ask Mr. Symonds to rely on the '2.20' in my note book as being, in any way, accurate of the time I walked past, it was something of a guess.

B MR. RIVLIN: We will get Mr. Penner and Mr. Eley to time the tape and see what we can do to help.

HIS HON. JUDGE STROYAN: Very well.

MR. SYMONDS: I wonder if we may listen to the first two or three minutes of this and to listen ..

C HIS HON. JUDGE STROYAN: We are not going to listen to 25 minutes of music.

MR. SYMONDS: Just the first two or three minutes of tape five, page 19, page 20 of exhibit 35 (B), the first four lines of speech.

MR. RIVLIN: We have got the tape now and we can play it.

D HIS HON. JUDGE STROYAN: Very well.

MR. RIVLIN: The position is this; the Jury have been given three different transcript references, 'The Times' copy, the Police copy and Mr. Penner and Mr. Eley's copy.

HIS HON. JUDGE STROYAN: What page is Mr. Penner and Mr. Eley?

E MR. RIVLIN: Page seven.

HIS HON. JUDGE STROYAN: We will listen to page seven until we get to the area where there is ... 35 B, page seven, we will have from the end of the music down to the start of the conversation.

(TAPE FIVE PLAYED FROM THE BEGINNING, FOR TWO OR THREE MINUTES)

F HIS HON. JUDGE STROYAN: Is that it? What is the question?

MR. SYMONDS:

Q. Would it appear, listening to that, the remark, "How are you doing Mickey", would appear to come from outside the car? A. - Yes.

Q. From that would it appear you could hear the car door being opened? A. - Yes.

G HIS HON. JUDGE STROYAN: Just a moment. You are asking these questions, you probably want me to get the answers down, "How are you doing Mickey", came from outside the car. Noise of the door opening.

MR. SYMONDS:

H Q. Would it appear to you that the words, "A bit more dough" came at the time that the car door was being opened? A. - It could be.

Q. Now you have been to Mr. Perry's Wolseley, would you say it was an easy car to enter and get into the passenger seat? A. - Yes, as far as I can recollect

recollect/

it was a bench seat, quite easy to get into.

Q. Do you recollect the door being broken? A. - No.

Q. Would it appear that my first words appear to be, "For the what?" inside the car, question mark, "For the what"? A. - We got in our transcript, "For what"?

Q. Are you looking at ..? A. - I am looking at 'The Times' transcript, four lines down we have transcribed it as, "For what" and the Police transcript has got it "For the what". I would accept the Police transcript being eminently better than ours.

Q. Then do you hear Perry repeat the words he had said, as I was apparently getting into the car, something about doing something for Roy? A. - Yes.

Q. Then what ..? A. - Yes.

Q. Then the conversation is about Roy? A. - Yes.

Q. According to 'The Times' transcript that is the only reference to money, if 'dough' is taken to mean money? A. - Yes.

Q. Thankyou. So, having listened to this tape, were you disappointed that there appeared to you to be no reference to money? A. - I think we may well have been. I don't remember our sentiments at that particular time. The other disclosures on the tape shocked us.

Q. The other disclosures about 'firm in a firm'

HIS HON. JUDGE STROYAN: No, we can't have this. The emotions experienced by this witness will not help the Jury in deciding what was said.

MR. SYMONDS:

Q. No. There being no reference, to your ears, and later to the ears of your, I believe, quite skilled stenographers, typists. Was this what caused you to make a note in your pocket-book, at some stage, about the fact that Perry did say to you that money was passed on that occasion? A. - No. The note in my pocket book, my note book, was made when Perry told me that money had been handed over. He told me, it reminded me he said that money had been handed over. It wouldn't have been until some time afterwards that we would have settled down to listen to this tape and listen to it in great detail.

HIS HON. JUDGE STROYAN:

Q. In other words he told you that before you listened to the tape? A. - Exactly.

Q. Very well. Does that deal with that?

MR. SYMONDS: I am going to turn to events on the 11th.

HIS HON. JUDGE STROYAN: Very well. We will break off now. Half past ten tomorrow morning.

MR. RIVLIN: I'd like to mention two matters when the Jury have gone.

JURY LEFT COURT AT 4.35 p.m.

MR. RIVLIN: Perhaps Mr. Lloyd would withdraw. Both are matters of law. One concerns the conduct of this trial. The first matter is paragraph four thousand on page 1846 of the current edition of Archbold. It arises out of suggestions made by the Defendant to this witness. In relation to the law,

it is the first main paragraph in four thousand. 'If money was received in order to entrap a giver or provide evidence for the Police listening or making a tape recording and the acceptor didn't intend to keep it, it plainly wouldn't be corrupt'. In our submission the same principle must apply to someone who is giving money as to someone who is receiving it.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: If that is so it is plain in the circumstances of this case, neither Mr. Perry or any of those involved in the investigation could have been committing a criminal offence. I'm sorry to use Your Honour as a sounding board to bring this to the notice of the Defendant. This is the law and it is quite plainly set out in the legal text book.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: It became of special importance when it was suggested to this witness, in terms, that he had been counselling the commission of a criminal offence, which, in our submission, in the particular circumstances of this case cannot possibly be the case.

HIS HON. JUDGE STROYAN: I am going to call the Jury's attention to that.

MR. RIVLIN: I don't ask you to do at this stage. The position is, the Defendant should know where he stands if he has got it in mind to make similar allegations against other people, he has to be very careful.

The other matter is this, it is at paragraph 527 A of Archbold at page 356. I appreciate we are at the end of a long day. I don't want to say anything to upset the Defendant or aggravate him. I think it is right to draw to his attention, if I may respectfully do so, the contents of the final paragraph of 527 A. 'A protracted and irrelevant cross-examination not only adds to the costs of litigation but it is a waste of public time. The cross-examination becomes indefensible if conducted without restraint, and without courtesy and consideration'. May I say I have absolutely no quarrel with many of the points that he has made but, in cross-examination of this witness today, in particular the final passage of cross-examination that occurred in the last few minutes of today. There have been many times today and indeed over a period of, not of minutes but I would respectfully suggest of hours, when protracted and irrelevant cross-examination of minutiae has taken place. There is no better way of demonstrating to the Defendant what I am worried about than this, that the trial within a trial, with leading counsel, the evidence took three days to hear. The trial within a trial before you, excluding time lost, took over seven days to hear. We have witnesses to call, a number of witnesses to call during the course of this case. I fully understand that it is a difficult matter to defend yourself and the Defendant isn't a trained lawyer but court time is being taken up, witness time is being taken up. Vast expenses are being incurred and the fact is that it is possible to cross-examine someone like Mr. Lloyd for days and days and days, if you really want to. Because there is no limit to the number of questions one can ask about minute matters that really aren't going to assist the court one way or another. You can go on for ever with a fellow like Mr. Lloyd or Mr. Mounter and for that matter Mr. Hawkey or Mr. Perry. My concern is what is happening in this case is the Defendant is cross-examining for long periods of time on minutiae which could not conceivably affect the decision of the Jury one way or another. Through you, if I may respectfully do so, I'd like to draw to the Defendant's attention that particular passage in Archbold and moreover the legal proposition which appears elsewhere, to indulge in such cross-examination may be to abuse the process of the court.

HIS HON. JUDGE STROYAN: I have been very conscious of this.

this/

MR. RIVLIN: I know.

A HIS HON. JUDGE STROYAN: Not only during the trial within a trial and during the last two days.

B MR. RIVLIN: I know. I am sure the Defendant will appreciate no-one wants to stop him, if one does, automatically the impression may be created, even though falsely, that he is not being given a fair crack of the whip, if I may use that expression. He must know that that is the reason why no-one wants to stop him. Why, for example, I haven't been jumping up and down complaining about irrelevant or protracted cross-examination. I would, with respect, like him to take to heart that passage that appears in Archbold because it is, in our submission, most important that he should.

C HIS HON. JUDGE STROYAN: You have heard that Mr. Symonds. You have got access to Archbold, if you haven't no doubt you can be handed it. I am afraid unless you confine your cross-examination to things that really matter, I have been extremely lenient with you so far, I may have to set some sort of limit. I don't want, I haven't yet done so, I hope I shan't have to. You should bear in mind that the time may come, if you do not confine yourself to matters that are of real importance, and conduct the trial with reasonable expedition I may have to take a much stricter view. Do you follow?

D MR. SYMONDS: I do. I would make one or two small points. The trial within a trial before The Recorder took three days. If you refer to the Robson/Harris case the trial within a trial before Mr. Shaw took 17 days.

E HIS HON. JUDGE STROYAN: I daresay it did. That isn't the same case. The same matters no doubt were ventilated as were before me at great length on the voidere only took three days before the Learned Recorder. It must be possible to conduct a case with a great deal more expedition than has so far been done. It is not only a great waste of public time and money when you challenge at great length about things which don't really matter very much. The time may have to come when I may have to make an order for you to pay some costs. If that time does come I may have to bear in mind the fact you have wasted a great deal of time. Do you understand.

MR. SYMONDS: Yes.

F HIS HON. JUDGE STROYAN: I haven't made any such order yet, I haven't considered whether I shall have to. If the time comes I may have to consider what I should do as far as a matter of costs. One of the matters I should have to consider is whether you had wasted time.

MR. SYMONDS. One point about that which I should establish very much for the sake of my solicitors. If such an order of costs, would that affect my solicitors, would they have to pay the money?

G HIS HON. JUDGE STROYAN: I haven't made any order, I don't propose to make any order against your solicitors, they can't be held responsible for time wasted by you in cross-examination. I may have to make you subject of an order at an appropriate stage. I wouldn't make your solicitors responsible for time which you have personally wasted. I am going to make sure you keep to the point. I am sure you will appreciate while you have some points which the Jury could properly consider which may have considerable force. You will only do yourself damage if you overlay them with a great mass of irrelevancies. You have got one or two good points today but when you go on at such length about things that don't matter, if you look at the Jury you can see how bored they get. My advice will be that you will do better to stick to the really important points. You can have a look at Archbold over the adjournment. I hope you will inwardly digest what you see there.

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I certify that I took the shorthand notes in the case of R V JOHN ALEXANDER SYMONDS On Tuesday 17th of March 1981 and that the pages numbered one to 66 are a true and complete transcript of my said shorthand notes to the best of my skill and ability.

E

J. C. Morley
.....

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H