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Before:

His Honour JUDGE R.A.R. STROYAN, QC

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Held at:
The Law Courts
Victoria Square,
Middlesbrough
Cleveland

D

Thursday, 26th. March
1981

R E G I N A

E

-v-

JOHN ALEXANDER SYMONDS

(Cross-examination of Mr. Perry
by Mr. Symonds)

F

Transcript of shorthand notes of Mrs. D. Smith of Messrs Humphreys,
Barnett & Co., Official Shorthand Writers, 19, Queen Victoria St.,
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MR. G. RIVLIN, QC assisted by Mr. F. RADCLIFFE appeared as counsel
for the Prosecution.

MR. SYMONDS conducted his own defence.

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Thursday 26th March 1981

Mr. Perry in the Witness Box

A

Cross-examination by Mr. Symonds

Mr. Rivlin: Mr. Perry, would you go back into the witness box, please, and remember that you are giving evidence on oath.

His Honour Judge Stroyan: You will remember what I told you yesterday, yes.

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Mr. Symonds: Mr. Perry, what is your profession now, please? -
A: Builder.

Q: Are you self-employed? - A: I am unemployed at the moment.

Q: And what is your home address? - A: 460 Green Lane.

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Q: And do you own that property? - A: Yes.

Q: You own the property. Are you a married man, Mr. Perry? -
A: Yes.

Q: Mr. Perry, when was the last time you were standing in the dock yourself? - A: About 8 years ago.

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Q: And you have never been before a Court for any reason since then? - A: No.

Q: For no reason whatsoever? - A: No.

Q: Do you have a bank account? - A: Yes.

Q: In which bank is that? - A: The National Westminster.

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Q: In Peckham? - A: In Eltham.

Q: Now at the time of this, these, observations as it were, you were, I believe, a car dealer, is that right? - A: That is correct.

Q: And you had been a car dealer since you left school? - A: Yes.

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Q: And I believe at that time you did not have a bank account? -
A: That is right.

Q: You said that you kept your money at home, is that right? -
A: That is right.

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Q: I see that you have been convicted of about 40 crimes in your life, is that right? - A: I would not say 40, no.

Q: Well, shall we go through them then?

His Honour Judge Stroyan: We can all see them.

Mr. Symonds: I beg your pardon, Your Honour?

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His Honour Judge Stroyan: I said we can all see them.

Mr. Symonds: So, what are you saying? Are you saying you do not want me to refer to Mr. Perry's criminal history, is that it?

A His Honour Judge Stroyan: No, I am not saying that at all. What I am saying is they are all down in black and white before the Jury, and we need not have them repeated now.

Mr. Symonds: And amongst those 40 crimes, you received several sentences of imprisonment, is that right? - A: No, only one sentence of imprisonment.

B Q: Which was the last one, which was a total of three and a half years, is that correct? - A: That is correct.

Q: And when were you released from prison? - A: About three years afterwards I suppose.

Q: And was that imprisonment in connection with the attempted theft of 100,000 cigarettes? - A: That is right.

C Q: And were you in fact attempting to steal these 100,000 cigarettes in 1971? - A: That is right.

Q: And were you in fact engaged in stealing these cigarettes the last time you appeared in the witness box to give evidence against me? Were you not actively engaged in that particular crime at that time? - A: I do not think I was, no. I cannot remember really.

D Q: And were you alone in this crime or were you with another person? Was another person eventually? - A: There were three other people in it.

Q: And can you recall the names of these three other people? - A: Yes.

E Q: What were they? - A: Robert Scanlon, James Lemming and John Dempsey.

Q: And was one of these men employed at that time as your personal, private body guard? - A: No.

Q: In fact employed by The Times? - A: Certainly not.

F Q: The man who sat at the back of the Court wearing dark glasses when you gave evidence at the Committal? - A: That was Mr. Dempsey a friend of mine.

Q: That was Mr. Dempsey. I believe that Mr. Dempsey was pointed out to the Court

G His Honour Judge Stroyan: No, no, we have had this. We cannot have this again.

Mr. Symonds: Very good. Now, apart from the 40 crimes

His Honour Judge Stroyan: As a matter of interest, Mr. Symonds, I have just counted up the offences and they seem to be 26 and not 40.

H Mr. Symonds: 26 what?

His Honour Judge Stroyan: Offences on his record.

Mr. Symonds: Were some of those offences concerning several crimes?

A His Honour Judge Stroyan: What I have done is add up - you said he had been convicted of 40 offences - I have just ran my eye down the list and there appear to be 26. There it is.

Mr. Symonds: Yes, but on some of those occasions, would you agree, very well. I will leave it. And were there a number of occasions when you appeared before Courts and in fact pleaded not guilty? - A: Yes.

B Q: And was in fact found guilty? - A: Right.

Q: So on those occasions, you were disbelieved on your oath? -
A: That is right.

C Q: And at that time would it be right to say that you were engaged as a professional criminal, in the way of life? - A: Sort of.

Q: Sort of, and at that time would it be right to say that most of the members of your family were also engaged, fully engaged, as professional criminals?

His Honour Judge Stroyan: No, no, no, this won't do.

D Mr. Symonds: From a notorious criminal family in Peckham?

His Honour Judge Stroyan: No, you can ask him about his previous convictions. You cannot ask him about anybody else's.

E Mr. Symonds: It does come in later on, Your Honour, when tape recordings/sessions were taking place at his brother's house. In the summer of 1969 were you engaged with some other criminals in a series of skeleton-key raids, taking place mainly in the Home Counties? - A: No.

Q: Were you associated with a number of men who were later convicted of taking part in skeleton-key raids throughout the country? - A: Yes.

Q: They were your friends? - A: Some were.

F Q: And this group of friends, were you known as the Likely Lads?
- A: Yes.

Q: Or the Peckham Mob? - A: Yes.

G Q: And the group of friends that you were associated with, were they eventually convicted of numerous skeleton-key raids in which over a million and a half pounds of property was involved?

H His Honour Judge Stroyan: Mr. Symonds, I have already told you, you can ask him about his own criminal record and you have done so. You really cannot go on asking him about anybody else's. We have all got the picture. This is a man with a considerable number of previous convictions and he has told you some of his friends have also been convicted. We cannot really improve on that picture, I do not think, from your point of view.

Mr. Symonds: And in view of that, your association at that time and your way of life, were you under some pressure from the local police and from police from Scotland Yard during the summer of 1979? -
A: Yes.

A Q: Did they often visit your house with search warrants and were you arrested on several occasions that summer? - A: Yes.

Q: And on Wednesday the 24th September did some police officers from Nuneaton visit your flat? - A: Yes.

B Q: And were they with an officer from Camberwell? - A: Yes.

Q: And I think you recalled his name yesterday, would you repeat that name? - A: I think his name was Hill, but

Q: D.C. Hill? - A: Yes.

C Q: And was Detective Constable Hill known to you before that occasion? - A: I knew him as a police officer.

Q: Was that because he was in fact a local man? - A: Yes.

Q: By local man, I mean he had grown up in that area? - A: No, I mean he was stationed at Camberwell Police Station.

D Q: And when you were in your flat being arrested by these officers from Nuneaton and this one officer from Camberwell, did they tell you why they were arresting you? - A: Yes.

Q: Can you remember any words they may have used, which is about cigarettes or whatever? - A: Just reference to cigarettes in Nuneaton.

E Q: Now, before you were arrested were you aware that a friend of yours had also been arrested and was in custody at Peckham at that time? - A: Yes.

Q: And how had you received that information? - A: Well, I was there when he was arrested.

Q: You were there when Mr. Brooks was arrested? - A: Yes.

F Q: In Peckham Market? - A: That is right.

Q: And was it to your knowledge that Mr. Brooks escaped from Peckham Police Station shortly after being arrested? - A: I did not know that until the following day.

G Q: And when the Nuneaton officers arrested you did they question you about the facts of the alleged offence? Did they ask you where you were on the day it took place and whatever, and ask you if you could offer any alibi or excuse? - A: They questioned me about the offence.

Q: In your flat? - A: No, not in the flat, at the Police Station.

H Q: So when they came to your flat they did not ask you any questions at all. They just said, "You are arrested, come on", something like that, was it? - A: Words to that effect.

Q: And did you ask why or anything like that? - A: I asked them what it was all about.

A Q: And what did they say? - A: And I said to them, "Is it about a motoring offence?" and they said, "We don't travel all the way from Nuneaton over motoring offences".

Q: And then did they mention the Nuneaton Co-op? - A: They may have done, but

B Q: And when you were taken to Camberwell Police Station was Detective Constable Hill sitting in the back of the car with you? - A: No, I believe he drove the car. He drove my car down there.

Q: Are you sure about that, that it was not one of the Nuneaton officers who drove the car, D.S. James in fact? - A: I think it was the Camberwell

C Q: So then you were taken to Camberwell Police Station and put in a cell and then were you questioned about the alleged offence at Nuneaton? - A: No.

Q: Were you left in a cell for a long time by yourself? - A: Well, I lost track of time because I never had a watch on me, you know.

D Q: And you say that your car was driven to Camberwell Police Station by a police officer? - A: Yes.

Q: With you in the back; and when you were arrested was any search made of your flat in your presence? - A: They had a look round, yes.

Q: And were you asked about certain items found in the flat? - A: There was nothing found in the flat.

E Q: For instance, a large pair of bolt croppers, were those pointed out to you? - A: I don't remember, no.

Q: Were you asked about a number of knives which had been found in the flat, secreted in various parts, on door lintels and such? - A: No.

F Q: And were you asked about a quantity of clothing which

His Honour Judge Stroyan: Mr. Symonds, you must be rather careful about these questions. They are all inadmissible. I have not stopped you because you are to be given every possible leniency in questioning, but you cannot ask him about what he said to other people and what other people said to him.

G Mr. Symonds: No, I am just asking him what he was asked.

His Honour Judge Stroyan: Yes, that is obviously heresay. What he was asked and the answer is just as much heresay as the question and it is wrong also to ask questions which suggest something sinister by way of heresay. You were just suggesting something about knives then. He did not answer it and you were suggesting somebody else had suggested something about knives. What you could ask him is did he have a knife in his flat, were they found, but you cannot ask him what other people said about it.

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That gives a wholly unfair impression. It is quite unfair to the witness and unfair to the Jury. Try and bear that in mind. You can ask him what he did, what he saw. You cannot ask him what he said to other people or what other people said to him unless you were present.

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Mr. Symonds: Was a quantity of clothing pointed out to you in your flat? - A: No.

Q: Were you the person renting this flat? - A: Yes.

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Q: And did you rent it from a man who owned the shop below? - A: No.

Q: Did you rent it from a man who rented it from the shop below? - A: Yes.

Q: So you were a sub? - A: Yes.

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Q: And had you had any problems with the man who owned the shop below during the time you rented this flat? - A: Yes.

Q: He wanted you out, is that it? - A: He never said that, as far as I know he did not.

Q: Did he accuse you of trying to break into?

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His Honour Judge Stroyan: No, now this is exactly the sort of thing which you cannot ask. It is quite unfair to the witness.

Mr. Symonds: Was there an attempt to break into the shop below during your tenancy, through the door on the left as you go in your front door? - A: When I was abroad, yes.

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Q: And did the owner of this cigarette and sweet shop below your flat, did he appear unhappy about the fact that someone had attempted to go through this door into his shop? - A: I should imagine he would.

Q: And whilst in this flat had you also received visits from officers from Peckham Police Station in connection with noise and disturbances in the flat during your tenancy? - A: Not as far as I know.

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Q: Regarding the firing of air pistols or air rifles out of the window and noisy parties, etc.? - A: Not to my knowledge, no.

Q: And did you receive a visit from a woman police officer from Peckham Police Station in respect of two young school girls who were reported missing from home and were found in your flat?

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His Honour Judge Stroyan: No, no, no, this really won't do.

Mr. Symonds: It is background, Your Honour.

His Honour Judge Stroyan: No, it may be background, but it is quite unfair to the witness and quite unfair to the Jury.

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Mr. Symonds: Well, we can call all these people. I have got all their names written down in the statements and if they are called later I presume I won't be able to put the allegations to them

because I have not put them to Mr. Perry and he has not had a chance to reply to them.

A His Honour Judge Stroyan: Let us get on with things that matter in this case.

Mr. Symonds: I believe you did say, Your Honour, that I must put the allegations to the persons themselves so they have a chance to reply to them.

B His Honour Judge Stroyan: Material allegations, yes. Now, let us get on with things that are material. I cannot see that the state of mind - just listen to me - I cannot see how the state of mind of this witness's landlord has got the faintest thing to do with the issues the Jury have got to decide.

Mr. Symonds: Would you like to read Mr. Skipham's statement yourself quietly by yourself and you can see all

C His Honour Judge Stroyan: Would you please go on with your cross-examination.

Mr. Symonds: So, you don't want me to ask any more questions about that?

His Honour Judge Stroyan: Would you please go on with your cross-examination. Let us get to something material.

D Mr. Symonds: So, when you were in the cell at Camberwell were you interrogated by officers from Nuneaton about the theft of the cigarettes from a shop in Nuneaton? - A: No.

Q: Well, will you look at your statement you made to the police, page two, please, or will you look at the statement first to identify it?

E His Honour Judge Stroyan: I do not know, I may be able to save a bit of time. I am looking at his deposition in the last case.

Mr. Symonds: Do you have that statement before you now? Do you recognise the signature on that, Mr. Perry? - A: Yes.

F Q: And was that the date that statement was made, on the 5th December, looking at the top of the first page? - A: Well, it looks like the 5th, I cannot make it out.

His Honour Judge Stroyan: Which year?

Mr. Symonds: 1969.

His Honour Judge Stroyan: Is that right? - A: That is right.

G His Honour Judge Stroyan: Yes.

Mr. Rivlin: Your Honour, the witness has got the original and a type-written copy underneath. Mr. Symonds is referring to the type-written copy and that would be a help I think.

His Honour Judge Stroyan: Yes.

H Mr. Symonds: Perhaps he could look at the type-written copy. Do

you see the type-written copy now, Mr. Perry? - A: Yes.

Q: And do you see the date now? - A: Yes.

A Q: 5th December is it? - A: Yes.

Q: So looking at page 2 on the type-written copy at the top of the page and looking at that, does that refresh your memory whether or not officers from Nuneaton came into your cell and questioned you about the theft of cigarettes from a shop in Nuneaton? - A: Where, on page 2?

B Q: Yes, have you got it? - A: Yes.

Q: Perhaps you would read it out, "Whilst I was in the cell"? -
A: "It was about 7.30 p.m. in the evening when we arrived at Camberwell, I was at the Station about a quarter of an hour or ten minutes before I was put into a cell. Whilst I was in the cell two officers from Nuneaton came in the cell and questioned me about the theft of cigarettes from a shop".

C Q: And did you deny all knowledge of it to them? - A: Yes.

Q: And you now recall that incident, do you, that they came into the cell and questioned you and I believe you say that you saw me walk past and look in the cell, is that right? - A: Yes.

D Q: And did you know my name then, you can refer to your statement?
- A: No.

Q: You did not know my name? - A: No.

Q: And after the Nuneaton officers left you say I went into your cell? - A: Yes.

E Q: And then that I told you that, "If any Nuneaton officers come in, tell them we are talking about some clothes from your flat"? -
A: That is right.

Q: Was I talking to you about clothes from your flat? - A: No.

F Q: And what did I say to you after that, you can read from the statement? - A: You said, "I don't think they have got a lot on you. If they have got a fingerprint of yours, tell them you will plead guilty to Section 1 Theft, which carries a lighter sentence than burglary".

Q: Did I say that or did you remember something else at that time?
- A: That is what you said.

G Q: So what did you think of that advice, if it was given? -
A: Well, I would not have said nothing anyhow. It would have been a good bit of advice.

Q: You would not have said anything anyhow, but does the advice appear to you that I am telling you to plead guilty to a Section 1 Theft, according to that? - A: Only if they have got a fingerprint of mine.

H Q: Could I see that statement, please? Thank you. I would like you to

His Honour Judge Stroyan: Mr. Symonds, I am following this.

Mr. Symonds: Yes, Your Honour, if I can make this point, please?

A His Honour Judge Stroyan: Just a moment, please, I am following this on the deposition, which is the witness's sworn evidence.

Mr. Symonds: I am questioning him on his statement. The deposition was made two years later.

B His Honour Judge Stroyan: Just listen to me for a moment. I am trying to help you. You may find that if you are cross-examining him as to credit, if you have got ⁱⁿ his deposition something which he said on oath last time, if he says something different this time, that may be rather more persuasive than if you are questioning him about a statement that is not made on oath, you see. You can ask him about the statement if you like. I was trying to help you by saying it might have rather more force if it came from the depositions.

C Mr. Symonds: Yes, well, I will ask Mr. Perry to read out carefully exactly what he sees written in front of him on that statement and this time to read out exactly what it says. Now, will you read out your report of the alleged conversation starting with, "I don't think they have got a lot on you". Will you read that out, what it says there? - A: "I don't think they have got a lot on you. They won't tell me a lot. They have got a fingerprint of yours. Tell them you will plead guilty".

D His Honour Judge Stroyan: Just a moment. "I don't think they have got a lot on you", and something about a fingerprint? - A: "They won't tell me a lot. They have got a fingerprint of yours".

His Honour Judge Stroyan: Yes.

E Mr. Symonds: And then carry on from there, "Tell them you will plead guilty", yes, "to a Section 1 Theft", yes?

His Honour Judge Stroyan: He has not said yes.

Mr. Symonds: Yes, will you read it out please, I asked you to read it out before? - A: "And the most you're get is twelve months for that".

F Q: And what did you understand from that? - A: Well

Q: You are sitting in a cell, right? A police officer comes in, yes, and he says, "They have got a fingerprint of yours. Tell them you will plead guilty to a Section 1 Theft. The most you're get is twelve months for that". Now, what sort of advice is that? -

G A: Yes, but the word "If" is missing out of the statement. It is "If" they have got

Q: But you were reading from the statement in front of you? -
A: Yes, but I did not write the statement. It was another police officer. The word is, "If they have got a fingerprint".

H Q: Will you read out exactly what is written on the statement in front of you? - A: According to this statement it says, "They have got a fingerprint".

Q: So what sort of advice is that, to plead guilty if they have got a fingerprint of yours? Is that helpful advice? - A: That is commonsense I imagine.

A Q: Pardon? - A: Commonsense.

Q: Commonsense?

Mr. Rivlin: Your Honour, here is a copy of Perry's statement.

His Honour Judge Stroyan: Thank you.

B Mr. Symonds: I would like to make it clear to you, Mr. Perry, that I agree, that that is exactly what I said to you, "They have got a fingerprint of yours. Tell them you will plead guilty to a Section 1 Theft. The most you're get is 12 months for that".

His Honour Judge Stroyan: Just a moment, please?

C Mr. Symonds: Now, Mr. Perry?

His Honour Judge Stroyan: Just a moment, please? You agree you said, "They have a fingerprint of yours. Tell them". Yes.

Mr. Symonds: Was there something else mentioned when I spoke to you in the cell that you can remember and I will give you a clue? Was there any mention of your car in the cell? - A: I believe there was some conversation.

D Q: And did you say to me that they brought your car to the Police Station and you wanted your brother to pick it up for you? - A: There may have been some - there was some conversation about the car and about collecting it.

E Q: And did you ask me to 'phone up your mother to tell her that your car was at the Police Station and for her to tell your brother to come and pick it up? - A: I don't remember that.

Q: And then did I help you prepare a form which gave authority to your brother to come and pick the car up? - A: I don't remember that.

F Q: Did your brother come the next day to Camberwell Police Station and collect your car, do you know? - A: I believe I picked it up myself.

Q: From Camberwell Police Station? - A: I cannot be sure when I got my car back. I don't know how I got it back.

G Q: Could it have happened that you asked me to help you over your car and I did help you? - A: If it was I don't remember it.

Q: What was my attitude to you, Mr. Perry? Did it appear like, in a way, friendly? - A: Yes.

Q: Helped you with your car, gave you a bit of advice, yes? - A: You were friendly, yes.

H Q: And did I say anything else to you apart from that, apart from what you reported later to the police that I told you to say, told you? - A: I cannot remember anything else.

Q: And did they then talk to you again about the offence at Nuneaton? - A: They may have done.

A Q: And did they ask you if you might have changed your mind and perhaps wanted to make a statement or something? - A: The general conversation was to try and get me to plead guilty.

Q: When the Nuneaton officers came to see you did they say anything to you about fingerprints? - A: At Camberwell, no.

B Q: Did they say anything later to you about fingerprints? - A: At Nuneaton, yes.

Q: They told you they had got your fingerprints? - A: Yes.

Q: And when they told you that did you recall my bit of advice about pleading guilty to Section 1? - A: Well, I knew it was an impossibility for them to have my fingerprints.

C Q: And as you said you would not have said anything anyway, is that right? - A: That is right.

Q: Because you were an experienced criminal, you had been through the mill, you had been arrested before many times? - A: I have dealt with police officers before, yes.

D Q: Now, when you were taken into Camberwell Police Station were you searched and was your property listed, put in an envelope? - A: I should imagine it was.

Q: Can you recall what you had on you? - A: No.

Q: Your Honour, there is a record of this, I wonder when would be the right time to

E His Honour Judge Stroyan: Well

Mr. Symonds: Must we wait until the police officer comes who made the search or what, or can I ask Mr. Perry about something which was on that list?

F His Honour Judge Stroyan: You can ask him if he had something on him, but at the moment I cannot see how it is going to help us to know what he had on him at the Police Station.

Mr. Rivlin: I have no objections, Your Honour.

Mr. Symonds: Could Mr. Perry look at a copy of the entry which was made in the Camberwell book on the occasion of his arrest and look at the list of property and see if he agrees with that?

G His Honour Judge Stroyan: What is it that concerns you on this, Mr. Symonds?

Mr. Symonds: Can I see that book, please? Did you read the entry written there? - A: Yes.

H Q: And did you see elsewhere private blue Wolseley saloon motor car? - A: Yes.

Q: Index number, did you see that? - A: I seen the blue Wolseley,

yes.

Q: 8182 RK, is that right? - A: Yes.

A Q: Now, would you look at this book again, Mr. Perry and you will find some bits of white paper pinned to the top of the page. Will you lift the bits of white paper and have a look at the bit of paper which is pinned to the top of the page underneath that? What do you see there? - A: I see

B Q: Will you read it out? - "I authorise John Perry of 34 Walpole House, Woolwich, SE 18 to collect my ~~Wolseley~~ motor car 8182 RK now in the possession of Camberwell Police".

Q: Yes, does that refresh your memory about your motor car at Camberwell Police Station on that day and what happened to it and who collected it eventually? - A: No.

C Q: Is that your signature on that bit of paper? Is that your writing, did you write it? - A: It does not look like my signature.

Q: So what are you suggesting then? - A: I am suggesting that it is not my signature.

D Q: You are suggesting it is a forgery or something like that, are you? - A: If it is not my signature it must be, unless there is another Michael Perry around.

Q: And is the number of that car, that authorisation, the same as the number of your car which is shown as your property, for example? - A: Yes.

E Q: And do you have a brother called John who lives at Walpole House? - A: No, I have a brother called John, lives at Walpole Place.

Q: Is that the right address? - A: Yes.

Q: Walpole Place, is that shown Walpole Place? - A: Walpole House, it says here.

F Q: And was your brother, John, on the telephone at that time, do you recall? - A: Yes.

Q: And was your mother on the telephone? - A: Yes.

Q: And do you recall whether or not it was possible that you asked for your mother to be telephoned to contact your brother to ask him to pick the car up? - A: I don't remember the conversation.

G His Honour Judge Stroyan: What has this got to do with this case?

Mr. Symonds: How my name came into the picture in the first place, Your Honour. Mr. Perry said he did not know my name before and how he knew my name was because I did this for him, 'phoned up his mother.

H His Honour Judge Stroyan: Very well, let us assume all that in your favour.

Mr. Symonds: I told her my name was Sergeant Symonds. I told her that her son had been arrested. I told her he was being taken to Nuneaton. I told her that his car was at Camberwell Police Station.

A Mr. Rivlin: I am sorry, Mr. Symonds. Your Honour, if the Defendant comes to give evidence he will be able to tell the Jury about this. He cannot give evidence at this stage, no.

His Honour Judge Stroyan: He cannot give evidence now, no.

B Mr. Symonds: Your Honour, I have a great problem. You see, you keep saying to me, "What is this about?", stopping me and

His Honour Judge Stroyan: Well, I cannot see

C Mr. Symonds: And I am trying to explain to you that there is something about it because as Mr. Perry said he did not know my name on this day. The only time my name came to the notice of the Perry family was when I did this in the course of my duties, to inform the next of kin or the mother that her son had been arrested and had been locked up.

His Honour Judge Stroyan: You have said all that. It is not immediately apparent to me how it is going to help the Jury to decide whether there has been an acceptance of a corrupt gift, to know who took the motor car home a month earlier. Can we go on to something that is rather nearer the facts of this case?

D Mr. Symonds: So what are you saying, you are saying that this is nothing to do with the case then and - is that right - and you are refusing to allow me to continue questioning about these matters, is that it, just so it is clear?

E His Honour Judge Stroyan: I am asking you to get on to some cross-examination that has got something to do with the case the Jury have got to decide. There is plenty for you to ask about and it would be rather nice if you went on and asked about things which are really material to the case. You may have some good points. The Jury will have to listen to them.

F Mr. Symonds: Well, we are left at the stage where the implication is there has been a forgery made of Mr. Perry's signature and all the rest of it. Is that a good place to leave this or what?

His Honour Judge Stroyan: Let us get on.

G Mr. Symonds: Very good. So, looking again at that authorisation, Mr. Perry, will you please look very carefully and see whether that could be your writing and it could be your signature and will you think very carefully and see if this did happen or did not happen on this day? - A: I have no recollection of it and that is definitely not my signature.

Q: Can that document be made an exhibit, please, Your Honour?

His Honour Judge Stroyan: Well, not strictly, unless Mr. Rivlin wants it to be because

H Mr. Symonds: Well, everything otherwise is left hanging in the air.

A Mr. Rivlin: Your Honour, I have no objection to it being made an exhibit, of course not. There is not a charge of forgery against anyone. The Defendant has asked questions and he has got his answers. It is unhappy in a sense that he has chosen to ask these questions because they have resulted in these answers, but nothing to do with the case and I shall never take any point against anybody in this case, let it be said, that this document is some sort of false document. We are not interested in it. And the Defendant need not fear that at some later stage in the case I am going to accuse him of forging something because I am not.

B His Honour Judge Stroyan: Well there we are. That may shorten it, Mr. Symonds?

Mr. Symonds: Yes, well you see, Your Honour, in this case, you see, you keep saying

C His Honour Judge Stroyan: Please do not make a speech. Let us get on. We have wasted quite enough time already. I think you can leave that point. You have got plenty of others to deal with.

Mr. Symonds: But that is the point, you see, of it. It is all to do with Nuneaton, Your Honour. I am charged with accepting a corrupt gift in respect of doing Mr. Perry a favour in respect of Nuneaton. That is the charge. I am not charged with giving Mr. Perry advice about poking money away in a sweet shop. I am charged with accepting money from Mr. Perry

D His Honour Judge Stroyan: Come on, no more speeches, Mr. Symonds.

E Mr. Symonds: Because I am supposed to have helped him over a charge in Nuneaton and, therefore, I would suggest that anything to do with Mr. Perry being arrested by Nuneaton officers and any conversation to do with the charge, the allegation at Nuneaton, and anything that happened at Nuneaton, is entirely relevant to this case because that is what the charge is all about. It is about whether or not I helped Mr. Perry when he was in trouble with Nuneaton Police. That is what I am charged with and, therefore, I suggest it is relevant.

His Honour Judge Stroyan: You are charged with accepting a corrupt gift on three occasions.

F Mr. Symonds: Pardon?

His Honour Judge Stroyan: You are charged with accepting a corrupt gift on three occasions.

G Mr. Symonds: Yes, in return for helping Mr. Perry in respect of a - perhaps the Jury could look at the indictment if they have one there and see for themselves what the indictment is. And it is about helping Mr. Perry on the 24th September and we are now talking about the 24th September.

His Honour Judge Stroyan: Yes, now we are going to leave this book and leave the point about the car and we are going to go on to something else.

H Mr. Symonds: That is an order is it?

His Honour Judge Stroyan: You heard what I said.

A Mr. Symonds: As I am not allowed to ask you any more questions about the car, I will leave that point, but I leave it under protest and will go on to what happened when you were taken away from Camberwell Police Station and taken up to Nuneaton. Can you recall how you travelled up to Nuneaton? - A: By car.

Q: And can you recall who else was travelling in the car? -
A: Two detectives.

Q: Do you recall their names? - A: No.

B Q: Was one of them the Sergeant or the senior detective? -
A: I cannot remember what one was in the car.

C Q: Now, you said that at some time the Nuneaton officers spoke to you and told you they had your fingerprints and more or less told you to put your hands up to it, is that right, because they had your fingerprints and was that conversation in the car going up to Nuneaton? - A: No, that was in the cells at Nuneaton Police Station.

Q: Was that as soon as you arrived there? - A: No, a little while afterwards.

Q: Now, when you got to Nuneaton was it late at night? - A: Yes.

D Q: And did you go through the whole process again there of being searched, etc., and having your property listed and having to sign for it? Well, perhaps you could look at the Nuneaton record of your arrival at their Station on the night of the 24th and to see, refresh your memory from there, whether you were searched again and whether your property was listed, etc.? - A: I did sign for some property, yes.

E Q: And was that on the 24th September? - A: Yes.

Q: Now, can you recall how much money you had on you according to the first record you looked at? - A: This one or the one down Camberwell?

Q: The first one, the Camberwell book? How much did you have on you according to that book? - A: Eighteen pounds three shillings.

F Mr. Rivlin: No, I think he is looking at the Nuneaton one. Could we have the Camberwell record back, please?

Mr. Symonds: I see.

His Honour Judge Stroyan: Eighteen pounds four shillings at Nuneaton? - A: Three shillings.

G Mr. Symonds: And how much did you have when you were taken to Camberwell? - A: Eighteen pounds three shillings.

Q: Right. Now, when you left Nuneaton the next day how much money did you have? - A: Eighteen pounds three shillings I should imagine.

H Q: Eighteen pounds three shillings. Right, now as we have just discussed I am standing here charged with doing you a favour on the

A 24th of September, that is the day we are talking about now, and that is what it is all about. That is why I am standing in this box. Now, what was the favour I did to you on that day or for you, apart from 'phoning up your mum about your car? What favour did I do to you on that day or for you? - A: You told me that if they have got a fingerprint plead guilty to Section 1 Theft.

Q: That is what it is all about is it, is that why I am here now, because I told you if they have got a fingerprint

His Honour Judge Stroyan: No, he cannot answer that.

B Mr. Symonds: Alright then, I am just making a point. So, that is the favour is it, that is the favour? - A: Yes.

C Q: We have got two versions. You said if they have got a fingerprint, but according to what you read out, it was they have got a fingerprint, but I am not so sure it matters all that much. Alright then, so that is the favour is it? Okay, now then when you were at Nuneaton how long did you spend there locked in the cells? - A: About twenty hours I suppose.

Q: About twenty hours. While you were in the cell at Nuneaton were you seen by any police officers? - A: Yes.

Q: And questioned again perhaps about the offence? - A: Yes.

D Q: And did they try to put pressure on you in any way to get you to plead guilty or to make a statement or whatever? - A: They was questioning me about the Nuneaton job and the usual police procedure.

Q: Yes and the usual police procedure, what did that include? Did they take your fingerprints? - A: Well, yes, usually fingerprints, photograph.

E Q: They took your photograph and anything else? - A: Just usual run of the mill stuff.

Q: And can you recall roughly whether you were seen on one or two occasions or on many occasions? - A: Many occasions.

F Q: And whether by the same officers or by different officers? - A: Different officers.

Q: And did they all follow the same sort of line about, "We have got your fingerprints you might just as well put your hands up and admit it"? - A: No, that was only mentioned on the first time.

Q: And who was it who mentioned it the first time? - A: It was the Sergeant.

G Q: The Sergeant? - A: Yes.

Q: And what did you say to him when he said, "We have got your fingerprints"? - A: I said, "Well, that is alright. I can get a good night's sleep now", because I knew he never had nothing on me.

H Q: And how did you know that? - A: Well, it was an impossibility for my prints to be on wherever they were.

Q: On the van? - A: He said on the cartons.

Q: But if he said on the van, would that have been different? -

A: What van?

Q: The van the cigarettes were in? - A: It would still be an impossibility.

Q: And so eventually did they give up then and say they were going to let you go, is that it? - A: After 24 hours they let me go.

His Honour Judge Stroyan: Mr. Symonds, I think it is right at this point just to point out to you, that the indictment reads as follows, that you corruptly accepted or obtained for yourself the sum of £50 from Perry as a reward for showing favour to Perry in relation to the principal's affairs, namely in connection with the arrest on the 24th of September 1969. If you read that you will see that it is not an allegation that the favour was shown on the 24th September. It is an allegation of showing favour in relation to the arrest on the 24th of September. The favour is not pleaded as being a favour shown on the 24th. Do you follow? It is the arrest that is on the 24th. The favour is not alleged to have been shown exclusively on the 24th.

Mr. Symonds: Well, perhaps it is my fault if I

His Honour Judge Stroyan: I just thought I ought to point that out.

Mr. Symonds: If the Jury thought that I was making out the favour was to do with 'phoning up Perry's mum about his car. As I understand the charge the favour is to do with his arrest on the 24th and Mr. Perry himself said the favour was, "If they have got a fingerprint plead guilty to Section 1".

His Honour Judge Stroyan: What I am pointing out is that the favour is not tied to the date of the 24th September. The relevance of the date is that it is the date of the arrest, not the date of the favour. Do you see?

Mr. Symonds: "Showing favour to the said Michael Roy Perry in relation to his principal's affairs namely in connection with the arrest of the said Michael Roy Perry on the 24th day of September 1969".

His Honour Judge Stroyan: The 24th September relates to the arrest and not to the favour. I thought you might have been under a misapprehension about that and I thought it was right to point it out to you.

Mr. Symonds: Well, Mr. Perry has told the Court that the favour as far as he is concerned is that I said to him, "They have got a fingerprint of yours, plead guilty to Section 1 Theft", which was after he was arrested. Is that right, Mr. Perry? - A: No, the favour was, "If", you missed out the word "If".

Q: You seem very concerned about this word "If" I notice. Did you say then the favour was that I said, "If they have got a fingerprint plead guilty to Section 1 Theft", is that right? Is that what the favour was? - A: That is right.

A Q: So that would mean even if the word if was used it would be even less of a favour, is that right or a more - never mind. So, when you were released from Nuneaton Police Station what did you do then, Mr. Perry? - A: Well, I got a train back to London.

Q: Did you go to see a friend of yours in Nuneaton? - A: I have no friends in Nuneaton.

Q: Did you go and see a man called O'Rourke? - A: No.

B Q: Who was something to do with your group of friends in Peckham, the Peckham Mob? - A: No.

Q: Was there a man called O'Rourke, who was something to do with supplying the keys to your gang which were being used? - A: There was a man named O'Rourke but he was - well, he was a well-known police informer.

C Q: And did he live in fact in Coventry, just next door to Nuneaton? - A: That is right.

Q: But at that time you did not know he was a police informer did you? - A: No.

D Q: So as you were up in Nuneaton anyway and the man who was supplying or possibly supplying your gang with the keys which they were getting into shops with lived just down the road, it is possible you might have popped down to see him is it, tell him what had happened to you? - A: I did not, no.

Q: Mr. Perry, I put an allegation to you now and the allegation I wish to put to you is that after being released from Nuneaton Police Station you went to see Mr. O'Rourke and you told him that you had got out of the charge, but it had cost you, it had cost you. What do you say to that? - A: No truth in it whatsoever.

E Q: Because that would mean you were telling Mr. O'Rourke you had already paid a bribe to somebody. No truth in it whatsoever? - A: No truth in it.

Q: Now, while you were in Nuneaton Police Station did you offer to bribe police officers in there? - A: No.

F Q: Did you say, "How much does it cost for me to walk out of here?", to Detective Constable Clarkson in the presence of Detective Constable Wilson? - A: I do not recall that.

Q: And then did you use slang, did you say "25"? £25? - A: No.

Q: You deny that completely do you? - A: Yes.

G Q: Yes, Mr. Perry, when you were giving your evidence in chief I believe you said words to the effect that while you were in Camberwell Police Station I said to you something or you said to me something about, "I will see you alright later" or something like that? - A: That is right.

H Q: Now, you see, when you made your allegation to the police on the 5th December you did not say that, is it something you just remembered? - A: Some things come back to me at different times.

Q: Could it have been that you said to me, "See you later"? Was that a common expression of yours, "See you later"? - A: It was a common expression, yes.

A Q: So you might have said to me, "See you later"? - A: I may have done.

Q: And I might have understood that to be a common expression, "See you later"?

B Mr. Rivlin: I am so sorry. I do not object to the questions at all. They are perfectly proper but if the Defendant is going to put the witness's statement he really ought to put the statement properly and the Defendant knows what it says and perhaps he would like to put it properly so that the witness can answer, please. It is page 2, last four lines of the first big paragraph. I do not object at all to the line of cross-examination, of course not, but I do think that matters should be put properly and Your Honour can see what it says.

C His Honour Judge Stroyan: Yes, I think you had better put the whole sentence, Mr. Symonds.

D Mr. Symonds: Alright, I will read out the whole thing. Perhaps you will follow on yours, will you, Mr. Perry? "The two officers from Nuneaton left and about ten minutes later Symonds came in the cell on his own. I did not then know his name, but knew him as a local Camberwell police officer. I now know him to be a Detective Sergeant. Once he was in the cell, he said to me 'Someone told me to see you'. He also said, 'If any of the Nuneaton Officers come in, tell them we're talking about some clothes from your flat'. He said, 'I don't think they have got a lot on you'. 'They won't tell me a lot'. 'They have got a fingerprint of yours, tell them you will plead "guilty" to a Section 1 Theft, the most you're get is twelve months for that'. I did not ask why he was saying this. He told me he would see me later when I came out".

E His Honour Judge Stroyan: "He told me he would see me later when I came out".

Mr. Symonds: "Symonds then left me in the cell and that night I was taken to Nuneaton by car. There were two Nuneaton officers in the car with me, and two in a car behind". Is that right? -

F A: Yes.

Q: Is that word perfect? - A: It seems about right.

Q: "They have got a fingerprint of yours", I said, did you notice?
- A: No, the word, "if" is missing.

G Q: But on your statement what does it say on your statement? -
A: It says, "They have got".

Q: You have got this "if" very much on your mind, Mr. Perry? -
A: Not really, you seem to have it on your mind.

His Honour Judge Stroyan: There we are, we have got the point about the word, "if".

H Mr. Symonds: And at the bottom of the page you say, "About ten minutes later the Sergeant came in and said, 'You might as well put

your hands up we have got your prints all over the cartons". Is that right? - A: That is what it says, yes.

A Q: And while you were in Nuneaton Police Station was there some discussion about police officers at Peckham? - A: Yes.

Q: And was my name mentioned at all during that discussion? Well, refer to your statement, this is twelve years ago after all, read your statement about it? - A: It did not mention your name, no.

B Q: When you said I went in to your cell at Camberwell, did I go in or did I just stand at the door, can you remember? - A: I am not quite sure.

Q: Because you did say once before in evidence that I just stood in the doorway. Do you want me to read that out to you or would that be right, would you accept that? - A: I will take your word for it.

C Q: Now, when you were at Nuneaton my name was not mentioned at all in any way, is that right, at Nuneaton Police Station? - A: As far as I can remember, no.

Q: And when you were at Nuneaton did you tell the officers there that you were refusing to admit the offence because you had been told to keep quiet? - A: I did tell them that I had been told to keep quiet.

D Q: And did you tell them who had told you to keep quiet? - A: Well, I said the officer that come in the cell.

Q: You told them that, did you? - A: I think so.

E Q: What did you say, you said Sergeant Symonds had told you to keep quiet, is that right? - A: No, I did not use your name, I just said a detective had come in and tipped me off.

Q: You told the Nuneaton officers that, and did you say one of the Nuneaton officers asked you what I had said to you in the cell? - A: He may have done.

F Q: Reading from your deposition, "He asked me what Symonds had said, I told him that he told me not to say anything". Is that right, that is what you said on oath previously, page 67 of your deposition? - A: That must be right, that sounds about right.

Q: You seemed a bit mixed up there, if I can go a bit further because just before that you said, "I did not tell the Nuneaton officers that I had been told to keep quiet"? - A: Where was that?

G Q: Page 67 of your deposition? - A: Could I look at that, please?

Mr. Rivlin: Could we have the next sentence read, please?

His Honour Judge Stroyan: Yes.

H Mr. Symonds: He has asked to look at his deposition. Can he look at it or not, do you want me to read it out straight away?

His Honour Judge Stroyan: I want you to read the next sentence.

A Mr. Symonds: Before he sees it. It would be better for him to see it first I think rather than have to read it again. "I did not tell the Nuneaton officers that I had been told to keep quiet. When I was up there I did tell someone that I had been told to keep quiet, I don't know who it was that I told, I don't know his name". Would that have been Mr. O'Rourke, Mr. O'Rourke that you told you had been told to keep quiet? - A: I have never met Mr. O'Rourke - I have never met Mr. O'Rourke in Nuneaton.

B Q: In Coventry perhaps? - A: Anywhere, apart from London.

Q: "I don't know who it was that I told, I don't know his name. I don't know the name of the person that I told". You see, all of this is completely different to what the Nuneaton officers will say I submit.

C His Honour Judge Stroyan: Well, we don't know that until they have given their evidence. It is a comment you can make when they have done so, if that is what they say.

Mr. Rivlin: I am so sorry to interrupt, Your Honour, because I really was determined not to if I could possibly avoid it, but would Your Honour please read the next six lines to yourself?

His Honour Judge Stroyan: Yes.

D Mr. Rivlin: None of that has been put.

Mr. Symonds: I would like to read out the whole deposition if I could have the chance. I would like to read out the whole 67 pages of it. I would love it. Where do we stop? Mr. Rivlin is the expert at picking out two or three words here and there and throwing them into the air now and again. He has done that a few times. He is a dab hand at that.

E His Honour Judge Stroyan: Mr. Symonds, I don't think that will advance your case.

Mr. Symonds: If Mr. Rivlin wants to read out other bits he gets a chance afterwards to read out other bits, but every time I read out a bit he is now coming up and saying, "Yes and read out the page before that and the page after that".

F His Honour Judge Stroyan: Mr. Symonds, this is a document which the Jury have not got sight of. It is important that the witness be given a fair chance. It is important also that the Jury are not misled. By reading out only part of the deposition and then putting it to this witness you are misleading the Jury. That is the long and the short of it and I am determined the Jury shall not be misled.

G Mr. Rivlin: And so am I, Your Honour and I do invite the Defendant to put the next six lines to the witness so that they can hear what he did have to say.

H Mr. Symonds: I do not mind making the whole of the deposition an exhibit and then they can read the lot, because when they read the deposition they can see Mr. Perry was telling a pack of lies and was caught out time and time again by Mr. Capstick and half these

things he said he later went back on and the Jury can read it for themselves.

A His Honour Judge Stroyan: We are not having you making speeches or giving evidence. Now, what the fair thing to do is in this context

Mr. Symonds: Is Mr. Rivlin can later on pick out any bits he wants.

B His Honour Judge Stroyan: Mr. Symonds, just listen. What must be done in this case so that the Jury are not misled is that that paragraph shall be read as a whole. You can then refer to such matters as you wish afterwards and the Jury can get the whole thing in context. I am not going to have them misled by you reading out selective passages. Now, I think it is right that the whole of that paragraph should be read out.

Mr. Symonds: Well, you read it out because this is a farce. This whole trial is a total farce.

C His Honour Judge Stroyan: Now then, Mr. Perry, do you see where it starts, "I did not tell", that paragraph? - A: Yes.

His Honour Judge Stroyan: Now, is that part of your deposition? - A: Yes.

His Honour Judge Stroyan: Is it signed by you? - A: Yes.

D His Honour Judge Stroyan: Well now, will you read out that paragraph about which you have just been asked questions from the words, "I did not tell" to the words, "tip everyone off"? -
E A: "I did not tell the Nuneaton officers that I had been told to keep quiet. When I was up there I did tell someone that I had been told to keep quiet, I don't know who it was that I told, I don't know his name. I don't know the name of the person that I told. I believe it was them that first asked me about it, one of the officers from Nuneaton said, 'What was going on, why did he come in? This was just before I was released from Nuneaton, this seemed to be the officer in charge, the Sergeant but I don't know his name. He asked me what Symonds had said, I told him that he.....'"

F His Honour Judge Stroyan: Just a moment, yes? - A: "I told him that he told me not to say anything. When I said I didn't tell anyone previously I meant that I didn't tell them at Camberwell Green. The Sergeant mentioned this first about the police from Peckham"

His Honour Judge Stroyan: I think we had better stop there. Yes, I think that probably puts it sufficiently in context. - A: "He said he was"

G His Honour Judge Stroyan: No, no, we will stop there. Yes, Mr. Symonds, carry on, please?

H Mr. Symonds: You see, that subject was come back to on several occasions by Mr. Capstick and I am just looking those up because if we are going to have bits we might as well have the whole lot. I think that is what you said. It was not just left like that. Well, as we have had that nice little bit of heresay evidence about what someone in Nuneaton said to you and what you said to them, presumably we can have a lot more of heresay evidence, as we seem

to be abandoning the rules of evidence in this trial in fact.

A His Honour Judge Stroyan: Mr. Symonds, we are not abandoning the rules of evidence. I have been extremely lenient with you in letting you put a number of questions that are not admissible. Nothing that is inadmissible against you has been put in. Now, is there anything else you want to ask about the conversation or what happened at Nuneaton Police Station?

B Mr. Symonds: Well, I don't see now why I should not put to Mr. Perry the statements made by the Nuneaton police officers because we have had half of a conversation between Mr. Perry and the Nuneaton police officers.

C His Honour Judge Stroyan: You cannot. You can put that to the Nuneaton police officers if you wish. You cannot put it to Mr. Perry. You can ask him about what he did at the Nuneaton Police Station. You cannot put statements made by other witnesses to him. You can ask the Nuneaton officers what happened there when they come to give evidence.

D Mr. Symonds: Alright then. So we will leave it at that then. You have just given sworn evidence on oath for the second time in fact that when you got to Nuneaton roughly, is this right, you told the people there that Sergeant Symonds at Camberwell had told you to say nothing, is that right, when you were up in Nuneaton under arrest? Is that what it boils down to? - A: Yes.

E Q: You told them that? What did they say when you told them this? Did they seem surprised or something or what? - A: Well, they were just curious.

F Q: They were just curious. What did they say, "Oh yeah"? I see. You see, what I must put to you, Mr. Perry, is that you are telling a pack of lies. I must put to you that not one word you say is worth a light in this Court because of your previous record of telling lies on oath, which we discussed a couple of hours ago and I must put it to you that when you went to Nuneaton you did not go up to the officers in Nuneaton and say, "I am saying nothing because Sergeant Symonds at Camberwell told me to say nothing". I put it to you that is an absolute lie?

G His Honour Judge Stroyan: Mr. Symonds, just put it in stages. You are perfectly entitled to put it to him that he is telling lies, but you have not let him answer.

H Mr. Symonds: Now, please answer? - A; I did not say that Sergeant Symonds told me not to say anything. I did not mention your name.

A Q: But wasn't that what you have just read out? Didn't the Judge just ask you ^{to} read that out.

B His Honour Judge Stroyan: No, it does not say that. - A: The officer asked me what you had said.

C His Honour Judge Stroyan: Quite different you see. It is not that this witness had mentioned your name. It was that the Nuneaton officer had mentioned your name. - A: That is right.

D His Honour Judge Stroyan: That is what was read out.

Mr. Symonds: And what did you say? Did you or the Nuneaton officer say, "The man who came in my cell", is that right? - A: Yes.

A Q: And who was that? - A: You.

Q: Well then? - A: Well what?

Q: Well then, in that case you told the Nuneaton Police that Sergeant Symonds had told you to say nothing? - A: Yes.

B Q: Yes. Can we have a five minute break here, Your Honour, please?

His Honour Judge Stroyan: I hope it will be well spent in getting on to something relevant at the end of it. Not that it is irrelevant to ask those questions, but I hope you will be able to take advantage of the break to condense your questioning into things that really matter.

C Short Adjournment

Mr. Symonds: So, Mr. Perry, the situation now is that you are making the allegation that I told you to say nothing, is that right, at Camberwell, on the 24th? - A: According to my deposition, yes.

D Q: No, I am asking you, is that right? - A: If I said it then, it must have been right, yes.

Q: And so do you now say that that was the favour because you previously said the favour was about if they have got a fingerprint? - A: The favour was they did not think they had a lot on me, but if they have got a fingerprint plead guilty to a Section 1 Theft.

E Q: So the allegation that I told you to say nothing was not a favour because you would not have said anything anyway, is that right? - A: You may have meant it as a favour, but I did not need telling that.

F Q: Because you would have said nothing anyway. Now, why did not you mention this to the, for example, to the police when you made the allegation, the allegation to the police officers? Why didn't you mention that I had told you to say nothing and that you mentioned this to the Nuneaton officers? - A: I believe I did mention it to them.

Q: My name? - A: No, not your name, no.

G Q: Did one of the police officers at Nuneaton ask you if you knew any names of the officers at Stations, did you get the impression he was talking about Peckham? - A: He did ask about Peckham Police Station.

Q: Did you give any names of Peckham officers? - A: Not that I can remember.

H Q: And in your evidence in chief yesterday you did not make any allegation about being told to say nothing, etc.? - A: Fair enough, yes.

Q: You did not? - A: I don't know.

A
B
His Honour Judge Stroyan: Just a moment. My note of the evidence in chief is as follows: "In the cell I saw the Defendant, who poked his head round the door and had a few words. He said, 'Someone has told me to see you'. I had not spoken to him before. The Defendant said, 'If the Coventry police asked what I am doing tell them I am asking about clothes. Nothing was found in the flat'. I took it to be an excuse for him to be in the cell talking to me. The Defendant said, 'I don't think Nuneaton have got anything on you. If they have fingerprints, tell them you will plead guilty to Section 1 or 2 thefts which have a twelve months maximum sentence'. I said, "Thanks for trying to tip me off. I will see you alright at a later date'. That meant I would give him a few pounds for a drink for helping me out." That was the evidence in chief.

Mr. Symonds: So is that correct, the Judge's notes? - A: Yes.

Q: And did you hear that there is no reference there about being told to say nothing? - A: That is right.

C
Q: And according/^{to}the Judge's notes you said to me, "Thanks for trying to tip me off", is that right, because that has never been said before either, in your statement to police or statement to anybody, that you said, "Thanks for trying to tip me off"? Was that something that just came into your head yesterday? - A: What is the question?

D
Q: That you told the Court yesterday that after I had popped my head round the door you said, "Thanks for trying to tip me off"? - A: Well, I said, "Thanks".

Q: But did you say, "Thanks for trying to tip me off"? - A: I don't recall it.

Q: You don't recall it?

E
His Honour Judge Stroyan: Yes?

Mr. Symonds: You see, when you were complaining to Mr. Lloyd about this incident, you did not mention to him either anything about being told to keep quiet, did you, or "Thanks for trying to tip me off"? -

F
His Honour Judge Stroyan: Well, what he said to Mr. Lloyd is heresay. You have got the answer you wanted.

Mr. Symonds: Do you recall you saying to me on the 24th September, did you say to me, "How much do you want"? Do you recall those words?

His Honour Judge Stroyan: Are you putting that he did say that to you?

G
Mr. Symonds: No, that is just one of the things he told Mr. Lloyd that had been said and I said to him, "Did you say those words?" and he said, "No", but I did not mention to the Jury that that was in Mr. Lloyd's notebook.

H
Mr. Rivlin: Your Honour, I accept that the Defendant is fully entitled to put to the witness, if he wishes to, that on any occasion he has said something different to some other person whoever that person may be. I do not want him to feel inhibited

in putting that.

A His Honour Judge Stroyan: Yes, he is perfectly entitled to say that. What he is not entitled to do is to put somebody else's statement.

Mr. Rivlin: That is right.

B Mr. Symonds: And did you tell Mr. Lloyd that I came in and spoke to you together with Nuneaton Police officers, we all came in together? D.S. Symonds came in with other people when the Nuneaton Police came? - A: I know you all came in but it was at separate - it may have been altogether or separate, I don't recall.

Q: Did you tell Mr. Lloyd, "We were talking about some clothes we were checking up on"? - A: No.

C Q: No, did you tell Mr. Lloyd that I was the man that arrested you and took you to Camberwell Green, "D.S. Symonds from Camberwell Green, the bloke who nicked me for the case and took me to Camberwell Police Station"; did you tell Mr. Lloyd that? - A: Not as far as I know.

D Q: No. Page 8 of Mr. Lloyd's - well, following on from that so that I have put the whole bit. "Detective Sergeant Symonds from Camberwell Green, the bloke who nicked me for the case and took me to Camberwell Police Station. A friend of mine rang me up and he said, "I have been told to have a word with you to tell you about how?, if anything of the Nuneaton. I said, "How much do you want?" and I think you said that you do not recall either of those?

His Honour Judge Stroyan: Well, do you remember what you told Mr. Lloyd? - A: I don't remember telling him about Sergeant Symonds arresting me at my house. I don't remember me telling him that.

E Mr. Symonds: Pardon? - A: I don't remember telling him that you arrested me at my flat and went to Camberwell.

Q: Well, perhaps - what do we do now, Your Honour? Do we show them Exhibit 10, where it is written down or leave it at that? I am prepared to leave it at that, did he tell Lloyd this, he said, "No".

F Mr. Rivlin: Your Honour, maybe the Defendant is prepared to leave it at that, but twice in the last two minutes I have pointed out to his instructing solicitor page 13 and I know Mr. Green has been kind enough to point that out to the Defendant.

His Honour Judge Stroyan: Well, what part of page 13?

G Mr. Rivlin: The part that I have just heard the Defendant reading out to his instructing solicitor, so that it is well within his knowledge. It begins, "About four weeks ago". Page 13, Your Honour, does Your Honour have that?

His Honour Judge Stroyan: Yes.

Mr. Rivlin: That paragraph, "About four weeks ago".

H Mr. Symonds: Would you like the first or second paragraphs?

Mr. Rivlin: Your Honour, I don't ask for anything. I just ask that if questions are going to be put and statements are going to be, they are put in a fair manner.

A His Honour Judge Stroyan: Yes, when one comes to look at this it would appear that by putting what you have put the Jury may well have been misled again, you see.

Mr. Symonds: I absolutely disagree with that, Your Honour. I have put the whole bit on page 8 and the top of page 9.

Mr. Rivlin: That is right, Your Honour.

B Mr. Symonds: And I have put the bit about who went into his cell, was I alone or was I with other people? I read that out word for word. I will read it again. Did you say to Mr. - you want the first bit as well, do you? Did you say to Mr. Lloyd, "About four weeks ago Nuneaton police visited the flat. They were waiting for me as I walked in. I was by myself. There were three police officers from Nuneaton and one from Camberwell".

C His Honour Judge Stroyan: Now, go on.

Mr. Symonds: "They took me to Camberwell Police Station and while I was waiting D.S. Symonds came in with other people in Nuneaton Police came in. We were talking about some clothes we were checking up on".

D His Honour Judge Stroyan: Yes? - A: When was I alleged to have said this, in 1969?

Mr. Symonds: Yes, to Mr. Lloyd? - A; I don't recollect saying it.

Q: You don't recollect saying it. Alright, is that satisfactory?

E Mr. Rivlin: Yes, thank you.

Mr. Symonds: Now, you say that you did not know my name on the 24th; well, when did you find out my name? Can you recall that, at what stage did you find out my name? Was it soon after that or some time after? - A: Soon afterwards.

F Q: Was it through the 'phone call to your mother's house or your brother or anything to do with them, did you find out my name or did you find out my name through another person? - A: Through another source.

Q: Through another person? - A: Yes.

G Q: Now, in your evidence in chief you followed on from that by saying that when you returned from Nuneaton sometime after you returned, I think you said about a week or something like that, you met me again. Is that right? - A: Yes.

Q: Well, first of all I challenge that it was a week, it was sometime after that, and you gave evidence about a conversation that took place in the car. Do you recall that? - A: Yes.

H Q: Now, when you saw me and spoke to me after the Nuneaton affair, did you once again bring up the subject of your car? Did you tell me that your car was in Peckham Police Station, they would not

release it to you, but you had seen it in the Yard and according to the Station records it did not exist there or something like that. Do you remember that conversation? - A: I don't remember that, no.

A Q: Well, could it have happened? Do you remember having your car being in Peckham Police Station pound? - A: Yes.

Q: And do you remember going down there and asking for it back and they would not give it to you for some reason or other? -
A: Yes.

B Q: And did you speak to me about that, when you saw me next? -
A: I don't recollect.

Q: Is it reasonable because I had helped you with your car before, had I not? - A: So you say.

C Q: Do you recall any such conversation about your car being in Peckham police station when you saw me after Nuneaton? -
A: I don't recollect, no.

His Honour Judge Stroyan: This is the occasion about a week after Nuneaton is it, outside the Rose? - A: That is right.

Mr. Symonds: Mr. Perry said it was a week, I challenge that, it was longer than a week, Your Honour.

D His Honour Judge Stroyan: Yes, how much longer than a week do you say it was?

Mr. Symonds: I would say it was more like three or four weeks when Mr. Perry contacted me. Now, did you say that you had a conversation with me?

E His Honour Judge Stroyan: Just a moment, I want to get this clear. You put to him that it was some three or four weeks after Nuneaton that this happened, the first, the next meeting, at the Rose, took place? - A: Definitely earlier than that.

His Honour Judge Stroyan: Earlier than that, thank you. Yes?

F Mr. Symonds: Oh yes and in your evidence in chief did you say that there were just the two people in the car or more than two people during the conversation, can you recall the meeting again perhaps for the Court and go through it? - A: There was two of us in the car.

Q: And were there any other people present?

His Honour Judge Stroyan: Do you want me to read my notebook?

G Mr. Symonds: No, I am asking Mr. Perry because I am challenging what he did say yesterday? - A: There was two other people, they was in the pub.

Q: And who were these two other people?

H His Honour Judge Stroyan: Just a moment, let me get it clear? We are talking now of the meeting which you say was a week after Nuneaton and Mr. Symonds puts it at longer and you say how many people were in the car? - A: There was just me and the Defendant.

His Honour Judge Stroyan: And was there someone somewhere else? -
A: There was two people in the pub and they were Ronnie Williams
and Dermott O'Keefe.

A Mr. Symonds: And how did this meeting come about? How did you
end up at the Rose Public House on that particular day according
to your evidence? - A: It would be through Ronnie Williams.

Q: What, you received some information from Ronnie Williams or you
asked Ronnie Williams to take you to meet me? - A: No,
apparently you told Ronnie Williams that you wanted to see me.

B Q: You see, because there has been evidence given on oath before
that you asked Ronnie Williams if you could see me. It was your
idea. Now, do you remember when you went to this meeting whether
you went in your car or in someone else's car?

His Honour Judge Stroyan: I certainly don't recall that evidence
myself.

C Mr. Symonds: It has been given on oath, Your Honour. - A: I
believe I went in someone **else's** car, but I could not be sure.

Q: You went in someone else's car, but at this time you were the
owner of a car, yes? - A: Yes.

D Q: Now, could you have gone in someone else's car because your
car was in Peckham Police Station? - A: May have done.

Q: May have done and could you have asked Ronnie Williams to take
you up to see me because you had a problem about your car which was
in Peckham Police Station? - A: No, that is not true.

Q: Well, why didn't you go in your own car? You were always
in your own car normally weren't you? - A: Well, normally yes.

E Q: Now, Your Honour, what I just said related to a statement at
Committal by a Prosecution witness, who is not being called by
the Prosecution now. My difficulty is that I want to find a way
to put to this witness the fact that this other Prosecution
witness who was called once, but who is not being called now, gave
a completely different account of the meeting in the car at the
Rose.

F His Honour Judge Stroyan: No, we have had this once already.
We cannot have what other people said in other Court proceedings.

Mr. Symonds: But is there no way in which I can frame a question
as if to say, is it not a fact that Mr. Williams

G His Honour Judge Stroyan: No, this is quite inadmissible and you
are not entitled to make that sort of suggestion.

Mr. Rivlin: Your Honour

Mr. Symonds: Well, can I just make an allegation then, I put it
to you.

H Mr. Rivlin: It is also very clever, because each time the
Defendant comes out with this sort of thing the Jury hear it and
the damage is done. Totally inadmissible.

His Honour Judge Stroyan: Yes, you have pointed that out once already.

A Mr. Rivlin: Many times I think.

His Honour Judge Stroyan: This really won't do, Mr. Symonds. You are quite experienced enough in the ways of these Courts to know that you are putting things which are quite improper. You are not allowed to put them. What you are trying to do is to create an impression in the minds of the Jury that material which is not before them is admissible. Quite unfair.

B Mr. Symonds: So the Jury can never hear about what this other man said?

His Honour Judge Stroyan: No.

Mr. Rivlin: Oh yes, if the Defendant wishes to call this man he can do.

C His Honour Judge Stroyan: He can call him to say?

Mr. Rivlin: He can call him to say whatever he wants him to say or whatever the witness wishes to say, but I am sure that the Defendant knows what the procedure is.

His Honour Judge Stroyan: Of course he does.

D Mr. Symonds: Mr. Perry, I challenge your statement, there were only two people in the car. I challenge your version of the conversation that took place. I challenge the date you propose or suggest that this meeting took place and I suggest to you that you came to the Rose Public House to meet me at your own request in order to ask me to help you over a matter with your car? - A: That is not true.

His Honour Judge Stroyan: Yes, that is now clear. On we go.

E Mr. Symonds: Now, about this time of 1969 were you in fact arrested in connection with several different offences? I believe you gave evidence something about taking and driving away a van full of dresses, etc.? - A: Yes.

F Q: So you were in difficulties, is that right, you were facing several charges? - A: Yes.

Q: And you had quite a record at that time, is that right, and you faced the possibility of going to prison, is that true? - A: Yes.

Q: If found guilty of these charges and in addition to that did you come under considerable pressure from certain Scotland Yard officers? - A: Yes.

G Q: Who were seeking to obtain information from you? - A: Yes.

Q: And did these Scotland Yard officers believe that you were in a position to possibly supply them with valuable information in connection with the Peckham Mob? - A: I don't know whether they did or not.

H Q: Well, why did you think they wanted information from you? - A: I would not know.

Q: And did this pressure that these other police officers put on you take the form of threats? - A: Yes.

A Q: And you were told, were you, that if you failed to give information something might happen to you? You might be charged and go to prison in connection with an allegation they would make against you? - A: Yes.

B Q: Now, you mention that one of the charges you faced was stealing a lorry load or a van load full of dresses, was it, or some form of clothing? I must put it to you, Mr. Perry, that you and many of your colleagues were in the habit of disposing of your stolen goods to a certain Mr. Brennan, who was a main receiver of stolen property from the Peckham Mob and from other criminals at that time? - A: Well, Mr. Brennan is not a receiver to the best of my knowledge.

C Q: Well, to your knowledge did Mr. Brennan have a number of convictions?

His Honour Judge Stroyan: No.

Mr. Symonds: No?

His Honour Judge Stroyan: No.

D Mr. Symonds: What, Mr. Brennan must remain lilywhite and pure throughout these proceedings?

His Honour Judge Stroyan: No, Mr. Symonds, you are quite deliberately trying to get before the Jury it seems to me material which you know is inadmissible and which you have been told time and again is inadmissible.

E Mr. Symonds: Your Honour, I would submit - and if you like would clear the Jury to save Mr. Rivlin's nerves - I would submit, Your Honour, that the fact that the man that started all this and brought in the newspaper reporters was in fact a notorious criminal with numerous convictions for safe-blowing and was the main receiver and the man in fact who was the target of the people who were putting pressure on Mr. Perry. That was the man they were after, and I would submit that this is of a credible relevance.

F His Honour Judge Stroyan: You are in the first place trying to give evidence yourself and you are not in the witness box. That is something which the Jury should not have to listen to. And it is not right for you to put to this witness matters about another witness. You can put it to the proper witness which is not this witness.

G Mr. Symonds: Well, can I put to this witness that he had knowledge of the convictions of this man?

His Honour Judge Stroyan: Well, what he has said so far is that to his knowledge Brennan is not a receiver. That is what he has said. He may be right. He may be wrong. I do not know.

H Mr. Symonds: But then can I put to his knowledge was Brennan Scotch Eddie a well-known safe-blower? - A: I believe he had a conviction for safe-blowing years previously.

Q: And had he not brought up his sons in the same profession of safe-blowing?

A His Honour Judge Stroyan: No, no, Mr. Symonds, this really won't do. I have warned you time and again.

Mr. Symonds: This is the man that started all this.

B His Honour Judge Stroyan: What we are concerned with is this case. Come along, let us get on. You know you have been asking inadmissible questions and the Jury may perhaps draw an adverse conclusion from it, when you have been warned not to go on.

Mr. Symonds: Well, anyway, at some stage when you were under some pressure from Scotland Yard officers to disclose the name of a certain receiver or give information about a certain receiver, did you in fact go to Mr. Brennan and tell him what was happening? -
A: Yes.

C Q: Did you tell him that you were under enormous pressure from the police to point out the receiver or to give up

His Honour Judge Stroyan: No, no, no, we really cannot have conversations between this witness and Mr. Brennan.

Mr. Symonds: Alright, did you complain to Mr. Brennan that you were under pressure from the police?

D His Honour Judge Stroyan: No, no, no.

Mr. Symonds: Well, did you say anything at all to him?

His Honour Judge Stroyan: He has already told you he had a conversation with Mr. Brennan.

E Mr. Symonds: Did you have a conversation with Mr. Brennan? -
A: Yes.

Q: And as a result of this conversation did Mr. Brennan give you certain advice? - A: Yes.

Q: And was this advice, was this for you to co-operate with the police and maybe tell them what you knew?

F His Honour Judge Stroyan: No, you can ask him, having received the advice what did he do. That is all. You cannot ask him what the advice was.

Mr. Symonds: Well, having received this advice what did you do, Mr. Brennan's advice? - A: Well, I acted on it.

G Q: And what was that? - A: He arranged a meet with The Times reporters.

Q: And was Mr. Brennan present when the meet was arranged, was he there? - A: Yes.

Q: Did he introduce you to The Times reporters? - A: Well, he did not know them.

H Q: But did you have any reason to believe that he might have known one of these reporters from maybe a previous occasion? - A: I was

under the impression he did not know any of them.

Q: And as a result of Mr. Brennan introducing you to these newspaper reporters is that how this whole business started?

His Honour Judge Stroyan: Well, he cannot answer that, can he, we have all heard the reporters and we have all heard what happened?

Mr. Symonds: And when you were speaking to the newspaper reporters complaining to them, yes, telling your story, did you tell them about a number of police officers who were putting pressure on you? - A: Yes.

Q: Certain police officers who were supposed to have put something in your hand, did you tell them about that? - A: Yes.

Q: And did you tell them about me? - A: At some time, yes.

Q: But not that day? - A: I may have done, at some time.

Q: After you had spoken to them did you go back to The Times and did you make a statement there at the Times to elaborate on what you told the reporters or whatever? - A: Yes.

Q: Well, will you look at that statement, now, please? The statement to The Times, the 27th or 28th of October? Well, just a couple of questions to fill in on. When you met Mr. Lloyd and Mr. Perry did you have, apart from Mr. Brennan being there, did you have two friends with you? - A: Yes.

Q: Did, what were the names of the two friends? - A: Lemming and O'Keefe.

Q: Lemming and O'Keefe, and did the two friends also go with you to the Times and also made statements regarding this pressure which was being put on you? - A: I think so, yes.

Q: So there is three statements in fact were made that night to The Times and when you were at The Times were you in fact questioned by the reporters about your allegations and were in fact other members, more senior members of Times staff, present and did they ask you questions? - A: I cannot remember whether anyone else was there. I was under the impression it was just the reporters.

Q: And when the reporters - did the reporters ask you questions before you made the statement or did they read the statement and then ask you questions about what you had put in the statement? - A: I don't remember what way they done it.

Mr. Rivlin: Your Honour, I am handing you a copy of this. I hope the Defendant has the right one. It is dated the 26th November.

Mr. Symonds: No, I am talking about the one he is reading which is the 28th October the night he made the allegation. I will come to that one in chronological order.

His Honour Judge Stroyan: The one I have got appears to be dated October the 27th.

Mr. Symonds: That is correct, Your Honour.

His Honour Judge Stroyan: Yes, is that a statement made at The Times on the 27th October? - A: Yes.

His Honour Judge Stroyan: Yes, very well.

A Mr. Symonds: Did you read through that statement quickly, Mr. Perry? - A: Very quickly, yes.

Q: And does the first part of the statement, the bulk of the statement, in fact refer to your allegation against two police officers from Scotland Yard, who were alleged to have planted something on you? - A: Yes.

B Q: And then after that do you then make an allegation against two police officers, one or two police officers, from Peckham? - A: Yes.

Q: In which you allege that you paid them some money? - A: Yes.

C Q: No, that they were demanding some money from you and in fact you had paid the money to what we could call a middle man who was holding the money and then if your charge was dropped the police would have the money, if it was not dropped you would get the money back? - A: If I was convicted I would get my money back.

D Q: Yes, so the first allegation is about being planted by Scotland Yard officers. The second one is about some police officers at Peckham that were demanding some money off you and I think that is all and is it true to say there is not a single word in there about me, that I was demanding money off you? - A: That is true.

E Q: So on the 27th October when you complained to The Times officers that you were being planted up by Scotland Yard officers, you also complained that Peckham officers were demanding money off you, but you did not say a single word about Sergeant Symonds at Camberwell Police Station wanting any money off you, did you? - A: That is right.

Q: But according to the evidence you have given to this Court yesterday, before you made that statement you had met me in a car somewhere and I was demanding money off you as well, is that right? - A: That is right.

F Q: Well, why didn't you tell them about me as well? - A: Well, you had not upset me that much.

Q: But had the Peckham officers upset you that much? - A: Yes they had.

G Q: They were going to get £200 according to you and they were in a position to do you a big favour, according to you? - A: I maintain I was innocent of that charge. That is why I had the 'hump' (?) on them. I don't mind paying if they are going to help me out but I am not going to pay for nothing.

Q: So you reported, made an allegation against the Peckham officers because they were asking money off you and you were innocent of the charge, is that right? - A: That is right.

H Q: That is why you had the 'hump' on them and were you guilty of the Nuneaton charge, did you do it? - A: I don't have to answer

that, do I?

His Honour Judge Stroyan: No.

A Mr. Symonds: Well, were you innocent of it?

His Honour Judge Stroyan: No, you cannot ask that question if he refuses to answer it. It is no good laughing, Mr. Symonds.

Mr. Symonds: You see what I am getting at, Your Honour, he said he reported the Peckham officers

B His Honour Judge Stroyan: Cool down, Mr. Symonds.

Mr. Symonds: Well, so you reported the Peckham officers because you were innocent of the charge, yes? But you did not report me, is that right? - A: The Peckham police had charged me. I was already charged whereas in your case I was never charged.

C Q: Would you look at the charge sheet from Nuneaton Police Station, please? And I believe you said you had your fingerprints taken and your photograph taken and there is a charge sheet here. Is that the charge sheet from Nuneaton Police Station? - A: Well, according to this there is no offence on it, just what I class as a bail sheet.

Q: May I look at it, please?

D His Honour Judge Stroyan: Give it to me first. Well, this document has got a letter attached to it dated 8th October 1969 and so far as I can see there is no charge on it. It may not be the document that you want, Mr. Symonds.

Mr. Symonds: I have never seen it, Your Honour, if I could just quickly look at it? I know there is a charge sheet in existence, it is referred to in the documents.

E His Honour Judge Stroyan: I think you ought to have a look at it before you ask questions.

Mr. Symonds: I do not understand that charge sheet, Your Honour, so I will leave the question.

F His Honour Judge Stroyan: Well, I think it is not the charge sheet.

Mr. Symonds: Well, it is a charge sheet actually, Your Honour. It has got person charged underneath it and on the back it has got details of visits to the prisoner and it does show - well, perhaps Mr. Perry could look at that again? Mr. Perry, looking at the back of that sheet of paper, can you see that there is a list there showing or should show whether you were visited at all in the cell and if you were visited at what time you were visited and who you were visited by and can you see there is nothing shown on there under visits? - A: Visits?

G Q: Centre column. There is just two, where you were brought in and the second entry is where you were bailed. I will ask the Nuneaton officers about that, Your Honour and clarify it with them, and carry on.

H His Honour Judge Stroyan: Yes, may I see it?

Mr. Symonds: Mr. Perry, when you were in the cell at Nuneaton, you said you were questioned many times. Were you questioned in the cell or taken out of the cell to be questioned? - A: Always in the cell.

A

Q: Always in the cell. You were not taken out and taken into another office or something like that? - A: No.

Q: You see, I must suggest to you that when you were taken to Nuneaton you were in fact put in the cell after you had been told they had your fingerprints and advised to confess, you were put in a cell and the door was slammed and you more or less stayed there for a day and just had meals brought to you? - A: No, they come in many times.

B

Q: Because you must know from your previous experience this is a form of treatment known as 'cold turkey', is it not? - A: That is right.

Q: Where you are told that there is strong evidence against you, advised to confess, and then you are given 24 hours to think about it? - A: That sometimes happens, yes.

C

Q: And then when you come out of the cell you are asked again, "Now, what about it? Now, do you want to make a statement?", and I must suggest that is exactly what happened to you at Nuneaton? - A: No, in all my dealings with police I have never been more questioned than what I was up there. They must have come in a dozen times.

D

Q: So, going back to the fact that on the day you met these reporters, together with Mr. Brennan and together with two of your friends from the Peckham Mob, when you made the allegations about police officers to The Times, you said not one word about me or about receiving a demand for money from me or meeting in a car outside the Rose, etc., that is correct is it not? - A: According to my statement, yes.

E

Q: Yes, now having met the reporters did you then make an arrangement or I believe you had an arrangement to go and meet one of these officers in a pub? - A: That is right.

Q: With a reporter trailing along behind and you did that, did you? - A: Yes.

F

Q: And when you met this officer in the pub was an arrangement made for him to telephone you or an alleged arrangement made for a telephone call to be received by you the following morning at your flat or your mother's flat? - A: I did give him my 'phone number, yes.

Q: Now, when was it decided between you and the reporters to turn this into a tape recording exercise? Was it that same day the 27th, was there talk about fitting you up with a bit of tape recording? - A: I did not decide it, that was their idea.

G

Q: And was it their idea on the 27th, did you know the first day that you were going to walk around as a sort of portable transmitting station? - A: Well, they arranged it amongst themselves, you know.

H

Q: The first day? - A: I do not know if it was the first day or not.

A Q: Well, was Mr. Brennan there, for example, and Mr. O'Keefe and Mr. Lemming, when you were talking about getting the old tape recorders going? - A: Not as far as I know, no.

Q: No, and so when was the first occasion when tape recorders were starting to be used according to your memory? - A: What, as far as you are concerned you mean, or?

B Q: As far as anybody was concerned, was it the next day?
- A: It was soon afterwards. I cannot remember actually when it was.

Q: Well, I will try and find the place in your statement.

His Honour Judge Stroyan: Well, I don't suppose the exact time matters very much, does it?

C Mr. Symonds: Well, it did matter a bit, you see, as to when the tape recording was first decided because I consider that it could be of some importance, Your Honour, whether it was decided to start tape recording on the 27th or 28th.

His Honour Judge Stroyan: Well, you have asked him and he said he does not remember. So we can go on.

D Mr. Symonds: Well, I have got it now, if you look at page 24 of your statement, it starts about there, the business about the tape recordings. Your Honour, shall we break off here?

His Honour Judge Stroyan: No, I decide when we rise.

E Mr. Symonds: Well, looking at your statement then, did you the next morning, well - I did not object to the Prosecution putting the date to Mr. Perry?

Mr. Rivlin: No, of course, put it if you want to. I have no objection.

F Mr. Symonds: The next morning, which was the 28th October, at 10.00 a.m. were you sitting in your mother's house when the reporter arrived or two reporters? - A: Yes.

Q: Can you remember which one arrived first? - A: No.

Q: Did it happen like that? Did one arrive first and the others arrive later or did they all come together? - A: I don't remember.

G Q: And was your telephone fitted up with a tape recorder, an attachment? - A: Yes.

Q: And I understand the call you were expecting did not arrive and then, looking at your statement?

H His Honour Judge Stroyan: Let him answer that. Did the call you were expecting arrive or cannot you remember? - A: According to this, no, according to my statement.

Mr. Symonds: According to that, no.

His Honour Judge Stroyan: Yes?

A Mr. Symonds: And after you waited up until 12.00 noon, is that right, did one of the reporters suggest that you ring up Sergeant Symonds at Camberwell, looking at the bottom of the page of your statement? - A: Yes.

Q: Now, why should one of the reporters suggest that you should ...?

His Honour Judge Stroyan: Well, he cannot answer that.

B Mr. Symonds: I have not asked the question yet, Your Honour.

His Honour Judge Stroyan: No, you cannot in that form.

Mr. Symonds: How had the reporters come to know the name Sergeant Symonds? - A: I must have told them about it.

C Q: During the morning would it have been? - A: It must have been, yes.

Q: Or had you told them about a number of police officers during the morning, everyone you knew in fact? - A: No, only the - only the four I told them about previously and you.

Q: And had you been trying to ring up the four you had told them about previously that morning? - A: No, one of them.

D Q: Did you try to get in touch with Mr. Robson that morning? - A: Yes.

Q: And the other one, Mr. Harris, yes. So one of the reporters suggested to ring me up did he? - A: Well, I was trying to prove to them that what I was telling was the truth. So I had to give them

E Q: Yes, according to your statement, four lines up from the bottom of the page, it says, "One of them suggested", that is one of the reporters suggested, is it? - A: It would be, yes.

Q: Yes and when you turn over the page on to page 25, the beginning of the paragraph there is, "At the suggestion of the reporters I rang Camberwell Police Station", right? - A: Right.

F Q: "And asked for Sergeant Symonds", and then you go on to say that you made some other 'phone calls and you rang Scotland Yard and eventually spoke to Sergeant Harris, is that right? - A: That is right.

Q: And you had a conversation with him, is that right? - A: Yes.

G Q: And you made other attempts to contact me, is that right? Now, all these were being recorded, were they not, on a recording machine? - A: I believe so.

Q: All these telephone calls? - A: They may have been, I cannot remember.

H Q: But did not you hear Exhibit 1, does that refer to that morning? - A: What date was it? What date are we talking about?

Q: The 28th, would you like to look at Exhibit 1? - A: No, that is right, yes, it was recorded.

A His Honour Judge Stroyan: Very well, "My telephone conversation to", who? I think we have dealt with this a number of times, haven't we, it is Exhibit 1 you are talking about?

Mr. Symonds: Yes, Exhibit 1.

His Honour Judge Stroyan: "Telephone conversation was recorded, Exhibit 1", we will break off there.

B Mr. Rivlin: Your Honour, I would like to mention one or two matters in the absence of the Jury either now or at 2.00 or at 2.15, but I want to make it clear that I would like to mention a couple of matters in the absence of the Jury.

His Honour Judge Stroyan: Well, perhaps it would be a good idea now and we can think about them during the adjournment.

C Mr. Rivlin: If you please.

His Honour Judge Stroyan: Yes, Members of the Jury, if you would be kind enough to be back at 2.15.

Members of the Jury leave Court

D Mr. Rivlin: Might Mr. Perry leave the Court now, please?

His Honour Judge Stroyan: Yes, you remember the warning I have given you, Mr. Perry, you must not talk to anybody about your evidence in any way during the adjournment.

Mr. Perry leaves Court

E Mr. Rivlin: Your Honour, the first matter concerns the witnesses; Mr. Moody is going to be here tomorrow and he will be tendered tomorrow. The Defendant knows that. I have in the corridor outside the Court the Nuneaton officers, and the position is this, that if it is the Defendant's belief that we are not going to reach that, either for the rest of the day or tomorrow, I would very much welcome some indication from him so we will know what steps to take about those police officers. Your Honour, I say that because we have so far just got to the 27th October. Your Honour, the **F** second matter is this and it is rather more important and serious from my point of view. Your Honour, on a large number of occasions I have objected to the Defendant referring to what other people would say or might say. Your Honour, it is bad enough if those people are witnesses. It is very disturbing and quite wrong if those people are not to be witnesses. And this is a matter that I first mentioned before the trial before the Jury began. Your Honour may recall that I said, "Well, we have had a number of **G** speeches within the trial within a trial, but it must not happen in the trial". Your Honour, this morning the Defendant put something to Mr. Perry about what a Mr. Williams had said on oath on one occasion. That in itself was serious but, and this is the **H** important matter, what is especially serious is that it is absolutely clear I would submit that he totally misled the witness and the Jury in what he put about Mr. William's evidence and if you look at page 128 and 129 you will get the answer. This is the Depositions, Your Honour. may I just remind you that the whole essence of what the Defendant was putting was this, "I did not seek you out. You

sought me out". Now, if you look at the bottom of page 128, this is Williams on oath, "I believe Symonds saw Perry before he was taken to Nuneaton. I believe that Symonds did mention that he'd seen Perry before he was taken to Nuneaton. I saw Perry myself and gave him the message. The message was that if he wanted any help, he'd have to part with some money. I believe the conversation I have just related took place in my home. There was another conversation where I took Perry to the "Rose". I took Perry to the "Rose" because he wanted to see Symonds. This was about the matter that I have just related". So that all that the Jury have been told is that Williams has said on oath that Perry sought the Defendant out, whereas in fact what Williams was saying on oath was this, that that is true, but because he had given Perry a message from the Defendant. Now, Your Honour, there is no way that I can correct that because I cannot re-examine on it. The damage has been done and the Crown is not in a position to correct the damage that has been done. Your Honour, I draw this to your attention as being an outstanding case where the Defendant has been able to work as it were, not a miscarriage of justice, but an injustice, by being able to shout out something, blurt out something.

His Honour Judge Stroyan: There have been a number of occasions of that sort and of course I cannot stop him before the damage has been done.

Mr. Rivlin: Your Honour, that is right, yes, but on a number of occasions at least I can re-examine. I cannot re-examine on this.

His Honour Judge Stroyan: Yes, well I think I am entitled to put the matter right, myself.

Mr. Rivlin: Well, Your Honour, it is a very difficult situation and

His Honour Judge Stroyan: I shall certainly not allow the point to be taken hereafter.

Mr. Rivlin: Well, of course not, Your Honour, but it could not be taken hereafter anyway. I think, Your Honour, with respect that the furthest one could go would be this: that the Jury might be told, if Your Honour thought it appropriate, that something was said about Williams' evidence this morning, that has been checked and the Jury have only been given part of the story and I do not think that really one can go further than that, because it is such a delicate and difficult situation to be in. The Jury have only been given part of the story and that may have misled them. You see, the Defendant is right when he picks out that one sentence, but in context it is/^atotally different situation.

His Honour Judge Stroyan: Yes, well it is the business about the message.

Mr. Rivlin: Of course it is, yes. Yes, of course it is.

Mr. Symonds: Your Honour, I think that rather than just picking out another few words to counteract the few words which hurt, I think that before Your Honour does anything we should examine all of Williams' evidence, including his statement to the police and including the whole of his deposition and including certain other

A statements he made to the police, Your Honour. I think that that should be done before you accept that one of the little points I have made has been scored out by some other sentence plucked out from somewhere which weakens it a bit in some way, because there is more to it than that, Your Honour. It was Perry's desire and idea to see me, I had no idea he was coming and if you read all the evidence given on oath before now, in all the statements, you will see that I was quite astonished - the evidence of O'Keefe, yes - I was quite astonished when I walked into this pub and saw these people waiting to see me.

B His Honour Judge Stroyan: Mr. Symonds, the point is this, that I think you know quite a lot more than you are prepared to say about the ordinary rules of evidence. You have no doubt picked them up in the course of your training and experience as a police officer. You have been picking out odd bits of evidence, which taken by themselves, tend to deceive the Jury. I have warned you about it more than once. You are quite intelligent enough to know what is going on and I will not have you misleading the Jury in this way.

C Mr. Symonds: Well, I can only suggest

Luncheon Adjournment

His Honour Judge Stroyan: Does anyone want to say anything in the absence of the Jury?

D Mr. Rivlin: No, Your Honour, but it is just we would like to have some help about these witnesses, who are waiting, as to whether we ought to send them away today until Monday or whether we should keep them here. It is the question of expense we have in mind.

His Honour Judge Stroyan: I am sure. Mr. Symonds, how much longer do you think you will be with this present witness?

E Mr. Symonds: I would say certainly the rest of today, Your Honour, and I think it may well be a large part of tomorrow as well.

His Honour Judge Stroyan: Well, I should have thought that it should be possible without really any difficulty to complete him by midday tomorrow.

F Mr. Symonds: Well, you see Your Honour, there is the question of going through the transcripts with this witness word by word and it will take a long time.

G Mr. Rivlin: Well, Your Honour, if the Defendant is going to do that and after all that is part of the kernel of the case, then it does seem to me that we could pretty safely say that they are not going to be reached tomorrow and we will send them away. But, Your Honour, as regards Mr. Moody, we have got to call him tomorrow and I would apply to interpose him if necessary.

His Honour Judge Stroyan: Yes, he will take no time so far as you are concerned?

Mr. Rivlin: None at all.

H His Honour Judge Stroyan: And so far as the Defendant is concerned he appears to deal with only a limited sector of the case.

Mr. Rivlin: Well, who knows? But I would have thought so. With those indications in mind, Your Honour, I shall release my witnesses.

A His Honour Judge Stroyan: Yes, I think if we have Mr. Moody and Mr. Perry that will probably be all we need until the beginning of the week and no doubt over the adjournment we can see where we are getting to.

Mr. Rivlin: Yes.

Jury brought into Court

B His Honour Judge Stroyan: Members of the Jury, before the adjournment the Defendant cross-examined for some time on a question about whether it was his idea or somebody else's idea that there should be the meeting at The Rose, which is said to have taken place a week or more after the Nuneaton incident. A reference was made to a man named Williams by the Defendant. That reference has been checked over the adjournment and all I am going to tell you about it now is that it may well turn out that that reference which the Defendant made was a misleading one. I will say no more about it now. Yes?

C

Mr. Symonds: I

D His Honour Judge Stroyan: The last question you asked this witness was about a telephone conversation which you said was recorded on Exhibit 1.

Mr. Symonds: Sorry, Your Honour, what was the last question?

His Honour Judge Stroyan: The last question you asked was about Exhibit 1. The witness said the telephone conversation to which you were referring was recorded on Exhibit 1, tape 1.

E Mr. Symonds: Mr. Perry, you mentioned that there were a number of telephone calls made that morning I believe? - A: Yes.

Q: There were calls made to Mr. Robson and Mr. Harris and, I do not know, did you make calls to Mr. Sylvester? - A: No.

Q: That morning? - A: No.

F Q: But in view of the allegation you had made against Mr. Sylvester did the reporters appear interested in contacting him at any stage? - A: Well, there was no reason for me to call him.

Q: Did you ever telephone Mr. Sylvester? - A: No.

G Q: You never did. You quite sure about that? - A: Positive.

Q: Positive. Did you ever telephone any officer at Peckham? - A: Not to my knowledge.

Q: Mr. Hughes? - A: I cannot - not to my knowledge, no.

H Q: And then on page 25 of your statement after saying that you tried to speak to Mr. Robson or Mr. Harris through C.9 Department and you understood that neither of them were there. At the top is,

"At the suggestion of the reporters I rang Camberwell Police Station"; that is right, is it, they did suggest? They made the suggestion that you made this 'phone call?

A His Honour Judge Stroyan: Well, we have had this and I have got a note of it. "One of the reporters suggested I rang Camberwell". You need not go into it again. You have got to the bottom of the page.

Mr. Symonds: Were you reluctant in any way to make this telephone call? - A: Well, I did not care one way or the other.

B Q: Did they suggest that you made it? - A: Why not?

Q: And you were told that Sergeant Symonds was not there again and then you say you then rang Scotland Yard again and you eventually spoke to Sergeant Harris and asked to see him, is that right, that morning? - A: That is right.

C Q: Yes and there is a record of a conversation there and you had the tape recorder attached to you at this time, this was recorded was it? - A: I did not put the recording device on there. That was done by the sound engineer.

Q: But all the calls that you made that morning were recorded were they?

D His Honour Judge Stroyan: Do you know? - A: I cannot remember.

His Honour Judge Stroyan: Who was switching the recorder on or off? Was that you or someone else? - A: Someone else.

His Honour Judge Stroyan: Very well, yes.

E Mr. Symonds: You see, because according to you there was a conversation about Brookes and Canterbury etc., and Mr. Sylvester, etc., but the thing is that there is no record of this conversation on Tape 1 is there, referring you to the

His Honour Judge Stroyan: Mr. Symonds, we have all heard tape 1, we have seen the transcript. We know what it says. Can we go on to something that matters, please?

F Mr. Symonds: Well, would you say that matters or not?

His Honour Judge Stroyan: Just go on, please.

Mr. Symonds: Well, Your Honour, would you say that it matters that a recording of me is produced in evidence but a recording of a conversation with Mr. Harris is not produced in evidence?

G His Honour Judge Stroyan: Mr. Symonds, I am not here to answer questions from you. Now, get on with your cross-examination.

H Mr. Symonds: Will you look at a tape transcript, the full tape transcript, which I believe is Exhibit 35B? Now, would you look at the first page where under the date, 28.10.69, it refers to a number of 'phone calls made that morning. The first three. Turning to tape 1, page 1, yes, that is the transcript of the conversation you heard in Court the other morning, is that right? I am sorry, that is the transcript of an attempt to contact me? - A: Yes.

Q: And on page 2 there is the successful recording, shall we say, where you are speaking to me?

A His Honour Judge Stroyan: Start at number 11. - A: Was that a question you asked me? Were you asking me a question?

His Honour Judge Stroyan: No, I am just pointing it out, to get you to the right page. If you look at number 11.

Mr. Symonds: At page 2.

B His Honour Judge Stroyan: Have you got that? - A: Yes.

Mr. Symonds: And then on page 4 there is another conversation where you are trying to contact me again, is that right? All those three conversations, according to the transcript, were on October the 28th, yes? - A: As far as I can remember.

C Q: Yes, but there is no record anywhere, never has been, of your conversation with Sergeant Harris that morning and there is nothing on tape 1 about it. So I must ask you now, is it to your knowledge that this conversation was later rubbed out by the reporters? - A: Not to my knowledge.

Q: But you are quite sure that you had this conversation with Sergeant Harris that morning are you? Look at page 25 of your statement? - A: It seems to be.

D Q: The talk about Brookes and Canterbury and Sylvester. So you can offer no explanation as to what eventually happened to that recording of that conversation, if there was a recording of that conversation? - A: I do not know.

Q: You do not know. Now, turning back to the transcript, page 2, starting from item 10, where somebody says, "Speaking?". Have you got that? - A: Yes.

E Q: 9 "Male Just a moment please". 10 S. "Speaking?", have you got that? - A: Yes.

Q: And then below that P. "Hello. It's Perry here, remember me do you?". Now, why did you say that? Why did you ask me if I could remember you? - A: Well, it had been a few weeks since I had seen you, so maybe

F Q: But why ask, "Remember me do you"? - A: Well, just a question, do you remember me?

Q: Do I remember you from the time you were arrested by Nuneaton officers, is that what you meant? - A: Yes.

G Q: When I helped you with the car, is that right? - A: So you say.

Q: And then I say, "Who?". That sounds as if I do not remember you? - A: No, it sounds like you did not understand what I said.

H Q: Well, shall we play the tape and perhaps we can listen to the tape, just that conversation, please?

(Tape 1 played to the Court)

A Mr. Symonds: Now, when you made that telephone call you had a reporter or two reporters listening in to the telephone call with you, did you? - A: I never paid a lot of notice to what they were doing.

Q: Pardon? - A: I did not pay a lot of attention to what they were doing.

Q: Had they told you what to say? - A: No.

B Q: Did they ever give you any advice on what to say? - A: No.

Q: Well, before you made the telephone call had you been asked to arrange a meeting perhaps? - A: It looks that way, yes.

Q: And had the reporters made any suggestion about what would be a convenient time to have a meeting? - A: I have got a vague recollection they wanted it late.

C Q: They wanted it late and was this because during your conversation with the reporters it had been discussed, the idea of having a meeting inside the public house, was that the plan? - A: I cannot remember.

Q: Do you remember there ever being a plan whereby a meeting should be arranged inside the public house? - A: No.

D Q: Because you see this call was made, according to the evidence, sometime in the morning of the 28th and I believe it was, looking at Item 23 you say, "Have to be late tonight then". Did you have any other plans for that afternoon? When you say, "When I say late, I mean late. You know what I mean"? - A: What is it, the 28th, was it?

E Q: Yes? - A: We may have had other plans.

Q: So going back to the beginning of the conversation. You said, "Remember me do you?" because you say it had been a couple of weeks or something since you had last seen me, is that right, and you thought I might have forgotten you, but if I had just previously demanded £200 off you, as according to your evidence, would you agree that it would be unlikely I would have forgotten you and would have to be reminded? - A: Well, being the length of time in between

F Q: Two weeks or so? - A: Two weeks, I was under the impression you would have thought that you was not going to get anything.

G His Honour Judge Stroyan: I think it has been said that seven days is a long time in politics, it may be this is an even longer time in politics.

H Mr. Symonds: So when you made this 'phone call your evidence is that in fact you had spoken to me on two occasions and two occasions only, is that right? The first one was when you were arrested by Nuneaton officers and the second one was at The Rose Public House? - A: That is right.

Q: On the first occasion you did not know my name, is that right?

- A: That is right.

A His Honour Judge Stroyan: Mr. Symonds, it would help me to know if you are disputing parts of this telephone conversation, if you are saying they were not said, then if so it would help me to know which pieces, which replies or questions, that you are disputing. If you accept that this conversation is a correctly recorded, then that is clear enough, but if you are disputing parts of it I would like please to know what they are and you can refer me to them by the numbers on the left.

B Mr. Symonds: I am talking about parts of the recording. What I am doing, I am aping Mr. Rivlin who went through the recordings and pointed to various passages and said, "What does that mean?" and "Why did you say that?".

His Honour Judge Stroyan: Yes, I am asking

C Mr. Symonds: And "Poke the money away", what do you understand by poke and all this business.

His Honour Judge Stroyan: Yes, could you please listen to me. I said if you are disputing that parts of these words were ever said then I would like to know which words you are saying were never said.

D Mr. Symonds: What I am doing, I am talking about the conversation

His Honour Judge Stroyan: I know what you are doing now, but I am asking you

Mr. Symonds: When I come to any bits that I dispute I will bring it to your attention, Your Honour.

E His Honour Judge Stroyan: Very well, we seem to have got as far as 11, yes?

Mr. Symonds: I will start at the very beginning again, Mr. Perry, 10 "S. Speaking?", right, have you got that? - A: Yes.

F Q: "P. Hello. It's Perry here, remember me do you?". I think you said that you asked if I remembered you because it had been a week or two weeks since I had last spoken to you and I think I said that if it was true that a week or two previously, as according to your evidence, that I had demanded £200 off you, it would be highly likely that I would remember you, is it not?

G His Honour Judge Stroyan: Mr. Symonds, that is something that you can say when you come to give evidence if you choose to do so. You can ask this witness what he meant but you cannot ask him what you meant. That is something if you want to tell the Jury about you can.

Mr. Symonds: And 12 "S. Who?". Now, does that sound as if I do not remember you?

H His Honour Judge Stroyan: No, we really cannot have this. You can ask him what he, his state of mind was, but you cannot ask him what you were thinking about. Do you see, you can tell the Jury that

yourself.

A

Mr. Symonds: You see, my plan was to go through all these transcripts word by word.

His Honour Judge Stroyan: Well, I think all you need do is to draw attention to those passages that you do not agree with.

B

Mr. Symonds: Well, do you agree, Mr. Perry, that where a question mark is shown on the transcript, for instance, "Who?", "Remember me do you?", "Where are you now?". Would you agree that those question marks truly indicate that there is a question or a questioning tone to that word, having heard the tape? - A: Well, yes.

C

Q: You would. So, when you say, "It's Perry here, remember me do you?", I said, "Who?" as if I did not, yes, and you repeated, "Perry" and I said, "Yes I do remember that name", as if to say - and then you say to me, and these are the words I am coming to "Um, I'd like to see you about, er, you know". Right? - A: Right.

Q: Now, what did you mean by that? - A: Well, about the money I owed you.

Q: Where does it say that?

D

His Honour Judge Stroyan: You asked him what he meant not what he said.

Mr. Symonds: I thought I am not allowed to ask him

His Honour Judge Stroyan: You are perfectly entitled to ask him what he meant.

E

Mr. Symonds: Well, why didn't you say something a bit clearer than that perhaps? - A: What, like "Here is the corrupt payment I owe you", something like that?

Q: No, yesterday, you gave in evidence, you said, "Talking about the other thing" or something like that? - A: Well, that is the sort of language we were speaking in.

Q: We were speaking? - A: Well, you speak and I speak.

F

Q: I had only seen you twice for a couple of minutes on each occasion, according to your evidence? - A: That is right.

Q: And now we are speaking some sort of secret language are we? - A: We did not use the English Dictionary, did we?

G

Q: When did I speak to you on this previous occasion? According to your evidence it was a few minutes in the cells and according to your evidence for a few minutes in a car outside the Rose Public House sometime afterwards? - A: Well, that is the way I was speaking.

Q: Where do we get into the position of speaking this sort of language? - A: That is the language I use.

H

Q: That is the language you use? - A: You asked me what I meant and I told you. You seemed to understand it.

Q: Did you listen carefully to the tape recording? - A: Yes.

A Q: And would you say from listening to the tape recording, "Um, I'd like to see you about, er, you know", obviously refers to money or something like that? - A: Well, we both knew what we was talking about.

Q: You said that you know what you were talking about. Now, would this sentence, could it also apply to something else, which is information, for example? - A: Not coming from me it would not.

B Q: Or anything other than money, shall we say? - A: Well, in the context I said it I was referring to the money.

Q: Had not the reporters asked you to speak clearly and about money and such things when you were discussing it? - A: They told me to act like I usually would.

C Q: You see, there has been evidence before the Court that you were receiving instructions about making things clear? - A: Well, yeah, I was just speaking to you like I was speaking to you normally.

His Honour Judge Stroyan: Yes.

D Mr. Symonds: So you stick to that, do you Mr. Perry? "Um, I'd like to see you about, er, you know", yes, and this, according to you, carried a wealth of hidden meaning?

His Honour Judge Stroyan: No, he did not say that. He said it was a reference to money and he could not refer in terms to a corrupt payment. That is what he said.

E Mr. Symonds: Why not, why could not you refer in terms to a corrupt payment? - A: Well, if I had said to you, you would have smelt a rat, you would have sussed something out.

Q: But if I had understood the "Um" and "Er, you know" meant money I would have sussed or smelt a rat then, wouldn't I? - A: You seemed to understand it by the next statement. You say, "Yeah, where are you now?". Why didn't you ask me what I meant?

F Q: Would it appear that you were saying, that you were making out that you wanted to speak to me about something that you did not want to speak over the 'phone about? - A: Just the way you would do this sort of transaction.

Q: What, do you mean that is the way you do this sort of transaction? Had you done this sort of transaction many times before? - A: It is common knowledge surely, if

G Q: No, had you done it many times before, this sort of transaction? - A: No.

Q: Had you done it with any other police officer before, this sort of transaction, in your life? - A: Before this date?

Q: Yes? - A: Yes.

H Q: And when you did this transaction was that the wording you used, about "Er, you know"? - A: We did not do it over the

'phone. If we were speaking over the 'phone, we would not mention money.

A

Q: But if you mention money on tape recordings, multiple tape recordings, why not mention it over the 'phone? - A: Because we was in the car.

Q: Because that was a tape recording as well, wasn't it? -

A: It was not over the 'phone. You do not talk about things like that over the telephone, as you know.

B

His Honour Judge Stroyan: Mr. Symonds, I think you ought to be a little careful about this cross-examination. You do realise that it perhaps is not entirely helpful to you, if you want to go on with it I am not stopping you.

Mr. Symonds: Why do you say it is not helpful to me, Your Honour?

His Honour Judge Stroyan: You go on if you want to. I am just trying to help you.

C

Mr. Symonds: And are you claiming that you had ever paid any sum of money to me on any previous occasion to this date? - A: No.

Q: So what you are saying then is that "Um, er, you know" meant money to me because of what you said in evidence, that there had been some discussion about this before at the Rose, is that right? - A: That is right.

D

Q: But you did not mention this discussion at the Rose to the reporters when you met them the day before this had you? -

A: Apparently not by my statement.

Q: You see, I will suggest to you that "About, er, you know" could mean anything under the sun?

E

His Honour Judge Stroyan: Well, we have had this once already. You have had his answer.

Mr. Symonds: I have not had the answer to that question.

His Honour Judge Stroyan: You have had the answer to a question almost exactly the same.

F

Mr. Symonds: You see, we have heard a lot of evidence from Mr. Perry about various words he has used for money, such as

His Honour Judge Stroyan: Are you asking a question, because if not, please do?

G

Mr. Symonds: I suggest to you, Mr. Perry, that if you had wanted me to think that you were referring to money when you made that telephone call you would have used a different phraseology, during that telephone call? - A: No, I would not.

H

Q: And that if you were making this 'phone call at the suggestion of and under the direction of the reporters, you would have, that the reporters would have preferred you to be more specific, shall I say? - A: Well, they may have preferred it, but I was just talking natural to you.

His Honour Judge Stroyan: Yes?

A Mr. Symonds: And did I appear surprised to hear that you were at Woolwich according to what you heard on the tape and what you see on the transcript? - A: Well, there is a question mark behind it, so it could be.

His Honour Judge Stroyan: Yes?

Mr. Symonds: Now, when you were in your flat, your mother's flat, at Bingham Point that morning, was it decided to fit up a tape recorder in your car? - A: I do not remember.

B Q: Do you remember some other people coming bring^{ing} equipment from Location Sound Facilities, some other people, Mr. Hawkey's friends, arriving at your flat? - A: No.

Q: Your mother made one a cup of tea did she not? - A: If you say so.

C Q: And when you left your flat at lunchtime did you go to a public house nearby or a public house? - A: I think so, yes.

Q: And were you making further telephone calls to me at about this time? - A: I believe so, yes.

Q: Was the reason for that to change the time of meeting according to your evidence? - A: Yes.

D Q: And did you eventually get through to Camberwell Police Station? - A: Yes.

Q: Do you remember what was said on the telephone on that occasion? Well, if you look at page 26 of your statement it might help you, half way down? - A: Page 26?

E Q: Yes, do you see, "On the first occasion Symonds was not there", do you see that? - A: Yes.

Q: "But on the second he was"? - A: Yes.

Q: "I told him who was ringing mentioning my name", right, yes? - A: Yes.

F Q: Then what did you say next after that to me according to that statement, read it out? - A: "We arranged to meet at about half past five".

Q: No, before that? - A: Before that?

Q: I will read it out to you then, "I told him who was ringing mentioning my name. I said, 'I'm ringing you about that what's name'." Do you see that? - A: Yes.

G Q: "What I mean by that is I was ringing about the money I owed him from a previous occasion". Now, is that true, that statement? - A: Yes.

H Q: So your evidence now is that at sometime in the morning you ring me up and during the conversation you say, "Um, I'd like to see you about, er, you know", right, and that is according to your evidence referring to money. And then a little while later, a couple of hours later, you ring me up again according to your evidence, according to your statement to the police, and you say,

A "I am ringing you about that what's name", and you clarify that by saying, "What I mean by that is I was ringing about the money I owed him from a previous occasion". Now, is that right? Did you twice in the course of a couple of hours 'phone me up and on both occasions mention money, and if so why did you feel it necessary to say in the afternoon, "I am ringing you about that what's name", when you had said in the morning and according to your evidence that it had been clearly understood when you said, "I'm"? -
A: This is just a statement taken by the police.

Q: "I'd like to see you about, er, you know"?

B His Honour Judge Stroyan: Mr. Symonds, I do think you ought to be a little careful about this because before you raised this topic with this witness there was only one reference in his evidence to him asking you about money. Now you have asked him about this and you have now got two.

C Mr. Symonds: Yes, I hope the Jury understands it is quite crazy to imagine that a man would 'phone me up in the morning, late morning, and say, "I'm ringing you about, er, you know", which means money and then he finds it necessary a couple of hours later to 'phone me up again. On the second occasion he finds it necessary to say, "I'm ringing you about that what's name" and "what's name" means money, of course, and I point that out, I think it was worth pointing that out to the Jury because it does not make sense.

D His Honour Judge Stroyan: I am only trying to help you.

Mr. Symonds: Either the first one is wrong or the second one is wrong or I submit both are wrong as to the meanings you put on to the words.

His Honour Judge Stroyan: Yes, that may be right too. Very well, on we go, yes.

E Mr. Symonds: So you were saying something about this statement was taken by the police, what does that mean exactly? Does that mean they were not writing down what you were saying or something like that? Is that what you are meaning? - A: No, they were asking me, "What was you ringing up about?" and I may have said to the policeman who took the statement, "About the what's name, you know".

F Q: Yes, but you say that "during the afternoon I made two 'phone calls from a telephone box near the Plough to Camberwell Police Station". This business, "I am ringing you about what's name" refers to a telephone conversation in the afternoon. This business about "er, you know" refers to a conversation in the morning. So is that evidence true then, that you 'phoned me, what you are saying is you 'phoned me twice, you 'phoned me in the morning and you said, "I am ringing about, er, you know" and that is supposed to be - everyone understands that is to do with money and in the afternoon you have got to ring me up again, you see, and you have got to say, "I'm ringing you about that what's name"?

G His Honour Judge Stroyan: Mr. Symonds, you have made this point now.

H Mr. Symonds: Well, I hope I have.

His Honour Judge Stroyan: For what it is worth, we have all got it.

Mr. Symonds: And following on from that, "About that what's name", you say in your statement you arranged to meet at about half past five outside the Rose Public House? - A: That is right.

A Q: And you say that you were then fitted up with a microphone round your neck, is that right? - A: Yes.

Q: So at that time then was that microphone broadcasting to a tape recording machine? - A: I did not understand the technical details of it.

B Q: Was the taperecording machine a little one something like this one here, this one in the black case? - A: No, they were generally big ones.

Q: No, well when the 'phone calls were being recorded in the morning what sort of machine were they being recorded on to? - A: If I remember it was quite a big machine.

C Q: In the morning, well that was called a Uher, was it not? - A: I do not know.

Q: Well, was the microphone round your neck broadcasting to a receiver attached to the same recorder that you had used for recording telephone conversations that morning? - A: I would not know.

D Q: So, would the situation be that there were two recorders fitted up on that day? One in the boot of your car connected to a microphone under the steering wheel and the other one was in the sound reporter's car which was receiving a broadcast from the microphone around your neck, is that right? - A: Yes, if that is what I said at the time that is right, yes.

E Q: Now, before you went to this meeting had anybody said to you, had either of the reporters said to you that it would be better to have the meeting in your car because you would get a better recording? - A: They could have done.

Q: And as far as the microphone around your neck was concerned was it connected to a transmitter thing which was in your pocket, which you had to plug in to get it working, did you have to screw something or switch something on in your pocket? - A: On one occasion, yes.

F Q: Could that have been the first occasion? - A: I do not know which occasion it was.

Q: And was it explained to you in the Plough that you had to plug in or to switch on this transmitter thing in your pocket in order to have the receiver working properly on the recorder? - A: If this was the occasion, yes.

G Q: So when you arrived at the Rose - well, before you set off to the Rose did one of the reporters come in the car with you? - A: Yes.

Q: **Who** was that, can you remember? - A: Garry Lloyd.

H Q: And where did he sit - in the front seat or back seat or what? - A: I cannot remember.

A Q: Now, I think you said that the meeting was arranged for 5.30, but did you set off early? Was the idea to get there early - half an hour or twenty minutes or a quarter of an hour, before the meeting was due? - A: Yes.

Q: So when you were driving there Mr. Lloyd was sitting in the car with you, is that right? - A: Yes.

B Q: And then all of a sudden did you see the white Vauxhall was already outside the Rose? Did it come as a surprise? - A: No, Mr. Lloyd got out some 100 yards before we got to the public house.

B Q: And then what happened then, when did you see the Vauxhall? - A: Well, I got there early and you was already there.

C Q: Now, before you attended to these meetings had you been given some tips about, for example, to put the radio on, so that the radio programmes would be recorded on the tape and in this way you could verify the time, and things like that, and to switch the radio on again immediately after a meeting? Had you been given any tips like that? - A: No.

C Q: You had not. Did you ever switch the radio on before a meeting? - A: I should imagine I would do, yes.

D Q: But this was not because you had been told or advised to do it? - A: No, just a bit of music, that's all.

D Q: And were you ever given any tips about getting the police officers to come in your car, for instance, it is best to sit and read a newspaper and pretend not to see him and he might come and sit in your car, which might be better? - A: No.

Q: You were never given any such tips? - A: No.

E Q: And did the reporters give you any money before you went to these meetings? - A: No.

Q: But you did have money on you, did you? - A: Yes.

Q: And how much money do you say you had on you when you went to this meeting? - A: Just over £50.

F Q: Now you told the reporters you were going to pay this to me, was it? - A: That is right.

Q: And where had this money come from? - A: It was my own money.

Q: Yes, but where did it come from? - A: The Bank of England, I should imagine.

G Q: I thought you said you did not have a bank account? - A: I have not.

Q: Well, where did it come from then? You know what I am getting at. There is only one person here thinks that was an amusing remark anyway? - A: Well, it was my savings I had.

H Q: Out of your savings and where did you keep your savings? - A: At my mother's house.

Q: At your mother's house. Now, whereabouts in your mother's house did you keep these savings? - A: I used to hide it under a load of flower pots.

A Q: Under a load of flower pots, and you say you were employed as a car dealer, and had you sold any cars just before this meeting? - A: Well, I may have done. I did not keep records.

Q: Well, perhaps I can remind you from what you said on a previous occasion. Do you recall whether you had sold a car and put any money into your safe place say within the three weeks before all this happened, before the 28th? - A: I don't think I did.

B Q: You don't think you did? - A: No.

Q: So, the money you took out from your mother's flat would have been there at least three weeks would it, hidden under the flower pots? - A: Yes.

C Q: And that is about the same as you said before.

His Honour Judge Stroyan: Well, can we now leave the flower pots?

Mr. Symonds: Pardon, Your Honour?

His Honour Judge Stroyan: Can we now leave the flower pots and progress?

D Mr. Symonds: No, we certainly cannot, Your Honour, I am afraid. I am afraid we are coming to a rather important point now.

His Honour Judge Stroyan: Well, what is it? Let us have the question to point it out?

E Mr. Symonds: We cannot leave the flower pots, Mr. Perry, because that money that you claimed to have handed over on the 28th October and which had been hidden under a flower pot for three weeks, according to you, before that meeting, was in fact practically all brand new money which had only been issued by the Bank of England ten days before.

F His Honour Judge Stroyan: Just a moment, I think the effect of the question was this, that the money you handed over was all brand new notes, is that right, Mr. Symonds?

Mr. Symonds: In the main, Your Honour, and if you like I will go through the numbers?

His Honour Judge Stroyan: You need not bother to do that.

G Mr. Symonds: And I have a letter from the DOPP, I am sure the Prosecuting counsel will agree this, respecting a report from Freshfields, the Bank of England

H Mr. Rivlin: I hope the Defendant is not about to give evidence from the Dock again. I have seen no letter. This case is now quite old. Up till this moment of time no such letter has been forwarded to me for my perusal and also those who instruct me so we could check on the matters. If there is a letter that I am asked to agree it can be shown to me and we could have a look at it.

Mr. Symonds: I will show it to you now.

A His Honour Judge Stroyan: Well, the question that was put to him, as I understood it, was, "The money you handed over was all brand new notes or nearly so" and you say it had been hidden under flower pots for some three weeks, is that right? - A: That is right.

His Honour Judge Stroyan: Yes. Mr. Symonds, are the Jury to understand from that question that you are accepting that money was handed over to you by this witness in the motor car?

Mr. Symonds: Most certainly not. Most certainly not.

B His Honour Judge Stroyan: Very well.

Mr. Symonds: All I am saying is, is that Mr. Perry

His Honour Judge Stroyan: Very well, very well.

C Mr. Symonds: Mr. Perry says that he has handed over money and in support of that the reporters say, "Oh yes, well we noted down the numbers at the time".

His Honour Judge Stroyan: No, no.

Mr. Symonds: And that money had only just been printed in the Bank of England according to the numbers the reporters noted down.

D Mr. Rivlin: Yes, I wonder if I can be of some help? I have been shown a letter now and the position is this, that the numbers that were recorded of the ten £5 notes on that day, the dates of issue have been obtained and the situation is that I think of the ten £5 notes, 1, 2, 3, 4, 5 of them were issued on the 10th of October of 1969, which is not ten days before.

His Honour Judge Stroyan: No.

E Mr. Rivlin: But is of course, what - 18 days before.

His Honour Judge Stroyan: Yes.

Mr. Rivlin: And if it helps the Defendant for me to make that admission I gladly do so. As to the other notes their dates of issue were April 1968, September 1969.

F His Honour Judge Stroyan: Yes.

Mr. Rivlin: So that it is 18 days before five of the £5 notes were issued.

His Honour Judge Stroyan: Right.

G Mr. Symonds: You see, I am going to suggest to you, Mr. Perry, that on the 28th of October if you did set off with money, this money had been given to you by the reporters and was in fact in the main brand new notes? - A: Well, I don't remember the state of the money, but all the money I give you was my own personal money.

H Q: And this was your own personal money you say which had come from dealing in second hand cars, is that right? - A: That is right.

A Q: And the money had been kept, I think you said, for at least three weeks, is that right, under a flower pot in your mother's house? - A: Yes, the majority of my money was kept under the flower pots, but I always had some money on me.

His Honour Judge Stroyan: Yes.

Mr. Symonds: And what do you say about the suggestion to you that the reporters gave you these notes? - A: It is all my own money.

B Q: And did you tell the reporters that you handed this money over to me? - A: Yes.

Q: And then when the reporters searched you afterwards did they find any money? - A: Only the small amount that I had on me.

Q: And was this because you had hidden the money either somewhere on your person or in the car? - A: No, because I had given it to you.

C Q: Would you say that ten £5 notes occupies quite a small space folded up? - A: Smallish I suppose, yes.

Q: Smallish, and would you say that, with your fairly long career in crime at that time, you were fairly skilled in secreting things about your person or in your car, for instance, perhaps stolen things or things you did not want found by police or other people? - A: Well, they thoroughly searched me.

D Q: But were you skilled in secreting things or not? - A: Well, apparently not or I would not have so many convictions, would I?

E Q: But I think that a full record of your criminal history will show that in actual fact you attended Court on many more times than upon those times on which you were found guilty, is that true? - A: No, that is not true.

His Honour Judge Stroyan: No, if the suggestion is that someone who has been to Court and acquitted or someone who has been to Court in some other capacity is somehow guilty of something disreputable that is a wholly improper question to ask.

F Mr. Rivlin: But the interesting thing, Your Honour, is that it is asked. Now, I wonder if the Defendant perhaps has something in his possession on which he based that question or if he is just plucking it all out of thin air?

G Mr. Symonds: I would remind Your Honour that at this time I was a police officer and I did have access to Mr. Perry's file and I did study it very carefully and I did have a team of detectives out after him, with his photograph on the wall of the Police Station and a dossier in existence of everything known about this man and I have seen his file and I know all about it and if the police are prepared to produce his file to the Court everyone will know all about him and that is the question - are the police prepared to produce the file?

H His Honour Judge Stroyan: You must not make suggestions like the one you have made to the witness again. You know as well as anyone else that it is a wholly improper suggestion. I think you should

remember that the Jury are a body of intelligent men and if you go on making those sort of suggestions you may find that you are not improving your case.

A Mr. Symonds: Let them see the file. What I am saying, I know from my own experience - you say have I any proof

His Honour Judge Stroyan: You get on with your cross-examination, please? The last answer you got from the witness was that, "I am not skilled in secreting things or I would not have as many convictions". That was the last answer the witness gave. Now, what is the next question?

B Mr. Symonds: Well, I can only follow on from that and ask Mr. Perry - oh, it is ridiculous.

His Honour Judge Stroyan: Well then do not ask it.

C Mr. Symonds: Mr. Perry, from a very small boy, have you been used to stealing things and after stealing them, hiding them in your pocket or in your tie or down your sock or whatever? - A: No, I would not say so.

His Honour Judge Stroyan: Oh dear.

Mr. Symonds: Pardon? - A: I would not say so.

D Q: You would not say so. Now, you have been searched many times by police officers and such, is that correct? - A: Yes.

Q: And other people who are skilled in searching you and you say you were searched by these two newspaper reporters and I believe, is it true, that on one occasion or more than one occasion you were searched sitting in a car, is that right? - A: I was always searched standing up.

E Q: You were never searched sitting in a car, ever? - A: Well, not that I can remember.

F Q: You see, I am going to suggest to you that the reporters gave you lumps of money which you were supposed to be handing over to police officers and that you kept this money and then afterwards told the reporters you had handed it over, in this way killing two birds with one stone as it were. What do you say to that? - A: What, for £50?

Q: Yes? - A: Not true.

G Q: Now, arriving at The Rose on the afternoon of the 28th, you have got your recorder in the boot of your car connected up to the microphone underneath the steering wheel and you have got a transmitter on you transmitting to another recorder in another car, is that right? - A: If you say so, that is right, yes.

Q: To make things quite sure. Did you think on that day or did anyone think, your reporters or the sound engineers, did anyone think that it would be best to have the meeting in your car for any reason, if it could be done? - A: Well, it is commonsense it would be better in my car.

H Q: And so when you arrived at The Rose what did you do to try to

hold the meeting in your car? - A: Well, you seen me pull up and you obviously did not get out. I could not say to you, "Just sit in my car because there is a tape in the boot", so I got out and got in your car.

A

Q: Or did you pull up and immediately jump out of your car and into mine? - A: I pulled up and when I seen you was not making a move, I got out and got into your car.

Q: But did you make any effort at all to get me to get into your car? - A: No.

B

Q: So when you got out of your car you knew there would be nothing recorded on the tape in the boot of your car, didn't you? - A: I didn't know that.

Q: Well, how did you imagine there would be a recording in the boot of your car, if the meeting was not held in your car? - A: I did not know how they had arranged it, what they had worked.

C

Q: So the only method of recording was by a transmitter which was tied to your chest in some way and which could only be switched on or off by something in your pocket, is that right? - A: I think so.

Q: So

D

His Honour Judge Stroyan: What?

Mr. Symonds: There was something in his pocket he had to switch on and off which automatically started the recorder. - A: That was not the transmitter thing, just the recorder.

Q: What was it in your pocket then that had to be plugged in or something? - A: I never had to touch the actual transmitter thing, just the recorder thing I had to do.

E

His Honour Judge Stroyan: What do you mean by the 'recorder thing'? - A: Well, like a small run of the mill tape recorder you have in your pocket, a miniature one.

His Honour Judge Stroyan: That was what you switched on? - A: If this is the occasion we are talking about, yes.

F

Mr. Symonds: You see, this was the first meeting, was it not, and you were not quite sure what was going to happen, were you? At this meeting? - A: I was going to play it by ear.

Q: You see you had to find a way of pretending to the reporters that you were giving me money, did you not? - A: I did not have to pretend, it was a fact.

G

Q: Well, wouldn't the best way to have done that have been to get me into your car and said something about it such as? - A: It would have been best, yes.

H

Q: So the situation was on the very first meeting you were not quite sure what was going to happen, you were going to play a part, and afterwards you were going to have to try to deceive the reporters into believing you had handed over £50? - A: Not true.

Q: So would it be convenient for you under those circumstances to be in control of the recording, by which I mean, by putting your hand in your pocket you could switch something on or off? -

A: No, there was only one thing I had control of, it was not all the time, the main tape recordings I had no control over.

Q: Now, would you please listen to tape number 2 and will you play it from the very beginning until the very end of the spoken conversation? Now, Mr. Perry, when this starts I want you to listen very carefully to see if you can hear anyone saying something along the lines of "He is up here"? - A: Saying what?

Q: "He is up here", right at the very beginning? I would like you to follow this on transcript 35, the full transcript, 35D?

(Tape 2 played to the Court - beginning only)

Mr. Symonds: Did you hear that, Mr. Perry, that bit? -

A: I heard something, yes.

Q: Listen to it again, please?

(Tape 2 played to the Court - beginning only)

A: Well, I could not make head or tail of that.

Mr. Symonds: Again please?

(Tape 2 played to the Court - in full)

His Honour Judge Stroyan: Yes, now what is the next point?

Mr. Symonds: I wonder if the Prosecution are prepared to agree the same as before, that the tape then continues with car noises, interference, etc., for a further ten minutes nearly after that point?

Mr. Rivlin: Your Honour, I think that is right. I think that the position is this, that the Jury have 35D in front of them. They can see that there was some further conversation up to the end of the tape. As to the precise amount of time I will take instructions again on it because quite frankly I have forgotten what I last agreed about it, but the Jury may certainly take it that the tape continues for some little time before it ceases.

His Honour Judge Stroyan: Yes, well there we are. Yes, thank you, now, what is the point you want to ask about this tape?

Mr. Symonds: Well, is it agreed, Your Honour, that the Jury can see after that point there is some conversation for one and a half minutes nearly and I am hoping the Prosecution, after they have taken advice, will agree that there is a further 7½ minutes of interference and car noises before the recorder is actually switched off, which makes a total of about 9 minutes?

His Honour Judge Stroyan: Well, I do not suppose they are going to quarrel about a few minutes here and there. Can we go on to the next point?

Mr. Rivlin: Your Honour, I am not. I am not troubled about this at all. I think the Defendant is right, may I say, I am almost certain that he is right and I do not complain about what he has

said at all.

A His Honour Judge Stroyan: Yes, well there you are, Mr. Symonds. The Prosecution agree with you. What is the next point?

Mr. Symonds: So is the situation, Mr. Perry, continuing with the tape transcripts in front of us, that after this meeting you sat in your car for at least ten minutes before the recorder was switched off? - A: Well, it looks that way, yes.

B Q: Now, referring you to page 27 of your statement to the police, you report there what you say happened, and you allege - are you reading page 27? - A: Yes.

Q: And do you see the paragraph starting at the bottom of the page, "I then told him about Inspector Robson" etc., yes? - A: Yes.

C Q: And then the next sentence, "When I first got in the car and was talking about money I handed him the £50 from my pocket". Is that what you reported to the police, when you first got in the car, and was talking about money? Is that right? - A: That is what it says.

His Honour Judge Stroyan: Well, is it right? - A: It must be if I said it at the time, yes.

D Mr. Symonds: So, having listened to the tape and followed it on the transcript, it would appear that according to your evidence to the police, the money you are saying was handed over during the blank bits, presumably from 000 on page 5 down to 2.35 to D.S.S., would it be there somewhere? - A: Could be.

E Q: So according to your recollection at the time, your allegation was that you got in the car and handed the money over straight away, is that it? - A: I went in the car and give you the money and then I come out. The actual exact minute I give it to you I did not pay no attention to it.

Q: I am going on what you told the police officers? - A: I imagine I gave it to you at the beginning of the meeting, according to my statement.

F Q: At the beginning? Now, do you see any reference at the beginning to money or money being handed over? - A: On the tapes you mean?

Q: Did you hear it on the tapes, at the beginning I am talking about to fit in with your allegation to the police? - A: No.

G Q: The beginning are blank spots, are they, right? - A: That is right.

H His Honour Judge Stroyan: Mr. Symonds, do please in your own interests have a little bit more thought about some of these questions. You see, if you look at the transcript, which you have asked us to look at, which is on 35D, there is nothing at the beginning there which indicates the handing over of money and you have now asked this witness whether what he said in the statement to the police is right. The result of that is there is now evidence that he handed over money at the beginning of the conversation. Before you asked him that there was not any evidence

about it at all. Do you see? I am trying to help you.

A Mr. Symonds: The evidence, Your Honour, was the fact - and in chief - was the fact he gave £50 at some stage.

His Honour Judge Stroyan: Yes.

Mr. Symonds: When I referred him to his police statement in which he told them that this happened right at the beginning of the meeting

B His Honour Judge Stroyan: Yes.

Mr. Symonds: So then I get him to look at this transcript.

His Honour Judge Stroyan: I am not stopping you, Mr. Symonds. What I am pointing out to you is you are tending to underline the evidence that is already there, you see.

C Mr. Symonds: Yes and I point out to him, well, these are the long blank bits on the transcript.

His Honour Judge Stroyan: Very well.

Mr. Symonds: And then I go on to point out to him that he alleges he handed money and

D His Honour Judge Stroyan: Well, please stop making a speech to me and ask questions of the witness.

Mr. Symonds: I would like a break soon, Your Honour.

His Honour Judge Stroyan: Well, you can have a couple of minutes but we really must try and make some progress. We are making very slow progress at the moment. Three minutes and no more.

E Short Adjournment

Mr. Symonds: Now, Mr. Perry, looking at the transcript of tape 2, the situation, is it not, is that you are alleging that the money was handed over more or less immediately you got into the car, and having listened to the tape and looked at the transcript, this would have been in one of the blank periods? - A: Yes.

F Q: According to your evidence? - A: Yes.

Q: And also I put it to you that these blank periods could well have been manufactured by you as the transmitter was under your control, you were able to switch it on and off? - A: No, that is not so.

G Q: I put it to you. Now, in your statement to police you said that the conversation in the beginning, which is also not shown

His Honour Judge Stroyan: Is this right, "I did not switch the transmitter off to conceal the handing over of money". Is that right?

Mr. Symonds: No, no.

H His Honour Judge Stroyan: Mr. Perry, is that what you said? -
A: When?

His Honour Judge Stroyan: I tried to take a note of your last answer. You said you did not switch the transmitter off in order to create the blank spots, is that what you said? - A: That is right, yes.

A

Mr. Symonds: In your statement to police you say that the conversation at the beginning, or the conversation, was to do with Brookes, is that right? - A: What page is that?

Q: Page 27? - A: That is right.

B

Q: I put it to you that when you first got into the car that is when you started talking about Brookes to me? - A: What was that, a question or a statement?

Q: I put it to you that when you first came into the car you started immediately talking about Brookes and the subject of Brookes occupied most of our conversation? - A: It was in the conversation. It was not most of it though. There was also the conversation about money which I give you.

C

Q: But that is not on the transcript either, is that right? - A: That is right.

Q: And so after the meeting, did you drive to another spot further along the road and wait there in your car? - A: Yes.

D

Q: And then did you go to another public house with the reporters? - A: Yes.

Q: Did you have a drink in that public house and some refreshments? - A: I should imagine we would have done.

Q: And then afterwards did you go with the - or do you claim to have gone with the reporters to some place and to have been searched? - A: Yes.

E

Q: So the fact of the matter is that after the meeting you waited for some time, I suggest twenty minutes, you went to a pub, you had a drink and some refreshments and you were then searched? - A: Yes, that is what my statement says.

F

Q: And I would suggest to you that you had ample opportunity in that time and during those movements to hide or dispose of the money you were supposed to have given to me? - A: I suppose maybe I could have done, yes, on that occasion.

Q: And therefore, in connection with

His Honour Judge Stroyan: Just a moment please, "I could have disposed of the £50, on that occasion". Did you do so? -

G

A: No, the only way I could have disposed of it was by throwing it out of the window, which would not have been beneficial to me, if that is what I was after.

His Honour Judge Stroyan: Yes.

H

Mr. Symonds: And were any of your friends in this pub where you went for a drink and refreshments afterwards? It was one of your local pubs, was it not? - A: No, it was not. I had never been in the pub before.

Q: Did you ever see any of your friends and, shall we say colleagues, at any time during these observations, meetings? -
A: No.

A
Q: Did you ever see Mr. O'Keefe when you were having lunch with the reporters? - A: Having lunch?

Q: And the sound recorders and such? - A: I do not remember having lunch with the reporters.

B
Q: Did you ever see Mr. O'Keefe in any public house when you were in a public house with reporters? - A: Not to my recollection, no, apart from the original meeting at The Plough at Dulwich.

Q: Was Mr. O'Keefe or Mr. Lemming or Mr. Brennan or any other of these people aware of what was going on, the taping up of police officers?

C
His Honour Judge Stroyan: Just a moment, were any of them present, you can ask.

Mr. Symonds: Were any of them present on any occasions either before or after meetings or were they aware, did they know what was happening? - A: They knew, yes.

D
Q: They knew what was happening. And did they give any assistance? Did you receive any assistance from other members or friends in connection with making meetings with police officers or ideas on the best way to tape record them? - A: No.

E
Q: So, is the situation now that as far as Count 1 is concerned, which is in fact the allegation that you gave me £50 on the 28th October as a reward for helping you over the matter of your arrest on the 24th September, is it true that the only evidence of this before the Court is your word? You said you gave me £50? -
A: Well, I am not a legal expert but

His Honour Judge Stroyan: It is really a comment, Mr. Symonds.

Mr. Symonds: Well, is that a fact or not?

F
Mr. Rivlin: Well, Your Honour, no, I hope the Defendant is not under a misapprehension that the Crown say that that is the only evidence because we say that there is other evidence and good evidence.

His Honour Judge Stroyan: Yes.

Mr. Rivlin: And I will impart that information to Mr. Green now, if you will allow me a moment, please? Mr. Green,

G
His Honour Judge Stroyan: Yes. Yes?

Mr. Symonds: Shall I say that during the evidence that we have heard so far in connection with this first charge, following on from this cross-examination

H
His Honour Judge Stroyan: Mr. Symonds, you cannot ask this witness about the evidence heard so far because he has not heard it. He has not been in Court.

Mr. Symonds: Well, that he has given, that he has given. The only evidence so far is that Mr. Perry says he gave me £50.

A His Honour Judge Stroyan: No, we all heard what he said.

Mr. Symonds: Is that right, Mr. Perry? - A: That is what I say.

His Honour Judge Stroyan: Yes.

Mr. Symonds: Your Honour, Prosecuting Counsel took Mr. Perry through the transcript of this tape recording, if you remember, and asked him various questions.

B His Honour Judge Stroyan: Which one are you asking about now?

Mr. Symonds: Transcript of tape 2.

His Honour Judge Stroyan: Yes, well we have seen that. You have just done it. Perhaps we can go on to the next one.

C Mr. Symonds: But I think as Mr. Rivlin has brought out various points from these snatches of conversation, I think perhaps that I should take Mr. Perry through them now as well, because I do not agree with what has been said so far about these snatches.

D Mr. Rivlin: If, Your Honour, that is so then obviously we concede that the Defendant would be entitled to do that. Can I just tell you the sort of thing that I asked, Your Honour, to remind you. I am actually looking at the Pennar and Eley transcript, but Your Honour will recall that I asked, for example, who was the 'Governor' and the witness replied in answer to the earlier matter, "Mr. Symonds" (?). "I won't make as much in ten", and the witness said "Years", and I also asked other questions on page 6

Mr. Symonds: I have a right to ask these questions as well.

E Mr. Rivlin: About the 'jelly' and things like that and money and I would readily concede that if the Defendant says he was not talking about the things that Mr. Perry gave evidence about, that he should put what they were talking about.

His Honour Judge Stroyan: Yes, certainly. Well, what do you want to put?

F Mr. Symonds: Looking at your transcript at 2.35, "You get see the customers and that's where you get the money, see, on a nice little fraud. It doesn't matter how hard you work, or how much you go out thieving and how many people you fucking turn over, you still won't make as much in ten (garbled)". Now, I believe you gave some sort of explanation for what that meant, is that right, Mr. Perry? What was your explanation for what that means? - A: Well, you was just telling me how much I got out of thieving, I still won't earn as much as I would do in ten years working. If I was thieving for ten years I would not earn as much as if I had a shop of some sort or a business.

G Q: So, I am advising you to go straight, is that it? - A: You are advising me to have a bit of insurance.

H Q: And how do you get that out of that? Is this your recollection or are you just making wild guesses twelve years later? - A: No, I know the conversation I had with you never amounted to you telling

me to go straight.

A Q: You see, because in your statement to police I do not think you offered any form of explanation for this phrase and I believe that when you gave an explanation yesterday, as far as I was concerned, it is the first time I have ever heard anyone try to make up any sort of explanation for that? - A: It is the first time I have been asked.

B Q: So, would you say that you were just remembering that there was nearly two and a half minutes of silence and a couple of squawks and an odd noise and then this, which was immediately followed by I believe nearly another three minutes of silence? Out of this one little snatch you get that, do you? - A: Yes.

His Honour Judge Stroyan: Yes, well there we are, the next one?

C Mr. Symonds: And I believe you offered, following three minutes of silence, you had another little snatch - "Here you are, I am going to let you come and see them (garbled)" and a lot of interference. I believe you offered up an explanation for that as well. What do you think that means? - A: No, I don't think I did.

His Honour Judge Stroyan: No, he did not. - A: It does not make sense to me.

D His Honour Judge Stroyan: He was asked what the 'Governor' means and he said, "Inspector Sylvester at Peckham".

Mr. Symonds: And were you asked about, "You know fuck all about it, you know and the second thing is another thing come up a number have taken the geezer to do the business down with him to do it there and then in the boozer". Were you asked about that? - A: No.

E Q: What do you think that means? - A: Well, it is snatches, they don't mean much to me.

F Q: Exactly, they mean nothing, any of them, so far. That is about the truth of it I suggest. And then you were asked - six minutes - "And then the other you know, and he's supposed to be the fucking governor of Peckham and er huh sitting in the boozer like cunts you know". What did you make out of that? - A: That referred to a reference regarding Brookes because Brookes was supposed to meet Inspector Sylvester, who was the 'Governor' of Peckham Police Station. He never turned up. That refers to that.

Q: And you say that this refers to Mr. Sylvester, is that right? - A: That is right.

G Q: Now, do you notice something about the conversation so far of interest? The first one is 2.35 D.S.S. talking, that is after a two and a half minute break. Then, there is a three minute break, a bit of talking, who was saying that? Was that D.S.S. or yourself, the second bit? - A: Where? What number?

H Q: 5.20, well, I believe it is put down as D.S.S. on another transcript. Yes. Then another long gap, another gap, and then D.S.S. again, "You know fuck all about it", then another long gap and then D.S.S. again. So for the first six minutes there is only one entry to you, which is number six, which is "Yeh, yeh". Is that right? - A: That is right.

Q: And all the rest of the talking is supposed to be by me, is that right? - A: That is right.

A Q: According to the transcript? - A: That is right.

Q: Would you say that is strange or unusual? - A: Not really when you consider the way you speak. It is quite alright to me.

Q: Nothing to do with the fact that you were operating the set with the control in your pocket? - A: I was not operating the control.

B Q: Or you were in a position to operate the control in your pocket by switching on and off or pulling out the plug in and out? - A: So I was sitting speaking to you with my hands in my pockets, was I? That is what I would have had to do to switch it on and off.

C Q: And then at 7.30, "Yea, OK", "Right", "I'll see you waiting", "Cheers", "I'll see you about the other thing later on", "If you got anything like, any problems, let me know, see". Now, what does that bit mean? - A: Well, I will see you about the other thing, meant the rest of the money I owed you, and the other, and then when you say, if you have got any problems, let me know.

Q: That is what you say it means, is that right? - A: Well, you asked me, I told you, yes.

D Q: And then you say, "It's only that at the Yard with the jelly that's what I'm worried about"? - A: Yes.

Q: And that refers to this business with the other officers does it? - A: That is right.

E Q: And turning over the page, "It carries a bit of bird, don't it. If I can scrape up a few quid if it comes to a few quid I mean I can scrape it up". What did you mean by that? - A: Well, when I was referring to the other officers, that meant the charge I could be facing, meant a large prison sentence, and if I could get out of it by scraping up a few quid I would do.

F Q: D.S.S. "Yeh", Perry, "I can borrow it like, I mean I can always borrow it. If it's right important, I mean like". So, now we have been right through the transcript and the only reference you say to money in connection with me, because you said the few quid refers to Mr. Robson, and jelly, is where you say, "I'll see you about the other thing later on", is that right? - A: That is right.

Q: That is the only reference? - A: That is all.

G Q: And "I'll see you about the other thing later on" could be anything, couldn't it? - A: Maybe it could, yes, it meant the money.

Q: Well, but it could be anything, couldn't it, "the other thing later on"? - A: It could be, yes.

H Q: Because at 4 on page six you say, "See you later then", that was a fairly common expression of yours was it at that time, "See you later"? - A: Yes.

Q: Because you are supposed to have said, "See you later"? -

A: It is common, yes.

Q: At, when the Nuneaton officers arrested you, were you not? Your Honour, that brings me to the end of that part of it?

His Honour Judge Stroyan: Yes.

Mr. Symonds: I would tell you that I am feeling very, very exhausted.

His Honour Judge Stroyan: Well, are we going on to the next incident tomorrow morning then?

Mr. Symonds: Tomorrow morning we will be going on to the

His Honour Judge Stroyan: The next page?

Mr. Symonds: In actual fact not the 31st, I want to ask Mr. Perry some questions about the 30th and then on to the 31st.

His Honour Judge Stroyan: Well, that is only a small matter. I would like to be able to get away to a clear start. Can you manage a few more questions about the 30th and get that out of the way and then we can deal with the 31st tomorrow. We do not usually rise as early as this. You have had a number of breaks. We really must try and make some progress. Can you manage that? I won't ask you to deal with the 31st, but I would like to be ready to start with that tomorrow morning.

Mr. Symonds: So, looking at page 28 of your statement, did you next meet Mr. Lloyd and Mr. Mounter at your mother's house on the Thursday the 30th? - A: Yes.

Q: And while you were there with the reporters did they suggest that you make some telephone calls? - A: Yes.

Q: And did you telephone a number of police officers that morning also? - A: A number, I did, yes.

Q: And were these calls recorded? - A: Yes.

Q: Now, as a result of one of the telephone calls you made did you in fact go to a meeting with a Sergeant from Scotland Yard? - A: Yes.

Q: And after that meeting did you go - in the morning you were at your mother's house, is that right? - A: That is right.

Q: And after the meeting did you go to your brother's house, Alan Perry, 197 Camberwell Grove, is that right? - A: I did at one time, yes.

Q: That is on page 30 and while you were there did you make some more telephone calls? - A: Yes.

Q: Which were recorded, yes? - A: Yes.

Q: And you say the calls were played back and you heard them. Now, those telephone calls made that afternoon, were they eventually rubbed off the tape, do you know? - A: Not to my knowledge.

Q: Because you say here on page 31, "The reporters suggested I ring Sergeant Symonds", do you see that? - A: Yes.

A Q: "I telephoned Camberwell Police Station and asked for Sergeant Symonds. As I telephoned the tape recorder was switched on", and then you rang back and as arranged and the conversation was taped you say there? - A: Yes.

B Q: You see, this tape recording is not before the Court of these 'phone calls and I wondered if you had any idea what could have happened to this tape recording, when you were making according to your statement numerous attempts to contact me and many attempts to contact other police officers at the suggestion of the reporters?

His Honour Judge Stroyan: Do you know what has happened to the tapes? - A: No.

His Honour Judge Stroyan: Well, there we are.

C Mr. Symonds: It is just not here right? Now, during the evening did you and the reporters leave your brother's house and go across to the Lord Garing (?) Public House? - A: Yes.

Q: And while you were over there did you pop back a couple of times to your house to try to make another couple of telephone calls to see if you could get through? - A: I don't remember.

D His Honour Judge Stroyan: Get through to who?

Mr. Symonds: To get through to myself or any other police officer.

His Honour Judge Stroyan: Yes, very well. He said he does not remember. Yes?

E Mr. Symonds: And while you were in the public house that evening did a lady come to join you? Was your party Mr. Hawkey, Mr. Lloyd and Mr. Mounter at that time and during that evening did a lady come to join you, Miss Millard, and was that the first time you saw her? - A: I don't remember seeing her there.

Q: Did you ever see her? - A: I did see a woman at one time. I don't know where I seen her. I know there was one woman who had something to do with the tapes. It may have been there.

F Q: She may have been there and while you were in the pub did a reporter turn up, Mr. Pridmore, did he arrive at the pub as well?

His Honour Judge Stroyan: I thought he was a photographer?

Mr. Symonds: Photographer, sorry? - A: I don't recollect it.

G His Honour Judge Stroyan: It is very hard asking someone to remember who came into a public house twelve years ago.

Mr. Symonds: Well, were you outside the Court yesterday? - A: Yes.

Q: Did you see a gentleman of about 60 years of age? - A: Yes, I know him.

H Q: Did you recognise him as being one of the photographers? - A: No.

Q: You did not recognise him?

His Honour Judge Stroyan: This is Mr. Pridmore, is it? -

A: I did not recognise either of them.

Mr. Symonds: What do you mean, either of them? - A: Well, there was two out there, two or three.

Q: Yes? - A: Well, I did not recognise any of them.

Q: Well, how did you know that they were photographers then, if you did not recognise either of them, Mr. Pridmore or Mr. Clay (?) ?

His Honour Judge Stroyan: Well, he did not recognise them.

Mr. Symonds: Yes, he said, yes, he said he did not recognise either of them. - A: Your solicitor said, he described them to me 60 ish.

His Honour Judge Stroyan: You have got better points than that, yes?

Mr. Symonds: So I will ask you this, but I appreciate on your last answer you said you did not remember, did you see one of the photographers give one of the reporters a parcel of tapes that evening? - A: No.

Q: Which they had brought down from The Times? - A: No.

Q: Your Honour, the next lot of questions will be on the 31st.

His Honour Judge Stroyan: Yes, very well. Very well, tomorrow morning we go on to the 31st.

Court Adjourns

I certify that I took the shorthand notes in the case Regina V J. Symonds and the transcript pages 1 - 69 is a true and complete transcript of the said shorthand notes to the best of my ability.

Signed *A. T. Smith*.