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Before:

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

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

On:  
Friday 27th March, 1981

R E G I N A

V

JOHN ALEXANDER SYMONDS

CROSS-EXAMINATION OF MICHAEL ROY PERRY

EVIDENCE OF ALFRED WILLIAM MOODY

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

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

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MICHAEL ROY PERRY

(CONTINUED)

(CROSS-EXAMINATION BY MR. SYMONDS)

MR. RIVLIN: You are still under oath Mr. Perry.

HIS HON. JUDGE STROYAN: Yes. You were going on to the 31st of October.

MR. SYMONDS:

Q. On the morning of the 31st of October Mr. Perry did you, with reporters and the sound engineer, did you have a meeting with two other Officers?

A. - I don't remember about the dates.

Q. You see we have heard evidence that you did have a meeting that morning and then when you arrived that morning you had, according to the evidence, I believe £68 on you, would that be right? A. - If that is what it says, yes.

Q. Whatever sum you had...

HIS HON. JUDGE STROYAN: I don't think it is £68.

MR. RIVLIN: I think it was 80.

MR. SYMONDS:

Q. Was it 88 or something like that, do you recall it? A. - I don't recall it.

Q. You claim you handed over some money that morning to some other Officers and if you did that, after you did that you had a sum left of under £50 in your possession? A. - That's right.

HIS HON. JUDGE STROYAN: Well, did you hand over some money to some other Police-men? A. - I did do, yes.

Q. How much? A. - I think it was 75 on this occasion.

Q. Yes.

MR. SYMONDS:

Q. Then you went to lunch in 'The Kings Arms' public house, is that right, with the reporters and the sound engineer, according to your statement, page 34? A. - I do remember going in there at some time, yes.

Q. When you were in there did you meet this friend of yours, Noble, O'Keefe, did he have lunch with you that day? A. - I don't recall him being there,

Q. Could he have been there? A. - It is a long time ago, I don't remember.

Q. If we had heard evidence he could have been there would you dispute that?

HIS HON. JUDGE STROYAN: He says he can't remember, the point is open to you.

MR. SYMONDS:

Q. At lunchtime did the reporters suggest that you telephone me to arrange a further meeting that afternoon? A. - Yes.

Yes/

Q. And did you make several 'phone calls during that lunchtime from that public house? A. - I know I got in touch with you by 'phone and arranged a meeting.

A

Q. And then did the reporters give you £50 which you said you were going to give to me? A. - No.

Q. But your evidence was when you met me that afternoon you gave me £50, is that right? A. - Yes.

Q. Where did you get the £50 from if the reporters didn't give it to you? A. - I borrowed it off a friend.

B

Q. Who was the friend? A. - Robert Laming.

Q. Mr. Laming isn't giving evidence about this is he?

HIS HON. JUDGE STROYAN: The witness can't answer that.

MR. SYMONDS: Can I ask whether, if he knows whether Mr. Laming denies this?

C

HIS HON. JUDGE STROYAN: No you can't. It is an improper question which would suggest something to the Jury which is not in evidence.

MR. SYMONDS:

Q. We have heard evidence you were with the reporters all the lunchtime and you only went out once or twice to make a 'phone call? A. - I borrowed the money that day.

D

Q. Could you have borrowed it from one of the reporters? A. - No. I would remember that.

Q. Or from Mr. O'Keefe, if he was there in the pub? A. - I don't remember him being in the pub.

E

Q. I suggest to you if you did set off with £50 in your pocket it was given to you by the reporters as usual? A. - No, it isn't true.

Q. And you later told him you had given it to me and you hadn't, you had kept it for yourself? A. - I gave it to you.

Q. Did you see the tapes being fitted up before you went off on the 31st? A. - I should imagine I would have done, yes.

F

Q. Who was present? A. - I would imagine both the reporters and the sound engineers.

Q. Was there a lady present? A. - There may have been.

Q. Was there, in fact, a lady present at all the meetings with Police Officers, from that day onwards, including the morning? A. - There could have been but I'm not sure.

G

Q. Was the lady Miss Millard? A. - I don't know her name.

Q. Joan? A. - I don't know.

Q. You see were you asked later about this, where you got this money from and did you give a number of conflicting sources? A. - I don't think so, no.

H

Q. For instance, from your brother Thomas? A. - I did go round his house but he wasn't in.

in/

Q. From Mr. Birchmore? A. - Not on this occasion, no.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. From your other brother, I am looking for his name?

HIS HON. JUDGE STROYAN: Alan, I think it was.

MR. SYMONDS: From your brother Alan, did you once suggest it might have been him? A. - No it wasn't.

Q. Is the situation now, after some enquiry into this, that there is no-one going to come and given evidence about lending you money?

HIS HON. JUDGE STROYAN: No, he can't answer that.

MR. SYMONDS:

Q. So looking at the transcript of the meeting on the 31st, if you look at 'The Times' transcript first of all, 35 A, and read through it very quickly?  
A. - From what page?

Q. Page five of mine.

HIS HON. JUDGE STROYAN: Yes 'Times' transcript, page five. On we go.

MR. SYMONDS:

Q. Right? A. - Yes.

Q. Have you read through it very quickly? A. - Yes.

Q. Looking at page 35 of your statement to Police? A. - Right.

Q. And the main, big paragraph, right, after you were talking about preparing the tape recorder in your car you say, about the middle of the page, "I then went to 'The Grove' public house". Correct? A. - Yes.

Q. "Where I saw Symonds' white Vauxhall already there"? A. - Yes.

Q. "He was not in it"? A. - Right.

Q. "I parked my car next to it and waited and about 15 minutes later he walked through the car park and got into my car". Is that true? A. - Yes.

Q. "I said to him, I've got another 50 and I then handed the money to him and he put it away"? A. - That's right.

Q. "I can't remember what he said. I told him I would give him the rest of the money at the end of the week". Do you see that? A. - Yes.

Q. And you go on to say that, "We were then talking, whilst with Symonds I remember talking about Ray Brooks, and he told me there was a warrent out for him"? A. - Yes.

Q. "And he asked me if I knew where he was and could I take him to him?"  
A. - Yes.

Q. Are you saying there the same as you said on the 28th, that is, as soon as you, as soon as I got in your car you handed the money over? A. - I didn't

didn't/

say what time I handed the money over.

A

Q. By looking at your statement? A. - At some time when you was in the car I give you the money.

Q. According to your statement to Police you say, "15 minutes later he walked through the car park and got into my car. I said to him, I've got another 50, I then handed the money to him and he put it away. Does that give the impression that the transaction took place almost immediately? A. - No. It is only a statement about the basic facts.

B

Q. Looking at your statement to 'The Times', which was the only transcript in existence at the time you made this statement, it starts off "Got a bit of dough". Right? A. - Right.

Q. Checking that against your statement to the Police is what what you meant when you said, "Got a bit of dough". Does that mean you got another 50, is that right. Is that when you handed the money over, according to your evidence, when you say straightaway, "Got a bit of dough"? A. - That is when I mentioned it, where I handed it over I won't know until I read over these.

C

Q. I asked you to read it. Looking through the first page of the transcript of 'The Times' do you see in there reference to money? A. - On the first page, no.

Q. Looking at the second page, do you see any reference to money there, about handing over money or talking about money? A. - No.

D

Q. And looking at the third page, do you see any reference to money there? A. - No.

Q. Looking at the fourth page, do you see any reference to money there? A. - No.

Q. And looking at the fifth page, do you see any reference to money there? A. - No.

Q. Looking at the sixth page do you see any reference to money there? A. - No.

E

Q. Then looking at the seventh page do you see any reference to money there? A. - No.

Q. Looking at the next page, eighth page, do you see any reference to money there? A. - No.

F

Q. Looking at the ninth page do you see any reference to money there? A. - Going back one page, the possibility it could have been.

Q. I am asking you to look at the page and see if there was any reference to money there because this was the only transcript in existence at the time? A. - Not to money, no.

HIS HON. JUDGE STROYAN:

G

Q. What was it you were going to refer to? A. - It could have been when I say, "I've got it".

MR. SYMONDS: Where does that say that?

HIS HON. JUDGE STROYAN: Top of page eight.

H

MR. SYMONDS:

Q. "I've got it.. garbled"? A. - Next to 'garbled'.

garbled/

Q. According to your statement to the Police you said, "I've got another 50, I then handed it over to him and he put it away". You see there, "I've got it" and you think that could be it. Anything else on that page do you see?  
A. - No.

Q. Do you see anything else on that page, reference to money and the handing over of money? A. - The reference at the top which doesn't concern you.

Q. I am talking about your evidence that you got in the car and the money was handed over in the car. On to the next page, do you see any reference to money there?

HIS HON. JUDGE STROYAN: Which page are we on now?

MR. SYMONDS: 13.

HIS HON. JUDGE STROYAN: 13, at the bottom.

MR. SYMONDS:

Q. Yes? A. - No.

Q. Turning over to page 14, do you see any reference to money there, "I've got another 50"? A. - No, I don't see that.

Q. Turning over to the next page do you see any reference to money there?

HIS HON. JUDGE STROYAN: This is £30, "This is the best I can do at this stage".

MR. SYMONDS:

Q. I'd like to continue on this line, I'm nearly finished. There is one more page to go? A. - There is a reference on page 15.

Q. Yes? A. - Where I say, "I'll definitely get it next week but I couldn't get me hands on it". I'd be referring to money then.

Q. The question is of handing over of money on that day. When you say, "I'd definitely get it next week"? A. - Yes.

Q. "But I couldn't get me hands on it". Yes? A. - Yes.

Q. At first sight that looks as if you are talking about something you couldn't do this week but might do next week? A. - I couldn't get all if it this week, but some of it.

Q. What do the words say, "I'll definitely get it next week but I couldn't get my hands on it"? A. - That's right.

Q. Does that mean you were going to give me something or other that day and you couldn't do it but you say you would get it next week? A. - It means I would give you part of what I owed you.

Q. I am looking at the last page, do you see any reference there? A. - No.

Q. That was the transcript in existence at that time when you made your statement to Police. In your statement to Police you said you waited in your car and 15 minutes later I walked through the car park and got into your car. "I said to him, I've got another 50. I handed the money to him and he put it away". Could that expression, "I've got a bit more dough" refer to what you are talking about there? A. - What money, yes.

yes/

A Q. Yes. Is that what you meant when you said to Detective Chief Superintendent Lambert, when you described what happened, when you said to the Detective Chief Superintendent, "I've got another 50. I handed the money to him and he put it away". Were you referring to that conversation, "I've got a bit more dough ..garbled". Could the 'garbled' be something more about money?  
A. - I don't remember the time I gave it to you, something we was in the car I gave it to you.

Q. When you made the statement it was the 5th of December, it was only a few weeks after the event when you, would you say your memory was fresher then?  
A. - Yes, it was fresher.

B Q. It would seem when you made this statement that was your memory of what happened. I got into your car, you said to me, "I've got another 50". You handed the money to me and I put it away? A. - That's right.

Q. That is what you told the Police? A. - Yes.

C Q. Having looked through the statement to 'The Times' the only reference to money and the, and the only transcript at that time was, "Got a bit of dough ..garbled"? A. - According to the transcript, yes.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS:

D Q. I'd like you to listen to that little bit on the tape, just those first few words.

HIS HON. JUDGE STROYAN: Page five is it?

MR. SYMONDS: Yes. Up to Perry says, "For Roy like, there's not much more can be done for Roy like".

HIS HON. JUDGE STROYAN: Tape five, exhibit three, played. Can we hear this on the ear pieces?

E MR. RIVLIN: Whichever the Defendant wishes.

MR. SYMONDS: It doesn't matter, it is only to listen to two or three words.

HIS HON. JUDGE STROYAN: Those who wish to put them on can, those who don't need to needn't.

F (TAPE FIVE PLAYED)

MR. SYMONDS:

Q. Two things about that; the first is ...

HIS HON. JUDGE STROYAN: I don't think mine are working this morning but never mind.

G MR. RIVLIN: Mine are, I wonder if Your Honour's are switched on.

MR. SYMONDS: We'll play it ...

HIS HON. JUDGE STROYAN: Yes it is alright.

H MR. RIVLIN: They do have batteries in, one knows what may happen with batteries.

HIS HON. JUDGE STROYAN: Yes. I think you are quite right I didn't ...



didn't/

MR. SYMONDS: Perhaps we can play it again. I'd like Mr. Perry to listen to it, with particular reference to the noise of the car door.

A

MR. RIVLIN: Bottom switch to the right, the top one in the middle, these are the volumes for each ear.

MR. SYMONDS: Mr. Perry, you can look at exhibit 35 B which is the Police transcript?

HIS HON. JUDGE STROYAN: Page?

B

MR. SYMONDS:

Q. Five. On the Police transcript you see, I'm not sure, "How are you doing Mickey" on the Police transcript.

MR. RIVLIN: Page 10 of exhibit 35 B, Police transcript.

MR. SYMONDS:

C

Q. I'd like you to listen this time to the words, "How are you doing Mickey". I'd like you to listen carefully to the noise of the car door being opened and closed.

HIS HON. JUDGE STROYAN: "How are you doing Mickey".

MR. SYMONDS:

D

Q. You can hear it right at the bery beginning if you listen hard?

MR. RIVLIN: "How are you doing Mickey" hasn't been picked up by the Police but has been by Mr. Penner and Mr. Eley in their transcript.

HIS HON. JUDGE STROYAN: We had better look at Mr. Penner and Mr. Eley.

MR. RIVLIN: That is page seven.

E

HIS HON. JUDGE STROYAN: Yes.

(TAPE FIVE PLAYED)

MR. SYMONDS:

F

Q. Now did you hear the words, "How are you doing Mickey"? A. - Yes.

Q. Would you say they came from outside the car or inside? A. - Depends when you was getting in maybe, I didn't really pay a lot of attention to it.

Q. Now look, you had one microphone under the dash-board and another one on your chest, is that right? A. - Yes.

G

Q. "How are you doing Mickey" sounded very faint did it? A. - Yes.

Q. As if it was coming from outside the car? A. - It sounded very faint.

Q. Then you say in a very quiet voice, I put to you, "A bit more dough see that Roy you know". Is that how it sounds? A. - Yes.

H

Q. "A bit more dough, see that Roy you know". When you heard those words on the tape just now did they sound, in the first place, do they sound hurried, "A bit more dough, see that Roy you know"? A. - That's the way I speak.

speaking/

Q. Is it rhyming, "A bit more dough see that Roy you know"? A. - It don't seem to make a lot of sense being written down like this. Just trying to make a conversation.

A Q. Why didn't you say, as you told the Police you said, "I've got another 50"?  
A. - I always used the word...

Q. When you said, "A bit more dough". Did you say, "A bit more dough" or did you say, "A bit more done"? A. - What?

Q. "A bit more done"?

B HIS HON. JUDGE STROYAN: Done or dung.

MR. SYMONDS: I beg your pardon.

HIS HON. JUDGE STROYAN: Done or dung?

MR. PERRY: 'Dough' is the word.

C MR. SYMONDS: I am suffering from laryngitis at the moment. I apologise for my voice. If I might have a gargle it might improve matters.

HIS HON. JUDGE STROYAN: No it is alright.

MR. SYMONDS:

D Q. When you said, "A bit more dough", did you say this quickly into your chest microphone or did you have your head done, can you remember? A. - No, I was speaking to you.

Q. You were speaking to me as I was getting into the car, is that right, you heard the car door ..? A. - You asked me how I was going.

Q. From outside the car as it sounded? A. - I said, "Got a bit more dough".

E Q. Then you mumbled "A bit more dough"? A. - I was enquiring about ....

Q. Then you say, "I see that Roy you know", or something like that? A. - Yes.

Q. I am getting into the car, you say in a slightly louder voice, "I wonder if you can do anything for Roy like"? I say, "For the what"? "I wonder if you can do anything for Roy like", according to the transcript I say, "For what" or "For the what". Does that sound as if I understand what you are talking about, as if I have clearly heard your conversation up to that minute?

F HIS HON. JUDGE STROYAN: You can't ask him what your state of mind was, you can tell the Jury.

MR. SYMONDS: I am asking him what he thought, having listened to the statement.

G HIS HON. JUDGE STROYAN: You can't ask him about your state of mind. You can tell the Jury that if you like.

MR. SYMONDS:

Q. "I wonder what you can do for Roy like" and I appear to say, "For what"?  
A. - Yes.

H Q. According to the tape recording do I appear to be getting into the car at that moment? A. - About that time?

time/

Q. About that time. Then you repeat yourself and you say "For Roy like, there's not much more can be done for Roy can it?" A. - That's right.

A Q. Why did you start off by talking about Roy straightaway? A. - I was enquiring, he was a friend of mine, whether you could do anything for him.

Q. Was it because you telephone me up to make the meeting. Did you tell me you wanted to see me about Roy Brooks? A. - No.

Q. It wasn't. Did you mention Roy Brooks at all when you telephone me up? A. - Not to my recollection no.

B Q. So why did you say, "I wondered whether you could do a bit more for Roy like"? Does it not seem from that, that was a continuation of the telephone conversation. You didn't give the impression you have made the meeting to give me money. You give the impression you have made the meeting to ask me for some assistance or whatever, or something about Roy, who is Roy Brooks? Is that right? A. - No. The purpose of the meet was for me to give you money.

C MR. RIVLIN: We have got the transcripts, it isn't, "I wonder if you could do a bit more for Roy like". Page 7 35 B, page 10 35 B, "I wonder if you can do anything for Roy".

MR. SYMONDS: Alright. In each case I will give each version from each of the four transcripts to avoid upsetting Mr. Rivlin who is really picking nits in a big way.

D HIS HON. JUDGE STROYAN: You don't improve your case by being rude about anyone.

MR. SYMONDS: It is ridiculous, everyone can see. In one transcript it says, "I wonder if you could do anything for Roy like". It may have been, "I wonder if you can do anything for Roy".

HIS HON. JUDGE STROYAN: Get on with your cross-examination please.

E MR. SYMONDS: I have referred Mr. Perry to a transcript, which was the only transcript in existence at that time. I will be going on to the other transcripts later.

HIS HON. JUDGE STROYAN: We have got this point, lets go on to the next one please.

F MR. SYMONDS: You have succeeded in throwing me for the moment which is obviously the reason. Tim. Anything to disturb my train of thought and put me off. I am getting fed up with this.

Q. What I was saying was, Mr. Perry, was I not, "I wonder if you could do anything for Roy like", it gives the impression that this is a continuation of a conversation, of a 'phone call as to why you wanted to see me? A. - No.

G Q. Now looking at 'The Times' transcript 35 A, on page five, the conversation about Roy. I believe you have already given the court some sort of explanation of what you think that conversation means. I'll read it out to you. If the court insists I will read it out from all four versions. I'd like to read it out in chronological order, starting from version one...

HIS HON. JUDGE STROYAN: What is the point.

H MR. SYMONDS: I am trying to avoid any more objections.

objections/

A "It was all laid on for him, doesn't he trust us or something. I say the thing is this, you see doing our sort of thing is there's got to be a certain amount of trust and the day one of us fucks the other one then you say, right bang that's it you know, until that happens then em! What do think that means? A. - It means corrupt payments to Police Officers on a regular basis and the day one of us, the day one of us double crosses the other one it's all off.

Q. Corrupt payments to Police Officers on a regular basis, who were you referring to there? A. - Those are your words.

B Q. Who was I referring to? A. - You tell me.

Q. I am saying that when we are doing our corrupt payments to Police Officers, is that what you mean? A. - Me and you both know it is common. So you were showing a point of fact of what goes on.

Q. Who were we talking about? Roy Brooks? You must take this in it's context? A. - Yes, that's right.

C Q. So we were talking about Roy Brooks were we? A. - That's right.

Q. And could it have been about the fact that Roy Brooks was wanted at that time on warrent? A. - He was wanted at the time, yes.

D Q. Could it have been something to do with the fact, yes, that Roy Brooks had arranged, or agreed, to give himself up? A. - No he hadn't arranged to give himself up. He had arranged a meeting with a Police Officer, but not to give himself up.

Q. Who was the Police Officer? A. - Inspector Sylvester.

Q. So does this refer to about Roy Brooks arranging to meet Inspector Sylvester perhaps? A. - Part and parcel of the meet, yes.

E Q. You have just said this refers to, we were talking about corrupt payments to Police Officers? A. - He wasn't meeting Inspector Sylvester to give himself up.

F Q. Then you say, "They stuck the jelly on me ..garbled". Then, "He thought they're not putting that on me and he went you see and that's what's scared him off you see". You see is it not a fact that the first page, practically the whole of it, practically the whole of the second page, practically the whole of the third page and a large part of the next page is about Roy Brooks, the discussion about Roy Brooks? A. - A large proportion, yes.

Q. And right from the beginning onwards and your first words when I got into the car were about Roy Brooks were they not? A. - No, according to this it's about a bit more dough, the first words.

Q. After that? A. - Mainly about Roy Brooks, afterwards, yes.

G Q. You say the meeting was nothing to do with Roy Brooks, the meeting wasn't arranged with anything to do with Roy Brooks? A. - The meeting was about giving you money. Roy Brooks was both known to us and he was in a bit of trouble and that's why he was in the conversation.

H Q. Hadn't you been instructed by the reporters, in fact on several occasions, to speak clearly, particularly in reference to money, if money was going to be handed over etcetera, when you told them you were going to hand over? A. - It may have been mentioned at one time.

time/

Q. To speak clearly and speak up? A. - No. Just try and be more specific they might have said.

Q. Did they also give you instructions to wait until the money was asked for? A. - No.

Q. Didn't they want that bit as well? A. - No.

Q. Did they tell you to rustle the money? A. - No.

Q. Did you ever rustle the money? A. - If you took £50 out of your pocket I should imagine it would rustle a bit.

Q. Did you ever rustle it deliberately to make a rustling noise? A. - No.

Q. Did you eat a lot of chewing gum at that time? A. - I may have done, a packet now and then I suppose.

Q. Were you opening bits of chewing gum and eating them throughout our meetings at that time? A. - Not to my recollection, no.

Q. Was I opening packets of cigarettes and getting cigarettes out and smoking them? A. - You may have done.

Q. If anyone tries to point out a rustle, meaning anything, in fact it would mean very little, I would suggest ....

HIS HON. JUDGE STROYAN: Mr. Symonds, am I right in following your line of cross-examination in this way, that your principle suggestion is that no money was handed over in that car at all to you?

MR. SYMONDS: Yes.

HIS HON. JUDGE STROYAN: That the suggestion was about Brooks?

MR. SYMONDS: Yes.

HIS HON. JUDGE STROYAN: And that it was you in the car having this conversation?

MR. SYMONDS: Yes. If you remember we had a witness called before the Jury who was asked about did he hear a rustle or not, or something.

HIS HON. JUDGE STROYAN: Yes, we have got that point.

MR. SYMONDS: He thought he could hear a rustling noise somewhere.

HIS HON. JUDGE STROYAN: Yes, we have got that point.

MR. SYMONDS: That is why I asked those questions.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. Now when you say you handed over £50, what do you say you handed it over for? A. - In connection with the arrest, my arrest at Nuneaton.

Q. The advice you received about Nuneaton? A. - Yes.

Q. And the advice was, if I recollect correctly, something about if they have got a finger print plead guilty to Section One, is that right? A. - Yes.

Yes/

Q. And you think that advice, "They've got a finger print of yours, plead guilty to Section One" ...

HIS HON. JUDGE STROYAN: Have you got exhibit eight Members of the Jury?

MR. RIVLIN: I don't think the Jury have got it.

HIS HON. JUDGE STROYAN: No. It doesn't matter if they haven't got it. Carry on Mr. Symonds, the Jury haven't got it so we'll go on. Go on Mr. Symonds please.

MR. SYMONDS:

Q. So what you are saying is you were paying a Police Officer money, or you were prepared to pay £200 for the advice, "They've got a finger print of yours, plead guilty to Section One, you'll only get 12 months for that"? A. - I was trying to prove to the reporters they were corrupt Police Officers. I didn't think it was worth £200.

Q. Did you think I thought it was worth £200? A. - You thought it was an easy £200, that's what you thought.

HIS HON. JUDGE STROYAN: You have asked for this.

MR. SYMONDS: That's ridiculous.

HIS HON. JUDGE STROYAN: I have advised you several times not to ask questions about what you thought. Now you've asked one you have got an answer which doesn't suit you. If you paid more attention you might get on a bit better.

MR. SYMONDS:

Q. I believe it has been suggested by the Prosecution you were allegedly paying this money for these bits of advice for putting your money away into a sweet shop. Is that true.

MR. RIVLIN: We have not suggested that, I'm sorry Your Honour, we have not suggested that.

MR. SYMONDS: Why did you go through all this silly talk word by word?

HIS HON. JUDGE STROYAN: Mr. Symonds, that hasn't been suggested. Get on with your cross-examination please.

MR. SYMONDS:

Q. Going through the, 'The Times' transcript I think we agree the only reference to money is, "Got a bit more dough", on page five, in connection with the alleged handing over of this £50? A. - Yes. According to 'The Times' transcript.

Q. Then for this conversation about Roy Brooks for several pages.

HIS HON. JUDGE STROYAN: Perhaps you ought to look at page 15 Mr. Symonds. If you are talking about the only reference to money.

MR. SYMONDS:

Q. Something about £30 worth of sweets and fags .....

MR. RIVLIN: The Defendant .....

Defendant ../

MR. SYMONDS: I am working through the transcript?

MR. RIVLIN: I am helping the Defendant, the Defendant said the only reference to money in 'The Times' transcript, this isn't in 'The Times' transcript, the bit Your Honour has in mind.

HIS HON. JUDGE STROYAN: It is, the bit I have in mind, page 15, 35 A. The Police transcript.

MR. RIVLIN: Sorry Your Honour, yes it is indeed Your Honour. Your Honour is referring to another matter I had in mind, page 15 of another transcript. I apologise. I'm sorry.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: What was I talking about?

HIS HON. JUDGE STROYAN: You were talking about reference to money.

MR. SYMONDS: I should have said direct reference to money. Following on from ... I wish I could be left alone to get on with this, I am in enough difficulty, Did you notice how many times I interrupted Rivlin when he was cross-examining, not once. Please let me get on with it.

HIS HON. JUDGE STROYAN: Mr. Rivlin hasn't been cross-examining. I have a duty to keep these proceedings in reasonable bounds.

MR. SYMONDS: I am up against a hollow log here. You, Prosecuting counsel, all this lot, everybody, all chipping in, nudging, poking, prodding, harrassing and hassling. Please let me ask my questions.

HIS HON. JUDGE STROYAN: Will you get on.

MR. SYMONDS: If there is any query afterwards Mr. Rivlin can re-examine. He can stand up and say, "What about this bit and what about that bit". He can do this afterwards.

HIS HON. JUDGE STROYAN: Will you get on with it please and not waste time. You were talking about references to money in that transcript.

MR. SYMONDS:

Q. I'll start again. Referring to your Police transcript, page 35, you told Chief Superintendent Lambert on the 5th of December that when you went to 'The Grove' public house you say Symonds' white Vauxhall already there, he was not in it. "I parked my car next to it, I waited and about 15 minutes later he walked through the car park and got into my car. I said to him, 'I've got another 50'. I handed the money to him and he put it away." What I have been struggling to do, during the past hour, is to find some reference to those words, that conversation or exact handing over of money, yes, to start off with in a 'Times' transcript. Because when you made that statement, 'The Times' transcript was the only one in existence. We went through 'The Times' transcript looking for something that looked like the words, "I've got another 50". The only thing we found is, "Got a bit of dough" in a hurried voice as I was getting into the car, immediately followed by the words, "See that Roy you know" which I have pointed out is rhyming?

HIS HON. JUDGE STROYAN: You have got that point. I am not going to allow you to make it again. I have ....

MR. SYMONDS: Are you ordering me?

me/

HIS HON. JUDGE STROYAN: I am ordering you to leave that point and get on and go on to the next point.

MR. SYMONDS:

Q. So, having searched through the transcript, in vain, for any reference to those words, yes. We then went on to discuss what else was said, according to the transcript, and we agreed that the first five or six pages of the transcript referred to a conversation about a Mr. Roy Brooks, right?

A. - Right.

Q. Then I put it to you that you had 'phoned me up and arranged the meeting on the grounds you wanted to speak to me about a Mr. Roy Brooks? A. - No.

Q. You said you didn't. I pointed out to you why did you say ....

HIS HON. JUDGE STROYAN: Mr. Symonds, I am not having this repetition. This case is taking far too long as it is. Move on to the next point.

MR. SYMONDS: You don't want me to go through the transcripts, is that right?

HIS HON. JUDGE STROYAN: You will move on to the next point. I am not having you going over this ground. We have all heard it, we have all heard your points. I am not having them again, move on to the next point.

MR. SYMONDS: Do I talk about the transcripts any more or what? Considering that the whole Prosecution was nothing more than going through the transcripts with Mr. Perry and playing the tapes over, that was the Prosecution case. I thought in that case maybe I should also go through the transcripts because I don't agree with what Mr. Rivlin and Mr. Perry were saying what the transcripts meant. I wanted to point out they could mean other things, in fact in certain places quite obviously mean other things, that was my idea.

HIS HON. JUDGE STROYAN: If you would do me the courtesy of listening to what I am saying. I am not having you going back over point you have already made. If you have got a fresh point then go on to it. You may not have any more points in that, if you have we'll go on to it, but we are not going back.

MR. SYMONDS:

Q. After talking about Roy Brooks and who you say was Inspector Sylvester, on page eight, you say, "Well see I cleared myself with the whatsaname today, like, the jelly thing". You see that? A. - Yes.

Q. What do you mean by whatsaname, do you mean gelignite or money?

HIS HON. JUDGE STROYAN: You are looking at 'The Times' transcript are you?

MR. SYMONDS:

Q. Yes? A. - We have referred to both.

Q. Whatsaname on this occasion means both. But in evidence yesterday you said you telephone me at Camberwell Police Station and said, "I want to see you about the whatsaname". You understand that 'whatsaname' meant money. Although in the morning you had referred to money as "Uh! Uh! you know". So on this occasion does 'whatsaname' mean money again or does it mean jelly? A. - Well the money and the jelly are both connected.

Q. You see, "Well see I cleared myself with the whatsaname today like, with the jelly thing". What did you mean by cleared yourself? A. - It meant, can



can/

I mention it other than, other Police Officers, It meant I had paid another Police Officer money regarding the gelignite.

A

Q. Cleared yourself, does that mean you are saying that you had been able to, you weren't going to be charged or something like that. Or you had been charged and had been to court and were cleared? A. - It meant I owed him no more, I had finished with him.

Q. What you are saying is, that you mean you were telling me you had paid another Police Officer about gelignite and you had cleared the books. You had paid off your debts, is that right? A. - That's right, or thereabouts.

B

Q. This conversation took place on the 31st of October, is that right? A. - That's right.

Q. On another occasion you have given evidence on oath that you paid someone about gelignite on the third and fifth of November, is that right? A. - That's right.

C

Q. So what you have just said is, "I cleared myself" means you had paid off or cleared the books? A. - I paid some of it so I wouldn't be prosecuted.

Q. An unsatisfactory explanation I suggest. While we were talking in the car do you remember Mr. Pridmore, the photographer, walking past the car, in the car park, walking past the car, in front of the car? A. - No.

D

Q. Do you remember anyone walking in front of the car on any occasion? A. - No.

Q. Do you remember any conversation about a man walking past the car with a camera hanging round his neck? A. - No.

Q. Could there have been any conversation? A. - No.

E

Q. Now you read through the transcript in general and apart from talking about Roy Brooks there is some conversation, according to the transcript, it is described as advice do you see that? A. - What page.

Q. Well from the pages there, onwards? A. - What transcript?

Q. 'The Times' transcript we are doing now. We are going to do the other one next. What is your explanation for that conversation taking place, or alleged conversation taking place, allegedly.

F

HIS HON. JUDGE STROYAN: Which page is it?

MR. SYMONDS: Talking about the sweet shop etcetera.

HIS HON. JUDGE STROYAN: I have ....

MR. SYMONDS: "Put it away and later on get a little shop or something". Page 14.

G

HIS HON. JUDGE STROYAN: Yes, 14.

MR. SYMONDS:

Q. And the other, so-called, advice. Why do you think those words were spoken? A. - Well it is giving me advice how to commit crime.

H

Q. Commit crime? A. - The best way to do it.

Q. Where does it say that, will you point that bit out? A. - Page 12, the

the/

bottom you say?

Q. And was this advice about how to commit crime? A. - Yes.

A

Q. Not commit any specific crime, but just in general, is that what you are saying? A. - That's right.

Q. And why did you think these sort of things may have been said to you by me? A. - We are just started having dealings with each other and you was trying to tell me what sort of things could happen, what you can do.

B

Q. Why? A. - Hoping to get further money at a later date I suppose.

Q. At this time you say you were under pressure from other Police Officers. You say you were being picked up with gelignite and guns etcetera and you were threatened with imprisonment etcetera. Would you say you were under pressure, would you call that the hard way of doing things? A. - It's an easy way for a Policeman.

C

Q. As far as you were concerned. Were you under pressure to provide names to the Police? A. - Yes.

Q. From the Scotland Yard office? A. - Yes.

Q. According to Mr. Rivlin's opening speech and according to what you have said so far and what has come out so far ....

D

HIS HON. JUDGE STROYAN: Ask the question, don't make a speech about it.

MR. SYMONDS:

Q. It would appear you were in contact with two lots of Police Officers about this time, is that right? A. - Yes.

Q. It would appear one lot of Police Officers were treating you rather roughly? A. - Both lots.

E

Q. Pardon? A. - Both lots, not just one lot, the pair of them, the two couples.

Q. They were treating you roughly? A. - I didn't think I was getting a fair deal.

Q. You say you were punched in the eye ..? A. - I'm not talking about that.

F

Q. The gelignite put in your hand, threatened with a gun, told you were going to be imprisoned. You call that being treated roughly ....

HIS HON. JUDGE STROYAN: He tried to give an answer.

MR. SYMONDS:

Q. Would you call it being treated gently and nicely? A. - Roughly I suppose.

G

Q. What would you call this sort of conversation with this nice, kind, friendly gentleman, would you call that being treated roughly? A. - A bit more sullen.

Q. A bit more sullen? A. - You was always the same.

Q. Would you call it a soft or friendly approach? A. - You was conning me.

H

Q. Did you suspect I was trying to con you for example? A. - You was trying to con money out of me.

me/

A Q. Was I trying to con you, do you believe all this. Did you believe this friendly, plump gentleman who was telling you all these friendly things in a friendly voice? Did you think you had made a friend? A. - I didn't particularly want you as a friend.

Q. By looking back in the light of later experience and some years later. At that time you were 22 was it? A. - Yes.

Q. 22, young chap, lots of convictions, you were right at the heart of the Peckham mob who were carrying out hundreds of thousands of pounds worth of property .... stealing hundreds of thousands of pounds worth of property...

B HIS HON. JUDGE STROYAN: Mr. Symonds please confine yourself to asking the questions and not making speeches. What is the question?

MR. SYMONDS:

Q. Looking back, did you think that maybe I was trying to con you. To pretend to be friendly with you, looking back with the benefit of hindsight?  
A. - No.

C Q. So you believed that everything said in here was said seriously? A. - No, some were, some wasn't.

D Q. And I, a Detective Sergeant from Camberwell, who had seen you once for two or three minutes on the 24th of September, when I am supposed to have poked my head round the door of your cell and told you to..., that they had finger prints and it would be best to plead to Section One. I am supposed to have seen you again for a couple of minutes when you say I demanded money but when I say you asked me for help with your car. All of a sudden this Detective Sergeant from Camberwell comes along to you, who was at that time a well known, if not notorious criminal, who just so happened to be in a position, would you say you were in a good position to make quite a good informant at that time. Would you have said ..? A. - I could have made a good informant.

E Q. Because you knew everything that was going on? A. - Not everything.

Q. Most of it, at that time, in that area. Did you think there might be something strange about this business happening, these sudden overtures of friendship? A. - It is a way of you earning ...

Q. What? A. - It was a way of getting £200 out of me, I thought it was.

F Q. I was being friendly for that reason? A. - When I gave you the money, the first payment, then we started getting more close together than we had in the past.

Q. According to your evidence you said you gave the money over straightaway. And what about all this talk of afterwards, according to the tape recordings which are before the court? A. - Where do I say I gave it to you straight-away?

G Q. Twice, so far, in the statements to the Police and through churning through the transcript? A. - No it doesn't.

Q. On the 28th and 31st. Page 35, statement to Police made on the 5th of December when you say your memory was fresh. "15 minutes later he walked ...

H HIS HON. JUDGE STROYAN: We are not going into this again.

again/

MR. SYMONDS:

A Q. ... "handed it to him and he put it away"? A. - Where do I say 'straightaway' then? I said I handed the money when I was in the car, I didn't say what time.

Q. Just read through that.

HIS HON. JUDGE STROYAN: No. We are not going over this again.

MR. SYMONDS: It doesn't make sense if you read through. We must exhibit the statements.

B HIS HON. JUDGE STROYAN: We are not going through this again.

MR. SYMONDS: Can we have a break?

C HIS HON. JUDGE STROYAN: You shall have a short break. I'd like you to consult with your solicitor during it and find out what are the remaining relevant questions in relation to the 31st of October. I shall expect you to have completed your cross-examination as to the 31st of October by the adjournment. You have been cross-examining already for a very long time, this witness, you have been cross-examining him for five hours and 50 minutes. You will get to the end of this day by the adjournment. There will be no more cross-examination about things which happened after, before the end of this day after the mid-day adjournment.

MR. SYMONDS: Well in that case ....

D HIS HON. JUDGE STROYAN: You can go on after that to other things.

MR. SYMONDS: I will talk to my solicitor.

E HIS HON. JUDGE STROYAN: I must put some limit. What I suggest is you ask your solicitor what the remaining relevant questions are. You have over an hour to ask them in relation to this particular day. I have already warned you many, many times, there has to be a limit on the time wasted. We have now reached a limiting point. You have 10 minutes to consult your solicitor and another hour to deal with this day. After that we'll go on to something else.

#### ADJOURNMENT

HIS HON. JUDGE STROYAN: Yes?

F MR. SYMONDS:

Q. So, in general, about the conversation on the 31st did you feel then or later that I might be trying to con you? A. - I knew you was conning me for the money, yes. Some of the things you say on the tape were quite useful.

G Q. How do you mean, quite useful? A. - If I was an active criminal some of the advice you gave me would have been beneficial.

Q. And what advice was that? A. - About getting a lock up garage and having nothing round your house and bits and pieces.

Q. Was that on the 31st, about the lock up garage? A. - The 31st or the one after.

H Q. Look at the 31st. Perhaps you can find some of the bits that would have been useful to you, if you were an active criminal which you were, of course ?  
A. - Page 15, number four.

Q. Page 15? A. - You are talking about the other transcript?

Q. 'The Times' transcript, we'll look at that now and I'll do the other transcripts later? A. - Page 12.

Q. Page 12 of 'The Times' transcript?

HIS HON. JUDGE STROYAN: Yes. We have seen that already.

MR. SYMONDS:

Q. And what else? A. - You ask me and that's just one of the things ...

Q. No others you would like to point out that would have been of great help to you if you were an active criminal that you didn't know before, for example?  
A. - Page 15 at the bottom.

Q. "Don't do anything silly". Yes? A. - You know people everywhere, what you say, it would be handy if I was arrested in another area.

Q. Were all these two bits you have pointed out, "If you were going to do something don't tell no cunt". You had about 12 convictions, had you learnt that lesson by then, if you were going to do something that you didn't tell no cunt. Or was this something brand new to you that you hadn't heard of before, hadn't imagined before? A. - That's fair enough, yes.

Q. If you are going to do something to make sure there's no-one about at a certain time of night? A. - Where does it say that?

Q. Is that what you are referring to at the bottom of page 12. You see of all those things, looking at them, now reading through the transcript could they refer to the sort of assistance you might receive and might expect to receive working as a Police informer? A. - No. It was the sort of advice I expect working with a corrupt Police Officer.

Q. Had you ever worked with a corrupt Police Officer in your life? A. - When I say work, I mean deal with them.

Q. Had you ever dealt with a corrupt Police Officer in your life, at that time, at the age of 22. What corrupt Police Officers had you worked with, as it were? A. - I had only worked with you.

Q. Never worked with one. Would you say this could be part of, shall we say, a criminal fantasy land? A. - I wouldn't say that.

Q. Would you have been very happy, as a criminal, having a friendly Policeman who was helping you in some way, in exchange for some help you could give him? A. - No.

Q. You wouldn't have been very happy? A. - Not with giving you information.

Q. Did you ever give anyone information? A. - I never give a Police Officer information, no.

Q. Never? A. - Never.

Q. Has it been put to you before that you have given Police Officers information? A. - It has, but it hasn't been believed.

Q. Did you not, in fact, give the reporters information about who had broken into the religious shop. Did you tell the reporters that it had been done by the Lamings? A. - No.

No/

MR. SYMONDS: Am I allowed to lead out part of Lloyd's statement about what this witness said to him on a certain occasion?

HIS HON. JUDGE STROYAN: You can put to the witness things that he said to Lloyd, not read out all the statement.

MR. SYMONDS:

Q. I put to you that you told Mr. Lloyd the names of some people who had broken into a religious medallion shop? A. - No.

Q. Did you tell Mr. Mounter then? A. - No.

Q. You didn't tell anybody, at any time, is that right? A. - No-one that matters.

Q. Are you saying ...? A. - That's right, yes.

Q. Did it seem to you, at one stage, that you were being faced with two extremes of conduct? A. - No.

Q. By two different Police Officers, which are previously described as the hard or soft line of approach? A. - It was corrupt whatever way you look at it.

Q. I am talking about the way you were being dealt with or treated, or spoken to? A. - Well there's always certain ways of committing a crime, the result is the same.

Q. Do you understand the question I am putting to you? A. - Yes.

Q. Were you, at that stage, faced with two extremely opposing ways of being spoken to or dealt with by two different sets of Police Officers? A. - Yes.

Q. Would you describe one of those ways as the hard way and one as the soft? A. - Yes.

Q. Now looking back from this distance, at the age of 22 and I believe at that time you were facing some charges. At the age of 22 did you think in the normal way of things you may have eventually succumbed to one or the other? A. - As regards what?

Q. As regards the pressure that was being put upon you? A. - Pressure from what? Are we talking about the same thing, The pressure of taking money?

Q. No. The pressure to supply information? A. - No.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. And looking through the transcript I must ask you again whether or not this now appears to you, now, as the building up of some sort of fantasy land which would or may appear very attractive to a young active criminal? A. - No. It was a meeting between a criminal and a corrupt Police Officer.

Q. You see, when you were talking with your criminal friends, the Peckham Mob and what not, in various public houses frequented by yourself and other criminals, was there ever such talk or boasting by other criminals about things which seemed to be familiar to you when looking through this? A. - Well corrupt Police Officers were pretty common in the area. There was nothing unusual about them.

Q. So when you, as a young 22 year old, were in the pubs with the rest of the

the/

Peckham mob, the talk was that all the Police were corrupt or most of the Police were corrupt? A. - Some of the Police were corrupt.

**A** Q. Some of the Police were corrupt. If you could get in with a corrupt Policeman you thought you was made or almost made? A. - You could have earners, according to you.

Q. You could become a very successful young criminal could you not, if you could find one of these corrupt Policemen and become friends with him, is that your thought? A. - It's a help.

**B** Q. Did your criminal friends when they talked about, or boasted, or alleged that they had a corrupt Policeman, I believe the expression was, working for them, yes? A. - We used to refer to them as bent Policemen.

Q. Working for them. Some little criminal in a pub, half drunk, would be saying, "This Inspector so and so he works for me"? A. - It's generally the other way round.

**C** Q. The other way round? A. - Yes.

Q. The criminal worked for Inspector so and so? A. - Some of the Policemen they are bigger crooks than the actual villians on the street.

Q. What you are saying is that, according to the pub talk, of you and other chaps ...

**D** HIS HON. JUDGE STROYAN: I am not stopping you but you may think this cross-examination isn't doing a lot of good.

MR. SYMONDS: If the Jury believe a word of what this chap is saying I'd be most surprised. What nonsense, what nonsense, the more he says along those lines the better in my opinion. Whoever heard such rubbish. "Me and my fiends they used to say" it's a joke.

**E** HIS HON. JUDGE STROYAN: We are not having speeches.

MR. SYMONDS: Let him carry on.

HIS HON. JUDGE STROYAN: We are not having speeches now.

MR. SYMONDS:

**F** Q. When you and the rest of your Peckham mob friends were in the pub talking about Policemen who either worked for you, I believe you said it was the other way round, usually your friends worked for Policemen. Now do you mean that? A. - In certain cases a Detective would come up with a crime which he would put someone to work to do which he had heard about.

Q. Really, and did this ever happen to you? A. - No.

**G** Q. Did a Detective ever come up to you? A. - No.

Q. Did it ever happen, to your knowledge, or was it some half drunken boast by a thug in a pub in Camberwell in 1969. Do you have any evidence of this or was it just drunken talk? A. - There's been case of it in London.

Q. You have read cases in the paper. At that time in 1969 did you have any personal knowledge of one corrupt Police Officer? A. - It was common knowledge.

**H** Q. Going to one criminal and telling him about one crime to do yourself. You

You/

say common knowledge, pub talk, criminal fantasy land? A. - If you like to call it that. We know different, me and you.

A

Q. Pathetic Mr. Perry. So when you talk about one of your friends who worked for an Inspector, did you ever have any thoughts cross your mind, maybe your friend was supplying this Inspector with information? A. - Where did I say that?

Q. You just said it just now?

HIS HON. JUDGE STROYAN: No.

B

MR. SYMONDS:

Q. It was usually the other way round? A. - Where do I say one of my friends worked for an Inspector?

HIS HON. JUDGE STROYAN: He didn't say one of his friends was working for an Inspector.

C

MR. SYMONDS:

Q. Did you ever have knowledge of one of your friends working for a Police Officer

HIS HON. JUDGE STROYAN: Is your point that this witness was a Police Officer or may have been one.

D

MR. SYMONDS: Pardon?

HIS HON. JUDGE STROYAN: Is the point that this witness is, or might have been, or was, or might have been a Police informer?

MR. SYMONDS: The point is that this witness, in the opinion of a number of Police Officers, would have made a very good informer.

HIS HON. JUDGE STROYAN: Very well, we have got that.

E

MR. SYMONDS: Whether he ever did give information or not to other Police Officers I can't say. But that has been put to him.

HIS HON. JUDGE STROYAN: Very well.

MR. SYMONDS: And he has denied it.

F

HIS HON. JUDGE STROYAN: We have got the point.

MR. SYMONDS: Whether, with the intrusion of tape recordings, whether he would give me information following along this line is also debateable. I submit he would have done eventually. This is not a new method at all.

HIS HON. JUDGE STROYAN: You had better put that to him.

G

MR. SYMONDS:

Q. As an active criminal, aged 22 in 1969 having discovered, or so it might seem to you, a Police Officer who is prepared to give to you, as it were, and maybe even to help you, shall we say, making what appears to be certain promises. Have you ever heard of 'Promise, Promise, Land'? A. - I may have done.

H

Q. He may have made, or intimated, certain promises. Do you think it is at all possible that some time, a little later, you may have perhaps given a scrap



scrap/

of information to this nice, kind man who is so friendly? A. - So friendly, you mean taking £200 off me, do you call that being friendly?

A

Q. How does the conversation sound to you? Friendly or not, is there laughter, is there friendly conversation? A. - You seemed very relaxed, which you would do getting money for nothing.

Q. You are paying £200, you were paying £200 because I poked my head round the door and told you to plead guilty to a Section One, "You'll only get 12 months"? A. - You said, "If you don't think they've got a lot on you and if they've got a finger print plead guilty to a Section One theft".

B

Q. Lo and behold a little while later Sergeant James comes in and says, "We've got your finger prints, how about it"? A. - Yes.

Q. That's a great help isn't it? A. - That's what I thought.

Q. That's what you thought? A. - If I had been in the shop, if I had touched the cartons, like the Sergeant said, I may have thought my prints were on it.

C

Q. What would you have done? A. - You plead guilty to a lesser charge.

Q. That would have been a useful help in that case. Would you have been grateful for that help. Did you know about pleading guilty to a lesser charge? A. - I knew my prints couldn't be on it, because I never touched them, I didn't go in the shop, they couldn't be there.

D

HIS HON. JUDGE STROYAN: We have covered all this ground once before.

MR. SYMONDS:

Q. I must ask you Mr. Perry, whether in fact in view of these things you knew, things you had from your friends in the pub about corrupt Policemen. I'll make it quite clear, did you ever have such a relationship with a corrupt Policeman? Did you ever work as a criminal with a corrupt Policeman helping you in any way, ever? A. - No.

E

Q. And to your knowledge did any friend of yours ever work as a criminal with a corrupt Policeman helping him? A. - I've not proof of it, no.

Q. So all this talk and rumour in the pubs about corrupt Policemen and who was working for who, doesn't matter so much, was in fact this talk and rumour real to you? A. - These tapes prove it's fact, surely.

F

Q. The question is about working with or for a corrupt Policeman, committing crimes as such?

HIS HON. JUDGE STROYAN: If you are getting to the end of this part of your cross-examination I would be prepared to rise rather earlier to give you time to prepare what you want to ask Mr. Moody, who will be called after the adjournment.

G

MR. SYMONDS: I must object to Mr. Moody being interposed. I don't see why he should be. Mr. Moody ... We have had two people, I have had several people interposed on me described as respectable business men. One is a self-employed repair mechanic for tape recorders and one is a grocer. Mr. Moody is serving 12 years imprisonment, whether he serves it in Durham or the other prison doesn't matter.

H

HIS HON. JUDGE STROYAN: I am trying to help you. If we get to the end of the cross-examination about this day before this adjournment, if you get to the end between now and the early time of the adjournment I will rise early to

to/

give you time to consider your cross-examination before calling Mr. Moody.

**A** MR. RIVLIN: He is to be called next. Mr. Moody has to be brought from his prison up North at three days notice. Three days ago we informed the Defence we would have to call him today.

HIS HON. JUDGE STROYAN: Presumably he shall be called after the adjournment.

MR. RIVLIN: I shall apply to call him after the adjournment. If the Defendant objects Your Honour will have to rule. This situation was notified to the Defence three days ago.

**B** HIS HON. JUDGE STROYAN: Yes very well.

MR. SYMONDS: Is the position that Mr. Moody will be called at two o'clock?

HIS HON. JUDGE STROYAN: That seems likely.

MR. SYMONDS:

**C** Q. I'd like you to listen, perhaps there is no need for that. To look at transcript 35 B, the fully typed transcript.

HIS HON. JUDGE STROYAN: What page?

MR. SYMONDS: Page 18.

**D** HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. Looking down under six, do you see Male, "Let's put it in this car shall we ... garbled, engine noise, garbled .." Do you see that Mr. Perry?  
A. - Yes.

**E** Q. After that the next words spoken are nothing, "I think I ought to get into this car". I'd like you to turn to page 28, which is the full transcript of tape 3 B. Have you got that? A. - Yes.

Q. Look at 24. Male, "Let's put it in this car shall we, ... garbled, engine noise". Male, "Eh! what's this in your pocket"? Do you see that? A. - Yes.

**F** Q. Now you have given evidence that before going off to these meetings you were searched and you gave up all your property except for £50 and some handkerchief and what not? A. - That's right.

HIS HON. JUDGE STROYAN: This, I think, is quite clear nothing to do with this case, isn't that right?

MR. SYMONDS: Page 28.

**G** HIS HON. JUDGE STROYAN: That part which follows the phrase, "Let's put it in this car shall we?"

MR. SYMONDS: Yes.

HIS HON. JUDGE STROYAN: Has been established that what follows, that has been established to be nothing to do with this case.

**H** MR. SYMONDS: That is on tape five, this is tape three.

HIS HON. JUDGE STROYAN: The result is the same.

same/

MR. SYMONDS: No Your Honour. Tape five was stopped in one place, tape 3 B stopped in another place. It went on further afterwards.

A HIS HON. JUDGE STROYAN: What is clear as I understand it, what follows the phrases on both tapes, what follows the phrase, "Let's put it in this car shall we"? is nothing to do with this case?

MR. SYMONDS: No Your Honour. On tape five that applies because the tape five was switched off there and follows what was previously on the tape. Tape 3 B that is a tape which is not a continuous recording but the break in the recording comes at the very front of tape 3 B which overplays part of tape 3 A?

B HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Pardon. Did you say the Judge is right.

MR. RIVLIN: Yes, I certainly did say the Judge is right.

C MR. SYMONDS: I say you are talking through your hat.

MR. RIVLIN: It is getting very difficult. I'm sure Your Honour has got a mark on your note. I've got exactly the same mark on mine. I'm sure they were both put on at the same time at an earlier stage in the case. I didn't rise, I am doing my utmost not to rise at any time. As Your Honour raised the matter my recollection is precisely the same as yours.

D HIS HON. JUDGE STROYAN: I have a mark on page 28 which says, "Come out" and I have drawn a line and I've got also a note which says, "See number six on page 18", it refers back to the same thing. I have got in both places, "Nothing to do with this case".

MR. RIVLIN: We'll just have to await the evidence about that. I hear the Defendant saying, now saying this is something to do with the case.

E HIS HON. JUDGE STROYAN: He can ask it if he wants, if it is something to do with the case.

MR. SYMONDS: Well Your Honour tape 3 B is agreed by the experts to come on part of 3 A. To my knowledge the experts don't say that.

HIS HON. JUDGE STROYAN: I am not having an argument about this now Mr. Symonds. What is the question you want to ask?

F MR. SYMONDS:

Q. After "garbled ..engine noise" in 24. Do you see a male, say, "Hey what's this in your pocket"? A. - I see that written down, yes.

Q. Do you recall that expression being used? A. - No.

G Q. Could it have been that someone found something in your pocket which surprised them, after the meeting? A. - No.

Q. Why then would they say, "Hey, what's this in your pocket"? A. - How do you know they was talking to me?

Q. Read the transcript, it's obvious.

H HIS HON. JUDGE STROYAN: You've already had this point. It is perfectly plain that this subsequent cut out part of the conversation doesn't deal with this case. You can't go on with it.

it/

MR. SYMONDS: So you say to stop there. Maybe after the experts have given evidence maybe Mr. Perry can be recalled to give evidence about that. I will finish on the 31st on that.

HIS HON. JUDGE STROYAN: Very well. Well then you will have a good opportunity of considering what you were going to ask of Mr. Moody, if you are to ask him anything. We will resume at two o'clock. I shall expect you to have finished cross-examining Mr. Moody by the end of this afternoon.

LUNCH ADJOURNMENT

MR. RIVLIN: Until Mr. Symonds knows whether he can confidently complete the cross-examination of Mr. Perry and Mr. Moody this afternoon, if he can't I'd have to apply for Your Honour to hear Mr. Moody this afternoon and interpose him.

HIS HON. JUDGE STROYAN: I can see no reason why it shouldn't be finished this afternoon. I think Mr. Symonds had indicated that already.

MR. SYMONDS: Pardon?

HIS HON. JUDGE STROYAN: You can conclude dealing with Mr. Moody this afternoon.

MR. SYMONDS: If Mr. Moody is brought on now I imagine he would be completed, yes. I do object to Mr. Moody being interposed.

HIS HON. JUDGE STROYAN: This case has taken such a long time there is nothing we could possibly do. Let Mr. Moody be called.

MR. RIVLIN: Mr. Moody please.

ALFRED WILLIAM MOODY

(SWORN)

MR. RIVLIN:

Q. What is your name? A. - Alfred William Moody.

Q. Would you wait there please Mr. Moody.

CROSS-EXAMINATION BY MR. SYMONDS

MR. SYMONDS:

Q. Mr. Moody in November 1969 were you a Chief Superintendent in the Metropolitan Police? A. - I was, yes.

Q. When 'The Times' newspaper published an allegation against myself and other Officers were you attached to an enquiry, a squad of Officers formed to make an enquiry into those allegations? A. - Not at the outset My Lord. I joined that enquiry a week after it opened, having been engaged elsewhere. Mr. Lambert was in charge of the enquiry.

Q. Did Mr. Lambert later leave the enquiry? A. - Yes, in June or July of 1970.

Q. When Mr. Lambert left the enquiry did you take over the enquiry as the appointed investigating Officer? A. - Yes.

Yes/

Q. From that time onwards were you, in fact, the Officer in charge of the enquiry?  
A. - Yes.

Q. Then at some later date did you hand over your duties to some other Officer?  
A. - No, I continued the enquiry until it was concluded and filed pending your return sir.

Q. Would it be true to say you were the Officer in charge of this enquiry from June or July 1970 until the early part of 1972? A. - Yes.

Q. In the course of this enquiry did you, in the first instance, have the responsibility of making enquiries at Nuneaton? A. - I did, yes.

Q. In respect of what we may call the Nuneaton (inaudible)? A. - Yes.

Q. Did you there interview a number of Nuneaton Police Officers? A. - Yes.

Q. And take a number of statements? A. - Yes.

Q. When you first went to Nuneaton to carry out this part of the enquiry did you think that, if there be any truth in the allegations made against me, a member of the Nuneaton Police Force must also be guilty of an offence?  
A. - No I didn't, I had a completely open mind at this stage sir.

Q. If I may jump ahead to put things in ... Did you on the 4th of July, 1970 interview me at Tintagel House, New Scotland Yard? A. - I don't think I did interview you sir.

Q. Would you look at page 274 of the depositions? A. - My memory is at fault. I did interview you on that date, yes.

Q. Did you put a series of questions to me in the form of a prepared questionnaire?  
A. - Yes.

Q. In respect of the allegation made against me? A. - Yes I did.

Q. Did you, in fact, produce this questionnaire at the committal proceedings at Whale Street a year or so later? A. - Yes.

Q. I wonder if you would turn to page 277? A. - Yes.

Q. At the bottom of the page and did you put this following question to me. Moody, "Did you say to Perry, "I don't think they've got a lot on you, they won't tell me a lot. They have got a finger print of yours. Tell them you'll plead guilty to Section One, theft, the most you'll get is 12 months for that"? Did you put that question to me? A. - Yes, I did.

Q. I'd like to emphasize part of that question. The allegation was that I said to Mr. Perry, "Tell them you'll plead guilty to Section One, theft, the most you'll get is 12 months for that"? A. - That is correct, yes.

Q. And before that, "They have got a finger print of yours"? A. - Yes.

Q. Not, "If they have a finger print of yours"? A. - No.

Q. "They have"? A. - "They have got a finger print of yours".

Q. And according to your records at that time, which, would it be true to say, you referred to your records most carefully and closely when preparing this questionnaire? A. - Yes.

Q. And so, as far as your records were concerned, that was the allegation at

at/

that time. I said to Mr. Perry, "They've got a finger print of yours" and that was on the 4th of July 1970? A. - Part of it, yes.

A Q. Did you say something?

HIS HON. JUDGE STROYAN: No.

MR. SYMONDS:

Q. I'd like you to turn back to page 274 again please Mr. Moody? A. - Yes I have it.

B Q. At the very beginning of the interview?

MR. RIVLIN: I'm sorry there is something that concerns me. It is not against the Defendant in any way, he must not think it is. I must ask Your Honour to invite the Jury to retire for a moment. It doesn't reflect against the Defendant in any way, he is not to think it is.

JURY OUT 2.15 p.m.

C MR. RIVLIN: There is no reason why the witness should leave. In fact it is better he should stay. Mr. Moody's reply, or answer, to whether he referred to his records, he said, "Part of it". It occurred to me that Mr. Moody couldn't have been away of the type of warning you gave to Mr. Perry. And Mr. Moody was investigating, not merely the allegations into this case, that is the counts, three counts, one, two and three, but a whole range of complaints ...

D HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: It seems to me to be rather important he should appreciate we are not concerned with any other case and the warning you gave Mr. Perry is just as important, if not more so, in relation to Mr. Moody.

E HIS HON. JUDGE STROYAN: Mr. Moody this court is concerned and concerned solely with three counts of obtaining a corrupt gift of £50 in each case, from Michael Roy Perry in each case, and the dates are the 28th of October 1969 31st of October and the 21st of November.

MR. MOODY: Yes.

F HIS HON. JUDGE STROYAN: Those are the only matters which are before this court and it is very important for the protection of the Defendant that should you be asked any question which might lead to an answer which goes to any of the other enquiries which you were making at this time that might be prejudicial, And should you feel you are in that sort of difficulty will you, well then will you say something in reply to the question of this sort, "I find it difficult to answer that question", something of that sort in order to give me an opportunity of intervening, should it be necessary.

G MR. MOODY: I have that in mind. I am grateful for the warning.

HIS HON. JUDGE STROYAN: It is important not to relate to any incident which is not directly concerned with the three counts before the Jury. 28th and 31st of October 1969 and 21st of November, '69. The only person concerned in those counts in the Indictment being the Defendant and Perry.

MR. MOODY: Yes.

H HIS HON. JUDGE STROYAN: I am grateful Mr. Rivlin.

Mr. Rivlin/

MR. SYMONDS: I would ask if the questionnaire I have been referring to, if parts had been deleted.

HIS HON. JUDGE STROYAN: Not so far as I know.

MR. RIVLIN: I haven't led the witness through it and of course it hasn't been tampered with.

JURY RETURN 2.17 p.m.

MR. SYMONDS:

Q. I refer you to page 274 of the questionnaire that you put to me on the 4th of July 1970, when you were investigating these allegations. On the first page you outline to me, do you not, the nature of the allegation which is made? A. - Yes sir.

Q. And that was, "That whilst Michael Perry was detained at Camberwell Police Station on Wednesday 24th of September 1969, on suspicion of being involved in an offence of burglary at Nuneaton, that you improperly intervened in this ....

HIS HON. JUDGE STROYAN: Now then, careful. I think you may leave that question out and go on to where it is said ...

MR. SYMONDS: The question, what I was getting at. I had asked Mr. Moody that when he went to Nuneaton, if he was in fact, if he was in fact, had in mind that maybe a Nuneaton Officer was involved.

HIS HON. JUDGE STROYAN: We have got that point.

MR. SYMONDS:

Q. I believe Mr. Moody said he was keeping an open mind. I wanted to point out to him that the allegation put to me, was in fact, would give the impression that the investigating Officer did, at one stage, believe that there must have been another Police Officer involved.

HIS HON. JUDGE STROYAN:

Q. You can answer that if you think you can? A. - To Nuneaton? No My Lord.

MR. SYMONDS:

Q. I think you went on to ask me a series of questions about events on the 28th of October and the 31st of October, but there were no questions about the 21st. Are there any reasons for that? A. - It's a very long time ago. I referred to something that happened on the 24th of September first.

HIS HON. JUDGE STROYAN:

Q. You are now being asked about the 28th of October. The short point was, did you, at this stage, ask any questions about the 28th of October? A. - I think it came up much later in the interview My Lord.

MR. SYMONDS:

Q. Would you look at the last page, Mr. Moody which is page ...

HIS HON. JUDGE STROYAN: 299, 290.

MR. SYMONDS:

Q. Looking at 289 do you see you are asking me questions about the 31st of October? A. - Yes.

Q. And those questions finish on page 290? A. - Yes.

Q. Mr. Moody as a result of your enquiries did you eventually take out ?

HIS HON. JUDGE STROYAN: I'm sure you have got to be fair about this Mr. Symonds. If one looks at page 287, I'm not going to say anything more about it. If one looks at page 287 one does see the date, the 28th of October, there is nothing of great importance.

MR. SYMONDS: 287, 28th of October.

HIS HON. JUDGE STROYAN: I don't want to say anything more. There do appear to be questions relating to that date.

MR. SYMONDS: I asked the question ....

HIS HON. JUDGE STROYAN: You were putting to the Defendant there wasn't anything about the 28th of October.

MR. RIVLIN: 21st of November, and there isn't.

HIS HON. JUDGE STROYAN: I thought you were referring to the 28th of October. If you are referring to the 21st of November there is no reference.

MR. SYMONDS:

Q. Did you, at some later date, apply to the Magistrates of Whale Street Court to take out a Summons against me in connection with these allegations?  
A. - Yes I did.

Q. When you applied to Mr. Cook at Whale Street Magistrates Court did you lay before him any information? A. - I did, yes.

Q. Can you look at that information now please?

HIS HON. JUDGE STROYAN: Have we got this?

MR. RIVLIN: I don't think we would have it. The Clerk may have it, we don't have it.

HIS HON. JUDGE STROYAN:

Q. This is something you have to be rather careful about? A. - It may help if I say at this stage that that information was drawn up by the Director of Public Prosecutions.

Q. Yes.

MR. SYMONDS:

Q. But it was drawn up in respect of information supplied by you? A. - Yes.

Q. To the Director of Public Prosecutions?

HIS HON. JUDGE STROYAN: I don't suppose much turns on the matter very much. It would be very much the same as the terms of the Indictment.



Indictment/

MR. SYMONDS: I did see the information once and I am not to bring up this point about, "They've got finger prints" which went on later.

A HIS HON. JUDGE STROYAN: Well there is an affidavit supporting the information here which appears to be signed by this witness. If you want to see it Mr. Symonds you ought to look at paragraph 10 which is open to you. You needn't look at anything else. Show it to Mr. Green. Do you want to see it Mr. Rivlin?

MR. RIVLINE No.

B HIS HON. JUDGE STROYAN: Paragraph 10 is the relevant one. If you want to deal with the matter in paragraph 10 it may be desirable if I asked the question you want me to ask. Do you want me to deal with that? I won't if you don't want me to.

MR. SYMONDS: You know the point I am after, I don't see it is mentioned there.

HIS HON. JUDGE STROYAN: If you don 't want me to deal with it I won't.

C MR. SYMONDS: There is nothing to be gained from it.

HIS HON. JUDGE STROYAN: Go on.

MR. SYMONDS:

D Q. Approximately a year after ... Could I, is it true Mr. Moody that ffrom the time the allegation was made it was nearly, it was over one year before Summons were eventually served? A. - Yes sir.

Q. During this time I had been suspended from duty? A. - Yes.

Q. Is it true following the time the Summons were served it was a further period of time, many months before the committal proceedings took place at Whale Street? A. - Yes.

E Q. And did you give evidence at Whale Street Magistrates Court in connection with this matter? A. - I did, yes.

Q. And I believe at Whale Street Magistrates Court you produced the transcript of the tape recording which became exhibit 35? A. - I did yes.

F Q. Now were you responsible for preparing this transcript Mr. Moody? A. - Yes. I must point out now My Lord that transcript was done on Police equipment and was subsequently found to be grossly at error.

HIS HON. JUDGE STROYAN:

Q. Which one are we talking about? A. - All the transcripts. My equipment wasn't of the same quality as that used subsequently by the experts in making their transcripts and theirs were far more accurate than mine.

G Q. Which experts are you talking about? A. - Three experts. The first that Mr. Lambert went to was a man called Mr. Taylor of E.M.I. There were subsequently two experts named Dennis Killet and Hugh Ford. The latter two in particular, made a transcript which was much more accurate than mine.

Q. We have got four transcripts, none of which are by any of these people. I don't propose to embark on any more.

H MR. SYMONDS:

Q. When you were making your Police transcripts which are now exhibits 35 B and C

Did you make use of 'The Times' transcript as a reference? A. - No. We had 'Times' transcripts which were very short. But I used copy tapes, not the originals to make my first transcript and subsequently checked that against the original tapes when they came back into our possession.

Q. And were five Officers, in all, engaged on making those transcripts?

A. - I would think there may well have been five or more.

Q. Can you recall their names? A. - I'm afraid I can't. There was one Detective Sergeant, I'm afraid I can't remember any of their names.

HIS HON. JUDGE STROYAN: It wouldn't be surprising if you do after 12 years. Yes.

MR. SYMONDS:

Q. Did you find that some of these tapes were unintelligible in parts. Parts which are described as 'garbled'? A. - In parts they were.

Q. Did you find, even with the equipment you were using, you were in a position to bring up words which apparently 'The Times' typists hadn't been able to bring up. In other words was your transcript a considerably fuller one than 'The Times'? A. - Yes. I would point out we had considerably more time than 'The Times' had taken.

Q. Did you find one of the tapes was more or less quite unintelligible because it had been recorded on run down batteries? A. - I believe there was one that had been so recorded.

Q. So when it was played at normal speed it sounded like Mickey Mouse? A. - Yes, that is correct.

Q. And did you transcribe that tape, also, using the normal tape recorder? A. - We did so by slowing the tape recorder down.

Q. I believe you did say before you did it by pressing your thumb on the reel of the tape recorder to slow it down? A. - Yes.

Q. Did you find this a very tedious and laborious method? A. - I did indeed.

Q. Did it ever cross your mind to obtain more advanced equipment with which to transcribe these tapes? A. - I wanted to make a transcript of the tapes as accurately as I could for my own clarity of mind more than anything else and before anybody else supplied me with a transcript and I decided to work with the equipment which was then available to us.

Q. I believe you described the equipment as an ordinary tape recorder? A. - Yes.

Q. Did it have head-phones and maybe a foot-pedal for stopping and starting and playing back? A. - It didn't have a foot-pedal, but it did have head-phones.

Q. I must ask you why you decided to transcribe these tape recordings yourself and not to send them to a centre which had been recently established for transcribing tape recordings? A. - I had no knowledge of such a centre, in fact we found it difficult to find experts at that time.

Q. Did I make that an exhibit, that Police order?

MR. RIVLIN: I don't think it has been exhibited, Your Honour. I do not think it has been exhibited.

HIS HON. JUDGE STROYAN: We have already heard about such, there was a centre for transcribing, there was equipment for transcribing tapes in North London.

London/

MR. SYMONDS:

A Q. I'd like to show Mr. Moody the order. I put to you in September 1969 there was a Police order advising Officers that such facilities had been set up at Denmark Hill to assist in the transcribing of tapes, particularly where any difficulties may be encountered? A. - Denmark Hill. I have no knowledge of that order that you are talking about. Denmark Hill subsequently to our enquiry did set up a complete tape unit. I have no knowledge of any order in 1969 but there may well have been one.

HIS HON. JUDGE STROYAN: That deals with that.

B MR. SYMONDS:

Q. Would you please look at this Police order.

HIS HON. JUDGE STROYAN:

C Q. Can I see it please. There we are, have a look at that if you like, it is just what we have been talking about. Do you remember having seen it?  
A. - I don't remember having seen it My Lord. I think this was looked into, my memory is jogged but the equipment wasn't of the quality that we required. It is so long ago. I'm sorry I can't be of more assistance.

Q. Yes.

D MR. SYMONDS:

Q. Had you had any previous experience of transcribing tape recordings?  
A. - Yes.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS:

E Q. I understand you to say that you now recollect that you did know of this facility? A. - I have a vague recollection of this.

Q. You investigated it and you found the equipment available at Denmark Hill for the transcribing of tape recordings was inferior to your own in effect?  
A. - Yes.

F Q. Can you recall what equipment, exactly, you were using? A. - No. I know we got a large tape recorder, I can't even recollect the name I'm afraid.

Q. During your enquiries did you have cause to take a statement from a man named Kirton? A. - I can't. The name seems to strike a cord, but I can't recall it.

Q. Maybe if you would look at a statement referred to by Mr. Kirton, it would refresh your memory.

G HIS HON. JUDGE STROYAN: Is there any point in him looking at it. He could but he couldn't, of course, tell you what was in it.

MR. SYMONDS:

H Q. While we are waiting for that, I'd like to ask you questions about the custody of the tapes from the time they came into the possession of the Police. Now you, when you first joined the enquiry had the original tapes already been handed over by 'The Times'? A. - No. The original tapes were then in the possession of 'The Times'. Mr. Lambert had copies supplied by

by/

'The Times'. Subsequently the original tapes were handed to Mr. Lambert by 'The Times'.

A

- Q. As a very senior Officer at that time, on this enquiry, I'd like to ask you if you would have considered it advisable to have made an entry in the exhibit book, or whatever, of the custody of the copy tapes which were in the possession of Police for some days or weeks before the originals were handed over? A. - My function My Lord, at that time, was to go to Nuneaton and Leicester with regard to that particular end of the enquiry. Subsequently as a result of something I discovered in Leicester and without anything to do with this Defendant the enquiry broadened on a very considerable scale.

B

HIS HON. JUDGE STROYAN:

- Q. We can't go into that? A. - Yes. I was then attached to 'The Times' enquiry from about the middle or end of January, onwards, of 1970. By which time the original tapes had been handed to Mr. Lambert and Mr. Lambert had taken them to E.M.I. for examination.

C

- Q. Just a moment please? A. - There was a

- Q. Just a moment please? So it follows that you were not concerned with this particular enquiry in London until January is that right? A. - That is correct.

MR. SYMONDS:

D

- Q. During the times, periods of time that the tape recordings weren't being examined by experts but were in the custody of Police can you recall where they were kept? A. - They were kept in a locked cabinet at Tintagel House.

HIS HON. JUDGE STROYAN:

- Q. You can only speak of that which you know of your own knowledge which is from January of 1970 is it? A. - Well after that. The originals, I think, came back to us, there must be anote in the exhibit book.

E

MR. SYMONDS: May this witness ....

HIS HON. JUDGE STROYAN:

- Q. Let him finish the answer? A. - Much later, I think about March.

F

- Q. When you came back in January they were somewhere else? A. - They were indeed. They were with E.M.I.

- Q. Who was taking them there? A. - Mr. Lambert had taken them there.

MR. SYMONDS:

G

- Q. Will you please look at exhibit 43, exhibit 41. Perhaps you may refresh your memory from that as to the time that the tape recordings were handed to the custody of Police and from that time ....

HIS HON. JUDGE STROYAN:

H

- Q. Look at the third of December? A. - The originals appear to have come into Police custody to Sergeant Osborne and Detective Chief Superintendent Lambert on the third of December. I think it was later than that. According to this book they came on the third of December. Sergeant Osborne is one of the Officers you were asking about earlier.

earlier/

MR. SYMONDS:

Q. Referring to exhibit 41 can you put the dates on which they were sent off to E.M.I? A. - Exhibit 41.

Q. That is the book you are holding?

HIS HON. JUDGE STROYAN:

Q. Exhibits one to seven in this case? A. - There doesn't appear to be a note.

Q. I don't have ...? A. - I can't help.

Q. I don't think there is details. So far we haven't heard any evidence about them being taken to E.M.I. I have heard they were taken there by the day but not taken there and left there? A. - It appears to be something stuck over the original entry, I wish I could, I can't read what it says.

Q. I don't think you will find it.

MR. SYMONDS:

Q. I suggest, the evidence we have heard, the tapes weren't taken to E.M.I. and left there, they were taken there daily by one or two Police Officers, the exhibit Officer and his assistant, and brought back in the evening?  
A. - I don't think that was the position. I didn't take any part in the original handling of those exhibits. I believe they were left with E.M.I. I could be wrong.

Q. If they were left with E.M.I. this means they would be then out of the custody of the Police? A. - Yes and in the custody of Mr. Taylor.

Q. And in the custody of Mr. Taylor. We have heard evidence, which I may describe as strong evidence, that this wasn't so. The evidence that has been given to this court was that the tapes were taken to Mr. Taylor in the morning in a brief case, or whatever, watched like hawks and taken away again at lunchtimes and again in the evening? A. - I can't really help because I didn't take any part in that original examination by E.M.I.

Q. May I see the exhibit. You see if the evidence given by Sergeant Osborne and Mr. Collins is true, the situation would be that the tapes were brought back to Tintagel House in the evening and put again into the steel cabinet or whatever? A. - They would have more knowledge of that than I did at the time.

Q. In respect of the steel cabinet could you recall what it looked like. Did it look something like this one? A. - Yes. Very similar to that.

Q. Can you recall the colour? A. - No.

Q. Because we have had two descriptions. One grey and one green, so far?  
A. - No I can't.

Q. Was it a normal, in fact, filing cabinet they were kept in? A. - A locked one similar to that?

Q. As normal would there be two or three keys to such a cabinet? A. - I can't answer that. I think there were two. I think the exhibits Officer had one and Mr. Lambert had one.

Q. Mr. Lambert, at that time, being the senior Officer, the investigating Officer? A. - Yes.

Yes/

A Q. At that time, of course, would it be true to say that any senior Officer who had reason to go and examine any exhibits in this case could, in fact, go to the cabinet and take them out and examine them? A. - No. He would have to see Mr. Lambert or the exhibits Officer.

B Q. Were you Mr. Lambert's deputy, could you be described as his deputy, were you the second most senior Officer? A. - We were of equal rank. We were working together at that time. He was the Officer in charge for the, in doing the directing.

B Q. We have heard evidence that Sergeant Osborne had one key and when he went on leave or weekend or holiday or whatever, he would hand the key to his deputy. Would the same apply between yourself and Mr. Lambert? A. - No I didn't take possession of the exhibits cabinet key until Mr. Lambert, in fact, left the enquiry.

C Q. But if you had wanted to go. I would suggest to you Mr. Moody that all senior Officers involved in the case had access to the tapes? A. - Not to my knowledge. I used to go with Sergeant Osborne to listen to the tapes, when making the transcripts. But I have no knowledge of what the other Officers did.

C Q. I wonder if you would look at a letter sent by the Director of Public Prosecutions to my solicitor. I have marked the space I'd like you to look at. This paragraph. You have seen it before.

D HIS HON. JUDGE STROYAN: May I see it again please. Are you sure you want to put it, have you read it carefully?

D MR. SYMONDS: I will put it and I will put a point that it is not necessarily from the times suggested here it would follow it would have been throughout.

HIS HON. JUDGE STROYAN: This is a letter from the Director of Public Prosecutions, to your solicitor, not a document made by this witness.

E MR. RIVLIN: No Your Honour, but on an earlier occasion I allowed the Defendant to put it. I have no objections to him putting that now provided he puts the whole of it, because last time we didn't hear the whole of it. The Jury will remember this being done. I have no objections at all.

HIS HON. JUDGE STROYAN:

F Q. Paragraph two? A. - Yes.

F MR. SYMONDS:

G Q. So I'll read out now. This is information which is from the Director of Public Prosecutions in reply to a letter sent by my solicitors to the Director on the 5th of September. It must be obvious the letter was in connection with the custody of the tapes, the Police custody of the tapes. The Director replies, "Point three will be covered in a notice of further evidence to be served as soon as possible. From the time of the earlier trial until the conclusion of the subsequent appeal all senior Officers involved in the case have access to the tapes. From the time at which the tapes were deposited in Police stores it is only possible to name a few Officers who have seen the tapes. Their identities will be disclosed in the notice of further evidence". From that does it appear the Director of Public Prosecutions is saying .. May I ask Mr. Moody what he understands from that? A. - I understand from March of 1972, from this, until the conclusion of the appeal in the previous case all senior Officers involved in the case had access to the tapes. It says, "From the time of the earlier trial until the conclusion of the subsequent appeal". In other words from

from/

March '72 onwards.

A Q. So why is it that senior Officers have access to the tapes during that period but not during a preceding period would you say? A. - In March '72 the trial of the two other Officers had been concluded, for reasons known to yourself you had not.

HIS HON. JUDGE STROYAN: There we are. On we go.

MR. SYMONDS:

B Q. I would suggest senior Officers had access to those tape recordings from the time they came into Police custody? A. - Not to my knowledge, no.

Q. When Mr. Lambert left you took over his key did you not? A. - I did, yes.

Q. From that time onwards you had free access? A. - I did, yes.

Q. Because you were a senior Officer? A. - Yes.

C Q. And before Mr. Lambert gave you a key he had free access? A. - Of course, yes.

Q. So senior Officers did have access to the tapes, you could unlock the cupboard.

D HIS HON. JUDGE STROYAN: You must be careful he did not say that. He said the senior Officers who had access to it, when he was in charge was Lambert and in the second place, he, after Lambert had gone. It is not accurate to say that senior Officers had access to the tapes. It is misleading. I think we have got that point now.

MR. SYMONDS:

E Q. When you started to enquire into the allegations made by Mr. Perry and the two newspaper reporters, did you make enquiries about the custody of the tapes whilst they had been in the possession of 'The Times' and before they were handed over to the Police? A. - That was done, yes. Not by me personally at that time but it was done.

Q. When you say, "Not by me", that means you yourself did not take statements in connection with this matter? A. - No. You are misconstruing what I said. Statements as to the care and custody of the tapes were taken whilst I was elsewhere. I believe Mr. Emmet and Mr. Duffy, I could be wrong, were responsible for those statements.

F Q. Did you at some stage, of course, read those statements? A. - Yes.

Q. Having read the statements could you say that you were happy, shall I say, about the way in which the tapes had been looked after by 'The Times'?

HIS HON. JUDGE STROYAN: He can't answer that without expressing a view of what he read. We have heard a great deal of evidence about this.

G MR. SYMONDS: This gentleman was the Detective Chief Superintendent investigating this case. He was the man in charge ...

HIS HON. JUDGE STROYAN: I know, I know.

H MR. SYMONDS: .. and he was the man who deputed other Officers to go and take further statements, etcetera, etcetera. It is relevant because maybe he deputed junior Officers to make further statements which I intend to put to him later.

later/

HIS HON. JUDGE STROYAN: Let's get on. You know quite well.

MR. SYMONDS:

A Q. Did you believe Mr. Moody, at any stage during the time you were either second in command or in command of this enquiry that the tapes hadn't been properly looked after during the time they were in the custody of 'The Times' reporters? A. - Mr. Lambert and I had some minor doubts in our minds as a result of which we sought advice and went back and interviewed the two reporters. They answered the points we raised and that was the end of the matter.

B Q. Did you have some doubts about the way in which the tapes had been left in the custody of, shall we say, the typists who transcribed them? A. - I believe that was one of the points that aroused our doubts in the first place. But in view of what the two reporters said at our subsequent interview the point was adequately covered.

HIS HON. JUDGE STROYAN: Yes.

C MR. SYMONDS:

Q. And was there a query about some tapes being taken off to Peckham by someone who was not one of the reporters? A. - Are you referring to Miss Millard.

Q. No, to Mr. Pridmore? A. - It may be, I cannot recollect, I cannot say after this time.

D Q. Would you say it would appear to you and Mr. Lambert that the control of the exhibits in the beginning was extremely lax? A. - The degree of control exercised by the reporters wasn't that which I would have expected from Police, but it was adequate.

Q. Did it appear to you that at some stage the evidence supplied, and the statements made by the reporters appeared as if it had been tightened up in some way to make it look as if they had been careful with the tapes?

E A. - When we went back with our queries they answered the points we raised which effectively tightened the situation.

Q. For example there were discrepancies about the writing down of bank note numbers? A. - Yes.

Q. Was there ever a satisfactory answer provided for that? A. - No.

F Q. When you listened to the tapes could you, yourself, hear faults upon them which cast serious doubts upon the alleged histories of the tapes which had been given to them by the reporters? A. - There were two particular tapes which caused me special concern in that. Tape three and three(a), which was the back-up tape to tape three. Tape three (a) had been over-run the recording of a meeting had been over-run My Lord by another meeting, that being super-imposed, was a particular point which caused me some concern.

G Q. And I believe in respect of another tape you said there was cause for concern? A. - I can't ...

Q. Did you say tape ...? A. - I can't really remember now. There were two tapes, tape three and three (a) which caused me concern, which was why Mr. Lambert had made his decision in the first case for the tapes to be examined.

H Q. Is it true when the reporters handed over, or made their statements in connection with this enquiry, that they gave the tapes a certain history, as much as they were brand new, virgin tapes, etcetera, etcetera? A. - Yes.



Yes/

Q. I believe you said with your own ears you had cause for suspicion about the alleged history of these tapes? A. - Concern rather than suspicion.

A

Q. As a result of this concern was it decided by Scotland Yard to send these tape recordings to an expert to be examined? A. - Mr. Lambert made that decision, I think, after consultation with the H.M.I.

Q. It is to your knowledge that these tapes were sent to E.M.I.? A. - Yes.

Q. To be examined in their laboratories? A. - Yes.

B

Q. After they had been examined did you see the report made by Mr. Taylor about these tape recordings? A. - I did, yes.

Q. Would it appear from Mr. Taylor's report .....

HIS HON. JUDGE STROYAN: Well now I believe Mr. Taylor is going to be a witness isn't he? He can talk about this, not this Officer.

C

MR. SYMONDS:

Q. As a result of Mr. Taylor's report a certain action was taken by the Police which I can't ask Mr. Taylor about ...

HIS HON. JUDGE STROYAN: What happened after seeing Mr. Taylor's report?

MR. SYMONDS:

D

Q. After seeing Mr. Taylor's report was a conclusion or a decision come to by yourself and your superior Officers? A. - No. I never did come to a conclusion as, with regards to the tapes myself. We had varying reports from various experts and the view was theirs, not mine.

Q. That is what I am trying to get at. That is where the tapes were then sent off to another expert to be examined? A. - Yes.

E

Q. And were they eventually examined by other experts? A. - For the Defence, yes.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Your Honour, can I ask this witness if, having seen the experts' reports ...

F

HIS HON. JUDGE STROYAN: You can ask him what he did ... but you can't ask him what the expert said.

MR. SYMONDS: I can't ask him what he thought.

HIS HON. JUDGE STROYAN: You can ask him what he did, if that helps. The experts will give their own evidence, there is no difficulty about that.

G

MR. SYMONDS:

Q. After the tape recordings had been examined by certain experts did it come to your notice that marks had been found upon them? A. - Yes, early on in the enquiry by, I think Mr. Killet and, or Mr. Ford, pointed out there were two marks on a particular tape. No-one found out how those marks came to be there My Lord but they were determined to lie in accordance with the record and erase head of a Nagra free recorder as used by the reporters.

H

HIS HON. JUDGE STROYAN: That is something the experts can tell us about. I don't

don't/

think it is right you should ask questions about that. Yes, on we go.

MR. SYMONDS:

A Q. During your investigation, in the first place, did you have cause to interview members of 'The Times' staff? A. - Yes.

Q. Did you interview the security officer of 'The Times'? A. - I didn't, no.

Q. Was a security officer interview to your knowledge? A. - I don't really know. I think he was seen by Mr. Lambert, I don't think he was interviewed.

B Q. Was the security officer a retired Police Officer? A. - Yes.

Q. Was he a retired Metropolitan Police Officer? A. - I don't know. I think he was but I'm not sure.

Q. Did it come to your notice at some stage that the security officer had given some form of advice to the reporters? A. - No. It didn't come to my notice.

C HIS HON. JUDGE STROYAN: It wouldn't have been admissible if it had, yes.

MR. SYMONDS:

Q. I believe you said you were mainly involved in the Nuneaton aspect in the beginning? A. - Yes.

D Q. Did you ever learn that the Nuneaton Officers had had, in fact, some sort of verbal admission from Perry as to the offence? A. - No. No verbal admission.

Q. Did it ever come to your notice, during the course of your enquiry, that Perry had offered the Nuneaton Officers a bribe of some sort? A. - No sir.

E Q. When you investigated the Nuneaton aspect did you, at any stage, learn that complaints had been made by Nuneaton Officers against the behaviour of Metropolitan Officers ....

HIS HON. JUDGE STROYAN: Now, now, you know that won't do. We have had this point time and again.

MR. SYMONDS: Your Honour I wonder if I could ask for a five minute break.

F HIS HON. JUDGE STROYAN: I must make it clear that this witness must finish today.

MR. SYMONDS: Yes.

HIS HON. JUDGE STROYAN: You are near the end now?

MR. SYMONDS: Yes.

G MR. RIVLIN: When the Jury have departed, in the absence of the witness may I raise a matter.

HIS HON. JUDGE STROYAN: Yes, certainly.

JURY OUT 3.19 p.m.

H MR. RIVLIN: I say this in the absence of the Jury and the witness so there can be no question of offence. Your Honour will recall, at an early stage of this case, the suggestions that were put to Officer Vernell and Officer Collins. The clear implication being that this corrupt Officer, and he was named as

A a corrupt Officer, could very well have interfered with the tapes. The witness is in the witness box, if the suggestion is to be pursued it should be pursued with the witness. If it isn't to be pursued I shall say nothing in the presence of the Jury, it shall be a feature of another stage of this case.

HIS HON. JUDGE STROYAN: Yes.

B MR. RIVLIN: I am not inviting the Defendant to accuse anybody of anything. He has already done that when other Officers came into the witness box. Your Honour will remember clearly the way in which it was done. No complaint, but there would be a complaint if this witness was not asked questions about these matters if it is in the Defendant's mind to make the allegation.

HIS HON. JUDGE STROYAN: Yes. The suggestion, for what it was worth, that was made to Vernell and, I think, to Osborne, that the present witness had, or may have had, dishonestly interfered with those tapes.

MR. RIVLIN: Yes, absolutely.

C HIS HON. JUDGE STROYAN: If it is going to be pursued it must be put to the witness.

MR. RIVLIN: Yes.

HIS HON. JUDGE STROYAN: If it isn't to be pursued we will say no more about it.

D MR. RIVLIN: Say no more about it at this stage. I don't want the Defendant to think he is being taken by surprise if he fails to put the suggestion to the witness and I refer to the way the case has been conducted later on.

HIS HON. JUDGE STROYAN: I'm sure his solicitor has heard what we have said.

ADJOURNMENT

JURY AND WITNESS RETURN 3.25 p.m.

E MR. SYMONDS:

Q. I am talking about Nuneaton Mr. Moody. I asked you whether it came to your knowledge that certain Officers at Nuneaton did make an allegation against me?

F HIS HON. JUDGE STROYAN: No, we can't have this.

MR. SYMONDS: The point .....

HIS HON. JUDGE STROYAN: We can't have the suggestion that other people were, second parties were making allegations against other parties, third or fourth hand from this witness, it is quite unfair.

G MR. SYMONDS:

Q. Whilst you were at Nuneaton did it come to your notice at some time after you went to Nuneaton was a certain report submitted by certain people to their superior Officers? A. - You have lost me there. I submitted a report to Nuneaton, I know of no other reports from Nuneaton.

H Q. When you were involved in taking statements from 'The Times' personnel did you take a statement from Mr. Reece-Mod, the Editor? A. - No I didn't.

Q. Did anyone? A. - I believe Mr. Reece-Mod made a statement but I could be wrong.

wrong/

Q. At some stage during the investigation was there some consideration given to laying charges against the reporters? A. - No.

A Q. At some stage after the investigation did Miss Millard make a number of statement to Police? A. - 1972, late, I think September, October, Miss Millard made a statement to me and subsequently a statement to Commander Huntley dealing with ....

HIS HON. JUDGE STROYAN: No. Miss Millard is a witness is she not. Do you want to call Miss Millard?

B MR. SYMONDS: She is ....

HIS HON. JUDGE STROYAN: She gives this evidence, not this witness.

MR. SYMONDS: It follows from my previous question.

HIS HON. JUDGE STROYAN: Your previous question wasn't admissible.

C MR. SYMONDS: It was admissible as well.

HIS HON. JUDGE STROYAN: I said no it wasn't.

MR. SYMONDS: Pardon?

D HIS HON. JUDGE STROYAN: No it wasn't. I wouldn't stop it if it was admissible. It is quite wrong the Jury should hear it second hand through someone else they must have the best evidence.

MR. SYMONDS:

Q. Did you at any stage interview the reporters yourself? A. - Yes, I have already explained.

Q. And did you at any stage have cause to doubt what the reporters were telling you?

E HIS HON. JUDGE STROYAN: No that won't do.

MR. SYMONDS:

F Q. In respect to the alleged custody of the tapes at 'The Times' in a steel cabinet ... Can I ask if this witness had, at any stage, reason to doubt the alleged custody ....

HIS HON. JUDGE STROYAN: You can ask him the facts, you can't ask him if he doubted anyone else.

MR. SYMONDS:

Q. Did the reporters make conflicting statements ....

G HIS HON. JUDGE STROYAN: No, no, no. The Jury have heard you cross-examine the reporters at great length. You can't do it again through this witness.

MR. SYMONDS:

H Q. Was one of the matters that concerned you during the time you were in charge of this enquiry, the question of the custody of the tapes at 'The Times'? A. - Yes.

Q. And in respect of that matter .....

matter ../

HIS HON. JUDGE STROYAN: You have dealt with this. You have got some answers which you may think useful to you, do we need to go into it again. You have got answers which aren't so useful to you.

A

MR. SYMONDS:

Q. In respect of matters that concerned you when you were in charge of this enquiry was one of the matters to do with the custody of the tapes by a 'Times' secretary, an Australian lady? A. - I can't really recall.

HIS HON. JUDGE STROYAN: Yes.

B

MR. SYMONDS:

Q. Mr. Moody, when you were appointed investigating Officer of this enquiry, who was your senior Officer, who was your Commander. Would it have been the Commander of C.I. at that time? A. - I think it was Commander Chitty.

Q. Would Commander Virgo have been ..? A. - No, Commander Virgo was then on prison security.

C

Q. During the course of your enquiries did you have any reason to speak to the owner of 'The Times' paper, Lord Thompson? A. - No.

Q. Was any form of contact with him? A. - I don't think, no, I know of no contact with him.

D

Q. Then I believe you said you remained in charge, or in nominal charge of this investigation for some years, after 1972? A. - No, until '72, about September '72 I think.

Q. Then in 1977 were you, yourself, convicted of four counts, one of conspiracy, and three of corruption at the Central Criminal Court? A. - I was so convicted yes, My Lord.

E

Q. Was the first conviction in respect of conspiracy to receive monies and gifts for which you were sentenced to 12 years imprisonment? A. - I was, yes My Lord.

Q. Was the second, third and fourth for corruption for which you received two years imprisonment consecutive, and consecutive but concurrent to the 12 years? A. - May I add I pleaded not guilty and still dispute my guilt.

F

Q. At the same time was Commander Virgo also convicted ...

HIS HON. JUDGE STROYAN: No, we can't have this.

MR. SYMONDS: Can I say a number of other Officers?

HIS HON. JUDGE STROYAN: No.

G

MR. SYMONDS: Can I ask if any of the other Officers who were on the investigation into me were convicted?

MR. MOODY: None of them were.

HIS HON. JUDGE STROYAN: You can't ask it but you have got the answer.

MR. SYMONDS:

H

Q. Was Sergeant Cyril Jones .....

Jones/

HIS HON. JUDGE STROYAN: It is quite unfair to try and get out details of other witnesses which may or may not be called, second hand through someone else. It is quite unfair, I won't have it.

MR. SYMONDS:

Q. Were you convicted on charges relating to events which had taken place over a number of years previously? A. - Yes.

Q. In fact, the events during the time that you were a Detective Chief Superintendent investigating these allegations against me? A. - That was the allegation, yes sir.

Q. You see, I must put it to you Mr. Moody, that at the time you were involved in preparing this evidence against me, taking statements from people and preparing the case, which resulted in my standing here now, I must put it to you, you were a corrupt Officer? A. - I deny that, but I was convicted of it My Lord.

Q. And My Lord, Your Honour, I would like to add that other Officers involved in this enquiry, may I put that?

HIS HON. JUDGE STROYAN: No. You know the rules as well as we all do now, Mr. Symonds.

MR. SYMONDS:

Q. Did it come to your knowledge whilst you were serving as a Detective Chief Superintendent that the owner of 'The Times' had himself been involved ....

HIS HON. JUDGE STROYAN: No, no, no, no, certainly not.

MR. SYMONDS: It is on the records, it has been printed in the papers.

HIS HON. JUDGE STROYAN: That is an absolutely monstrous suggestion, you can't put it. You cannot use this opportunity for cross-examination to ventilate wholly unsupported allegations about people who are not in the least concerned in the case. It is likely to affect you rather than upon them.

MR. SYMONDS: There is no dispute about it.

HIS HON. JUDGE STROYAN: It is not relevant in this case, it is not evidence in this case and it is not going to be.

MR. SYMONDS:

Q. Did it come to your knowledge I had taken out a libel action against 'The Times' newspapers after they had printed this allegation against me?

HIS HON. JUDGE STROYAN: Now that also is something you can, if it is relevant, tell the Jury if you give evidence. You cannot possibly ask that of this witness, it is another of those allegations which will prejudice this witness, which you know perfectly well.

MR. SYMONDS:

Q. I must put it to you Mr. Moody that you concocted much of this evidence which has been before this court in return for the payment of a bribe from the owner of 'The Times' newspaper? A. - No sir.

HIS HON. JUDGE STROYAN: I hope you have got something to support that sort of allegation. It is a wholly improper allegation to make unless there is

good evidence to support it, I can see absolutely none. I am getting rather tired of you making these allegations.

A

MR. SYMONDS: We all know this is an official cover up. But there are some things which will creep out from underneath the carpet and get themselves aired and that is one of those things. That man, the late Lord Thompson, is corrupt.

HIS HON. JUDGE STROYAN: We are not going to have this. It has got nothing to do with this case at all.

B

MR. SYMONDS:

Q. In detail Mr. Moody, I put it to you that the reason you didn't follow the proper and correct procedure as laid down in Police orders for preparing transcripts of these tape recordings was because you wished to tamper with them in some way? A. - Before those tape recordings were handed to Police 'The Times' took copies of them by their own engineer. If they are compared they will be found to be exactly identical sir.

C

HIS HON. JUDGE STROYAN:

Q. I think the suggestion is you tampered, in some way, with these original tape recordings, is that right? A. - No My Lord.

MR. SYMONDS:

D

Q. I put it to you that you abused your position at that time by causing statements to be taken in such a way as to give a false impression? A. - I think we are on very dangerous ground. The answer truly is, no I didn't.

Q. I will now ask you to look at exhibit 41 again please, and see if you can find any reference to the copy tapes that were originally handed over to Police?

E

HIS HON. JUDGE STROYAN: I think this is a point, it is my recollection that copy tapes are not entered in exhibit books.

MR. SYMONDS:

F

Q. Maybe, as Mr. Moody is the chief Officer in charge of this case ... A. - Mr. Symonds, when this enquiry started on the 29th of November I was engaged on a murder trial up country. That was the 29th of November, this book starts on the third of December '69 with the 15 original tape recordings being handed to Sergeant Osborne and Detective Chief Superintendent Lambert. At that time I am still up country. I joined this investigation, I think, on the 5th of December of 1969.

Q. I'd like you to look in that book to see if you see reference to a statement made by Miss Woore? A. - Miss ...?

G

Q. Woore? A. - It won't be in this book. I don't know which book it will be in?

Q. Woore? A. - Prudence Woore, statement 101 in the original bundle, that will be.

H

MR. RIVLIN: I think it may be the court is in possession of the original of this statement. Your Honour may recall it.

HIS HON. JUDGE STROYAN: Yes. It doesn't appear to be a document signed by this witness. You can look at it and see if it exists but that is all.

all/

MR. MOODY: I didn't take this or have any part in it.

MR. SYMONDS:

A Q. Is that statement 101? A. - There is only one statement made by Miss Woore, according to the note-books and this would appear to be so.

Q. I put it to you that there was, in fact, a much fuller and longer statement made by Miss Woore at some stage of this enquiry? A. - No. I think Miss Woore returned to Australia.

Q. May I see that please?

B HIS HON. JUDGE STROYAN:

Q. At all events do you personally recollect ever taking a statement from her? A. - No.

MR. SYMONDS:

C Q. I suggest that you played some part in the mis-placement of certain statements including that of Miss Woore? A. - That statement was taken from Miss Woore whilst I was in Nuneaton and Leicester. It is one of a number of statements taken by Officers at 'The Times' offices.

Q. No more questions Your Honour, thankyou.

D HIS HONOUR JUDGE STROYAN: Yes.

RE-EXAMINATION BY MR. RIVLIN Q.C.

MR. RIVLIN:

E Q. Mr. Moody, I'm afraid some old wounds have been opened this afternoon. Have you heard one single, specific allegation of dishonesty put to you in relation to the evidence in this case? A. - I have heard the allegation put, yes.

Q. What do you say about it? A. - This enquiry was dealt with as fairly as was humanly possible under very difficult conditions and overseen by one of Her Majesty's Inspectors of Constabulary, Mr. Frank Williamson. Any allegation of dishonesty against me is totally untrue.

F Q. Thankyou Mr. Moody. I think that completes your evidence.

HIS HON. JUDGE STROYAN: Thankyou Mr. Moody.

MR. MOODY: Thankyou Your Honour.

HIS HON. JUDGE STROYAN: I think it is probably too late to get Perry back.

G (WITNESS WITHDREW)

H MR. RIVLIN: I have just this to say before we part company today, certainly so far as this last witness is concerned. That it is note-worthy there have been gentlemen of The Press in court. It should be said the sort of allegations that have been put this afternoon are not those that it would ever have been open to a barrister to put, if the Defendant had been legally represented, unless that Barrister had got some hard evidence, some substantial evidence upon which he could put those allegations. So to that extent the fact the Defendant is representing himself has enabled him to



to/

make these allegations.

MR. SYMONDS: I have evidence Your Honour, it will be produced.

MR. RIVLIN: Yes.

HIS HON. JUDGE STROYAN: It is quite clear that a number of, which at first sight appear, seemed to be extremely wild allegations have been made rather than allegations of the sort which would have been made by Counsel. I tried to prevent the Defendant from making those and words were blurted out. I can't say any more.

MR. RIVLIN: It is no part of my function or desire to protect anyone. It is just the Jury, who are listening to this should appreciate what the situation is, I'm sure they do, now they have heard Your Honour.

HIS HON. JUDGE STROYAN: The Members of the Jury, I'm sure, have heard a number of remarkable allegations made in this case. No doubt they will give them what weight they think right. (inaudible).....

MR. SYMONDS: I haven't started my evidence yet, this is still the Prosecution case.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Mr. Perry is still here, shall we have him in the witness box or what?

HIS HON. JUDGE STROYAN: It's too late to get on with him unless there is a short point to be dealt with. Have you much more of Mr. Perry, Mr. Symonds?

MR. SYMONDS: Yes quite a lot.

HIS HON. JUDGE STROYAN: There is still the 21st of November, is there anything before that that can be dealt with.

MR. RIVLIN: There is something I ought to draw to the court's attention and will assist the Defendant. May I refer you and the Members of the Jury to page 28 of exhibit 35 B. Your Honour and the Jury may remember the question of the cut-out point which appears here. Your Honour, the position is this; there is no doubt, I think it is agreed on both sides, that the end of the conversation comes, engine noise, following 24. The situation is this; I am able to confirm that tape three (b) as opposed to tape five continues at this point for about 25 seconds and includes the words, "Hey what's this in your pocket"? What is more, Mr. Penner, one of the transcribers of the tape, has been able to decipher more words than those that appear there. We have had that committed to writing and the Defendant has received a copy of it, so if he wishes to deal with it he can.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: I think it is right I should say that so there should be no doubt about that particular tape and what happens at the end of it.

HIS HON. JUDGE STROYAN: It continues on the cut-out point for 25 seconds, includes the words, "What's this in your pocket". Some other words have been deciphered which we don't yet know about.

MR. RIVLIN: I have handed a note of those words to Mr. Green. I have done that so the Defendant, if he wishes to, can use it for the purposes of cross-examination.

examination/

HIS HON. JUDGE STROYAN: Yes. In that limited extent he can return to that matter on Monday morning, but only to that limited extent.

MR. RIVLIN: Yes.

HIS HON. JUDGE STROYAN: Just remember the warning Members of the Jury.

.....

I certify that I took the shorthand notes in the case of R V JOHN ALEXANDER SYMONDS on Friday 27th of March, 1981 and that the pages numbered one to 48 are a true and complete transcript of my shorthand notes to the best of my skill and ability.

.....*J. C. Moley*.....