

IN THE CROWN COURT

A

Before:

HIS HONOUR JUDGE R.A.R. STROYAN QC

B

Held at The Law Courts,
Victoria Square,
MIDDLESBROUGH.
Cleveland.

C

D

Wednesday 18th March, 1981.

R E G I N A

-v-

H.A. SYMONDS

E

Evidence of:

GARETH LLOYD
DET. SERGT. COLLINS
DET. CHIEF INSP. VERNOL
JULIAN d'ARCY MOUNTER

F

G

(Transcript of shorthand notes of Messrs. HUMPHREYS, BARNETT & CO.,
Official Shorthand Writers, 19, Queen Victoria St., LEEDS. Tel.
LEEDS 455082.)

MR. G. RIVLIN ~~QC~~ assisted by Mr. F. RADCLIFFE appeared as counsel
for the Prosecution.

MR. R.A. SYMONDS conducted his own Defence.

H

I N D E X

A		<u>Page No.</u>
	<u>GARETH LLOYD (Part heard)</u>	
	Cross-examination	1-35
	Re-examination	35-44
	<u>DETECTIVE SERGEANT B. COLLINS:</u>	
B	Examination-in-chief	44-50
	Cross-examination	50-69
	Re-examination	69-70
	<u>DETECTIVE CHIEF INSPECTOR E.M. VERNOL:</u>	
	Examination-in-chief	70-74
	Cross-examination	74-81
	Re-examination	81-81
C	<u>JULIAN d'ARCY MOUNTER:</u>	
	Examination -in-chief	81-92
D		
E		
F		
G		
H		

Gareth LLOYD (Part heard)

Cross-examination by Mr. Symonds:

A
MR. SYMONDS: Your Honour, if you recall yesterday evening I did make a point about the time of the music on tape 5, I wonder if the Prosecution are now in a position to make an admission about that?

B
MR. RIVLIN: We are able to assist Your Honour yes, the situation is this that a time is given on the tape by no less a person than Mr. Terry Wogan during the course of the music that is being broadcast, if one accepts that time as being accurate, then the situation is that the words that appear at the very beginning of tape number 5, and if we look at our transcript perhaps that might be useful, a useful exercise. It is page 7 of exhibit 35(d), I'm using 35(d).

C
HIS HONOUR JUDGE STROYAN: 35(d), where it starts with the radio?

D
MR. RIVLIN: Yes. The words "How you doing Mickey" are recorded at what has been calculated to be 29 minutes past 2 because the situation is that earlier in the tape there is reference to the time being 2 minutes 19. If one carries on listening then we come to 29 minutes past 2 when we reach this particular question "How you doing Mickey", 2.29, and so the Crown is prepared to make that admission.

HIS HONOUR JUDGE STROYAN: Yes. Well there you are Mr. Symonds.

E
MR. SYMONDS: Having heard that Mr. Lloyd it would appear, would it not, that at 2.20p.m. when you say you saw 2 or 3 persons in the car, that either you were mistaken or there were in fact 2 or 3 persons in that car and these tapes are not a true record of that event.

MR. LLOYD: These tapes are an entirely true record of this event and I would only give that time that I put in my notebook as approximate.

F
MR. SYMONDS: Would you regard all the times in your notebook as approximate? A. Yes.

Q. Were you wearing a wrist watch. A. I can't remember but very probably.

G
Q. If you refer to the transcript of your notebook, do you find a number of times recorded. A. Yes and the ----

Q. For example on page 10 have you recorded in the left-hand side ----

HIS HONOUR JUDGE STROYAN: You have made this point. He has said the times in his notebook are approximate, you need not go on about it.

H
MR. SYMONDS: The point I am making here My Lord is the times in

the notebook would appear to have been fairly exact, if I could go on about it----

A HIS HONOUR JUDGE STROYAN: What is the point?

MR. SYMONDS: I'm not sure if it is in here but there is one occasion that was 2 minutes late, and other times which are not approximate, such as 5p.m. or 5.30p.m., but on page 15 10.10a.m., 11.30a.m., 4.50p.m.

B MR. LLOYD: If you care to look at the top of page 10 on my notebook Mr. Symonds you will see 2.45 approx. The side markings in my notes would have been added later, that's what side markings are for.

HIS HONOUR JUDGE STROYAN: Yes, well let's get on with the next point.

C MR. LLOYD: They might actually have been written in the side of my notebook at the time I was writing my article, which was weeks afterwards, that's what side markings are for in journalist's notebooks.

MR. SYMONDS: But didn't the side markings refer to times stated in the body of the---- **D** A. No because I have got, at the top of page 10, in the text of my notebook I have got 2.45 approx., further on I have got the side markings 5p.m., I have got a side marking of £40, and I have got a side marking of 5.30, 5.30 meeting.

Q. An example, if you look at page 39, do you see side markings there. A. Yes.

Q. 11.30, 12 noon, 12.10 and 12.35. A. Yes but---- but I don't recall when they were made, but side markings, by and large, are intended to point your attention to textual passages that you want to attend to when you are writing something. I do it with court cases, if I have got a mass of shorthand notes on a court case I have got to find my way through them very quickly. **E**

Q. And on page 33 do you see the side marking 2.45p.m., 6.20p.m., 8.40p.m., 9.45a.m., 10.30a.m., 10.55a.m. and 11a.m. A. Yes well I would say those were made at the time, because they are---- **F**

Q. On the following page do you see a side marking, page 34, 11.35a.m., 12 noon, 12.10----

HIS HONOUR JUDGE STROYAN: Mr. Symonds, you are questioning the accuracy of the witnesses timings, you have got your answer, let's go on. **G**

MR. SYMONDS: Is the answer, Your Honour, that they are accurate----

HIS HONOUR JUDGE STROYAN: Just let's go on with the next question please.

H MR. SYMONDS: ----- or inaccurate.

HIS HONOUR JUDGE STROYAN: You have got the point, you have made it, let's go on to the next one.

A MR. SYMONDS: After you retrieved tape 5 on the 31st did you play it through? A. Yes sir.

Q. And did you play it through to the end of the recording.

A. Perhaps you can remind me which one tape 5 is.

Q. If you look at the full transcript, exhibit 35. A. Yes. Page?

B HIS HONOUR JUDGE STROYAN: Page 7 in the main transcript.

MR. LLOYD: These are the calls from Perry's mother's home in Woolwich.

MR. SYMONDS: No, page 10.

C HIS HONOUR JUDGE STROYAN: Which transcript are you looking at Mr. Symonds?

MR. SYMONDS: Well I have my 35(a) Your Honour but this should be the full tape transcript.

HIS HONOUR JUDGE STROYAN: 35(a) is the Penna and Eley. I'm sorry, 35(d) is the Penna and Eley, you are looking at 35(a).

D MR. SYMONDS: The full tape transcript.

MR. LLOYD: It is 35(a), it has been crossed out.

MR. SYMONDS: This is now 35(b).

E HIS HONOUR JUDGE STROYAN: This is now 35(b), yes.

MR. SYMONDS: And if you look over the pages to page 17, at the bottom "29.13 PEC see you later", and following on from that there is the conversation----

HIS HONOUR JUDGE STROYAN: It is car radio music.

F MR. SYMONDS: Car radio music. And over on to the next page there is the recording of a conversation that took place after the meeting, between Mr. Perry and yourself and others---- A. Yes.

Q. ---- and if you look at page 18, item 9 ---- A. Yes.

Q. ---- "Nothing, I think I ought to get in his car don't I", have you got that. A. Yes.

G Q. After that item 11 "Do you see who is that in the Wolsley, he said" ---- A. Yes.

Q. ---- and then item 14, can you see, "I said just a bloke and a bird who's pulled up" ---- A. Yes.

H Q. ---- "£200 quid he wants". A. Yes.

A MR. SYMONDS: Did you listen---- did you hear that conversation when you played the tape back after the recording. A. Very probably, yes.

Q. And did it puzzle you in any way. A. No. I know exactly ----

B Q. Did it puzzle you that the report by Mr. Perry on what was being said did not, and what had been said, did not appear in any way during the tape recording. A. Would you put that question again.

Q. I am referring you to page 18. A. Yes.

Q. And during the conversation between Mr. Perry and a person described as male ---- A. Yes.

C Q. ---- and Perry says "Nothing, I think I ought to get into his car for a time" ---- A. Yes.

Q. And Perry said "Who's that in the Wolsley, he said". A. Yes.

Q. The male said "Who's that---- I said just a bloke and a bird who's pulled up, brought them round here, £200 quid he wants" A. Yes.

D Q. £50 from me now, I'll give him the other/half in a week, made the arrangements in the Grove, half-past 12 Monday. A. Yes.

Q. The male "Other one and a half, this is the big boy. He mentioned the gelignite"--- A. Yes.

Q. ---- and then some conversation about directions taken by the car ---- A. Yes.

E Q. ---- and on the next page he said "The Wolsley, I garbled make sure he didn't come round", Q. Yes.

Q. "Well he made me put the money on the old back seat", and "See you in the Grove, male, shit". A. Yes.

F Q. Now if you look back on the conversation on page 5, the transcript, and look through it briefly, would you agree that none of that alleged conversation by Mr. Perry appears in the transcript of the meeting. A. Whose transcript?

Q. Of page 5. A. Whose transcript?

Q. If you look at page 5. A. Whose transcript?

G Q. The police transcript. A. Yes it's here, it's in front of me, I can see it.

Q. Yes. If you look---- turn back now to page 10 and quickly read through the transcript on page 5, it starts off talking about Roy, page 10. A. Yes.

H Q. About leaving a message for him on page---- A. This is nothing mysterious Mr. Symonds about this at all, the conversation that you have been dwelling on relates to a

reference that was made to, I believe it was you or somebody, seeing another car drawn up and making some reference to it, and I think it was a car in which Mr. Mounter and Miss Millard were. I can't remember whether that was this particular occasion but there was, as you appreciate, some of these conversations were picked up and discussed by Mr. Perry with the other officers and there was reference to---- can't remember whether it was you or one of the other officers did actually see one of our cars, either Mr. Hawkey or Mr. Mounter and Miss Millard in it, and they pretended to be a courting couple and the Detective did say, I can't remember whether it was you or whether it was one of the other officers, "Who's that in the Wolsley ----"

Q. "Who's that in the Wolsley", yes. A. ---- and it was in fact, it was part of our team and he put them off the scent by saying "I don't know, they just pulled up".

Q. And this is what Mr. Perry reported to you had happened during the meeting. A. Afterwards.

Q. After the meeting ---- A. Afterwards Mr. Perry is saying to us yes he, whatever it was, on the ----

Q. He said the Detective said this and I said that ----
A. That's right.

Q. ---- then the Detective said this and I said that ----

MR. RIVLIN: I am sorry to interrupt but the defendant and I and Your Honour knows something that the jury has not as yet been told.

MR. SYMONDS: The jury will know in due course ----

MR. RIVLIN: No, no, listen, this simply will not do, the jury should know now that there is a cut out point on this tape and that this conversation to which the defendant has just been referring has absolutely nothing to do with the case of Symonds, it has got something to do with the case of Robson and Harris but nothing to do with the case of Symonds. In my submission to cross-examine this witness as if it might have something to do with the case of Symonds is not merely to mislead the witness it is also to mislead the jury. Your Honour knows that an admission has been made, it is agreed on both sides where the cut out point comes on page 18 ----

HIS HONOUR JUDGE STROYAN: Yes, after question 6.

MR. RIVLIN: It is after question 6, and Your Honour I crave leave to indicate to the jury now what the cut out point is and what that means. If not Your Honour I'd ask Your Honour to explain that to the jury.

HIS HONOUR JUDGE STROYAN: Yes, I think it is quite wrong to suggest that the tape follows straight on because it doesn't ----

MR. RIVLIN: Absolutely right.

MR. SYMONDS: The question was, Your Honour, were you puzzled by these references.

A HIS HONOUR JUDGE STROYAN: I heard what the question was but the line of the cross-examination you were adopting seemed to me to be suggesting to the jury that this conversation followed on from what preceded it and it didn't, it had nothing to do with this particular incident at all, they were quite different incidents relating to quite different Police Officers.

B MR. RIVLIN: Absolutely, and it is generally agreed that that is the case. In those circumstances, Your Honour, I seek your leave now, before this cross-examination continues, to point out where the cut out point comes and what it means. Or, if Your Honour, thinks it is inappropriate for me to do it I respectfully ask you to do it so that at least the jury are not puzzled by all of this. They have come to this fresh, they do not know what has gone before.

HIS HONOUR JUDGE STROYAN: I think that is right.

C MR. RIVLIN: And then the defendant can ask any question he likes but at least Mr. Lloyd and the jury will know what we are all talking about.

D HIS HONOUR JUDGE STROYAN: Yes. Members of the jury, the fact of the matter is this, as this court knows, that if you draw a line under number 6 on page 18 of the transcript that you are looking at ----

MR. RIVLIN: I think under "engine" Your Honour.

HIS HONOUR JUDGE STROYAN: That is under this, yes, under the word "engine noise", have you got that? Draw a line across there. Now that part of the conversation which comes after----

E MR. RIVLIN: I'm sorry Your Honour, I don't think that all the members of the jury have found this.

HIS HONOUR JUDGE STROYAN: Have you got it members of the jury?

MR. RIVLIN: It is 35(b), page----

F HIS HONOUR JUDGE STROYAN: Make sure you have got 35(b) to start with and then if you look at page 18. Have you got that? Well then you see the word, under 6, you can see the word "engine noise", draw a line across, under that, mark that as a cut out point and the conversation which follows under that line does not relate to the incident which appears in the transcript above it, it relates to a quite different incident with a quite different police officer.

G MR. RIVLIN: And for the benefit of the jury, the position is this Your Honour, that there was a recording in relation to the other officer and the situation is that tape 5, the one that concerns Mr. Symonds, was recorded over that earlier recording hence the cut out point.

H HIS HONOUR JUDGE STROYAN: Yes. That is why it is accepted you see that that was not in fact a fresh tape because the first conversation, the one alleged to have been between the defendant and Perry, was recorded over the top of some other conversation and you see the remains of the other conversation

below the cut out point. Now that is clear. Yes Mr. Symonds.

A MR. SYMONDS: So going back to what we have just been talking about, "Who's that in the Wolsley, he said. I said, Just a bloke and a bird pulled up". A. Yes.

Q. I think you said this referred to a occasion when Miss Millard and Mr. Mounter were in another car. A. Or Mr. Hawkey, I don't recall which.

B Q. Or Mr. Hawkey. A. Em, em.

Q. And this, in fact, relates to another occasion. A. Yes.

Q. This conversation. A. Yes.

Q. Now can you recall which occasion this was.

C HIS HONOUR JUDGE STROYAN: It doesn't matter Mr. Symonds.

MR. SYMONDS: Pardon;

HIS HONOUR JUDGE STROYAN: It doesn't matter.

MR. SYMONDS: Of course it matters Your Honour.

D HIS HONOUR JUDGE STROYAN: I'm not going to have time wasted by referring to conversations which concern other cases than this.

MR. SYMONDS: Your Honour, we have just heard, yesterday, about on the 30th or whenever.

HIS HONOUR JUDGE STROYAN: You just ask your next question please.

E MR. SYMONDS: I wonder if Your Honour understands this case because this is an important point I am trying to get to. It's about the handling of the tapes and when a tape was used and nothing was recorded; we have evidence it was given back to Mr. Hawkey and taken back to Location Services to be cleaned.

HIS HONOUR JUDGE STROYAN: Please ask the next question.

F MR. SYMONDS: Yes, right. Going back to this conversation, "Who's that in the Wolsley?" referring to the Wolsley, and then referring to your notebook regarding the meeting that took place that morning, on the 31st. A. Yes.

Q. And on page 19 there is some reference to this meeting. A. Yes.

G Q. And on page 20 there is a further reference and you have a side line there "that's going to come to a twoer". A. Yes.

Q. This is an alleged conversation between Mr. Perry and another Detective Officer. A. Yes.

H Q. He said that's going to come to a twoer, £200. Perry said he replied "I've only got £50 on me, I'll give you the other 1½ later." A. Yes.

Q. Now turning over to page 21 when Perry was still reporting to you about that meeting, half way down you have a side line "£50 hand over" ---- A. Yes.

A

Q. "They told me to slip the £50 in the back seat". A. Yes.

Q. Yes, and over on page 22, top of your notes: "Harold started by saying, 'Who was that in the blue Wolsley'".

A. That's it, that's the incident.

B

Q. Yes. Right. Now, those notes are referring to a meeting that took place on the morning of the 31st, is that correct.

A. Yes.

Q. And you noted those certain points. A. Yes.

Q. Now if you look on page 18, to refresh your memory, after the cut off point on 6, Perry is saying: "Who's that in the Wolsley, he said". A. Yes.

C

Q. And later on at 14, Perry says: "£200 quid he wants". A. Yes.

Q. "£50 now". A. That's right. Well that all ties up doesn't it.

D

Q. Yes, and some more talk about the Wolsley. Now by comparing your notebook against this transcript would you say it is fairly certain that the conversation which follows after the cut off point below 6 ---- A. Yes.

Q. ---- is referring in fact to the meeting that morning. A. Yes, it would appear so.

E

Q. Now do you recall saying yesterday that the meeting held that morning was unsuccessful after referring to your notebook, and I believe you said that after retrieving the tapes there was nothing of value upon them so you gave them back to Mr. Hawkey, do you recall that. A. Yes.

Q. Now one of two things could have happened here I would suggest to you. If you gave these tapes back to Mr. Hawkey, who would have then followed his normal practise of taking the tapes back to his office ---- A. Yes.

F

Q. ---- and crossing the m of ----

MR. RIVLIN: Your Honour, I am so sorry but my note is "31st of October, a.m. I think that the meeting with the other officer was successful".

G

HIS HONOUR JUDGE STROYAN: Yes, that's what I have.

MR. RIVLIN: Not "unsuccessful" but "successful".

HIS HONOUR JUDGE STROYAN: Yes.

H

MR. RIVLIN: And I have only paused to try and find my note which I have now. I'd ask Your Honour to look at yours to see if that is right.

A MR. SYMONDS: Well there is an easy way to check this out. Do you remember making a schedule to police at the end of your statement, in which you listed ----

HIS HONOUR JUDGE STROYAN: Now then Mr. Symonds, we are getting miles and miles from any important point in the case. We will go on please.

MR. SYMONDS: Your Honour, with due respect, this is an important point.

B HIS HONOUR JUDGE STROYAN: We will go on please.

MR. SYMONDS: Here we have a tape recording ----

HIS HONOUR JUDGE STROYAN: We will go on please.

C MR. SYMONDS: You absolutely forbid me to ask further questions on this point? I'd like you to actually forbid me, I'd like it to be entered on the court record for the appeal.

HIS HONOUR JUDGE STROYAN: Mr. Symonds, you will not assist your case by being discourteous.

MR. SYMONDS: Very good Your Honour. I consider it an important point.

D HIS HONOUR JUDGE STROYAN: Well you have said that and we have got the point. What's the next one.

MR. SYMONDS: Do you forbid me to continue asking any questions on this matter. Give me a straight answer?

E HIS HONOUR JUDGE STROYAN: Mr. Symonds, I shall conduct this case in the way I think right, you ask the questions I will then rule upon it.

MR. SYMONDS: All I am doing now, Your Honour, is that I am trying to put right the interruption by the Prosecuting Counsel which I notice always come whenever I am getting near an important point.

F HIS HONOUR JUDGE STROYAN: What is the next question?

MR. LLOYD: If you're talking, Mr. Symonds, about the meeting with Mr. Harris where the batteries ran down, we did have a successful recording of it. We spent a long time yesterday afternoon on my handwriting on the back of a box which established that.

G MR. SYMONDS: Will you turn to the schedule at the end of your statement. It is the third page of the schedule. I don't seem to have a number. Oh, yes it does, 76. 76 of your statement to the police. Would you look at the first page first, page 74. A. Yes.

Q. Now do you have that. A. Yes.

H Q. Now do you see the schedule here in which you list all the exhibits you supplied in support of your allegation.

A. No, on page 74 of my statement I see ----

A Q. Oh, sorry. Are you looking at the schedule at the end of your statement to the police, when you made a list of all the items handed over. For instance the Evening News dated the 27th October. A. Page 80, it starts at page ----

Q. I'm sorry, yes you have it now. A. Starts at page 78 does the schedule.

B Q. It's the first item, Evening News dated ---- A. Yes, yes.

Q. Looking down there you have recorded a tape, one tape which was in fact now tape one, exhibit one. A. Yes.

Q. If you look over the page you are referring there to the tape of the afternoon which is now tape two, exhibit two, at the top. A. October the 28th?

C Q. Yes. A. Yes.

Q. And then a bit further down is three, a tape regarding telephone calls, again, which is now tape three. A. Yes.

D Q. And in the back tape four. And then you turn over the page. Now tape three and tape four refer to the meeting on the 30th, is that correct? At the Edinburgh Castle public house, Perry and Harris. A. It says 31st here.

Q. Yes, if you turn back. October 30th, Edinburgh Castle public house, Perry and Harris.

HIS HONOUR JUDGE STROYAN: Mr. Symonds what is this point?

E MR. SYMONDS: I am trying to put right a point that may have been misdirected by Prosecuting Counsel My Lord which is all this five minutes is about. You have been mislead.

HIS HONOUR JUDGE STROYAN: I have not been mislead.

F MR. SYMONDS: You have My Lord. If you listen to me for two minutes you will see you have been mislead and then ask Prosecuting Counsel to apologise.

HIS HONOUR JUDGE STROYAN: Just put the question please. The question that brings out the point. We are not going to go through endless schedules. What is the question which brings out the point?

G MR. SYMONDS: Now will you look at your item for the morning of the 31st of evidence handed over to police regarding the meeting on the morning of October the 31st at the Edinburgh Castle public house, Perry, Harris, Robson. I think you supplied two items there, two photographic negatives, is that correct.

MR. LLOYD: Yes.

H HIS HONOUR JUDGE STROYAN: This relates to a different case, members of the jury.

Q. And so, looking at your schedule, it would appear that there were no tapes successfully taken on the morning of the 31st, would you agree. A. No. I wouldn't agree.

Q. Well ----

HIS HONOUR JUDGE STROYAN: Let's go on to the next point.

MR. SYMONDS: So what you are saying is the Prosecution's interjection is correct are you Your Honour?

HIS HONOUR JUDGE STROYAN: Will you go on to the next point please.

MR. SYMONDS: The Prosecution stood up and said the meeting on the morning was successful.

MR. RIVLIN: No I didn't Your Honour ----

MR. SYMONDS: Well can we play the court record back.

MR. RIVLIN: No I didn't say that, I'm sorry ---- Mr. Symonds would you just listen for a moment. Mr. Symonds put it to the witness that he had said yesterday, that is that Mr. Lloyd had said yesterday, that the meeting was unsuccessful. All I was doing was pointing out that according to my note, which is not infallible, Mr. Lloyd said that the meeting was successful.

HIS HONOUR JUDGE STROYAN: That was my recollection.

MR. RIVLIN: Yes. Now that's the only point that I would make, it is that the defendant put to the witness what I consider to be an incorrect statement as to what the witness had said yesterday, and if he does it again I shall stand up and object again, that's my duty.

MR. SYMONDS: Yes. And now will the Prosecuting Counsel please say, if he was following this line of questioning, whether he still considers the meeting on the morning successful, that is after looking at page 76 of Lloyd's statement to the police.

HIS HONOUR JUDGE STROYAN: Prosecuting Counsel has got nothing to do with this. Let us get on with the evidence. This point has now been exhaustively discussed. Please go on to the next point.

MR. SYMONDS: The point has not been exhaustively discussed ----

HIS HONOUR JUDGE STROYAN: Will you go on with the next point please.

MR. SYMONDS: ---- half way through, and I am being obstructed and interfered with in every way.

HIS HONOUR JUDGE STROYAN: You have been cross-examining this witness for well over a day. Would you go on to the next point please.

MR. SYMONDS: So I am not allowed to continue the point on tape five, is that it?

HIS HONOUR JUDGE STROYAN: That's right. You have had ----

MR. SYMONDS: As long as ^{there is a} court record of that. Thank you very much.

HIS HONOUR JUDGE STROYAN: You have had ample opportunity to deal with that one.

MR. SYMONDS: This is what's called a rail-roading job, the official cover-up in a rail-roading job. Not a fair trial by any means.

HIS HONOUR JUDGE STROYAN: Mr. Symonds, I have already said, you will not assist your case by being discourteous either to me or to the jury.

MR. SYMONDS: Well in that case I'd like you to give me a fair trial then, and I'll show you due courtesy. I'd like to be able to bring out the points that I think important.

HIS HONOUR JUDGE STROYAN: You have brought out that point, we will go on to the next point

MR. SYMONDS: You stopped me bringing out that point.

HIS HONOUR JUDGE STROYAN: Just go on to the next point please.

MR. SYMONDS: I wonder if you understand what's going on quite honestly. Well we have finished with that point then, under instructions, and now turn to events of the 11th of November. Now on the 11th of November do you recall taking a number of tapes for copying.

MR. LLOYD: Yes I do.

MR. SYMONDS: Referring to your notebook, can you say how many tapes you took for copying on that day. A. I believe it was 7.

Q. Now referring to your schedule, that we were looking at a minute ago, at the back of your statement, on the first page, my page 74, I believe it is your page 80 or 78, do you see it. There is reference to one tape there, that's---- A. Which page are you referring to.

Q. The first page on your schedule. A. 78, yes.

Q. 78. Reference to one tape on that page, that's the telephone call, is that correct. A. Yes.

Q. And on page 2 there is a reference to three tapes handed over. A. Yes.

Q. That's one for the 28th and two for the 30th. A. Yes.

Q. So therefore we now have a total of four tapes, on the next page there were no tapes on the 31st, in the morning, but there were two tapes on the 31st in the afternoon, of which one is part of a previous tape so that is five tapes. A. Yes.

- Q. And on the next page, November the 3rd, there are 2 tapes for November the 3rd. A. Three.
- A** Q. Well I think you say that the Grundig is not now available. A. Oh, yes, that's right.
- Q. That's 7 tapes, is that correct. A. Yes.
- Q. And on November the 5th you have listed 1, 2, 3 ---- 3 tapes not counting the Grundig, that's 10 tapes is that right. A. Yes.
- B** Q. And so, therefore, on your observations you had recorded 10 tape recordings before November the 11th according to your schedule. A. Yes.
- Q. And according to your notebook you took 7 tapes to be copied. A. Yes.
- C** Q. Now can you tell us why you didn't take the other 3 tapes on that date to be copied. A. I think we were dealing with the ones we had at the time which were being transcribed, and these tapes were an enormous effort to transcribe, took a long time.
- Q. Yes. If I can help you. The 3 tapes you didn't tape on the 11th, which according to all records had been recorded, were tapes 1, 4 and 10. A. I'll take your word for it.
- D** Q. Tape 1 refers to this case and that is the telephone calls. A. Yes.
- Q. Now why didn't you take tape 1, exhibit 1, when you took a copy on the 11th. A. Because I think that was the tape that fell down at the back of the slide in the filing cabinet, and we probably already transcribed it,
- E** Q. You transcribed it, but I am talking about copied it. A. Yes. No, a great issue was made about this at previous times and it was established that that was, I think, the tape that fell down behind the slide of the filing cabinet so I wasn't aware of it at the time.
- F** Q. And why didn't you tape the other 2 tapes, tape 4 and 10. A. Well I don't remember. It may have been that the secretaries then were working on the transcripts of those, I honestly don't remember.
- Q. The secretaries may have been working on the transcripts. A. They may have been I just ---- I cannot remember.
- G** Q. Well tape 1 and tape 4, according to Miss ~~woore's~~ records were later copied on the 25th, but tape 10, there is no record of it ever being copied. A. Which is tape 10?
- Q. That is---- perhaps you would care to look at it. A. Well is that the telephone calls.
- H** Q. No, no, that's their conversation. A. Well, I don't remember.

HIS HONOUR JUDGE STROYAN: Tape 10 has nothing to do with this case.

MR. SYMONDS: You don't remember?

MR. LLOYD: No. The copying of these tapes was an utterly and completely routine matter.

Q. But when you took the tapes to be recorded did you think in your own mind that you were taking them all. A. I don't remember. I really can't recall. I mean it was simply an interruption to the day's work that I had to go out to Location Sound and get these things copied and bring them back as fast as possible to the office.

Q. Now I see you made rather careful notes about the copying process, can you remember who was present. Q. Well I can't, no, but I believe Mr. Hawkey, well certainly Mr. Hawkey did the copying, there may have been one or some of his colleagues, but I really don't remember.

Q. And was Mr. Mounter with you. A. No.

Q. Did you have a lady secretary with you. A. No.

Q. You were entirely alone. A. Yes, I simply got into a taxi with the bag full of tapes and went off to Location Sound, handed them over to Ken Hawkey, said, "Please copy these, make sure they don't get mixed up and tell me what you're doing so I can make some notes about it".

Q. Right. When they were copied were they copied on to brand new tapes. A. Yes they were.

Q. So did you see Mr. Hawkey preparing brand new tapes. A. Yes. I saw him open the boxes and take them out of plastic envelopes.

Q. Can you recall the procedure used by Mr. Hawkey, did he copy one tape at a time or did he have several tapes being copied at the same time. A. No, I can't remember that kind of detail.

Q. So all the copy tapes should have been brand new tapes and gone into brand new boxes. A. As far as I am aware.

Q. Would you look at your note on the top of page 50, 30 in your pocket book. A. Yes.

Q. You make a note there about the copying of tape 2, exhibit 2, do you see that? "Tuesday November the 11th, 10.55, Location Sound". A. Yes.

Q. "Sound-proof cutting rooms", what does that mean exactly. A. That's where the copying was done.

Q. And why did you write "Sound-proof cutting rooms". A. I said to Mr. Hawkey "where are we", and he said "these are our cutting rooms", and I said "could there be any question, while you are copying these of extraneous noise getting in", and he said "no they're sound-proof", so I made a note that they were "sound-proof cutting rooms".

Q. And are these rooms used for editing tapes. A. I fancy they are.

A Q. Because they are sound-proof and because it's called cutting room. A. Yes. I don't know whether they made---- this is a film company, whether they cut film in there, I can't remember the place actually, it was a matter of monotonous routine.

B Q. Now below that you have a 5" sign. Does this mean that it was a 5" tape, yes. A. 5" spool yes.

Q. 5" spool. "D.S. Symonds, October 28th, 1969 (inaudible) Camberwell, Perry and Symonds". A. Yes.

Q. So you have more or less identified this as being tape 2, exhibit 2. A. Yes.

C Q. Now you give, underneath that, details of the copying process, and I think you have written there "Uher to Uher 4,000th report, 7½ IPS", what does that mean. A. It was copied from a Uher machine on to a Uher machine called a Uher 4,000th report, that's the name of the machine, that's 7½" per second.

D Q. Is that the copy that it was recorded in the first place. A. I made a note, "Copy was taken at the speed at which it was recorded".

Q. Now, did you make 1 or 2 or more copies of this tape. A. There were only 1 copy of each.

Q. I see, because you have written here, "copied on to brand new tapes". A. Yes.

E Q. Well that would imply would it not that you made perhaps 1 or more than 1 copy of these. A. No it wouldn't. You are making a great deal of these notes as you have done over a long period. They're absolutely routine. There's nothing unusual, mysterious or sinister about them in any way at all. I was simply asking a professional sound engineer to tell me what he was doing, I had no technical knowledge of the process at all, and I wanted to have some information about what was going on.

F Q. I see. Underneath that you have written, "both sides recorded". A. Yes.

Q. Now does that mean that this was in fact a twin track tape. A. I would suppose so but I can't remember what that relates to now,

G Q. Well were the Uher tapes twin track, which is the Uher machine recorded on half the tape. A. I don't know. I really don't know.

H Q. Because this is mysterious you see because according to the evidence we have heard so far the recording on this tape is just the one recording. A. So, it's the one recording!

A

Q. And according to the evidence we have it wasn't taken off the spool and put on to another spool and turned over as it were to make a recording on the other half. A. I can't help you about that. I don't recall these points of detail.

B

Q. Could it have been that tape 1.... was that also a 5" tape can you recall. Could you look at tape 1 please. Is that a 5" tape. A. Yes.

Q. On the Uher, and tape 2 is a 5" tape is that correct, according to your notes. A. No, tape 2 is a 7".

Q. Is it, would you look at note 2 please. A. According to my note here, if you are referring to my note that I have in my notebook.

Q. No, I am talking about tape 2, exhibit 2, not your reference. A. Oh, yes that's a 5".

C

Q. A 5". A. Yes a 5".

Q. Now this was the first day of your investigation was it not, the 28th. A. Yes.

D

Q. And you were, I think you said yourself, "probing", you regarded me as a "peripheral figure", in your words. A. Yes, we were centrally interested in other people.

HIS HONOUR JUDGE STROYAN: Mr. Symonds, what's the next point you want to make?

MR. SYMONDS: The next point I want to make.... Well may I put the question?

E

HIS HONOUR JUDGE STROYAN: Yes, please do. I am anxious to go on to the point.

F

MR. SYMONDS: Yes. Mr. Lloyd, would it have been possible perhaps, the telephone calls in the morning were recorded shall we say on the top half of tape 1, and the meeting in the afternoon recorded on say the bottom half of tape 1.

A. Could be yes, I... I really don't remember these kinds of points of detail, in fact I probably wouldn't have known.

Q. And therefore your note now makes sense because you would have had the 1 tape with the 2 recordings on, the telephone on 1 side.... A. Yes.

Q. and the meeting in the afternoon on the other side A. Yes.

G

Q.and maybe when you copied this tape you may have copied it on 2 tapes.... A. Yes.

Q.1 which is now 'phone calls and the other one which is now the meeting in the afternoon. A. Yes that's entirely possible.

H

Q. And that makes sense of your notes, copied on to brand new tapes, both sides recorded. And it also makes sense of why

tape 1 was not taken on that day. Now you did in fact make a copy of another tape in my case on that day and that is your reference is tape 4, another 5", on page 31. A. Yes.

A

- Q. "Uher to Uher, October 31st, Grove Inn, duplicate with radio mike meeting with Symonds." A. Yes.
- Q. Now this is in fact, am I right, is now tape 3, exhibit 4, would you look at that please. A. Yes, that's a 5" spool.

B

- Q. Now you made a note in your pocket book that this was not recorded on automatic and was over-loaded. I believe this is the first.... A. No, no no, I've said "not recorded as automatic and was over-loaded".

C

- Q. Yes. What exactly does that mean. A. I can't specially recall but it may have been that the.... it was an automatic recording machine, in fact the recording levels were set automatically, and if you over-load the record levels it probably has an effect on it. But that note I would have abstracted from Mr. Hawkey.

- Q. From Mr. Hawkey. And further down you say, "on other side 'phone calls originally recorded at 3½". A. 3½.

- Q. Tape 3. A. I presume so, yes.

D

- Q. Yes. Now the other tape in this case that you took for copying on that day is your reference tape 5. A. Yes.

- Q. It's the court reference as well, now exhibit 3. A. Yes.

- Q. Now you have written in your notebook Nagra to Nagra October 31st met with Symonds at Grove.... A. Yes.

E

- Q. "Originally recorded at 3½," and you have written "transfer to transfer at 50 IPS". A. Yes.

- Q. Why did you write "transfer to transfer". A. Can't remember.

- Q. Because if you look at the other reference on that page about the copying process you have for tape 4 you have "transferred at 7½ IPS". A. Yes.

F

- Q. Well tape 6 "transferred at 50 IPS" and tape 7 "transferred at 15 IPS". A. Yes.

- Q. But at tape 5 you have "transfer to transfer". A. Yes. I can't remember that.

G

- Q. Would it be that the word transferred implies a copying process and transfer is just a copy. A. I don't understand the question.

- Q. What do you understand by the word transfer. A. Transferred from 1 tape to another.

H

- Q. So in that case you have.... A. Copied, copied.

- Q. Copied, you would have an original and the transfer. A. Yes.

Q. Or a master and a transfer or an original and a copy.
A. Yes.

A

Q. So with reference to the 3 other tapes covered on this page, they are all referred to as transferred, they were copied. With reference to tape 5 you have written "transfer to transfer", this could imply, could it not, that this is a copy to a copy. A. No.

B

Q. You couldn't. Because in our previous discussion about tape 5 I think the Prosecuting counsel has agreed that the second part of that tape refers to another conversation.
A. Yes.

Q. Mr. Lloyd, according to your notebook this is the only copying process you attended. A. Yes.

C

Q. Now I must put it to you that in fact there were several other copying processes. A. Yes, subsequently other copies were made of tapes.

Q. And I also put it to you that there were copying processes before this day, before November the 11th. A. No, not so.

D

Q. And that it was your habit, after observing a meeting and retrieving a taperecording or taperecordings, to go with Mr. Hawkey, Miss Millard or Mr. Mounter, some or all of those people, to go with them to Location Sound facilities and to make a copy that very night. A. No, not so.

Q. Not so. Now do you recall when we were looking at the end bits of tape 2 and tape 5 there were some swear words involved. A. Yes.

E

Q. I believe on one occasion you were referring to me as a "shit" or a "bastard". A. I don't know whether it was me but I would be happy to refer to you in that fashion, yes.

HIS HONOUR JUDGE STROYAN: No, no, no, we won't have that.

F

MR. SYMONDS: May we say these are words that would not reflect too well upon you. A. If you say so.

Q. And did your sound engineer offer to remove these offending words from these taperecordings for you. A. I don't remember him doing so, he might well have done.

Q. He might well have done. A. If he did we would not have allowed him to.

G

Q. I think you also said that you would not regard that as actual editing, removing swear words from an end part of a tape, is that correct. A. I said that?

Q. I believe you did. A. I don't remember saying that but it wouldn't.... no, it wouldn't be editing.

H

Q. You only regard editing where you interfere with the content of the actual meeting. A. Yes.

Q. Not interfering with other parts afterwards. Very good.
Now when....

A HIS HONOUR JUDGE STROYAN: Now just a moment. Were any words removed from that tape when you were present?

MR. LLOYD: None Sir, on any tape.

HIS HONOUR JUDGE STROYAN: Yes.

B MR. SYMONDS: Now the last meeting in my case we have talked about was the 31st October and the next meeting is 21st November, is that correct? A. Yes.

Q. Now was there a reason for this long gap. If you recall the first meeting was the 28th October, the second the 31st, then there is a gap of 3 weeks or so, was there any reason for this gap that you can recall. A. I don't really remember but I think we were very busy with the other officers.

C Q. Were you engaged in this time in trying to tape record a Mr. Sylvester. A. No.

Q. You weren't. A. No.

D Q. Now after the 2 meetings we have discussed did you feel that you had sufficient evidence against me for example.

HIS HONOUR JUDGE STROYAN: Well that's not really a question for him. Ask him what he did next.

MR. SYMONDS: On the 20th November did you instigate a further meeting through Mr. Perry? Can you refer to your notebook. A. Yes.

E HIS HONOUR JUDGE STROYAN: Page 32.

MR. SYMONDS: Page 32. I see you have recorded there a number of 'phone calls from Mr. Perry to D.S. Symonds. A. Yes.

Q. These 'phone calls were unsuccessful it would appear. A. Oh yes, you weren't there.

F Q. Do you recall where these 'phone calls were made from. If you look at the top of your note under Thursday. A. Yes, I have got 76 Cromwell Road, yes.

Q. Now was this the home of a colleague of yours. A. Yes.

G Q. And were you tape recording 'phone calls made from this house. A. I don't remember doing so, no, I can't recall.

Q. Do you recall a telephone attachment being fixed to the telephone situated in I believe another room or the hall of Mrs. Knight's house. A. I.... I can't remember it but if you said it was done I wouldn't argue with you, I really don't remember it.

H Q. But whatever, there is no recording in existence of these telephone calls made on that day. A. No, I don't think

there is and in fact it would be pointless if you weren't there.

A

Q. By this you mean that if unsuccessful calls were made you would scrap the tape or clean it off, no point in keeping it. A. We would consider it unimportant.

Q. You consider it unimportant. And then what would you do would you return the tape to Mr. Hawkey to be cleaned.

B

A. Yes, well he had custody of all the tapes, I mean he produced the tapes and put them on the machines, and the ones that went back to him certainly I don't know what he did with them.

Q. Isn't it a fact that throughout these series of observations you decided at some stage which tapes you would keep and which tapes you would have cleaned or returned to stock.

C

A. Well we'd only be interested in the tapes that actually had relevance to this enquiry, that is tapes that actually had produced some evidence.

Q. This would not be because keeping a number of tapes showing a large number of 'phone calls to a number of Metropolitan police officers over a number of days, attempting to arrange meetings, and to lure them into meeting Mr. Perry, might show evidence of some form of agent provocateurism. A. No, no it wouldn't sir. I have made notes in my notebook of these telephone calls. Made no attempt to conceal them whatsoever.

D

Q. Why did you ask Mr. Perry to telephone me on that day on the 20th is there any particular reason. A. I can't remember, I don't know whether we did ask him to do so. Mr. Perry was indebted to you to the sum of £200 and he had paid £150 of the instalments. So he still owed you £50 by your lights.

E

Q. So according to your records Mr. Perry had paid £150 before November, 20th, and he still owed £50, is that correct. A. Yes.

F

Q. So we have heard evidence of only two payments, or alleged payments, of £50. Can you recall when the third payment was alleged to have been made by Mr. Perry.

A. Payments were made on the---- on the dates that we recorded the meetings.

Q. So that's the 28th and the 31st according to the evidence.

A. Yes, according---- they were paid on the dates that I have recorded in my notebook and are referred to on the tapes.

G

Q. Now did Mr. Perry tell you that he had met me at some other occasion without you being present during that period of three weeks from the 31st to the 21st. A. I don't remember it, no.

H

Q. So it's not suggested that he made this third payment on some occasion during that three weeks. A. No, oh no.

HIS HONOUR JUDGE STROYAN: I think the point has been put. Perry just said, "had been paid £150 by November, 20th," and the

Humphreys, Barnett & Co.

evidence so far is that he had only been paid £100, do you see? That is what is being put to you.

A MR. LLOYD: Oh I see sir.

HIS HONOUR JUDGE STROYAN: That's your point Mr. Symonds isn't it?

MR. SYMONDS: Yes My Lord.

HIS HONOUR JUDGE STROYAN: Yes. Well now what do you say about that?

B MR. LLOYD: Well the payments were made on the dates that we ---- that we have logged in the----

HIS HONOUR JUDGE STROYAN: Yes, that up to the 20th November amounts to £100, you just said £150.

C MR. LLOYD: Yes, yes, I'm sorry £100, it's £100.

MR. SYMONDS: Now you mentioned the word instalments. A. Yes.

D Q. Did Mr. Perry ever say to you that he wished to pay a larger sum to a police officer on one particular day, in fact, and did you advise him to pay instalments because this would offer further opportunities for tape recording. Do you recall that conversation. A. I don't but I would be ready to accept it.

Q. You would. A. Yes.

Q. Would you also accept that the only evidence so far of the two payments made on the 28th and the 31st is in fact the word of Mr. Perry according to the recordings you could hear and the transcripts you made. A. Well----

E HIS HONOUR JUDGE STROYAN: I don't think we can go into that now, we have heard the evidence.

MR. SYMONDS: Very well My Lord, thank you. Now turning to the 21st, page 33 in your notebook. A. Yes.

F Q. Do you recall setting up some equipment. A. Yes sir.

Q. To monitor a meeting. A. Yes.

Q. And can you recall what equipment was set up on that day. A. Em----

HIS HONOUR JUDGE STROYAN: He has already dealt with this in chief hasn't he?

G MR. SYMONDS: Pardon My Lord.

HIS HONOUR JUDGE STROYAN: I think he has already dealt with this in chief, when he gave his evidence to Mr. Rivlin I think he dealt with the equipment that was set up.

H MR. LLOYD: Yes, there were two Nagra machines there, one----

MR. SYMONDS: Two Nagra machines---- A. One direct, one radio

recording and a pocket Grundig, and a Uher.

A

Q. And where are you taking this information from. A. Page 34 of my notebook.

Q. Now you say the Uher---- do you say the Uher was switched on in Ken's car. Who would that be. A. That would be Mr. Hawkey.

B

Q. And you have had written there edition "Ken and John ----". A. Monitoring.

Q. Monitoring. A. Yes.

Q. Now, does this mean that by the use of head phones or whatever Mr. Hawkey and Miss Mounter---- A. Miss Millard.

C

Q. ---- would be in a position to monitor the recording, that is in fact to overhear it at the time that it was being recorded. A. Yes they would.

Q. And the difference of this is between monitoring and the other recording devices is that the other monitoring devices was secreted in the boot of Mr. Perry's car or on his person. A. That's right.

D

Q. Now it would also be true to say in my case this is the first occasion in which, apart from the telephone call when you overheard or monitored it---- A. Yes.

Q. --- that a monitoring had been put into action. A. Yes.

Q. Now will you please look at exhibit 5 in this case.

E

HIS HONOUR JUDGE STROYAN: If you will follow that on your schedule.

MR. SYMONDS: By looking at the writing on that exhibit can you identify that tape recording. A. Yes I can sir.

Q. And was that the direct recording or a radio recording. A. That was a direct recording.

F

HIS HONOUR JUDGE STROYAN: That's from the dash---- microphone in the dashboard wired to the recorder in the boot. Yes.

MR. SYMONDS: Were you present when that tape was fitted to the Nagra machine in the boot of Perry's car. A. Yes I think I was, yes I was.

G

Q. Are you sure about that. A. Well I have got a note in my notebook, "I locked Perry's boot and kept the key", so obviously I was.

Q. It's in there. A. Yes, I have got a note saying, "Two recorders, one direct switched on in Perry's car". So I did see it.

H

Q. Yes. Can you remember where they were switched on. A. In Melford Road.

Q. In Melford Road. So you were present in Melford Road when

that tape was fitted to the machine. Now did you see that tape being signed by Mr. Mounter before the tape was fitted to the machine, can you recall. A. No it would have been---- it would have been signed almost certainly afterwards I think. I would think so.

Q. Afterwards. Now would you look at exhibit 6 please.
A. Yes.

Q. Can you identify that exhibit. A. Yes.

Q. From the writing upon it. A. Yes, this is the radio recording, the same occasion.

Q. Now was this the radio recording to the boot of Mr. Perry's car or the radio recording to Mr. Hawkey's car. A. No this is the radio recording to the boot of Mr. Perry's car.

Q. And can you say that surely from the writing which you see upon the box. A. Yes.

Q. It does say "to the boot of". A. Yes, "radio mike in boot of PLU", yes.

Q. Now will you look at exhibit 7 please. A. Yes.

Q. Do you see your writing upon that exhibit. A. Well it's Mr. Mounter's writing actually. It says, "November 21st at the Grove. Symonds. One to be used direct". This was the pocket Grundig taped to his wrist.

Q. Yes. And where is the tape recording which was recording in Mr. Mounter's car---- Mr. Hawkey's car.

HIS HONOUR JUDGE STROYAN: Just before we leave that. I think you may like to recall this Mr. Symonds. I think the witness said on an earlier occasion that there was one word in his handwriting on that.

MR. SYMONDS: Yes "master".

HIS HONOUR JUDGE STROYAN: Yes.

MR. LLOYD: Yes that's right.

MR. SYMONDS: And so we have now looked at three tape recordings.
A. Yes sir.

Q. And we have heard evidence that four tape recordings were made on that day. That is two tape recorders in the boot of Mr. Perry's car, the Grundig on his person and another tape recorder in Mr. Hawkey's car. Do you know what happened to that other tape recording. A. No.

HIS HONOUR JUDGE STROYAN: Well was it actually recorded?

MR. LLOYD: I don't know sir.

HIS HONOUR JUDGE STROYAN: So it is clear though that there was a recording machine in Hawkey's car?

MR. LLOYD: It would appear so yes.

HIS HONOUR JUDGE STROYAN: With Mounter in it?

A MR. LLOYD: No it was----

MR. SYMONDS: Hawkey and Millard.

HIS HONOUR JUDGE STROYAN: Miss Millard.

MR. LLOYD: Yes.

B HIS HONOUR JUDGE STROYAN: And whatever may have happened in regard to that there is no tape in existence?

MR. LLOYD: No, I---- I don't recall ----

HIS HONOUR JUDGE STROYAN: On that occasion?

C MR. LLOYD: ---- that at all.

MR. SYMONDS: Now this tape which has been set up in Mr. Hawkey's car that would be referred to would it not as the "mobile".
A. Yes.

D Q. Following on from the fact that the other two were fixed in Mr. Perry's car and "mobile" ---- A. Could be carried around.

Q. ---- could be carried around in a bag. A. Yes.

Q. Now this tape, if it had existed, would, I submit, be the most important and valuable tape of the whole series.
A. Well----

E Q. Because it would be the only occasion of where an alleged conversation has been monitored, overheard, during the course of the conversation by outside independent parties.

HIS HONOUR JUDGE STROYAN: Mr. Symonds, that's a comment you can perfectly properly make to the jury at the right time.

F MR. SYMONDS: Very good Your Honour. Your Honour, could we break off for 5 minutes please at this point?

HIS HONOUR JUDGE STROYAN: In the hope that it will enable you to find your place and get straight to the next point, yes.

G MR. RIVLIN: Your Honour, before we do that, may I enquire if the defendant has any water. We will provide him with a jug of water of course. Your Honour, because the matter caused so much consternation this morning, may I please say something about the recordings of the morning of the 31st of August because there may have been some genuine misunderstanding as to the meaning of the word "successful". The defendant's point is, as I understand it, that on that morning, although something may have occurred, there were no tape recordings made that could be put in evidence. That's of the conversation---- the Robson and Harris one.

H HIS HONOUR JUDGE STROYAN: Yes.

A MR. RIVLIN: If that is his point and if that is why he says that the meeting was unsuccessful then I accept that there were no tape recordings made that morning that were put in evidence in the Robson and Harris case. However, there was a meeting that morning and that meeting did lead to proceedings.

HIS HONOUR JUDGE STROYAN: But no recording.

MR. RIVLIN: But no recordings.

B HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Now I do hope that what I have just said helps the defendant and causes him to think that there isn't, as it were, a conspiracy against him to try and do him down and that there may have been a genuine misunderstanding as to whether successful meant the meeting when money was handed over, in which case that would be successful from one point of view, or whether tape recordings were made.

C HIS HONOUR JUDGE STROYAN: Yes, well there we are.

MR. SYMONDS: An unsuccessful tape recordings.

HIS HONOUR JUDGE STROYAN: Well there we are. Thank you. We will break off for 5 minutes and no more.

D COURT ADJOURNED:

HIS HONOUR JUDGE STROYAN: We are dealing with the absence of a recording from the so called "mobile".

MR. SYMONDS: Mr. Lloyd I'd now like you to look at copy tape 1. Now this was a copy made by I believe the evidence is Miss Woore. A. I'll accept that.

E Q. On the 25th

HIS HONOUR JUDGE STROYAN: Well made not by her but but by some other people.

MR. SYMONDS: By Mr. Hawkey. Now can you please look at the spool and identify that as copy tape 1. A. Yes.

F Q. Do you see some writing upon this spool. A. No, not on the spool sir, there is a police label on it.

Q. But there's no writing at all on that spool. A. No.

Q. Now do you see any form of identification on the box to show that that is copy tape number 1. A. Yes, there is on the front of the box sir.

G Q. Would you read out what you see on the box. A. "Copy, 'phone call, October 28th, 3 $\frac{1}{2}$ to Symonds".

HIS HONOUR JUDGE STROYAN: Just a moment. "Copy 'phone call October 28th", and then.

H MR. LLOYD: "3 $\frac{1}{2}$ " sir, "to Symonds".

MR. SYMONDS: Do you recognize the writing on that box.

A. No sir.

A Q. You don't. Now do you see on that box some writing which has been crossed out. A. Yes sir.

Q. Now by looking carefully at the crossed out writing can you read what is written there. A. What looks like "Symonds at Grove, November the 21st".

B Q. Do you see the word "mobile".... A. "Mobile and "Nagra".

Q. And do you see the word "master" crossed out. A. Yes.

HIS HONOUR JUDGE STROYAN: Just a moment. "What looks like Symonds at Grove...." what date?

MR. LLOYD: November the 21st.

C HIS HONOUR JUDGE STROYAN: "Symonds to Grove, November 21st, mobile and Nagra" now written over.

MR. LLOYD: And it looks like "mobile Nagra" sir.

HIS HONOUR JUDGE STROYAN: "Mobile Nagra", very well.

D MR. SYMONDS: Now----

HIS HONOUR JUDGE STROYAN: Just a moment. "Mobile Nagra", and is the word "master" in another place or in the same place?

MR. LLOYD: Yes. At the top sir. It looks like "master."

HIS HONOUR JUDGE STROYAN: Yes. Yes.

E MR. SYMONDS: Now is that box containing a 5" spool. A. Yes, it is sir.

Q. Now I think you did say, by referring to your notebook, that the Uher machine had been used in Mr. Hawkey's car. A. Yes.

F Q. And does a Uher machine take only a 5" spool. A. Yes.

Q. A 7" spool would not fit. A. No sir.

Q. So it would be true to say that that box could only have contained a 5" spool. A. Yes.

Q. Because the box was 7", for a 7" spool was---- A. Yes.

G Q. Now bearing in mind the words you have just ascertained underneath the crossing out, "master", "mobile", "October and November the 21st, Symonds to Grove", would it appear to you that in fact there was at some time a recording in existence of the conversation on November the 21st and that it had been recorded on the mobile machine. A. I would suppose so sir, I really don't remember.

H Q. And would the word "master" indicate to you, following all

your previous evidence, that there's also possible that this recording had been cooked in places. A. No, not necessarily.

A

Q. Do you base your reply on the fact that some times "master" was written on the box at the time before the copying process. A. No, "master" was simply written on a box or sent a spool of a tape to distinguish it from copy, and I think that would have been done, probably at the time that the tape was to be taken for copying.

B

Q. Is it to your knowledge, Mr. Lloyd, that all tapes are numbered with what is called a batch number. A. I don't know about that sir.

Q. Well would you look at the spool for that tape and look at the white piece of material at the beginning of the tape and see if you can see a number on that. A. Yes I see it.

C

Q. Well would you read that number out. A. 35323.

Q. 35323. Now will you look at the box and see if you can see a number upon the box. A. 812/6 PWP

D

Q. 812/6 PWP. Now if it's true that the batch number on the tape should always match the batch number on the box would it appear, under those circumstances, that that is the wrong tape in the wrong box. A. This looks very much to me like a used box that we were given to put a tape in.

E

Q. And---- But when you were supplied with tapes, brand new tapes, did they not come in boxes. A. At the start, I think it's well established, we didn't use brand new tapes. As time went on we got more recordings, we did use new tapes.

Q. And when you used new tapes did the tapes come wrapped in cellophane, I think it's been said. A. Yes.

Q. Sealed and celloped and in the box. A. Yes.

F

Q. Now you said at the start you didn't use new tapes, but would it be true to say or would you accept, that this tape was copied on the 25th of November, according to the evidence. A. If that is the evidence I would accept it of course.

G

Q. On the 25th of November we were right at the end of the investigation and by this time the policy of brand new tapes would have been well established. A. Yes I would say so sir.

Q. I think you said when you made copies you insisted on the copies being made on the brand new tapes. A. Yes.

H

Q. And so therefore would it follow that when copies were made two weeks later they would also have been made on the brand new tapes. A. Do you mean by Miss Woore sir?.

Q. Yes. A. I think they probably would, yes. I wasn't there but I'm sure they would have been.

A Q. So if that procedure had been properly followed we would expect to find the batch number on the tape matching the batch number on the box. A. Yes.

B Q. And as those numbers don't match can we assume or could we assume from that that there we have the wrong tape in the wrong box. A. No, I don't know what the explanation is for this box, it looks to me like a used box which has been---- this isn't a copy---- yes it is a copy.

HIS HONOUR JUDGE STROYAN: Mr. Symonds you may think that this point---- you may think that this point will come more forcibly from Mr. Hawkey than this witness.

MR. SYMONDS: I accept that, I will leave that for Mr. Hawkey.

C HIS HONOUR JUDGE STROYAN: Yes. Anyhow you say it's the wrong tape in the wrong box.

MR. SYMONDS: Now continuing on the events of the 21st and having set up these machines I think you said you were present and you locked the boot. A. Yes.

D Q. Now you made a point of saying you locked the boot, now is it a fact that in my case this is the first time the boot had been locked on Mr. Perry's car. A. Yes. Well I don't remember but it, yes, probably is.

Q. Because I believe it has been said elsewhere that there was no key or something and the lock was broken in the early days. A. I---- I don't remember that.

E Q. But it is a fact that this is the first time you made a note in your notebook, and I believe in your statements, that you locked the boot and kept the key. A. Yes.

Q. And this was in Melford Road at 12 noon. A. Yes.

F Q. Now do you recall the name of the photographer who was with you on that occasion. A. Yes. Mr. Grevett.

Q. Mr. Grevett. Was he a Times photographer. A. Yes.

G Q. And I think in your notebook you say at 12.30 or 12.50 p.m., is it 12, or 12.10, what time is that, you have three times there I believe, that you saw Mr. Perry's car with two figures in it. Can you make from your notebook which time refers to that. Do you see 12.10, immediately below 12.20 crossed out 30---- A. No, again you know it's a side note, I don't recall sir. It looks to me as if it's 12.30 that Freddy Grevett photographed the car through the fence from the Lordship Lane Estate.

Q. I see. Now would you look at that exhibit in the photographs. A. Yes, I have it.

H HIS HONOUR JUDGE STROYAN: Exhibit 12 I think it is.

MR. SYMONDS: Exhibit 12. A. No I don't have exhibit 12 I have exhibit 11. Yes.

- A**
- Q. Now I believe in your notebook you say you looked through the same hole that Mr. Grevett took the photographs through, is that correct. A. That appears to be, yes.
- Q. So would that be the scene you saw through that hole. A. I don't remember it all these years afterwards but I mean I would accept that it is, yes.
- B**
- Q. And after the meeting did you see the cars leave. A. I don't remember sir. Yes I did I have got a note in my notebook "739CRK leave the car park".
- Q. And what time, according to your notebook, did you see it leave. A. 12.40.
- C**
- Q. And according to your notebook did you make any form of identification or whatever, or see the direction the car went on that day. A. I have got a note here "it drove up the hill from Lordship Lane Estate entrance".
- Q. Now your next note is on page 35 and I think you say "the boot was unlocked at 1p.m. by me". A. Yes.
- D**
- Q. "... back at Cromwell Road". A. Yes.
- Q. And the previous note was that the car left at 12.40. A. Yes.
- Q. So following on from that would it appear that after Mr. Perry left the car park and was out of your sight and you were out of contact with him for a period of twenty minutes. A. That would appear to be it, yes. Well we think we followed him yes, I think that was the case, that's right.
- E**
- Q. Because you asked him to take a roundabout route. A. Yes, that's right.
- F**
- Q. And having unlocked the boot did you remove the recordings from the car. A. Yes.
- Q. And were markings made upon these recordings when they were removed or before they were removed. A. I think they would have been made as they were removed.
- Q. Before this. Before you listened to them. A. Sorry.
- G**
- Q. Before you listened to them. A. Oh yes.
- H**
- Q. And would that apply to the recording made in the car of Mr. Hawkey, would that have been marked also, at the time of removal and before this meeting. A. Well I don't know. I've---- I've only got a note of matching the recordings removed from the boot of Mr. Perry's car. I don't have any recollection of the recording, if there was indeed one, in the other car.

Q. Now on this day were you travelling at all times with Mr. Grevett in his car can you recall, or remember.
A. I can't remember sir, no.

A

Q. And then I believe that later that day you set off on another observation. A. Yes.

Q. In respect of Mr. Robson. A. Yes.

Q. And I believe it was the same team, more or less.
A. Yes.

B

Q. Yourself, Mr. Mounter, Mr. Hawkey and Miss Millard.
A. Yes. I don't know whether Miss Millard was there but anyway yes it was the same personnel.

Q. That was----? A. Same personnel.

Q. To the Army and Navy Stores in fact. A. Yes.

C

Q. And then some days later, in fact the 28th, did you prepare documents and copy tape recordings to be handed over to Scotland Yard. A. Sorry, I don't recall the date but I accept that that would have been it, yes.

D

Q. Did you take part in these preparations of these documents and the copy tape recordings. A. I don't remember whether I did or not. I may well have done. I honestly can't remember.

Q. But you didn't go with Mr. Mounter to the Yard on that day. A. No, that was the night that we published our account of these events in The Times, I think I was exceptionally busy with the, actually the article.

E

Q. There was no other reason for you not going. A. Oh no, no, no, somebody had to see it too, I had to read the proofs and correct----

Q. Was not a proof handed over to Scotland Yard on the evening of the 28th. A. Yes.

F

Q. So the proof had already been prepared. A. Yes, but it had to be read by me and seen through.

MR. SYMONDS: And ----

HIS HONOUR JUDGE STROYAN: It was Monday you think you took the documents ----

G

MR. LLOYD: Yes it was, it was definitely, yes.

MR. SYMONDS: And is it to your knowledge that some days later the original, or alleged original, tape recordings were handed over to the police. A. Yes, that is so.

Q. And were you present when they were handed over. A. Yes I believe I was.

H

Q. Do you recall the officer to whom you handed them.
A. No I don't sir.

Q. Does the name Duffy mean anything to you. A. Yes. Certainly.

A Q. Was he the officer. A. Could well have been sir.

Q. At the time you handed over the originals do you remember any comments being made about a difference in the number of originals against the number of copies. A. No.

Q. Is it to your knowledge that before the originals were handed over they were copied again. A. Yes they were.

B Q. Were you present at this copying process. A. No sir. Not to my recollection.

Q. Do you know who was. A. No I can't---- I can't remember that.

C HIS HONOUR JUDGE STROYAN: Well if he wasn't present he can't guess.

MR. SYMONDS: Do you recall the fact that when the tapes were handed over to Scotland Yard by yourself, and Mr. Duffy possibly, do you recall that you handed over only the 1/2" tapes. By this I mean the tapes for this sort of machine. A. Do you mean ----

D Q. The 1/2" EMI. A. You mean not the cassette.

Q. Not the cassette. A. I don't recall no but if you say so I accept that.

E Q. Is it to your knowledge that the Grundigs were copied separately at The Times building. A. There was some copying done of the Grundigs at the Times building. I do remember that. In fact I think it was done while we were being interrogated by senior officers from Scotland Yard.

Q. And did you see this copying process taking place. A. No I didn't.

Q. At some time later that day were you aware that more than one copy had been made for each Grundig

F HIS HO NOUR JUDGE STROYAN: Have you got the date for this?

MR. LLOYD: No.

MR. SYMONDS: I believe----

G HIS HONOUR JUDGE STROYAN: Well never mind, it is some time after----

MR. SYMONDS: The 4th or 5th.

HIS HONOUR JUDGE STROYAN: Very well.

MR. SYMONDS: There is a statement by Mr. Hawkey in evidence.

H HIS HONOUR JUDGE STROYAN: Yes, well he can deal with that.

A MR. SYMONDS: You were not aware that more than one copy had been made of the Grundigs. A. I can't remember. The copying processes of these tapes were a matter of routine as far as I was concerned. I didn't concern myself with it.

Q. Now at some stage just before the completion of your series of observations did Mr. Hawkey and Miss Millard express some sort of dissatisfaction or some desire to no longer be associated with this enquiry. A. When was this?

B Q. Some days before the----

HIS HONOUR JUDGE STROYAN: Mr. Symonds, that is something which you can ask them. It will be hearsay if he were to say what they told him.

MR. SYMONDS: Yes, but I thought if I could get round that by using the---- expressing dissatisfaction.

C MR. RIVLIN: Your Honour, I have no objection.

HIS HONOUR JUDGE STROYAN: Very well.

D MR. LLOYD: I don't remember particularly. They were certainly anxious that their names shouldn't be involved in this at all. They were simply employers of a recording company who we had hired to assist us.

Q. And at some time later did it come to your knowledge that Miss Millard and Mr. Hawkey had made certain allegations against you and Mr. Mounter. A. A long time afterwards. I was made aware that Miss Millard had been frightened in some way by one of your firm.

E Q. I---- Did it come to your knowledge that Miss Millard had complained to the police that you had, in fact, committed perjury.

F MR. RIVLIN: Now Your Honour, fair question, fair question, although inadmissible, but I hope that the defendant has got some hard evidence to support it. It won't do if this is plucked out of thin air, there must be hard evidence to support it.

HIS HONOUR JUDGE STROYAN: That's right, it is not fair to put allegations to people without having something to back them up with. If there is hard evidence to back it up with then you can put it.

G MR. SYMONDS: At some later stage were you interviewed by senior police officers in connection with statements made by Miss Millard and Mr. Hawkey. A. Yes. By Miss Millard I think, I don't recall Mr. Hawkey being involved. As I understood it Miss Millard had been frightened out of her life by one of your firm.

H Q. And do you have, as Prosecuting Counsel has just mentioned, do you have hard evidence to support that allegation
A. I have hard evidence to support my contention that I have never at any stage committed perjury in this case,

and that if Miss Millard said so she would have done so under duress and fear from you.

A HIS HONOUR JUDGE STROYAN: Mr. Symonds, I don't think this is helping you much.

MR. SYMONDS: Mr. Lloyd I wish to put a series of allegations to you now. Some of these I have put to you before, some I haven't, and I would first of all like to say I challenge much of your evidence---- A. Yes sir.

B Q. And I would like to say---- put to you that you have taken part in a series of conspiracies. The first conspiracy was against your employers, The Times.
A. Rubbish.

C Q. By that I mean that you reported certain facts or failed to report certain facts to your employers The Times which led them to take a certain course of action. A. What was that?

Q. To publish a story.

HIS HONOUR JUDGE STROYAN: I'm afraid I don't follow you. Are you suggesting that he got The Times to publish a false story, is that it?

D MR. SYMONDS: I have a number of suggestions to make My Lord, if I---- I suggest if I go through all the allegations perhaps the later one will clear up the earlier one rather than a speech now about this one.

HIS HONOUR JUDGE STROYAN: Yes, I think he must be given an opportunity to deal precisely with what it is you are accusing him of. You can take it quite shortly. I was trying to----

E MR. SYMONDS: What I was intending to say has happened here is that Mr. Lloyd had been engaged on a previous enquiry into alleged police corruption which----

HIS HONOUR JUDGE STROYAN: Just a moment please. He should be allowed to answer that one first. Is that right or not?

F MR. SYMONDS: Well he has already answered it.

HIS HONOUR JUDGE STROYAN: Yes?

MR. LLOYD: It's not true, no.

G MR. SYMONDS: Which had at some stage stopped. A. We have already been into this exhaustively Mr. Symonds. I have already explained to you that the enquiry you are referring to was an enquiry which was begun by us, by me, and The Times into activities of the Kray Twins. As a result of that I made certain enquiries to people I'm not prepared to disclose. It was done on a confidential basis and as a result of their advice we were informed that our enquiries could hamper the police investigation of the Kray twins and we dropped it straight away.

H

A Q. And did this involve yourself having an interview or more than one interview with certain police officers. A. I'm not prepared to say who I interviewed. It was done on a confidential basis and you are not going to persuade me to tell you.

Q. And if this series of interviews with senior police officers did take place did you feel a sense of grievance or dissatisfaction at the end of it. A. No.

B Q. Did your employers, The Times, feel that may be if you did have some----

HIS HONOUR JUDGE STROYAN: He cannot say what somebody else felt. He can say what he felt but not what somebody else felt.

C MR. SYMONDS: Will it be true to say that you had been engaged on a previous investigation involving police officers.

A. No. I have told you that many, many times. No sir. I don't know how to make it any clearer.

Q. Would it be true to say that you were looking for a story involving police officers and/or corruption. A. No it would not.

D Q. Would it be true to say that you were in contact with a notorious professional criminal named Brennan.

A. Mr. Brennan came to us, as I have already said, to complain about the corrupt behaviour of Detective Inspector Robson at Scotland Yard towards Michael Perry.

Q. Would it be true to say that you felt it necessary to edit certain parts out of certain tape recordings.

A. No it would not.

E Q. And specifically did you edit out a reference to a photographer. A. No, nothing was ever edited out of these tapes at any times.

Q. And would it be true to say that these tapes were edited on the evening of the day they were taken at Location Sound Facilities. A. No it would not sir.

F Q. And would it be true to say that having edited the tape by means of cutting it with scissors and sticking it together with sticking plaster it would then be necessary to hide these signs of surgery by copying this true edited master tape on to another tape---- A. You're just talking----

G Q. ~~----~~ which now becomes the copy edited master. A. You know perfectly well Mr. Symonds you are talking nonsense, and you know perfectly well that that didn't happen.

Q. And having copied this mutilated original master on to a copy edited master did you then take the copy edited master back to your superiors at The Times and deceive the editor into believing that was the true original.

A. Absolute rubbish. You know it's rubbish. You know these tapes are accurate conversations that you had with Mr. Perry and they are untouched. You and I both know that Mr. Symonds.

Q. And then having taken the copy edited masters back to The Times, and at some early stage in the enquiry did you receive legal advice,--- A. We ----

Q. ---- from legal officers at The Times. A. We received legal advice right at the outset of this enquiry from The Times lawyer.

Q. From The Times lawyer. Would that be Mr. James Evans.
A. Yes.

Q. Did the legal advice include the dusting of bank notes.

HIS HONOUR JUDGE STROYAN: You can't ask that.

MR. SYMONDS: Did you also receive legal advice at some stage of this enquiry from a retired senior police officer who was then employed as a security officer at The Times.
A. No.

Q. At some later stage in this enquiry were you instructed by Mr. Webb to prepare a series of statements. A. I don't remember that, no.

Q. And could this series of statements which you have been referring to, dated in the first place the 27th and the 28th of October etcetera, but signed in the last place the 25th or 26th or 27th of November, did in fact the series of statements you were requested to prepare by your home news editor Mr. Webb. A. No. We had the conduct of this enquiry.

Q. And at some stage during this enquiry was it thought by some person that you had not gathered your evidence or made your notes----

HIS HONOUR JUDGE STROYAN: I don't think you can ask him about what somebody else thought about it.

MR. SYMONDS: Right. Then I'm going to suggest that at some stage of this enquiry, a later stage, a conspiracy took place between you and certain other members of The Times whereby your original notes were disposed of and your alleged present contemporaneous pocket book was concocted, and furthermore the alleged evidence of handling of the tapes; their continuity, being kept in safes, and what not, was also concocted. A. You know perfectly well that is not true. Mr. Symonds.

Q. And I would put it to you that you, through these past two days, have been deliberately and blatantly lying.
A. Rubbish.

HIS HONOUR JUDGE STROYAN: Yes Mr. Rivlin.

RE-EXAMINATION BY MR. RIVLIN:

MR. RIVLIN: Now Mr. Lloyd I do have some questions to ask you but I hope I'll be finished by lunch time. The first

concerns The Times transcripts of the tape recordings.
A. Yes sir.

A Q. Now you have heard a number of allegations being put to you have you not Mr. Lloyd. A. I have sir.

B Q. You may or may not appreciate, we don't know, that there may be other allegations against other people in this case, and I'd like to try and deal with that matter if I can. Would you please take exhibit 35(a) Members of the Jury, exhibit 35(a). Now these are The Times transcripts are they not Mr. Lloyd. A. Yes.

Q. And you have told the Court already that these were prepared before the police were even brought into the picture. A. They were sirs.

C Q. And prepared at The Times by the reporters and the transcribers. A. By us sir yes, by us and our secretaries.

Q. I'd just like you to give very briefly with me please through the following references. Page 1, a third of the way down, "I'd like to see you about you know. Yeh. Where are you now?" A. Yes sir.

D Q. Page 3, you come on now to tape number 2. A. Yes.

Q. About half way down: "I can scrape up a few. When it comes on I can scrape it up". A. Yes sir.

Q. Page 5 please. We now come on to tape number 5, 31st October. A. Yes.

E Q. Top of the page: "Got a bit of dough----". A. Yes.

Q. "I got a bit more done". A. Yes.

Q. Tape---- Page 11 please. A. Yes sirs.

Q. Bottom of the page. A. Yes.

F Q. "You can more than that you see, you can have more than help, you can have fucking, you know, you can have sort of earners." A. Yes.

Q. Followed at the top of page 12 by: "I have just done the other geezer for the jelly like". A. Yes.

G Q. I'm not asking you what these things mean, I'm just pointing them out. A. Yes sir.

Q. Half way down the main paragraph at the bottom of page 12 do you see this: "But if we find out you have done something we want a fucking share, right". A. Yes sir.

H Q. Would you now turn to page 17 please, which is the beginning of the transcript of tape 14 which relates to the 21st November. A. Yes sir.

Q. Would you look at the top of page 17 please. A. Yes.

- Q. "How are you doing Mickey?" "All right there. I ain't got----", "Pardon", "I've only got 50 again", "All right, yeh." A. Yes sir.
- A
- Q. Page 21 please. A. Yes sir.
- Q. About 8 lines to/¹⁰lines up from the bottom of the page: "I can't. P. I can't. I don't know when I'll get the money, it could be this week like, but no it's a bit late this week now. Not this week now". A. Yes.
- B
- Q. Page 25 please. The top of the page, it is at the second 'S', that one says there: "Anyway Michael thank's very much for that." A. Yes sir.
- Q. I think you heard did you not that the only specific allegations of insertion or deletion that was put to you was some reference to a photographer. A. Yes.
- C
- Q. That all of these matters then were on the tapes at the time that they were handed over to the police, is that right. A. Yes sir. That's right sir, yes.
- Q. Yes, thank you. Now I have dealt with that point and I'd like if I may to just deal with a few others. The first is this Mr. Lloyd, and it concerns the very first afternoon, the 28th of October of 1969. A. Yes.
- D
- Q. Now I wonder if I could deal with that if I may please. A. Yes sir.
- Q. Now you have told the Court what you believe to be the equipment that was used on that occasion. A. Yes.
- E
- Q. And you were cross-examined about that and indeed you were cross-examined quite extensively about it. A. Yes.
- Q. And your statements were put. I'd like you to look please at exhibit number 10, the jury don't have this. This is your---- a transcript of your notebook. A. Yes sir.
- Q. Right. Do you have that. A. I have it, yes.
- F
- Q. Would you please go to---- I think it's page---- A. Page 9 deals with the 28th.
- Q. Page 9, yes, that's the beginning of that day isn't it. A. Yes.
- Q. Yes, now I'd like you to turn to page 10 please, where you deal with the 5.30 meeting. A. Yes.
- G
- Q. Would you just look at the bottom paragraph. A. Yes.
- Q. And do you there make a record of the equipment that was used on that occasion, bottom of page 10. A. Yes.
- Q. And what does that equipment amount to. A. "Fitted Perry with a small chest microphone round his neck in his shirt."
- H
- Q. And then you say that you drove to "The Rose". A. Yes.

Q. And it's right isn't it that that's the only equipment that's referred to in that statement about that. A. Yes.

A Q. Now would you also please look at your statements to The Times relative to this matter. Yes, would you please have a look at that and I'll see if I can get the right page for you quickly. It starts at page 9 I believe.
A. Yes, I don't have that, I have got the originals here sir.

B Q. Oh, I see, I'm sorry, perhaps you ought to have a photocopy that we have got so that they can then be followed through.

HIS HONOUR JUDGE STROYAN: Well it's the one for the 30th of October.

MR. RIVLIN: It's the 28th of October I am on Your Honour in fact.

C MR. LLOYD: I have the 28th of October. Yes I have that.

MR. RIVLIN: You refer, don't you, to the equipment that was used there, is that right. A. I'm sure I do.

Q. Yes. Well I think---- A. Yes, I have got that, yes.

Q. Yes. Was it the same equipment or any other equipment.
A. No, the same equipment.

D Q. The same equipment.

HIS HONOUR JUDGE STROYAN: Which page is this?

MR. LLOYD: Well I have it as page 3 of the original sir, they were in----

E MR. RIVLIN: And I think actually we can deal with this quite briefly; you also deal with the matter in your statement to the police do you not. A. Yes sir.

Q. And if we look at that, it is my page 79 I think Your Honour, and again you refer to the equipment that was used and it is the same equipment. A. Yes.

F Q. Now given that in those three statements, and I know I shall be corrected if I am wrong, you don't refer to any other equipment apart from that on the 28th. A. Yes.

Q. Does that help you to recall what the equipment was on the 28th. A. That would have been the equipment. What---- what I noted and what I remember and what went into this statement 11 years ago was----

G Q. Was accurate. So that on the afternoon of the 28th there was just the sound recording into Hawkey's motor car. A. That is right sir, yes.

H Q. Very well. I thought that I'd like to clear that up. It was suggested to you when you made your identification to the defendant that here you are 12 years later when he has changed his appearance and he is a heavier man, he has got a beard, that you are purporting to identify him.

A. No sir.

A

- Q. Were you asked a very long time ago in the Magistrates' Court whether you could identify him. A. I was.
- Q. What did you say. A. I was able to identify him.
- Q. Is this right that you said you felt sure that it was him but you couldn't be absolutely positive. A. That's right.

B

- Q. That was I think in 1971. A. Yes that's right.
- Q. Yes. So that there has been a previous opportunity for you to do that. A. Yes. Yes he has sat in court a long time.
- Q. Now I'm going to come to another matter now and it concerns the 21st. A. Yes sir.

C

- Q. And the 21st of November which is the day of the last of the three occasions when tape recordings were made. A. Yes sir.
- Q. The situation has been put to you that there were four recordings, do you understand. A. Yes.

D

- Q. The three to which reference has been made in this case and one in Mr. Hawkey's car described as "the mobile", do you remember that. A. Yes. I do.
- Q. And do you remember that Mr. Symonds suggested to you that the one in "the mobile" was no longer available and that's the most important one of all, he said, do you remember. A. Yes I remember.

E

- Q. I make that reference so that we can all recall what he was talking about. A. I remember sir.
- Q. Yes. Now I'd like you to---- He also cross-examined you about the schedule to your statements. A. Yes.
- Q. And I'd like you to have a look at that yourself if you would please. A. Yes.

F

- Q. I think if you would look at page 84 - do you have it. A. Yes I have it sir.

G

- Q. Does that deal with the 21st. A. Yes, it does sir.
- Q. Yes. Now do you make reference there to four tapes on the 21st relative to Perry and Symonds. A. Yes I do, sir.

H

- Q. Would you please tell the jury what you told the police in 1969 about this. A. It was a Grundig pocket recorder carried by Perry with a microphone tape to his wrist. There was a 7" Nagra direct to a microphone in the boot of his motor car. There was a 7" Nagra linked to a radio microphone concealed in the boot of his car.
- Q. Now just pausing there. Those are three tapes that we

produced in this case. A. Yes.

A

Q. Exhibits 5, 6 and 7. Now what's the fourth one that you have got. A. The fourth one is a 7" Nagra, operated in a blue station wagon by Mr. Hawkey and Miss Millard not now available as there was nothing on the tape.

Q. "Not now available as there was nothing on the tape"? A. Yes.

B

Q. Does that help you to recall what the situation was with regard to that tape. A. That would suggest to me that they were just too far away to be able to record it.

Q. Yes. Now we---- It may be possible to deal with this matter in yet another way and that's this - as regards exhibit numbers 6, which is tape 13, that's said to be the one, the radio mike. A. Yes.

C

Q. Slung around Perry's neck. A. Yes.

Q. Now I'd like the jury if they would please, and you also, to have in your possession exhibit 35(b) which is---- would you have that - that's the tape transcripts prepared by the police. A. Oh yes, yes, I have it.

D

Q. I'd like you to look at page 38 of that, where there is a transcript, Your Honour, of tape 13, which is the radio mike and may I say that the radio mike seems to have picked up the conversation afterwards that of course the others wouldn't have. A. Yes.

Q. Now would you look please towards the bottom of page 38. A. Yes.

E

Q. After - I wonder if the jury have 37.34 conversation terminated, half way down the page. Now let's go on from there----

MR. SYMONDS: Is this directly admissible Your Honour?

HIS HONOUR JUDGE STROYAN: Yes.

F

MR. RIVLIN: The defendant has asked us to put this document in. Would you look please at 14: "P. What's that, the pick up?" Male: "Yes". "What, the recording's a bit funny you mean?" "No, no. We didn't hear it". "Didn't you?" "No." Then would you please go over the page. If you look down the page to 7 Female, unintelligible. 8, Male "I didn't realise you were right behind us, the sound went off completely on our one. As I got out I saw the motor van, I thought my God", and then there's some laughter. A. Yes.

G

Q. So that someone is making a reference there to a tape recording that wasn't---- that didn't record, or that didn't broadcast and that didn't work. A. Yes. I think that was probably Mr. Hawkey and Miss Millard.

H

Q. Yes. Well whoever it was certainly there's a reference in your notes to the police about this ---- A. Yes.

Q. Not now available as there was nothing on tape. A. Yes, that's right.

A Q. And so, when you look, as I invite you to do now please, at copy tape number 1 that was produced, and that had better be exhibited I suggest Your Honour. A. Yes.

Q. It might become exhibit 44

HIS HONOUR JUDGE STROYAN: 44 it would be.

B MR. RIVLIN: Yes. And when you look at that and you see that somebody has written "Margaret and Mobile".

HIS HONOUR JUDGE STROYAN: Copy tape number 1?

MR. RIVLIN: I'm sorry?

C HIS HONOUR JUDGE STROYAN: Copy tape number 1?

MR. RIVLIN: Yes, written on the box, "Margaret and Mobile." or words to that effect, and then scrubbed it out----
A. Yes sir.

D Q. ---- and then scrubbed it out and then "master" and scrubbed it out. Does that help you to remember what happened. A. Yes. We would have had a note of this on the box at the time and of course since it was useless we scrubbed it out, so we wouldn't confuse it with the other tapes.

Q. Was there any question whatsoever of a tape recording being done away with. A. No sir. None whatsoever.

E Q. Now I'd like to return, and I hope finally, to one more matter, and I have left it to the end because it's slightly more complicated than the other matters and it concerns the numbers that appear on the notes.
A. Yes sir.

F Q. And do you remember yesterday that you said, when the defendant was suggesting to you that he had been given notes which bore numbers that had been kept back ----
A. Yes.

Q. "There would be a perfectly good explanation, it's somewhere deep in these documents". A. Yes.

Q. You would have to search through the documents for an explanation. A. Yes.

G Q. Well I think that it may be that we don't have to search very deeply Mr. Lloyd, but let's do our best can be please. A. Yes sir.

H Q. I'd like you to have a look if you would please at exhibit number 10 which is your notes to the---- your original notes, transcript of your original notes.
A. Yes sir.

Q. Let me see if I can find my copy first. A. Yes.

A

Q. Now I'd like you to have a look please at page 18 where you deal with Friday 31st October. A. Yes.

Q. And I think in fairness to you Mr. Lloyd as you were cross-examined about this in your statement it might become necessary for us to put this in context. A. Yes.

Q. On the 18th Oct---- on the 31st of October of 1969, a Friday---- A. Yes.

B

Q. Did you start the day in relation to these enquiries fairly early on. A. Yes.

Q. And was---- is there any reference there, top of the page, to a meeting being arranged. A. Yes.

C

Q. A meeting between whom. A. Mr. Perry and Detective Sergeant Harris.

Q. At which public house. A. At the Edinburgh public house.

Q. At what time. A. 10.30a.m.

D

Q. And is there a reference in your notes to the amount of money that Perry had on him at the time. A. Yes £55.

Q. £55, and to the numbers on the notes, just answer yes or no. A. Yes.

Q. You don't actually give the numbers but you make reference to the fact that they were numbered. A. I do.

E

Q. And then you talk about the £33 that you held. A. Yes.

Q. And you there give the numbers, the numbers that the defendant has given you. A. Yes.

Q. One £10 note; Four £5 notes and three £5 notes, and the numbers appear. A. Yes.

F

Q. And do you then go on to talk about what happened that morning. A. Yes.

Q. Between Perry and Robson and Harris. A. Yes sir.

Q. Because was there a meeting that morning. A. Yes sir.

G

Q. And was money allegedly handed over that morning. A. Yes it was handed over, yes.

Q. Yes, so that before the first meeting on that day you had taken the numbers of those notes. A. That is right sir.

Q. That £33. A. That's right sir.

H

Q. Right. Now if you go on in your notebook please to page 22, do you there come to reference to a meeting in the afternoon. A. Yes.

A

Q. Now of course if the £55 had been handed over in the morning to, or the £50 had been handed over in the morning, to Robson and Harris, that would mean what Mr. Lloyd, in terms of getting more money for the afternoon. A. He would rely upon the money that I had handed back to him.

Q. Well he might and let's not speculate on that, but certainly more money would be needed for the afternoon. A. Oh yes he had to go away and get some more money.

B

Q. He had to---- there had to be more money. A. Yes.

Q. Now I'd like you to look at this cheque book please and I'm going to hold it up so that the jury can see it, it's a Barclays Bank cheque book.

HIS HONOUR JUDGE STROYAN: This is the one we had exhibited?

C

MR. RIVLIN: Yes, exhibit 43, and this is the front of the book and would you please have a look at the front of the book. A. Yes sir.

Q. And are there some lists of notes. A. Yes.

Q. How many lists of notes are there. A. Two.

D

Q. Right. And is there a date against each list. A. Yes, October the 31st.

Q. Against each list. A. Against each list.

Q. Yes. Now Mr. Symonds put it to you that you had given to him that it was being suggested that Perry had given to him the numbers that he called out. A. Yes.

E

Q. Did you yourself keep a record of the numbers of the notes that were said to have been given to the defendant. I think I can save you a lot of trouble by telling you that you didn't because I have been through all your various notebooks. A. No, no.

F

Q. No. Don't worry about it. You yourself didn't keep a record of the numbers allegedly given to the defendant. A. Certainly not, no.

Q. But did Mr. Mounter keep a record of the notes allegedly given to the defendant. A. Yes, yes.

G

Q. Now Mr. Mounter's going to be giving evidence and it would be quite wrong for me to ask you about Mr. Mounter's evidence. What I would like you to do is to look please, just to identify it, his signature at a document which is dated the 31st October, 1969, for the benefit of the defendant it is page 68 of the bundle of the statements made by you and Mr. Mounter to the Times. Your Honour, I think you will have this at your page 68, statements to The Times.

H

HIS HONOUR JUDGE STROYAN: I've only got 28th November.

MR. RIVLIN: Well Your Honour there's a large bundle with a whole lot in.

A MR. SYMONDS: I don't have one.

MR. RIVLIN: "Statements made by Lloyd and Mounter to Times". Do you have a statement made by Mr. Julian Mounter to The Times on the ---- with reference to the 31st October, 1969.
A. No I only appear to have my own statements.

B Q. Your own statements. Very well. Well Your Honour I am going to deal with this specifically when Mr. Mounter gives evidence. I needn't trouble this witness ----

HIS HONOUR JUDGE STROYAN: I don't think you can put Mr. Mounter's evidence to this witness.

MR. RIVLIN: Well only to identify the signature that's all, and that's as far as I could take it.

C HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: But Your Honour I shall deal specifically with this matter with Mr. Mounter. At all events, so far as that cheque book is concerned, as you say, there are two lists for the 31st of October, 1969. A. Yes.

D Q. Yes. Would you just allow me one moment Your Honour.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Yes well thank you very much Mr. Lloyd. Might Mr. Lloyd now be released Your Honour?

HIS HONOUR JUDGE STROYAN: Yes.

E MR. RIVLIN: Thank you.

COURT ADJOURNED FOR LUNCH.

F MR. RIVLIN: Detective Sergeant Collins please. Additional evidence. Your Honour, we are calling the Police Officers out of turn, in fact, to prove custody of tapes.

HIS HONOUR JUDGE STROYAN: Yes.

G DETECTIVE SERGEANT BRYAN COLLINS, sworn:
Attached to the Serious Crimes Branch,
New Scotland Yard. Examined by Mr. Rivlin:

MR. RIVLIN: In 1969 were you serving as a Detective Constable.
A. I was.

H Q. In which branch of the Metropolitan Police Force.
A. At New Scotland Yard.

Q. And did you become involved in some way in what became known as The Times enquiry. A. Yes sir.

A Q. Were you employed there from the outset or after a period of time. A. From the outset sir.

Q. Who was the exhibits officer who was appointed at the outset. A. Detective Sergeant Osborne sir, I was his assistant.

B Q. Detective Sergeant Osborne and you were his assistant. A. Yes sir.

Q. Detective Sergeant Osborne has since left the Police Force has he not. A. Yes.

C Q. Your Honour, he will be a witness in this case. Now at the outset of the enquiry did Detective Sergeant Osborne take possession of something. A. Yes sir.

Q. What. A. The tapes, original tapes from The Times enquiries.

Q. Can you remember how many there were. A. I believe there were 19 sir.

D Q. 19.

HIS HONOUR JUDGE STROYAN: A moment please. 19 tapes from whom?

DETECTIVE SERGEANT OLLINS: From the Times newspaper sir.

MR. RIVLIN: From The Times, and you used the word original, is that what you understood them to be, the original tapes. A. The original tapes sir.

E Q. Yes, is that where you understood them to be. A. Yes sir.

Q. And were they numbered from 1 to 19 consecutively. A. Yes sir.

F Q. The last four being cassette tapes. A. Yes sir.

Q. Now of course a lot of them have nothing to do with this case at all. A. That's correct sir.

G Q. But when they were taken into police custody what happened to them. A. They were immediately locked away sir and one key to the cabinet which Sergeant Osborne always kept with him and if he was away on a weekend or annual leave or something I had the keys at that stage, and later Sergeant Vernol took over from him and the same thing happened there, Sergeant Vernol had the key, and while he was away----

HIS HONOUR JUDGE STROYAN: Just a moment please. Locked away in a cabinet with one key kept by Osborne----

H MR. RIVLIN: If he was away you say you had the key. A. I had the key, yes sir.

Q. A stage came when there was a switch, when Sergeant Vernol became the exhibits officer---- A. Yes.

A Q. ---- and then he had the key. A. That's correct sir, yes.

Q. Well we are going to call him next, but before that, do you remember the time when the switch took place from Sergeant Osborne to Sergeant Vernol. A. No I don't remember the date it took place, no.

B Q. Can you remember whether there was a transitional period between Osborne ceasing to become the exhibits officer and Officer Vernol taking over. A. Yes, possibly a weekend I believe, from the Friday night to the Monday morning.

Q. You believe that it may have been a weekend.

C HIS HONOUR JUDGE STROYAN: May have been a what?

MR. RIVLIN: It may have been a weekend.

HIS HONOUR JUDGE STROYAN: No, I heard that. What happened over this weekend?

DETECTIVE SERGEANT COLLINS: I had the key.

D HIS HONOUR JUDGE STROYAN: "One weekend I had the key."

MR. RIVLIN: During all the time ----

HIS HONOUR JUDGE STROYAN: This is the weekend when they switched over?

E DETECTIVE SERGEANT COLLINS: That's right sir, yes.

MR. RIVLIN: When the switch over took place and Sergeant Vernol became the exhibits officer, the new exhibits officer, what position did you hold. A. Still the same as before sir.

Q. You were mainly the assistant. A. Yes sir.

F Q. Did anyone to your knowledge have access to the tapes other than you police officers who had them in your custody and control. A. No sir.

HIS HONOUR JUDGE STROYAN: Nobody had the key---- and what else?

G MR. RIVLIN: No one else had access to them during the period that you had them within your custody and control to your knowledge. A. To my knowledge.

Q. Does that apply to the time when you were assistant to Osborne. A. Yes sir.

Q. And to the time when you were assistant to Vernol. A. Yes sir.

H Q. When did you cease to be Vernol's assistant, can you

remember. A. I can't the dates, I believe it was just after the committal proceedings.

A

Q. Which would be 1971 sometime. A. Early 1971.

Q. Yes. Can you remember the date that you actually took possession of the tapes in the first place. A. No sir, I can't.

Q. I think that another officer may be able to help there. A. Possibly.

B

Q. But how seriously were the police taking the custody of these tapes. A. Oh very seriously it was, no one else had any authority even from the other senior officers on the enquiry at the time touched these tapes.

Q. Did you ever have anything to do----

C

HIS HONOUR JUDGE STROYAN: Just a moment please. Was that something about senior officers?

MR. RIVLIN: "Not even any other senior officer." A. No officer had authority to touch these original tapes sir.

Q. Well there were senior officers involved weren't there. A. Oh yes sir.

D

Q. Now Commander Duffy. A. He was one of the officers yes.

Q. One of the senior officers. A. Yes.

Q. The ex-Superintendent Moody. A. Yes sir.

E

Q. They were the---- they were very senior officers. A. Yes sir.

Q. You say not even they---- A. No sir, because we had copy tapes, if they wanted to listen to a tape they could listen to a copy tape.

F

Q. Now can I please ask you about transcriptions of tapes. A. Yes sir.

Q. Did you ever become involved in that. A. Yes sir.

Q. What were you transcribing from, copies or originals. A. Copies sir.

G

Q. Copies. And why did you use copies and not originals. A. Well the originals sir---- shouldn't, well couldn't be interfered with in any way whatsoever. The copies we understood were true copies from the originals and this is what we did the transcripts from.

Q. So as not to interfere with the originals. A. That is right sir.

H

Q. Now, who helped you to transcribe the tapes. A. Sergeant Osborne.

Q. And did you transcribe them all to the best of your ability. A. Yes sir.

A Q. Would you like to describe to the jury please what sort of a task it was trying to transcribe these tapes.

A. Well it was a mammoth task because if you play a tape no matter how slowly you play a paragraph you play at the second, you write down what you think you heard and you play it the second time and it's completely different from the first, and you keep doing this until you are satisfied that that is the true transcript of it.

B Q. And I'm not asking you to give a figure of it but did you---- how many times do you think you---- approximately how many times would you have to play these tapes through before you got a transcription. A. Dozens.

Q. Dozens. A. Yes.

C Q. Now would you please have a look at exhibit 35(b) and (c) just for the purposes of identifying them. A. Yes sir.

Q. Those are the police transcriptions, and for your assistance 35(b) contains, I think, everything on the tapes and 35(c) has been tailored to remove the material that's not thought to be relevant, do you understand. A. Yes sir.

D Q. Were you responsible for preparing those transcripts. A. Yes sir.

Q. Together with Osborne. A. Yes sir.

Q. And you say that you listened to the tapes you believe dozens of times. A. Yes sir.

E Q. In terms of days how long did it all take. A. Oh, I think it would be impossible to say sir.

Q. Did it take---- A. A long time.

Q. It took a long time. A. A long time.

F Q. Yes. Had you ever had to do this before. A. No sir.

Q. Transcribing tapes. A. No.

Q. Now I think that you ought to have the opportunity of looking at certainly the tapes with which we are concerned in this case for the purposes of identification. Now you may not---- I hope you can see it from there but there is a great big wooden box. A. Yes.

G Q. You can see it. A. Yes.

Q. Was that being used at the outset of this, can you remember. A. I don't think from the outset, no sir.

H Q. We will hear more about that from Officer Vernol, but the tapes are now in that box, or they were produced from

that box. Would you have a look at exhibits 1 to 7 please, and inspect them. Now that's 1 is it. A. That's 1 sir.

A Q. Is there any label on it which helps you to identify it.
A. Yes it's a label signed by R. Taylor who is Roy Taylor.

Q. Who was he. A. He was a man we took these tapes to, EMI Industries, to get them checked and looked at sir.

B Q. Yes. Who else. Any other label on it that you can see or any other hand-writing. A. Marks of one 'phone call P to SO just identifiable on the tapes.

Q. In relation to that tape what do you say about it.
A. Well this is a tape which was handed us to be the original tape of one of the tapes which were kept continually under lock and key as the original tape and I had taken to EMI in the presence, and kept in my presence. the only time it went out of the office as far as I am concerned.

C Q. Yes. Would you now please hand that back and look at tape 2. What do you say about that one. A. Exactly the same sir. It has a label Roy Taylor's signature on sir, and I identify this as being one of the original tapes we held in our custody.

D Q. Could I just have a look at that please. Thank you very much. Yes. I'm not going to trouble you with this if you can't identify it but you just look at the label with R. Taylor on it. Do you see another signature above that. It's very difficult to decipher. Do you know whose signature that is. A. I don't know sir, it's the initials, I don't know the signature no.

E Q. Now would you look at tape number---- exhibit 3 please.
Q. There's a label---- it's the same again sir. There's a label with initials of JDM on and also Roy Taylor which again I identify as one of the original tapes.

Q. Exhibit 4. A. Yes the same again.

Q. Exhibit 5. A. Yes sir, the same again.

F Q. Exhibit 6. A. Yes sir.

Q. And exhibit 7. A. Yes sir.

Q. Yes sir, meaning what. A. Same as before. This cassette has got a label on R. Taylor which is the same signature as before, there is another label on the back with the initials of GDAM.

G Q. Yes well we have heard about that. In terms of----
A. This is one of the original cassettes.

Q. During the whole of the time that that you had anything to do with these tapes did anyone tamper with them.
A. No sir.

H Q. I'm not going to take you through the rest of the 19,

Your Honour I don't think it is necessary. Would you please wait there.

A

Cross-examination by Mr. Symonds:

Q. Sergeant Collins, what's your warrant number please.

A. Is that relevant to this case sir.

B

Q. Yes it might well be. A. Numbers 146260.

Q. Thank you. And in November, 1969 where were you stationed. A. At C1 Branch, New Scotland Yard.

Q. And which office. A. What do you mean "which office", there was 9.

C

Q. There are a number of offices at C1 Branch. A. There are dozens of offices there, are you talking about offices or squads.

Q. Which squad or which office. A. I was on 9 Squad at that time.

D

Q. And who was your senior officer at that time. A. In charge of the whole Branch or my particular senior officer?

Q. Your particular senior officer. A. My particular senior officer at that time was Detective Chief Superintendent Drury because I had just returned from murder enquiry at Luton.

E

Q. That's right. And had you previously been engaged with Detective Chief Superintendent Moody. A. Previously, no.

Q. You never worked with Mr. Moody before. A. No.

F

Q. Now what exactly do you mean by the word "access". A. Well access means anyone going---- being able to get into this cabinet with a key, and the only way to get into this cabinet, other than forcing it open, was by the key which was held in my presence or with Sergeant Osborne.

Q. So access means anyone who can go to the tapes. A. Access the way I am taking it from you is meaning anyone who could open that cabinet to get the tapes yes.

G

Q. Would you look at this letter please, at paragraph 2 item (b) particularly.

HIS HONOUR JUDGE STROYAN: I think I had better see it before the witness is asked to look at it. This is not a letter it is part of a letter.

H

MR. SYMONDS: Well there are other pages if you---- will you ----

HIS HONOUR JUDGE STROYAN: Yes. I'm not sure this witness can say very much about a letter written by somebody else.

MR. SYMONDS: He could read that particular item My Lord, the bit about the word "access" particularly.

A HIS HONOUR JUDGE STROYAN: Yes I follow that, I don't----
Mr. Rivlin had better have a look at it.

MR. RIVLIN: I don't know what the letter is.

HIS HONOUR JUDGE STROYAN: Would you object to Mr. Rivlin having a look at it?

B MR. SYMONDS: Not at all.

HIS HONOUR JUDGE STROYAN: Mr. Rivlin had better look at it.

MR. RIVLIN: Thank you very much. Can I just see the letter please.
Thank you very much. Yes I have seen it Your Honour. I have absolutely no objection to the defendant cross-examining on it if he wishes to.

C HIS HONOUR JUDGE STROYAN: Yes very well. Do you want to ask about it?

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

HIS HONOUR JUDGE STROYAN: Yes.

D MR. RIVLIN: May I make it clear what it is, it is a letter from the Director of Public Prosecutions to the defendant's solicitors dated the 27th of October of last year, so that the jury know what the letter is.

HIS HONOUR JUDGE STROYAN: Yes.

E MR. RIVLIN: Yes, thank you.

MR. SYMONDS: Paragraph 2 I believe, sub-section (b). Have you read that item. A. Yes, yes sir, yes.

F Q. Now would you agree that that letter from the Director of Public Prosecutions to my solicitor would appear to admit on behalf of the Director of Public Prosecutions that senior officers did have access to those tape recordings. A. No sir. This letter says "from the time of the earlier trial and to the conclusion of the subsequent appeal". Are they talking about the end of it, the earlier trial.

Q. Well at any particular time----

G HIS HONOUR JUDGE STROYAN: Just a moment please. Time of the earlier trial, until when?

MR. COLLINS: Until the ---- from the time of the earlier trial and until the conclusion of the subsequent appeal all three officers involved in the case had access to the tapes.

HIS HONOUR JUDGE STROYAN: Yes.

H DETECTIVE SERGEANT COLLINS: But it doesn't say here sir original

tapes because obviously they had access to the copy tapes sir.

A MR. SYMONDS: Well is that stated in the letter. A. No it just says the tapes.

Q. Do you think my solicitors would write to the Director of Public Prosecutions to ask in particular about who had access to copy tapes.

B HIS HONOUR JUDGE STROYAN: No, no, you can't ask him about what your solicitor thinks.

MR. SYMONDS: Does it say: "From the time of the earlier appeal trial until the conclusion of the subsequent appeal all senior officers involved in the case had access to the tapes". A. Yes it does.

C Q. "From the time at which the tapes were deposited in police stores it is only possible to name a few officers who have seen the tapes and no identity will be disclosed." A. Yes.

Q. Now what would you think "the earlier trial" means, would that be the committal. A. No.

D Q. Well which earlier trial. A. Well they are covering here, they say from the time---- to the tapes, eh, it could have been at the trial of other police officers.

Q. But would not this letter be referring to me myself. A. No, they are mentioning the trial here and not the committal proceedings.

E Q. All right then. Well do you recall the date of the trial. A. No, I'd left this enquiry by then, I'd been transferred from it.

Q. Well would you imagine that may be one or two years passed between the date of the trial and the date of the appeal.

F HIS HONOUR JUDGE STROYAN: What?

MR. SYMONDS: Following on this proposition Your Honour that senior officers had access from the time of the trial until the time of the appeal.

HIS HONOUR JUDGE STROYAN: Just a moment please.

G MR. SYMONDS: Will you send back that please. Now the time that you came on to this enquiry, was it right at the very beginning. A. I think I came on to the enquiry on the first Monday it was in operation, yes.

Q. This is one or two days after the allegation was made. A. Yes.

H Q. And who was the appointed officer, the appointed investigating officer at that time. A. Well the

Detective Chief Superintendent Lambert----

A

Q. Lambert. A. ---- but I believe, sir, in overall command was a---- His Majesty's Inspector of Constabularies, Mr. Williamson.

Q. But the investigating officer, the Metropolitan Investigating Officer was Detective Chief Superintendent Lambert. A. He was the senior officer on at that stage yes.

B

Q. I believe you said Sergeant Osborne was the original appointed exhibits officer. A. Yes.

Q. And you were appointed his assistant. A. Yes.

Q. Did you occupy any other duties during the course of the time when on this enquiry. A. Only on the transcribing of the tapes.

C

Q. Transcribing of the tapes. Now when you came on to this enquiry can you remember who the office sergeant was. A. I believe it was Sergeant Hadrel.

D

Q. Sergeant Hadrel. And can you remember whether an action book was brought into use. A. I can't remember that sir because it would not affect us, we are in a separate office completely apart from the main working office.

Q. Now will you please have a look at exhibit, I think it is 41, the exhibit book. Do you recognize that book. A. Yes.

E

Q. Do you recognise your own writing in that book. A. I do, yes.

Q. And is that the book in which all exhibits in this case were recorded. A. Yes sir.

Q. And---- A. While---- while I was on the enquiry.

F

Q. While you were on the enquiry. And is it right that exhibits were recorded not only by you but by other officers. A. Yes.

Q. Other than exhibit officers who were yourself, and Sergeant Osborne. A. I don't think so no, and Sergeant Vernol, but I cannot recognise writing from other persons who are----

G

Q. Very good. Now looking at that exhibit book can you recall if when you came on to this enquiry, which I believe must have been the 1st of December, Monday the 1st of December, can you recall if there were any exhibits in existence which had been collected that weekend and which were awaiting registration and documentation in the exhibit book. A. Yes. There was a transcript of these tapes made by The Times, copies of The Times ----

H

- A
- Q. Yes. Copies of The Times tapes. A. Yes. Photographs.
- Q. Photographs, yes. A. I believe there was statements of, Times statements not police statements, statements made by The Times officers and The Times reporters and that's about it I believe.
- Q. Now you have got that information from that book have you. A. From this book yes.
- B
- Q. And which page are you referring to. A. The first and second pages.
- Q. The first and second pages. Could I please look at that book. Thank you, now is this Sergeant Osborne's hand-writing do you recall. A. It's my writing on the first page sir, and I believe part of the second. Without looking at the book again I can't say how far I've gone with it.
- C
- Q. Now does that entry you were referring to refer to copy tape recordings or original tape recordings. A. Original tape recordings.
- Q. Ah. And what's the date of that entry. A. The 3rd of December.
- D
- Q. Ah, I see, and how many original tape recordings are shown as being handed over. A. 15.
- Q. 15. And from where were they----
- HIS HONOUR JUDGE STROYAN: The 3rd of December did you say?
- E
- DETECTIVE SERGEANT COLLINS: The 3rd of December, yes sir. Sergeant Osborne and Detective Chief Superintendent Lambert I believe brought them from The Times building.
- HIS HONOUR JUDGE STROYAN: Just a moment please. They referred to original tapes under the 3rd of December, 15 in number did you say?
- DETECTIVE SERGEANT COLLINS: 15
- F
- HIS HONOUR JUDGE STROYAN: Thank you, yes.
- MR. SYMONDS: Now my question was about exhibits already in existence when you came on to the enquiry on December the 3rd, the 1st, the Monday, and I think you said there was some copy tapes and statements from The Times. A. Yes.
- G
- Q. You remember this do you. A. Yes, I do.
- Q. And was it a fact that you had to take the originals from The Times at a later date. A. No, they were taken on the 3rd of December as mentioned in this book Sergeant.
- H
- Q. But when you came in, on duty on the 1st there were some copy tapes. A. They were copy tapes sir, yes.

A Q. Which had been handed over some days previously, on Friday night. A. I don't know when they had been handed over. They were already in.

B Q. Now as newly appointed assistant exhibits officer did you take steps to record those exhibits and documents in any way. A. The ones what was handed in my possession were entered in this book yes.

C Q. Yes but those refer to documents and tape recordings taken possession of on the 3rd, and what I am asking about are the copy tape recordings and documents which were handed over by The Times to the Police on, I believe, the 28th of November. A. The day---- I believe this is the day I went on to the enquiry on the 3rd of December. I believe the 3rd of December is a Monday, in fact it was the day I went on to it. I cannot be sure about this date, but the day----

D Q. Well if you---- if this article was published on you say the 29th of November which was a Saturday I believe, the Sunday would be the 30th of November and Monday would be the 1st of December, is that right. A. Yes.

E Q. So therefore the 1st of December you would not yet have taken possession of the original recordings and those documents there Mr. Collins. A. No.

F Q. Now the question is did you record documents handed over to Detective Chief Superintendent Lambert by Mr. Mounter and by his editor Mr. Webb to the police on the previous Friday night. A. Well in this book sir, as far as I'm concerned these were handed in to us on the 3rd of December. I wasn't there on the Friday night.

G Q. You said that, you said you were there on the Monday. Now if, when you came on the Monday, there were a number of exhibits such as copy tape recordings and statements regarding a very, very serious allegation against the police, would they be recorded somewhere in some book as being in existence. A. The only thing I can think of here sir, as you say the Monday was the 1st, I don't know dates, it's possible that this exhibit book was started on the day the original tapes were taken possession of.

H Q. So would there have been another exhibit book in existence. A. Not so far as I have ever seen, no. If there had been another exhibit book in existence it would have been possibly transferred into this book.

I Q. So is it true to say then there is no official police record in existence as far as you know of the copy tape recordings and the documents handed over by members of The Times to New Scotland Yard on the 28th of November. A. Well can I say sir that copy tapes and possibly copies of statements were not exhibits, they were copies of exhibits, and that the originals----

H HIS HONOUR JUDGE STROYAN: Just a moment. Yes. Copy tapes

and copy (inaudible) were not exhibits because they were not originals, is that it?

A DETECTIVE SERGEANT COLLINS: That's correct sir. And I believe everything written on here is the original things.

HIS HONOUR JUDGE STROYAN: Can I see the book please for a moment. The first entry appears to be "15 original tape recordings", under the heading "where, above Times offices, dated the 3rd December, 1969 by Detective Sergeant Osborne".

B DETECTIVE SERGEANT COLLINS: That's correct sir, he went to The Times buildings and I believe took possession of all the original material.

HIS HONOUR JUDGE STROYAN: So it looks as if the first entry in this relates to the originals on the 3rd of December whatever may or may not have happened.

C DETECTIVE SERGEANT COLLINS: Yes.

HIS HONOUR JUDGE STROYAN: So far as the proper tapes and copy statement which may or may not have been handed over in any event.

MR. SYMONDS: May I see this book please.

D HIS HONOUR JUDGE STROYAN: Yes, certainly.

MR. SYMONDS: So referring to that exhibit could you state when a further number of tape recordings were handed over to the police.

HIS HONOUR JUDGE STROYAN: Copies or originals?

E MR. SYMONDS: Grundigs.

HIS HONOUR JUDGE STROYAN: Copies or originals?

MR. SYMONDS: Originals and Grundigs. A. Originals on the 5th of December, sir.

F Q. On the 5th of December. And does it say there how many originals and how many copies were handed over.

A. Yes it says 4 originals and 4 copies of the other.

Q. So would that mean that 19 tape recordings were handed over in all. A. Yes sir.

Q. And---- A. 19 originals. 19 originals.

G Q. 19 originals. A. Yes sir.

Q. Can you say how many copy tape recordings were handed over in all. A. The same I believe, it must be the same because there was a copy of each one which we transcribed from.

H Q. But unfortunately there is no record in existence of the exact number of copy tapes handed over on the 28th, is that right. A. Well the copy tapes are not exhibits,

they wouldn't be recorded.

- A Q. But when the copy tapes were originally handed over on the 28th did you or did your superiors then have any reason to believe that they would eventually obtain the originals.
A. I can't answer that because I----

HIS HONOUR JUDGE STROYAN: I don't see how he can answer that one.

B MR. SYMONDS: Well we did hear evidence from Mr. Lloyd, Your Honour that The Times parted with the originals extremely reluctantly after some days of pestering.

HIS HONOUR JUDGE STROYAN: Well that may be so. That may be so but this witness can't answer for what other people may or may not have thought.

C MR. SYMONDS: The point I am---- Is there reference in that exhibit book to the 4 copies you received. A. Yes.

Q. Well you have just stated that you didn't show the previous copies because you didn't consider them to be exhibits. A. Yes.

D Q. So why did you show those 4 copies then. A. I don't know. I don't know. Because I---- it appears here it is because they have come in the same time as the original tapes.

Q. But you have no reason to regard them as being exhibits. A. No.

Q. That you shown them. A. No.

E Q. Now during your period as Assistant Exhibits Officer where did you keep the exhibits. A. The tapes were in a locked cabinet and I believe we had other cabinets for the other exhibits, we had masses of exhibits on the whole enquiry.

F Q. Could you describe the locked cabinet in which you kept them. A. Yes, it was a green cabinet, a green cabinet with a lock which pushed in on the top, I think it had either 3 or 4 doors, 4 drawers.

Q. It was in fact a filing cabinet. A. Yes.

Q. Similar to this one perhaps. A. An older fashioned type than that.

G Q. Did you keep anything else other than the tapes in that cabinet. A. I cannot remember sir, I don't believe so but I cannot remember.

Q. Can you recall whether you kept the original tapes or the copy tapes in that cabinet. A. No I don't believe so, I cannot be sure on that but I don't believe so.

H Q. It is possible then that all the tapes were kept in the one cabinet. A. I don't believe so sir because

these 15 or 19 tapes were kept separate all the time because no one had reason to go to them.

A Q. Were not the tapes marked in some way showing that some were masters and some were copies. A. No, they were kept apart. I believe the original tapes are in the box (inaudible), I believe there was some markings on them saying "copy tapes" but I don't believe there were---- I can't be sure, but I don't believe they were kept with the original tapes because they were being used every day in transcribing.

B Q. And during the earlier part of this enquiry was much interest shown in the activities of the enquiry squad by a number of senior officers. A. Well could you explain what you really mean because there was a number of---- there was a number of senior officers on the enquiry and when you say did other senior officers show concern----

C Q. Yes. A. ----well I suppose, should imagine that all the senior officers at the Yard showed concern on the allegations made against you.

Q. Up to the Commissioner. A. Yes, I should imagine so sir.

D Q. And did, for instance, Commander Roy York take an interest in the activities of your Squad. A. My Lord, Commander York was one of the senior officers at the Yard, I was a Detective Constable, I don't know what the senior officers took in or who took interest into our activities.

E Q. Did you see senior officers examining the exhibits in your offices. A. No they were not. In the office we were in originally at the Yard itself and then we moved to Tintagel House, but we had a separate office because we were doing the tapes all the time.

F Q. Did Commander Virgo(?) ever come into your office. A. Well he was a Commander of C1 Branch that was dealing with this but I can't remember----

Q. He was your direct superior. A. He was a Commander of C1 Department at the time, yes.

Q. And so therefore Commander Virgo is superior of Chief Superintendent Lambert. A. Yes, he was a Commander of C1 Department.

G HIS HONOUR JUDGE STROYAN: That's 'C' Department is it?

DETECTIVE SERGEANT COLLINS: 'C1' Department sir.

HIS HONOUR JUDGE STROYAN: Mr. Symonds, I think you may be wanting to ask this witness, and if so perhaps you would like to, whether there was an opportunity----

H MR. SYMONDS: I'm coming to that.

HIS HONOUR JUDGE STROYAN: Yes, well can you put it then.

A MR. SYMONDS: I am going to put it shortly.

HIS HONOUR JUDGE STROYAN: Can you put it please.

MR. SYMONDS: Yes. During the time you were Exhibits Officer, are you saying you were the only person who had a key either yourself or your partner. A. Sergeant Osborne, myself or Sergeant Vernol sir, all the time I was on the enquiry.

B Q. How many keys were there in existence. A. One.

Q. One key only. A. As far as I know the one key, yes.

Q. And this one key if it wasn't being kept by Sergeant Osborne was kept by you. A. Yes sir.

C Q. Right, and what about weekends, for example, or public holidays. A. Taken home with us.

Q. You took it home with you. A. Yes.

Q. And were you wearing it around your neck by any chance. A. Oh no, had it on a key ring.

D Q. Had it on a key ring, and this green filing cabinet, you say it was quite a normal ordinary---- A. Ordinary type with a push type of lock at the top as well.

Q. This type of lock. Well would you believe me if I told you that I could open such a lock with a nail file. A. Possibly, you might be an expert at opening locks, I don't know, but this cabinet was never ever interfered with in any way.

E Q. No. Had you previously been involved with such office filing cabinets. A. It was a common I believe filing cabinet I believe----

Q. (In audible).

F HIS HONOUR JUDGE STROYAN: I don't believe we can get very much more out of this.

MR. SYMONDS: Very good My Lord. And was Mr. Lambert taken off the enquiry at some stage. A. Well he went off the enquiry, whether he was taken off or moved off on his own volition I don't know, but he did go off the enquiry, yes.

G Q. And when he left the enquiry did he appear to be suffering from any form of ill health. A. I can't answer that sir, I can't answer that.

H Q. Right. And when Mr. Lambert left this enquiry did Mr. Moody take over. A. He took his place yes but as I said before there was an HMI, Mr. Williamson, who was in overall command as far as I am concerned.

A

Q. But Mr. Moody became the Deputy Chief Superintendent that appointed investigating officers. A. Well he took Mr. Lambert's place, yes.

Q. And he was, in fact, the Senior Metropolitan Officer on the enquiry. A. Yes.

Q. And by this time you had moved to Tintagel House is that right. A. Yes.

B

Q. And Mr. Williamson and certain County Officers at this time had moved to the Home Office, is that right. A. No. No, they were at Tintagel House all the time with us, I think Mr. Williamson, his own office was at the Home Office the same as our office was at the Yard, but we were operating from Tintagel House, and they were there every day.

C

HIS HONOUR JUDGE STROYAN: Mr. Symonds, is this----

MR. SYMONDS: I'm coming to it now Your Honour, I will be making allegation now, just a minute.

HIS HONOUR JUDGE STROYAN: Good. Yes.

D

MR. SYMONDS: Are you saying, on your oath, that there was no possible opportunity for Detective Chief Superintendent Moody to go to these tapes and take them from the cabinet without either you or Sergeant Osborne being present. A. That's right.

E

Q. And do you truly believe that Detective Chief Superintendent Moody could not have gone to this filing cabinet and taken these tapes in any other way. A. No.

Q. There could not have been, for example, a second key. A. No.

Q. Now during the time when you were transcribing these tapes who else was present. A. Sergeant Osborne.

F

Q. Just you and Sergeant Osborne. A. It's quite possible other officers walked into the office.

Q. Were there not 5 officers engaged on making these transcriptions. In fact did not Mr. Moody make these transcriptions himself. A. No.

G

Q. And that is absolutely untrue is it. A. Well he wouldn't have the time to do it. It took 2 of us ages and ages to get one man's voice, to sit down on his own, we produced these transcripts for Mr. Moody.

Q. So if Mr. Moody at the committal proceedings----

HIS HONOUR JUDGE STROYAN: No.

H

MR. SYMONDS: No?

HIS HONOUR JUDGE STROYAN: No, I'm afraid not. If Mr. Moody is called we can see what he says but you can't put to this witness what he may have said at some other place.

MR. SYMONDS: Now I believe you said that these tapes never left your possession or this locked filing cabinet apart from when they went to EMI, is that right.
A. Yes.

Q. And I believe you were asked whether there was any other possible occasion when they could have left your possession and I believe you quite firmly said no. A. Yes, that's correct.

Q. Referring to the EMI inspection of the tapes, is it right that these tapes were sent to EMI, the manufacturers of the tapes, they were EMI tapes, to be examined by their experts regarding their alleged authenticity. A. Weren't sent they were taken to EMI.

Q. Yes but why were they taken to EMI. A. To---- as you say, to have a look at them for their correctness.

Q. To see if they were authentic and original----
A. Yes.

Q. ----and complied with their alleged history is that correct. A. Yes.

Q. Do you recall the name of the EMI scientist who examined these tape recordings. A. Roy Taylor.

Q. Were you present on each occasion when he examined them. A. I would say most occasions, I might not have been present on a couple, but most occasions.

Q. Is it true that you took these tape recordings yourself, personally from Scotland Yard to EMI Laboratories. A. Sergeant Osborne and myself took these tapes, yes.

Q. In a brief case. A. In a brief case.

Q. And were you present through their examinations
A. Yes.

Q. Every minute. A. Yes.

Q. And what about lunch times, what happened then.
A. They were locked again in the brief case which the Sergeant and I took possession of.

Q. And they are locked in the brief case and you took them to lunch with you, is that right. A. I believe so yes.

Q. And did you watch the handling of these tapes very, very carefully indeed. A. Oh yes.

Q. With an eagle eye you might say. A. Pardon.

A

Q. With an eagle eye. Everything was recorded when Mr. Taylor had these tapes. A. Let's put it this way, Mr. Taylor was handed one tape at a time and when he was examining the others the others were kept locked away, and when he is finished with that one put away and a report on it.

B

Q. And did you see Mr. Taylor placing this tape upon certain machines to examine it carefully. A. I must have done, yes.

Q. And did you ever see Mr. Taylor writing on any of these tapes. A. No.

Q. At all. A. No.

C

Q. And if Mr. Taylor had started making editing marks with a pen or chinograph or whatever, would you have seen him. A. Of course we would have.

Q. But you didn't. A. No.

D

Q. So you can say that as far as you are concerned there was no opportunity whatsoever for Mr. Taylor to have made any form of editing mark upon these tapes without you seeing it. A. That is correct.

Q. Thank you very much. Now are you quite sure that these tapes did not leave your possession on a later occasion to be examined, for instance, by another expert. A. I'm positive of it.

Q. You are absolutely positive. A. I am positive of it.

E

Q. They were in this green cabinet. A. Until the time I left----

Q. Yes, with the key on the chain. A. No it isn't on a chain it's on the key ring.

Q. On the key ring. A. Yes.

F

Q. No one could have got those tapes out. A. No.

Q. I believe I asked you once before - do you know the name Marsden. A. I do know the name Marsden, yes.

Q. And do you know the name Forsythe. A. Yes.

G

Q. Colleagues of yours. A. They were both Sergeants on the enquiry.

Q. Could they have taken these tapes away sometime, somewhere. A. No.

Q. To have them examined. A. No.

H

Q. You are absolutely sure of that. A. I am positive. Not while I was on the enquiry.

Q. Not while you were on the enquiry. A. No.

A
B
C
D
E
F
G
H

Q. And can we establish the dates that you were on the enquiry. A. Well it was the 3rd of December sir, but the date I came off the enquiry I'm not sure of.

Q. 3rd of December. A. It was early---- early December, it was immediately after the committal, which would have been about January, 1971.

Q. January, 1971, yes. A. Yes.

Q. That's about right. A. Yes, would have been.

Q. So in October, 1970 these tapes were very safely under lock and key and in your possession. A. Yes.

Q. Did you go on annual leave during this time. A. Oh yes.

Q. May be another officer could have removed these tapes while you were on your leave. A. Sergeant Osborne was there or Sergeant Vernol. I am only talking about when I was present.

Q. Now I must put it to you Sergeant Collins that some of the things you said in evidence to-day are, I submit, incorrect. In other words I think you may have been mistaken. A. You are thinking wrong.

HIS HONOUR JUDGE STROYAN: What are you referring to?

MR. SYMONDS: I am referring to this thousand percent custody of the tapes where there was one key and no one could ever get hold of it----

HIS HONOUR JUDGE STROYAN: Yes, very well. Yes, I have got that point.

MR. SYMONDS: Now turning to the transcripts, Sergeant Collins, I believe you were responsible for making the transcripts of exhibits 35(b) and (c). A. Yes sir. Should I say assisting in the making of them.

Q. Pardon. A. Assisting in making these transcripts.

Q. Assisting in making them. And I believe you said you listened to these tape recordings many times. A. Yes.

Q. Now did you have the assistance of any form of sophisticated machinery when you were making these transcripts. For instance some form of machinery where you could cut out background noise or hum. A. No.

Q. It was purely oral. A. It's listening to it from a tape recorder.

Q. And what form of tape recorder were you using. A. I believe it was a large Ferrograph(?).

Q. A large Ferrograph. A. Yes, which we borrowed from the Ferrograph Company.

Q. For this purpose. A. Yes.

Q. Did it have transcription devices on it to assist in transcribing, such as a pedal where you could stop it and run it back. A. Yes, yes it did.

Q. And did it have headphones. A. Yes.

Q. And did, in fact, this transcribing process take place at Denmark Hill. A. No.

Q. Are you quite sure about that. A. I'm positive.

Q. And at that time was there not a facility in existence at Denmark Hill for transcribing tape recordings.
A. Can I say, immediately after I left this enquiry, within two or three months or within a month of leaving this enquiry I was then awaiting promotion and transfer from the Yard and I did go to Denmark Hill then on another tape enquiry. They had facilities there which weren't very good but they were not sophisticated equipment to transcribe tapes at all, it's very similar to what we had been doing, using an ordinary tape recorder.

Q. But you were making these transcripts, were you not, in December, January, December of 1969 January of '70.
A. Yes.

Q. Well would you look at this copy of the police order dated the 30th of October, 1969 please. A. Yes.

Q. And will you look carefully at that official police order.

HIS HONOUR JUDGE STROYAN: I think I had better see that first please. Yes.

MR. SYMONDS: Now is this a Police Order dated the 30th September, 1969. A. That is correct.

Q. Is the heading "Tape Recordings, Transcripts".
A. Just "Tape recordings", oh on top, yes, "Transcripts".

Q. "Transcripts". And is this an official order.
A. Yes.

Q. A copy of it. A. Yes.

Q. And do you see the following advice and instructions: "The receiver has recently purchased equipment to assist investigating officers in processing transcripts of tape recordings which are of poor quality".
A. That's correct. But these tapes----

Q. And before we go any further would you say----

HIS HONOUR JUDGE STROYAN: Just a moment. Do you want to say anything?

A DETECTIVE SERGEANT COLLINS: Well I was saying, but these tapes weren't of poor quality, sir. This enquiry we were doing were contained on one sub-block of offices, and we had no need to go to Denmark Hill to transcribe these tapes. They were excellent quality.

HIS HONOUR JUDGE STROYAN: I'm not quite sure what you are trying to establish here----

DETECTIVE SERGEANT COLLINS: Well sir----

B HIS HONOUR JUDGE STROYAN: Just a moment while I'm talking to the defendant. The quality of these tape recordings will be for the jury to decide, having heard them, and they can receive help from your experts if and when you choose to call them.

C MR. SYMONDS: Your Honour, I submit from what they have heard already they can make their own minds up.

D HIS HONOUR JUDGE STROYAN: Well no doubt they can make their own minds up at the proper time, this is not---- So far as the transcriptions are concerned they are not evidence they are only a guide. I don't think we need waste a lot of time on the transcriptions. This witness has said what the difficulty is. The jury have heard the tapes, they can see the transcriptions and they will make their own minds up. I don't really think we need go through it with this witness.

MR. SYMONDS: Well there are one or two points I am leading up to Your Honour.

HIS HONOUR JUDGE STROYAN: Well let's have them.

E MR. SYMONDS: They will probably end up in an allegation.

HIS HONOUR JUDGE STROYAN: Well let's have the allegation then.

MR. SYMONDS: So is it right that this is an official Police Order dated the 30th September, 1969. A. It's a copy of one, yes.

F Q. A copy of one. And does it start off by saying: "The receiver has recently purchased equipment to assist investigating officers in processing transcripts of tape recordings which are of poor quality"? A. Yes.

G Q. Does the next paragraph say: "The equipment is held at the Telecommunications Centre R & D Section, Denmark Hill and the telephone number and says that requests for processing should be made direct to that branch. A. Yes.

Q. And does it then go on to an amendment in which it says: "Process of Tapes. Equipment is available to assist investigating officers requiring transcripts of tape recordings which are distorted or of poor quality". A. Yes.

H Q. And the next one: "If the tape to be processed is normal $\frac{1}{4}$ " tape or on one of the more common cassettes it can be

dealt with directly by the equipment". A. Yes.

A HIS HONOUR JUDGE STROYAN: Mr. Symonds, the questions we are going to have to decide, the jury are going to have to decide is not what the receiver of the Metropolitan Police may or may not have ordered in 1969 but whether these are genuine and reliable tape recordings. Ask this witness about these tapes if you wish but it really doesn't help to know what the real receiver said about it.

B MR. SYMONDS: Would you say that the tape recordings present in this case fit this order in as much as that some are $\frac{1}{4}$ " committed tapes and some are of normal cassette recorders. A. Yes.

Q. And does it also say that special equipment has been recently purchased for transcribing. A. Yes.

C Q. Now what I would like to know is why were these transcriptions not made at this specially set up centre for transcribing tape recordings. A. Well I believe the equipment we were using at that time, the Ferrograph, was equally as good, if not better, than the Denmark Hill quality, because I used the Denmark Hill quality afterwards. And this is only an advisory, this is not an order which should be used, this is an advisory for if we need to use it, and we didn't need to use it. This is not an order saying you must use it.

D Q. Can you recall who made this decision that these tape recordings should be transcribed by yourself and a couple of colleagues in the investigating office, and should not be transcribed----

E HIS HONOUR JUDGE STROYAN: No, no, I'm afraid not. He can't tell us what other people thought and said.

MR. SYMONDS: Well Your Honour he did say that he had the opinion that this Ferrograph, which had been hired, was superior to the Denmark Hill.

F HIS HONOUR JUDGE STROYAN: He thought---- he said he had been to Denmark Hill, he had used his own equipment and he thought the Denmark Hill was not awfully good. Nothing more than that. (Inaudible) on this topic.

MR. SYMONDS: When you started to make these transcriptions did you have the use of The Times transcripts. A. We had a copy of them, yes.

G Q. And did you find that your version of, police version of a transcript, more or less The Times transcript. A. More or less.

Q. And did you find certain other passages which were not on The Times transcripts. A. Oh we found many passages.

H Q. Now when you found these passages how did you find them. A. By listening to the tape. Listening over and over

again for what was trying to be said.

A Q. Had you ever been involved in making transcripts before.
A. No.

Q. This was in fact your first attempt at making a transcript. A. It was the first time I was used to make a transcript yes.

B Q. And about your colleagues, was it their first attempt.
A. I don't know. I don't know.

Q. And excuse me asking but do you hold any qualifications in phonetics or linguistics or anything like that.
A. No, none whatsoever.

Q. So it was really an amateur----

C HIS HONOUR JUDGE STROYAN: I don't suppose any Members of the Jury do and I certainly don't, so----

MR. SYMONDS: It was an amateur----

D HIS HONOUR JUDGE STROYAN: Mr. Symonds, the evidence, and I keep on telling you, is not the transcript, the evidence is the tape recordings and that the jury can hear. I don't think it is going to help them to go on about the transcripts. They can read them all at their leisure if they feel like it, whether they will or not is another matter, they certainly can if they want to. But I really don't think it helps going through the transcripts in detail, comparing one with the other. Everybody can see it. It's there in black and white. What the jury are going to have to decide upon is not what is said in the transcripts but what they hear from the case.

E HIS HONOUR JUDGE STROYAN: Your Lordship, if you recall I objected most strenuously about these transcripts being allowed in the evidence in the first place because first I considered them hearsay, and secondly, I considered them even more prejudicial to me than the tape recordings and, Your Honour, the Prosecuting Counsel spent practically a whole afternoon taking the jury through these transcripts, or through one of these transcripts, practically word by word. And this method of attack by the Prosecution has now made the transcripts a very important factor in this case Your Honour, and the jury now have 4 sets of transcripts before them from three different sources----

F
G HIS HONOUR JUDGE STROYAN: Mr. Symonds, they might have 14 or 40 transcripts before them, the direction I shall give them is they will decide the case not on the transcripts but from what they hear from the recordings. Now I really don't think it's going to help you to go on and on and on about the transcripts. You have got some points which the jury will no doubt be anxious to consider, and I think you might find it very much easier if they are not over-loaded with a lot of unnecessary material. If you can keep your points understandable and uncluttered you might find it serves your purpose perfectly well. I am trying to help you.
H

A MR. SYMONDS: Now looking at these transcripts, did you from time to time make further additions and amendments which you called "Tape inserts, re. Symonds", and which referred to various page numbers and line numbers and recommend that this sentence should be changed to that or whatever. A. Possibly I did it, possibly Sergeant Osborne did it.

Q. And is it true that most of your alterations to The Times transcripts does not incur---- affect so much the body of The Times transcripts----

B HIS HONOUR JUDGE STROYAN: No he didn't alter the Times transcripts, he made his own.

C MR. SYMONDS: Is it a fact that the difference between the Police transcript and the Times transcript involves passages referred to by The Times stenographers as garble. A. The Times transcripts produced were very scanty to say the least. We did them as full as we could. After the first initial looking at The Times transcript against the tape, discarded it and then made our own.

D Q. So on your first attempt at transcribing the tape recording, and with may I say no qualifications whatsoever along that line, you decided that you could hear certain things in garbled passages which The Times stenographers and transcribers hadn't been able to hear. A. Not the very first time I did it. This took months and months to get, as I say, listening and writing down, listening and going back just for one word. I'm not an expert at it and I don't think there is such a person as an expert for transcribing tapes.

E Q. And did Mr. Moody play a considerable part in this deciphering of the garbled passages. A. No.

HIS HONOUR JUDGE STROYAN: Did he play any part?

DETECTIVE SERGEANT COLLINS: I can't remember, I don't believe so sir.

F MR. SYMONDS: Do you know Sergeant Jones. A. Yes, yes.

Q. And was he on this enquiry as Mr. Moody's Sergeant. A. No, he wasn't Mr. Moody's Sergeant. Sergeant Boreham ---

Q. Was he on this enquiry. A. I believe he---I can't remember sir. I know Sergeant----

G Q. Did Sergeant Jones play any part in the making of these transcripts. A. No, none whatsoever.

Q. Can you recall the names of any other officers that may have played a part in making these transcripts, on reflection. A. No.

H Q. So do you remain in the position that these transcripts were made by yourself and Sergeant---- A. Well I'm saying it's possible there's somebody listening and pointed out that he thought that word was so and so.

A Q. Oh, so this could be any sort of---- this could be some other person who might listen to the tapes and say well I think this means so and so, is that right.
A. Look, this is when the final, as far as we're concerned, the final transcript, as best of our ability, could do it. And then we still sent through again. And this is how these amendations were made I should imagine

B Q. Thank you very much.

RE-EXAMINATION BY MR. RIVLIN:

C MR. RIVLIN: Your Honour, a letter was referred to earlier in cross-examination. May I say that I am happy to accept that the defendant's solicitors were asking what had happened to original tapes and not what had happened to copy tapes, if that assists Mr. Symonds. And in relation to the answer that was given, if you will be so kind as to listen to me, because it has not all been read out. It reads as follows: "Point 3 (which is the question of who had access to the tapes) "will be covered in a notice of further evidence to be served as soon as possible". Would you know that a notice of further evidence was served with a number of police officers on it. A. I don't know.

D Q. You don't know. A. No.

E Q. Well certainly that's so Your Honour, and indeed the defendant has been provided with every statement in our possession including one from Mr. Marsden and Mr. Forsythe that could possibly be relevant to this point.

HIS HONOUR JUDGE STROYAN: Yes.

F MR. RIVLIN: Then to go on. Does the paragraph read: "From the time of the earlier trial until the conclusion of the subsequent appeal----", of course there has been no appeal in this case has there. A. No sir.

Q. That's only in the other case. A. Yes sir.

Q. "All senior officers involved in the case had access to the tapes". A. Yes sir.

G Q. "From the time at which the tapes were deposited in the police stores it's only possible to name a few officers who have seen the tapes and their identities will be disclosed in a notice of further evidence."
A. Yes sir.

H Q. Well Your Honour, the only other thing that I say is this, before finishing this witness - if any impropriety is being alleged against individual witnesses called by the Crown then that in our submission must be put.

HIS HONOUR JUDGE STROYAN: Oh certainly.

MR. RIVLIN: There's been a very, very great deal of cross-examination of this witness but he hasn't been accused of any impropriety.

A HIS HONOUR JUDGE STROYAN: No.

MR. RIVLIN: If the defendant has it in mind to accuse him of impropriety at some later stage it should be dealt with now while he is here in the witness box.

B HIS HONOUR JUDGE STROYAN: Of course. I have already pointed this out and as I have heard the cross-examination I have heard no suggestion of impropriety including this witness I shall therefore not allow any such suggestion to be made at any later stage.

MR. RIVLIN: As Your Honour pleases. That's why I mention it now he is here in the witness box.

C HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS: Your Honour, I did make a suggestion that he was mistaken.

HIS HONOUR JUDGE STROYAN: Yes you did, but that's not impropriety.

MR. RIVLIN: Thank you very much indeed Sergeant Collins.

D MR. RADCLIFFE: Your Honour, I call Detective Chief Inspector Vernol who is the statement after Sergeant Collins'. Page 8. May Sergeant Collins be released.

HIS HONOUR JUDGE STROYAN: Yes.

Detective Chief Inspector Edward M. VERNOL, sworn:

E Examined by Mr. RADCLIFFE:

MR. RADCLIFFE: Detective Chief Inspector, during 1970 were you a Detective Sergeant serving in C.I. Department at Scotland Yard. A. That is correct My Lord.

F Q. And posted to The Times enquiry. A. That is correct My Lord.

Q. Do you know when you joined the enquiry. A. I believe it was some 6 months, 4 to 6 months after the enquiry started.

G Q. And did you take over duties of the exhibits officer. A. Yes sir.

Q. Who was your predecessor. A. Detective Sergeant Osborne.

Q. Do you know who took over immediately from him or there was some gap between his leaving---- A. I think I took over on a Monday and I think he had ceased on a Friday.

H Q. When you took over were all the exhibits in the enquiry,

including tape recordings and cassette tape recordings, put into your care. A. That is correct.

A Q. Were there 19 tapes and cassettes altogether. A. Yes sir.

Q. And would you please look at exhibits 1 to 7 in this case and see if you can identify them. Do you recognise that exhibit 1. A. Yes sir.

B Q. How do you reconise it. A. Well by the box and the signatures on it.

Q. Yes----. A. And it was also in an envelope which has my writing on it.

C Q. Would you just point out your writing on the brown envelope, the small brown envelope. A. The small brown envelope, it's got tape 1, JDM 1, and they were the little envelopes I used just to keep the boxes in.

Q. You wrote that. A. That is my writing.

Q. Was there a similar envelope for each of these 7 exhibits. A. Yes sir.

D Q. Similarly written upon. A. Similarly written upon, yes sir.

Q. Would you look at exhibit 2 please. Do you recognise that. A. Yes it's got the same envelope with my writing on. Inside there's a spool with signatures on that I recognise.

E Q. Yes, exhibit 3 please. A. Likewise, a brown envelope with my writing on it. Signatures on the boxes and signatures on the spools.

Q. Yes. Exhibit 4. A. Same little brown envelope with my writing on it. A spool and the box. It's not my writing on the spool but I recognise the writing on the spool and the box mainly.

F Q. They were there when---- A. When I took it out.

Q. ---- they came into your custody. I see. Exhibit 5 please. A. Again in a brown envelope with my writing on. Again the writing on the spools, the writing on the box.

G Q. Exhibit 6. A. Again in the brown envelope with my writing on. I recognise the box, the writing on the box, the writing on the spools.

Q. And then finally the cassette, exhibit 7. A. Again my writing on the little brown envelope. I recognise the signatures on the spool.

H Q. Yes---- A. And writing on the back of the box.

Q. So far as you were concerned those were all the original

tapes of which you received custody in 1970. A. That's correct, sir.

A

Q. What did you keep them in. A. They were kept in a metal filing cabinet.

Q. All the time. A. All the time except if they were taken out for examination by experts.

Q. Yes. The box there, I don't know if you noticed it----
A. A wooden box yes, I can see it.

B

Q. Did you have that made. A. Yes I caused that to be made and that was for storing the tapes in. I used it first of all for conveying the tapes to the Central Criminal Court, then later used for storage of the boxes.

C

Q. Why did you take them to the Central Criminal Court.
A. Well there was a previous trial there.

Q. Was that Robson and Harris. A. Robson and Harris, yes sir.

Q. Would you have taken exhibits 1 to 7---- A. Yes, all the tapes all----

D

Q. ---- the Symonds tapes to the Court as well. A. Yes.

Q. Yes. In that box. A. In that box, yes.

Q. And were you using the cabinet as well as the box to store the tapes or what. A. No. When the tapes went to the Old Bailey, they went there every day from Tintagel House.

E

Q. In this box. A. In that box, yes.

Q. So at night you kept them in the box. A. In the metal box, they go back in the wooden box then they go to the Old Bailey with them and then come back in the evening.

F

Q. And then there was an appeal in the Robson and Harris case. A. Yes sir.

Q. Were the tapes taken to the appeal. A. I can't remember sir.

Q. Were you there, were you at the appeal. A. Yes, I went to the appeal. I think----

G

HIS HONOUR JUDGE STROYAN: I would be surprised if the Court of Appeal listened to tapes.

DETECTIVE CHIEF INSPECTOR VERNOL: Yes sir, I think it was just judges sitting on their own reading.

H

MR. RADCLIFFE: Yes. Now at some stage did the tapes leave Tintagel House? A. Yes, they went to the Metropolitan

Police Prisoner's Property Office for storage.

A Q. Yes. And what were they in when they were taken there for storage. A. In the wooden box.

HIS HONOUR JUDGE STROYAN: Has the wooden box got an exhibit number?

MR. RADCLIFFE: No.

B HIS HONOUR JUDGE STROYAN: It had better have one.

MR. RIVLIN: In that case the wooden box will become exhibit number 45.

HIS HONOUR JUDGE STROYAN: 45 yes, thank you.

MR. RIVLIN: Does Your Honour wish the jury to see it?

C HIS HONOUR JUDGE STROYAN: Well they can see (inaudible)

MR. RIVLIN: There are compartments in it.

MR. RADCLIFFE: As to those compartments, did you keep anything besides exhibits 1 to 7 and the other tapes, the Robson and Harris tapes, in that box. A. When----
D When everything was stored I think all the tapes went in, The Times copy tapes, everything was stored in that box, all tapes, and I think there was some transcripts stored with them as well but that's only from memory.

E Q. Yes. When you gave up the job of exhibits officer what did you do with the key to the box. A. The keys to the box was handed to the Commander of C.I. Department of Scotland Yard.

HIS HONOUR JUDGE STROYAN: When was that?

DETECTIVE CHIEF INSPECTOR VERNOL: That was following the appeal My Lord. I can't remember the date.

F MR. RADCLIFFE: '73 I understand.

HIS HONOUR JUDGE STROYAN: Have you got the date of the appeal?

MR. RIVLIN: Your Honour, June, 1973.

HIS HONOUR JUDGE STROYAN: 26th of June, 1973. Key to the box handed to whom?

G DETECTIVE CHIEF INSPECTOR VERNOL: Commander, Central Office, Scotland Yard.

MR. RADCLIFFE: Who would that be, Commander Drury, Commander Virgo or---- A. I can't remember who was Commander in those days. Might have been Commander Chitty but I can't remember.

H Q. And did you next see the box in June, 1980. A. That's correct, sir.

A Q. 5th of June. Did you go to the Prisoner's Property Store at Cricklewood with Detective Chief Inspector Walker, the officer in the case, and Detective Sergeant Stone, exhibits officer. A. That is correct My Lord.

Q. And did you find the box intact. A. Yes.

Q. And was it locked. A. It was locked, yes.

B Q. Did you look inside to see if the contents were in order. A. Yes, the tapes were in the box.

Q. And were they exactly as you remembered them when you deposited the box. A. The tapes were as I remembered them, yes. As they are today.

Q. Yes. Yes thank you.

C CROSS-EXAMINATION BY MR. SYMONDS:

MR. SYMONDS: This box, exhibit 45, when exactly was it made.

A. Some time during the course of the enquiry, obviously towards the end.

D Q. Towards the end. Would that have been about 1972. A. Well it was some time before the first trial.

Q. 1972. So really that box has very little to do with the custody of the tapes from between 4 to 6 months after the beginning of the enquiry which started in 1969, and when the box was made in 1972. A. Yes. It was made for the eventual storage of the tapes, yes, and easy transportation.

E Q. When exactly did you come on to this enquiry. A. 4 to 6 months after the ----

Q. March or April. A. Thereabouts, yes.

F Q. 1970. A. Yes, thereabouts.

Q. And until that box was made in approximately 1972 where were the tapes kept. A. In a metal cabinet.

Q. Was the cabinet something like this one. A. I think it was a drawer yes, a set of drawers yes.

G Q. And can you remember the colour of it. A. Well grey, they are all grey..

Q. A grey one was it. Not green. A. I can't remember I think it was grey.

Q. And did it lock. A. Yes it had a lock.

H Q. And was it an old type or a new type. A. It was a cabinet with a lock.

A

Q. With a lock. And was the lock at the top that you press in. A. I can't remember.

Q. A normal sort of filing cabinet lock. A. It was a secure filing cabinet.

Q. Just a filing cabinet. A. Yes.

Q. With a normal press in lock. A. I can't remember the lock. With a lock.

B

Q. And what sort of a key did it have this lock. A. It had a key.

Q. Was it like a radio arial key or was it a normal key. A. No, it was a proper----

C

Q. Like a suitcase key. A. It was a proper key for a secure filing cabinet.

Q. And how many keys were there. A. One as far as I remember.

Q. Only one. A. As far as I remember, yes.

D

Q. And it was the normal lock. A. It was----

Q. The normal type of lock for that sort of filing cabinet. A. Well all I can say it was a key, it was a filing cabinet which I think was grey----

HIS HONOUR JUDGE STROYAN: I don't think the lock can matter very much.

E

MR. SYMONDS: Well what I was getting at is whether it was a specially made lock to make this filing cabinet extra secure.

DETECTIVE CHIEF INSPECTOR VERNOL. It was a normal, secure filing cabinet sir.

F

MR. SYMONDS: And in your experience of working in offices and such do you find that one key may well open several such filing cabinets. A. No that's the idea of having a secure filing cabinet.

Q. And that such filing cabinets are normally supplied with more than one key. A. I don't know that I'm afraid.

G

Q. Well would it seem feasible to you that when such a filing cabinet is supplied to an office there would be more than one key supplied. A. I don't supply them to an office, there was a key that I had.

Q. And where did you keep this key. A. On my person.

H

Q. On your person, and when you went home at night what did you do with it. A. I was normally the last one out of the office, I took it with me.

Q. And when you were on annual leave or whatever what did you do with the key. A. Well my deputy would have had it.

Q. Sergeant Collins. A. That's Sergeant Collins, yes.

A Q. Now could anyone have gone to this filing cabinet and had a look at these tape recordings without asking you to come along with your key. A. No, they would have---- during working hours there was either me or Collins present in the office. After working hours they would have had to force entry to the office.

B Q. And during working hours. A. Well I would have been in the office, or Collins would have been in the office. It was permanently manned for about 12 hours a day.

Q. And at that time who was the appointed investigating officer on this enquiry. A. Well the enquiry was run by the Inspector of Constabularies called Williamson, there was about 3 Chief Superintendents on it.

C Q. And who was the senior Chief Superintendent. A. Well the one who had the day to day running was Chief Superintendent Moody.

Q. And who was the senior officer above Moody, shall I say the Commander--- A. There was no Commander, there was a----

D Q. ---- of that---- of that section. A. Well it wasn't a section, it was a special enquiry set up under Her Majesty's Inspector of Constabularies.

Q. Well did this come under C.1. A. Yes.

Q. And who was the Commander of C.1. A. I think there was about three during the course of the enquiry.

E Q. Would Mr. Virgo, for example, have been the Commander. A. I think it was Mr. Chitty then Mr. Marchem and then Mr. Virgo.

Q. And Mr. Chitty was Deputy Assistant. A. Not when this enquiry started, no. I think he was in charge of C.1. when that started.

F Q. And by the time you came on to this enquiry had all the transcripts been made. A. All the transcripts had been made, yes.

Q. Had all been finished and done with. A. Yes.

G Q. And were the recordings ever played to perhaps---- to make further amendments or additions to the transcripts. A. No, the only times the tapes were played when I was there was when they were examined by the experts, the various experts, and also obviously played at the Old Bailey----

H HIS HONOUR JUDGE STROYAN: Are we talking about original tapes or copy tapes?

DETECTIVE CHIEF INSPECTOR VERNOL: Original tapes sir - and then amendments were made during the playing of the tapes. When

you hear these tapes you hear different things on occasions.

A Q. And were you ever responsible for suggesting any amendments. A. I think I probably was, yes, at the trial of Robson and Harris, and I think also the judge was and several Members of the Jury.

Q. Yes. And on what did you base your amendments. A. Ears.

Q. Your ears. But you have no sort of qualifications or anything. A. No, I have just got a pair of ears.

B Q. A pair of ears. And was this your first experience ever of transcribing tape recordings. A. Well I wasn't transcribing them. I never transcribed the tapes.

Q. I thought you said that you offered some amendments to the transcribing. A. That's not transcribing, that's making suggestions.

C HIS HONOUR JUDGE STROYAN: "All the transcripts were made before I came on the enquiry. I probably suggested amendments."

DETECTIVE CHIEF INSPECTOR VERNOL: That sums it in a nutshell My Lord.

D MR. SYMONDS: And would an amendment to the transcript be transcribing from the spoken word to the written. A. Well I would be amending a transcript.

Q. And during the time you were exhibits officer did you ever have any necessity to refer to the copy tapes for example. A. I think some of the experts also looked at the copy tapes. Again I am going from memory.

E Q. And I believe you had a large number of exhibits in this case, 700 or 800. A. I think there was probably perhaps more, certainly a large number, yes.

Q. And so of course all your exhibits were recorded in an exhibits book. A. That's correct, yes.

F Q. Would you please look at the exhibits book. So when the experts were asked to look at the copy tapes would you have any need to refer to your exhibits book for example. A. Well no.

Q. You wouldn't. And if someone asked you to look at a statement made by say a member of The Times staff would you refer to your exhibits book. A. Well if you were looking at statements the statements were under the control of the office manager, that was a separate system in the system.

Q. And are all exhibits in this case listed in that book. A. Yes, as far as I can recall.

H Q. And, for example, would any copy tapes be listed in that book. A. No because they are not exhibits.

Q. Will you look at the entry for the Grundig tape recordings

taken possession of on the 5th.

A HIS HONOUR JUDGE STROYAN: I think we can take this rather more shortly. There appears to be an entry which suggests that 4 Grundig copy tapes are there as well as the 4 originals. I think that's the point you want to take isn't it?

MR. SYMONDS: Yes. I'd like to ask, following on from that, is can this officer assist the Court as to why there is no entry for the copy tapes of the 14 or 15 EMI $\frac{1}{4}$ " tapes.

B A. Well looking at this exhibits book, see the writing, these entries were made, these particular entries that we are talking about now were made before I was in the enquiry and it's in somebody else's writing.

C Q. So you can offer no explanation why another officer, either your predecessor, an exhibits officer, or your assistant, you can offer no explanation as to why he should make an entry regarding 4 copy tapes of Grundigs but made no entry regarding the copy tapes of the $\frac{1}{4}$ ". A. Well I can't answer that question. That's for the person who made the entry.

Q. Yes I see. Did the original tape recordings ever go out of your possession while you were exhibits officer. A. I don't think they did.

D Q. Did the original tape recordings ever leave this cabinet during the time you were exhibits officer. A. When I took them out yes, or Collins took them out. Like I said, as far as I can remember if the originals went I went with them or Collins went with them.

E Q. And can you recall if these tapes had already been examined by EMI before you came on the scene.

HIS HONOUR JUDGE STROYAN: Well if he did he could not tell you could he.

DETECTIVE CHIEF INSPECTOR VERNOL: I think I can answer it by saying I went to EMI sir I think on 3 or 4 occasions, but I know that other officers had been to EMI before me.

F MR. SYMONDS: When you went to EMI did you take with you some of these original tape recordings. A. Well if the expert asked for a tape or tapes I would have taken them, taken what he requested.

Q. And did you ever take any of these tapes to be examined by Mr. Taylor. A. Yes, he is the expert from EMI.

G Q. And while Mr. Taylor was examining these tapes would you have been present in the laboratory. A. Yes, all the experts were very careful and none of them would examine them or touch them without the police being present.

H Q. And therefore while this tape was being examined you would have been watching most carefully. A. I would have been sitting down watching it, yes.

Q. And if, therefore, Mr. Taylor had made any attempt to

A draw or write on these tape recordings with any form of writing instrument to have made such a (inaudible) mark you would have seen this. A. I should have seen yes. If I remember Mr. Taylor used, as did all the experts, they used little tiny pieces of paper which they used as flags.

Q. I see. So on no occasion did you see Mr. Taylor writing or drawing on these tapes with any form of writing instrument. A. No.

B Q. Now later did you take these original tape recordings to be examined by other experts. A. Yes.

Q. Can you recall the names of these experts. A. Mr. Killick and Mr. Ford I went to on a very large number of occasions, and I went to a Mr. Hyde I think.

C Q. Now were you present ^{when} Mr. Killick or Mr. Ford discovered certain marks upon some of these tape recordings. A. Yes.

Q. Can you remember the occasion clearly of the discovery. A. I think---- I think one mark, again I'm going talking about 10 years ago, 11 years ago, I think before Mr. Ford examined them Mr. Killick examined them visually at home in my presence and I think one mark was found on that----

D HIS HONOUR JUDGE STROYAN: Whose home, his home or your home?

DETECTIVE CHIEF INSPECTOR VERNOL: His home sir. And then the second mark I think was found in Mr. Ford's laboratory.

E MR. SYMONDS: So if you say visually at home is it a fact that Mr. Killick was working from his home. A. The first occasion yes and then after that we went to Mr. Ford's laboratory.

Q. And you took the tape recording to his home. A. That's right yes.

F Q. Did he have certain equipment and machinery at his home--- A. That's correct, yes.

Q. ---- to facilitate this investigation. A. That's correct, yes.

Q. You were present when Mr. Killick found one mark and you were also present when Mr. Ford found---- A. When Mr. Killick found the other one, yes, I can't remember which one, found which.

G Q. Now if Mr. Killick or Mr. Ford had been minded to make some form of editing mark, either with a crayon or pencil or some form of writing instrument, on any of these tapes, could they have done it without you being aware of it. A. Without me seeing it, no.

H Q. Thank you very much.

HIS HONOUR JUDGE STROYAN: Mr. Symonds, do you want to ask the

witness whether there was opportunity of interfering with tapes by any of these senior officers whom you have mentioned?

A MR. SYMONDS: Yes I should do.

HIS HONOUR JUDGE STROYAN: And if so do you want to go on to ask whether they did so far as you think is material.

MR. SYMONDS: Yes.

B HIS HONOUR JUDGE STROYAN: Yes. Let's have that then.

MR. SYMONDS: When you came on to this enquiry in March was it ----
A. Early

C Q. ---- was Mr. Lambert still the investigating officer.
A. I think Mr. Lambert was sick then or went sick very shortly after I joined the enquiry. He was either sick before I went on it or sick shortly after.

Q. And at some stage he left the enquiry. A. That's correct. Through sickness.

Q. Through sickness. And Mr. Moody then took over his job as it were. A. Yes, Mr. Moody had the day to day running.

D Q. Yes. And----

HIS HONOUR JUDGE STROYAN: Can you just put the allegation so that he can have an opportunity of dealing with it.

MR. SYMONDS: Pardon?

E HIS HONOUR JUDGE STROYAN: Can you just put that allegation so that he can have an opportunity of dealing with it.

MR. SYMONDS: Which one Your Honour?

HIS HONOUR JUDGE STROYAN: The one you seemed to want to make and I suggested you might want to make, about interference by senior officers. That can be put quite simply.

F MR. SYMONDS: During the time that you were exhibits officer would it have been at all possible for any senior officer to have made any form of interference on these tape recordings.

HIS HONOUR JUDGE STROYAN: You mean, presumably, without---- either with or without his knowledge?

G MR. SYMONDS: Well obviously without his knowledge. A. They didn't do it with my knowledge----

H Q. I'm not suggesting that but without your knowledge.
A. It would have been very, very, very difficult. It would have meant there would have had to be another key that I didn't know about, it would have meant probably that entry would have had to have been obtained to the office after office hours.

A Q. Yes, but you say very difficult but you do not say impossible. A. Well nothing's impossible is it?

Q. So---- Is that sufficient.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS: Thank you very much.

RE-EXAMINATION BY MR. RIVLIN:

B MR. RIVLIN: I'd only like to ask you this. During the whole of the time that you had custody of the tapes and they were kept in your possession, did you have cause to suspect that anybody had taken the tapes out. A. No, the tapes have always been a very contentious part of this case right from the word go, and I and other officers were very, very careful in our dealings with the tapes, as were experts.

C Q. For example, when you ever went to open the cupboards or the drawers with the tapes in did you ever find that they had been disturbed or moved in any way. A. No.

D Q. If you had found any such thing what would you have done about it. A. Well I would have had to report it.

Q. Thank you very much indeed officer. Might he be released Your Honour.

HIS HONOUR JUDGE STROYAN: Certainly, yes.

E MR. RIVLIN: Mr. JULian Mounter please.

JULIAN d'ARCY MOUNTER, sworn:

Examined by Mr. Rivlin:

F MR. RIVLIN: What is your full name please. A. Julian d'arcy MOUNTER

Q. What is your address; A. It is 11 Brookfield Road, Chiswick, West 4.

G Q. Now Mr. Mounter would you kindly keep your voice up so that everyone can hear what you say. What is the nature of your employment at the present time. A. I am an Executive Producer, Thames Television.

Q. In 1969 by whom were you employed. A. By The Times.

Q. As what. A. I was general reporter.

Q. When had you joined The Times as a reporter. A. Early in 1966.

H Q. So you had been with them for over 3 years at the time of

this matter. A. That is so.

A Q. And is it right, Mr. Mounter, that in 1969 you became involved in what everyone now knows to be The Times enquiry. A. That is so, yes.

Q. That is the certain allegations made about the police officers. A. That is so.

B Q. Against police officers. Now how did you become involved in that - can I just ask you some simple questions. Were you looking for involvement or as it were did the matter come to you. A. Not at all sir. I had just returned from covering the Biafran War and I was told that an enquiry had started and that Gary Lloyd was covering it and that he needed somebody working with him and I was chosen to do it.

C Q. And so you were chosen to work with Mr. Lloyd. A. That is so, yes.

Q. Had you yourself ever been involved in anything quite like this before. A. No sir.

D Q. Had you ever been involved before in tape recording conversations in the manner that was done in this case. A. No sir.

Q. Did you keep a record or records of the events that transpired. A. Yes sir. I made various statements to The Times. I took some notes on, I think on the back of----

E Q. Keep your voice right up sir. A. I took some notes on the back of an envelope and some on a cheque book. I made notes, but the main notes were taken by Mr. Lloyd.

Q. The main notes were made by Mr. Lloyd you you say you made some statements to The Times ---- A. That is so.

Q. And kept some other records as well. A. Yes.

F Q. Now I'd like you to have a look please if you would at a bundle of statements, just for the purposes of identifying them. Do you there see a bundle of statements. A. I do.

Q. Do you recognise them. A. Yes sir.

Q. Are those statements that you made to The Times. A. They are, yes sir.

G Q. Are they signed by you. A. Yes sir, they are.

Q. And witnessed by somebody else and dated. A. That is so.

H Q. Now can you please help the Court as to when it was that the statements to The Times were actually made, how long after the events were they made. A. I'm not very clear on this, I can't remember it exactly, but mostly they were made within a day or two of each meeting or each major event.

A

Q. At the time when they were made were the matters to which reference was made fresh in your mind. A. They were, yes sir.

B

Q. In fact they are not dated are they day by day they are dated either I think the 25th of November or the 27th of November. A. Yes sir. They are dated on the top of one date and I think they are dated on the bottom the dates that they were finally signed, but I think this is because they were re-typed neatly by the secretary, but I'm not certain, I haven't been asked about that.

Q. You are absolutely right, I should have said that they are not signed day by day, they are signed as it were at the end aren't they ---- A. That's right.

Q. ---- in November, but they are dated day by day are they not. A. Yes sir.

C

Q. You are now being shown another document which is headed: "Transcript of Notes taken by Julian Mounter during 1969 Times Investigation into Police Activities". Do you remember that document. A. Yes sir.

Q. Is it typewritten and does it bear some of your handwriting. A. Yes, it does yes.

D

Q. When was that document prepared. A. I think it was prepared after we had handed everything to the police.

Q. And from what was it prepared. A. I was reminded the other day - I think it was prepared from 2 notebooks that I made up from these statements and from other notes like the cheque book and the envelopes.

E

Q. Are those notebooks any longer in existence. A. I don't have them I don't think sir.

Q. Again at the time that those notes, those last notes were prepared, were the matters spoken to fresh in your mind. A. They would have been reasonably fresh, yes.

F

Q. Did you also make a very long statement to the police of over 100 pages in length in December of 1969. A. I did, yes.

Q. And I hope that it won't become necessary for me to show you that but were those---- was that---- were those statements when they were made to the police relating to matters that were fresh in your mind at that time. A. Yes.

G

Q. So that you could speak about them with confidence. A. Yes sir.

H

Q. Now you have mentioned that Mr. Lloyd was involved in this, did anyone else become involved, that is apart from Mr. Perry and the defendant. A. Yes, there was Mr. Hawkey who is the sound engineer; Miss Millard who was his assistant, the News Editor Mr. Collin Webb, and the Assistant Editor Mr. Michael Carling(?), and the

editor himself Mr. Michael Rees-Morgan, and also the solicitor for The Times Mr. James Evans.

A Q. They all learned about this. A. Yes, throughout.

Q. And as regards The Times did you have any secretaries that ever became involved. A. Yes, from time to time secretaries helped with transcribing the----

B HIS HONOUR JUDGE STROYAN: Keep your voice up, I didn't hear you precisely.

MR. RIVLIN: You must at all times---- are you having difficulty with your voice.

MR. MOUNTER: No I do talk rather quietly sir.

C MR. RIVLIN: Then you are going to have to really shout it out I'm afraid. Would you tell the jury---- A. From time to time there were secretaries involved to help with transcribing notes etcetera.

Q. Can you remember the names of any of those secretaries. A. Yes, one was Prudence Woore, one was Miss Ann Dippy, I don't remember the others. I remember a---- I remember a lady called Beverley and somebody called Margaret.

D Q. Do you know where Prudence Woore now lives. A. In Australia.

Q. Now Mr. Mounter to go to the beginning of this but I don't want you to be talking about the other police officers whom you were investigating, let's concentrate, shall we, on the case of Mr. Symonds. A. Certainly.

E Q. The 28th of October, I think, was the first day, is this not right, that any conversation with Mr. Symonds was allegedly, and I use that word advisedly, allegedly recorded. A. I think that was the date, yes sir.

Q. Would you like to look at your statements to The Times - might he do that Your Honour.

F HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Look at your statements to The Times. A. Yes.

Q. And is there reference there to the 28th of October, 1969. A. There is, yes.

G Q. And on the morning of that day was a telephone call made. A. Yes it was sir.

Q. By whom and to whom. A. By Mr. Perry to try and reach Sergeant Symonds.

Q. And did he reach Sergeant Symonds. A. He did in the end, yes sir.

H Q. Now before the jury proper commenced but during the course of the last two weeks, that's last week and the week before,

you were in court and you listened to certain original allegedly original tapes being played didn't you.
A. Yes.

Q. And you heard played exhibit number 1, a tape recording of a telephone conversation. A. That is correct.

Q. What do you say about the content of the recording that you heard when you were in court. A. It appeared to me to be exactly the same recording sir.

Q. Would you please have a look at exhibit number 1, tape 1, exhibit 1, tape 1, please. Look at the box. Is there any hand-writing on that box that you can recognise.
A. There is writing, I'm not absolutely certain----

Q. I am sorry Mr. Mounter---- A. Yes there is writing, it says "master, telephone call, October 28", and I think it may be Mr. Lloyd's but I'm not certain.

Q. You're not certain about that. A. No, I think it is.

Q. Well what about the spool, would you look at the spool.
A. Yes.

Q. Is there anything on the spool that you can recognise.
A. There is October 28th, 'phone, which again I think that 'phone, that is Mr. Lloyd's writing.

Q. Any of your own hand-writing on that particular tape.
A. No sir, I have only signed the exhibit marking.

Q. You have signed the exhibit marking. A. Yes.

Q. Were the original tapes ever marked. A. Yes, after a short period we started a system whereby as soon as we took them off the machines either Mr. Lloyd or myself would sign the centre of the spool and also mark the boxes. I'm not exactly sure how soon into the enquiry that was but it was fairly soon in the whole enquiry rather than just the one affecting Mr. Symonds.

Q. That's with all of the recordings. A. Yes, yes.

Q. And when tapes were marked were they marked before or after the recordings were made, can you remember.
A. I think they were marked immediately afterwards.

Q. That's the best of your recollection. A. Yes, it is the best of my recollection.

Q. What do you say about that particular tape that you have got in your---- in front of you now. A. To the best of my knowledge sir that would be the same tape.

Q. That is the. A. The tape that was recorded at the time.

Q. The original tape. A. Yes.

Q. Now would you put that down please. That afternoon, and

I'm not going to go into the why's and wherefore's as to the time involved but that afternoon did a meeting take place at a public house. A. Yes sir.

A

Q. What public house was that. A. I think that was "The Rose" public house.

Q. Were you present at the meeting. A. I was, yes.

Q. Was a recording made. A. Yes it was.

B

Q. Whilst you were in court you heard played did you not exhibit number 2, tape number 2. A. Yes sir.

Q. Which was, can I remind you, a badly broken up recording. A. Yes, I remember it.

C

Q. What do you say about the recording that you heard in court in relation to the one that was made so long ago. A. It seemed to be---- to me to be exactly the same recording that I remember.

Q. Would you please have a look at exhibit number 2. A. Yes.

D

Q. Just look at the box and look at the spool and just tell the jury if there is any of the hand-writing there that's yours. A. No sir, except on the exhibit label there is nothing that is mine.

Q. Your hand-writing is on the exhibit label alone. A. That is so.

Q. And is that JDM. A. That's right, yes sir.

E

Q. Is there hand-writing on that that you can recognise. A. Yes sir, the writing on the spool is Mr. Lloyd's and he has also signed it and I think the writing on the box is his as well.

Q. What do you say, are you able to say anything about the tape that you have now got in your hands. A. Yes sir, that would appear to be the tape that we took off the machine.

F

Q. Namely the---- A. The recording of the meeting at "The Rose".

Q. Well that's the original tape. A. Yes sir.

G

Q. That is what we are concerned with ascertaining, whether it's the original tape or not Mr. Mounter, do you follow. A. Yes.

Q. And so when I ask you what you can say about the tape that's what I am mainly concerned with establishing. A. Yes sir, this appears to be the original.

H

Q. Now Your Honour---- would you put that down now. It is of course possible for me to go into a very great deal of detail about all of these meetings but may I say that with

your leave I don't propose to do that because I don't think it is---- really is going to assist.

A HIS HONOUR JUDGE STROYAN: No.

MR. RIVLIN: Perhaps I can just ask you this, do you have any record yourself as to what kind of recording or equipment was used that afternoon at "The Rose". A. I think in the statements, sir, there is a record.

B Q. Yes, that's right. Well Your Honour, if any problem arises the matter can be dealt with----

HIS HONOUR JUDGE STROYAN: Yes.

C MR. RIVLIN: ----but I'm not going to take up time. What I would like to ask you is this, before the meeting took place can you remember anything happening in relation to Mr. Perry. A. Yes sir, we always searched him, we left him with certain amounts of money which were his that he brought along and we took everything else from him, and we searched him thoroughly and searched his car on most occasions.

Q. You are lowering your voice Mr. Mounter. A. Sorry.

D Q. I'm going to start raising mine if you don't raise yours. A. Sorry. We searched---- we searched Mr. Perry.

Q. Yes. And how much money was he left with. A. It depended on which meeting he was going to but I think on this occasion it was £50 wasn't it?

E Q. Now I'd like you to look please at page 3 of your statement, number 1, about the October 26th, 1969. A. Yes, we left him with £50.

Q. You left him with £50, and I'm just going to ask you this and answer yes or no, do you there record in your statement the numbers of the notes that were handed over. A. I do sir, yes.

F Q. After the meeting what happened about money. A. After the meeting we searched Mr. Perry again, and searched his car to make sure that when he said that he handed the money over to the police officers that he had in fact done so.

G Q. Is there reference there in your note to that happening immediately following the reference to the numbers of the notes. A. Yes there is sir.

Q. And can you, using your note to refresh your memory, tell the jury whether it was done on that occasion. A. Yes it was.

Q. And did Mr. Perry have any money on him when the meeting was concluded. A. No he did not.

H Q. I am now going to go on to the 31st of October, 1969. Is it right that a meeting was arranged for the afternoon of

the 31st of October. A. Yes that is so, yes sir.

A Q. Is it also right that during the morning of that day there had been a meeting between Mr. Perry and other officers who were being investigated. A. Yes sir.

Q. And I think I can just clear up this matter perhaps and get it out of the way, let's come to the afternoon, the afternoon and Mr. Perry's meeting with the defendant. A. Yes sir.

B Q. Was Mr. Perry---- did Mr. Perry have any money in his possession before the meeting. A. Yes sir, he had £50.

Q. And are you looking at statement number 4. A. Yes I am.

Q. Relating to the 31st of October. A. Yes I am.

C Q. Did you record the numbers of the---- the serial numbers of the notes that he had in his possession. A. Yes sir.

Q. And I'd like you to look please at exhibit number 43 which is a cheque book. A. Yes sir.

Q. Is that---- was that your cheque book. A. Yes sir.

D Q. And on the front of the cheque book are there two lists of serial numbers. A. Yes there are.

Q. Are they both dated. A. Yes.

Q. What are the dates that appear. A. Both October the 31st.

E Q. And what did you record on to that document. A. I recorded the numbers, the serial numbers of the various notes that were left in Mr. Perry's possession before meetings.

Q. Now let's look at the afternoon. What happened the afternoon of that day. A number of notes were left in the possession of Mr. Perry. A. Yes sir.

F Q. And they were recorded were they not. A. Yes.

Q. On the cheque book and subsequently transcribed into your Times statement. A. That is so, yes.

Q. Would you just please, although it won't mean very much to us at this moment in time, call out the serial numbers that you recorded.

G HIS HONOUR JUDGE STROYAN: Just a moment please. I don't think I have got The Times statement.

MR. RIVLIN: Does Your Honour have a bundle marked 17R, Statements made by Lloyd and Mounter to Times?

HIS HONOUR JUDGE STROYAN: No I haven't.

H MR. RIVLIN: Well Your Honour it is going to be provided for you forthwith I hope.

HIS HONOUR JUDGE STROYAN: Yes, I have got one here, Statement Number 1 by Julian Mounter, is that the one?

MR. RIVLIN: Your Honour, this is statement number 4.

HIS HONOUR JUDGE STROYAN: Yes I have got it.

MR. RIVLIN: Does it begin, "A meeting was arranged----"?

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Yes. What were the serial numbers of the numbers that were left in Mr. Perry's possession in the afternoon. A. They were, a £10 note A65790453, 5 pound notes, U27030414, W45826940, W56578354, X39600135, X44407724, Y46806868, U82110081, W82643996.

HIS HONOUR JUDGE STROYAN: 9 what?

MR. MOUNTER: 643996, that's the last number sir has been over-written, I'm not absolutely certain about that.

MR. RIVLIN: Yes. At all events Your Honour, now that the evidence has been given, none of those of course are the numbers that were yesterday put to Mr. Lloyd that had been the ones that had been handed over to Mr. Perry that afternoon.

HIS HONOUR JUDGE STROYAN: No, no.

MR. RIVLIN: In other words this list is one of the lists that appears on your cheque book. A. That is so.

Q. There is another list of numbers but they were---- they concerned another matter. A. That is so, yes sir.

Q. Yes.

MR. SYMONDS: Your Honour, I think in the interests of justice Mr. Mounter should read out the other list because the point was that Mr. Mounter had recorded the notes as being handed over and Mr. Lloyd recorded notes as being retained, and this last 5 minutes has just been some sort of trick to get round that. That fact remains that both numbers were recorded by the two.

HIS HONOUR JUDGE STROYAN: I have no objection.

MR. RIVLIN: Your Honour, I say nothing about the defendant's intervention but he can obviously bring out any evidence that he wishes to.

HIS HONOUR JUDGE STROYAN: Yes of course he can, of course he can.

MR. RIVLIN: But in the light of what happened yesterday to describe the last five minutes as a trick is an outrageous suggestion.

Q. Yes Mr. Mounter. Now you have got those numbers recorded in your statement as being those that were handed over to Mr. Perry. A. Yes sir.

Q. That afternoon. A. Yes sir.

A Q. And could you please help the jury as to what happened after the meeting. Was Mr. Perry searched. A. Yes sir.

Q. Were any of these notes in his possession after the search. A. No sir.

B Q. And could you help further on this. Did you wait a long time before you searched Mr. Perry, how was it done. A. It was on some occasions done immediately after the meeting, on one or two occasions Mr. Perry would drive off and we would follow him but keeping the car in sight, and then would search him afterwards, but it was always without any possibility that he had gone off to get rid of the money because that was the whole point of the thing.

C Q. Well that's what I'd like to ask you about. Doing the best you can, in your belief was there any opportunity on any of these occasions for Mr. Perry to stash the money away without you knowing about it. A. No sir. I don't think it was possible.

D Q. And you have said that on some occasions the motor car was searched as well as Mr. Perry. A. That's right, yes.

Q. Now you have heard played in court tape number 5, exhibit number 3. A. Yes sir.

E Q. A fairly lengthy recording as to what transpired or of what allegedly transpired in the motor car, and I think that you had a transcript in front of you when you were listening didn't you. A. I did, yes sir.

Q. And you had a transcript in front of you on all occasions as you were listening. A. Yes sir.

F Q. When you listened to that tape, exhibit number 3, being played what did you think about the content of the tape in relation to what you remember from so long ago. A. I recognise the content, my memory of the content of that particular tape and most of the ones where they were very clear, it's very, very good and I recognise it to be the same conversation.

G Q. Would you please have a look at two tapes, first would you look at tape number 3 which includes 3(b) which is exhibit number 4. A. Yes sir.

H Q. And just look at the---- I'm sorry I think I am doing just the wrong thing, the wrong way round. Would you look first at exhibit number 3 which has on it tape 5 then we can follow it through on our little schedules. Look at exhibit number 3, tape 5. It's on the schedule, Members of the Jury, the one I'm pointing to here. Is there anything on the box or on the spool that you can recognise and in particular is there any of your own hand-writing there. A. Yes, on the box

I have written '7" number 2' and ----

A Q. And that is not on our typewritten I think, on to our, on to our list, '7" number 2'. A. Yes.

Q. Yes. What else have you written. A. Nothing else on the box.

Q. Nothing else on the box. What about the spool.
A. My writing is on the spool, I have written 'Tape of Symonds, Detective Sergeant, "The Grove" pub., October 31st, 1969", and I have signed it.

B Q. On our little list it may have October 31/11/69 but it's just October the 31st is that right. A. It is. October 31st, 1969.

Q. And that's in your hand-writing. A. Yes sir.

C Q. And you have signed it. A. That is so.

Q. Do you see the word "original" there. A. Yes sir.

Q. In whose hand-writing is that. A. That looks like Mr. Lloyd's.

D Q. Has Mr. Lloyd signed that. A. Yes he has.

Q. What do you say about the tape that is in your hands at the present time. A. That would appear to be the tape but, well it is my signature, it is the tape that was recorded at the time.

Q. That is it is the---- A. Certainly the spool - it is the original tape.

E Q. Yes. Would you please put it back. And now have a look at exhibit number 4, tape which includes tapes 3, 3(a) and 3(b). A. Yes sir.

F Q. And again is there any hand-writing there that you can recognise or identify as your own. A. On the spool on one side I have written something which is now not very clear.

Q. Would you do your best to read it please. A. Yes, it says "meeting with----", then I'm not absolutely sure, and it says---- I'm afraid I can't---- I thought I could last time, maybe it's a different, it's catching the light in a different way. I can really only read "meeting---- meeting with".

G Q. "Meeting with", and what about anything else that you can see on the spool that you can recognise, on either side of the spool. A. Yes, it does look like "meeting with Symonds", and it looks like---- could be Uher, I'm not sure. On the other side it says 'phone calls and that's not in my writing, it's in Mr. Lloyd's.

H Q. At all events that which you have been attempting to decipher is very feint, the cipher is very feint, is that

right. A. Yes.

A Q. And could you help about the box. Is there any hand-writing that you can identify there. A. Yes there is writing on that box and it would appear to be Mr. Lloyd's writing.

Q. What do you say about the tape. A. That again would appear to be the original sir.

B Q. In fact if one---- can I ask you this. Is it right or is it not right that two recordings were made of the conversation that afternoon. A. Yes sir.

Q. And do you have a note about that. A. Yes, I do, I have here sir.

C Q. And what recordings were they, what was the nature of the recording. A. Well there are two recorders, I believe that on this occasion there was one with the direct microphone.

Q. Yes. A. And also one with the radio microphone that we had used on the first occasion.

Q. Can we now go on to November the 21st.

D HIS HONOUR JUDGE STROYAN: I think we can do that tomorrow.

MR. RIVLIN: If Your Honour pleases.

HIS HONOUR JUDGE STROYAN: It is very important Mr. Mounter that you do not talk about your evidence or about this case to anybody at all during this adjournment.

E COURT ADJOURNED:

(I hereby certify that I took shorthand notes in the case of R-v- SYMONDS J.A., and I hereby certify that the pages numbered 1 - 92 are a true and complete transcript of my said shorthand notes to the best of my skill and ability.)

F *M. E. Jones*

G

H