

IN THE CROWN COURT

AT TEESSIDE

DAY 21

Before:

HIS HON. JUDGE R. A. R. STROYAN, Q.C.

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

Monday, 30th March, 1981

R E G I N A

v

JOHN ALEXANDER SYMONDS

Evidence of: Michael Roy Perry (continued)
Sergeant I. Thompson
P. Sgt. Ingram (statement read)
Sergeant I. Thompson (recalled)
D. Sgt. James
D. Sgt. Hannis

(Transcript of the Shorthand Notes of HUMPHREYS BARNETT AND CO., Official Shorthandwriters, 19 Queen Victoria Street, LEEDS, LS1 6BD Tel. 455082)

MR. G. RIVLIN, Q.C. assisted by MR. RATCLIFFE appeared as Counsel on behalf of the Crown.

MR. J. A. SYMONDS (THE DEFENDANT) appeared In Person.

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THE CLERK: Regina v John Alexander Symonds, part heard.

MR. SYMONDS: Your Honour, I would like to ask if Mr. Moody could be recalled, I have some further questions to be put to him?

A HIS HON. JUDGE STROYAN: No.

M. PERRY (continued)

MR. RIVLIN: You are still under oath.

B CROSS-EXAMINED BY MR. SYMONDS

Q: Mr. Perry, do you have your statement before you that you made to the Police? - A: Yes.

Q: There is a couple of points I would like to raise, Your Honour, on matters which happened before the 31st?

C HIS HON. JUDGE STROYAN: Well you were shown the document at the end of cross-examination of this witness the other day, you can ask any questions which arise from that, we are not otherwise going back on the ground which has already been covered. I told you in clear terms last time that you had a limited time to conclude your cross-examination and you did conclude it with 40 minutes, I'm sorry, 20 minutes to spare with your cross-examination, and I am not allowing you to go back to that again but you may refer to the document which was put before you here.

D MR. SYMONDS: Afterwards, on looking through the papers, I realised I had missed out some points Your Honour.

HIS HON. JUDGE STROYAN: I am afraid this case has really got to end some time.

MR. SYMONDS: So I cannot ask any questions of the 31st?

E HIS HON. JUDGE STROYAN: No more on the 31st unless they arise out of that document which you were shown at the end of Friday.

MR. SYMONDS: So you may recall that the last time I was cross-examining you I asked you about some words which appear on the transcript 35B. Do you have that before you? - A: Yes.

F Q: On page 28 at the bottom; you "What's this in your pocket?" Do you remember that conversation? - A: No.

Q: Would you like to listen to it? - A: Not really.

HIS HON. JUDGE STROYAN: We have had this.

MR. SYMONDS: And then did you say: "I'll put it away."

G HIS HON. JUDGE STROYAN: We have already had this and you know perfectly well it refers to a quite different incident and we are not going back to it.

MR. SYMONDS: What refers to a different part Your Honour? Well am I allowed to .. being allowed to ask what was to me a valid point?

H MR. RIVLIN: I think, Your Honour, with respect, the defendant is right where the situation is that we haven't had this, this is the subject of the note that was handed to the defendant on Friday.

HIS HON. JUDGE STROYAN: Oh well I haven't got that.

A MR. RIVLIN: No, Your Honour. First of all let me hand it to you, a typewritten copy and say that this is clearly within the bounds of the leave that you gave to the defendant.

HIS HON. JUDGE STROYAN: Yes. Well I told him he could refer to the document.

MR. RIVLIN: Your Honour yes.

MR. SYMONDS: Perhaps Mr. Perry could see it?

B HIS HON. JUDGE STROYAN: What is this document?

MR. RIVLIN: Might I explain Mr. Symonds please?

MR. SYMONDS: Yes certainly.

MR. RIVLIN: Your Honour, if you look at 35B and the Jury have 35B.

C HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: There is a typescript of that tape number 3B.

HIS HON. JUDGE STROYAN: 3B, yes.

D MR. RIVLIN: And Your Honour if we look at that transcript - I will go to page 28 of 35B - the situation is this, that after the conversation comes to an end at number 24: "Male" - "Let's, let's put it in this car shall we?" and then there is "engine noise" and that is the end of the conversation between Mr. Perry and Mr. Symonds ...

HIS HON. JUDGE STROYAN: Yes.

E MR. RIVLIN: But this tape ran on for another 20 seconds or so before it came to an end and those who have been listening to the tapes have been able to decipher words during that last 20 seconds. The Police deciphered: "Male" - "Heah what's this in your pocket?" and then "garbled" then "engine noise" then tape silent.

HIS HON. JUDGE STROYAN: Yes.

F MR. RIVLIN: But Mr. Penna has been able to decipher a little more than that and that which he has been able to decipher is on the note which is handed to Your Honour ...

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And which has been handed to the defendant for the purpose of cross-examination if he would like to.

G HIS HON. JUDGE STROYAN: Yes. Well this is the fresh matter which turned up at the end.

MR. RIVLIN: That is right, Your Honour, yes.

HIS HON. JUDGE STROYAN: Yes.

H MR. RIVLIN: And for the avoidance of doubt, we are not saying that there is, as it were, a cut out point after "engine noise" and that the rest of it must have been some conversation recorded on another day. We accept - and

I hope that I am right in saying this - that the tape just runs on to the end there. This is the recording where Perry had the microphone round his neck.

HIS HON. JUDGE STROYAN: Yes.

A MR. RIVLIN: Now we have had ... Your Honour has got a copy of that little bit that Mr. Penna has been able to decipher and there are further copies of it if the defendant wishes to put it before the Jury.

HIS HON. JUDGE STROYAN: Yes. Well that is the document we did end on last time which I have already said this morning that he can refer to.

B MR. RIVLIN: Certainly Your Honour, yes.

HIS HON. JUDGE STROYAN: Yes. Well you can cross-examine on this.

MR. SYMONDS: Perhaps if Mr. Perry and the Jury could also see this document?

C MR. RIVLIN: Certainly. Well, Your Honour, we have copies for the Jury and I wonder if the Jury would kindly pin in this or slide it into the bundle and probably make it 28A I think may be the appropriate number for this one.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: If you could just please write on this one, Members of the Jury, 28A.

D MR. SYMONDS: The question is, Mr. Perry, is that after the meeting on the 31st did the reporters find some money in your pocket? - A: They may have found a couple of pound, that's all.

E Q: But you see we have heard evidence that before you went to these meetings all excess money was removed from you and you went only with the £50 you said you were going to hand over to the Police? - A: Well on some occasions I had a certain amount of loose change in case you decided to go into the pub for a drink.

Q: And I think you have already said - or tried to say - that you were not skilled in secreting things but for this one occasion when you didn't hide it properly? - A: Well I had nothing to hide.

F Q: So you say that wasn't the money which you were supposed to have handed to me which was found later by the reporters? - A: No I give the money to you.

Q: A couple of weeks after that were you engaged in trying to telephone police officers again at the suggestion of the reporters?

HIS HON. JUDGE STROYAN: We are leaving this now are we?

MR. SYMONDS: Yes.

G HIS HON. JUDGE STROYAN: Well just before we do; 'JM' does this stand for Julian Mounter?

MR. SYMONDS: I would imagine so Your Honour.

H HIS HON. JUDGE STROYAN: It is he saying at the end "£2" isn't it, "turn your pockets out." Do you remember that conversation or not? - A: No.

HIS HON. JUDGE STROYAN: Very well. Yes. Yes now we leave the 31st.

MR. SYMONDS: Before we go to the 20th. Did you meet other officers on the 3rd and 5th of November? - A: Yes.

A Q: And according to your statement did you claim you had paid them money in respect of the gelignite situation? - A: Yes.

Q: I think you have given evidence that some of the words on the transcript of the recordings on the 31st meant that you had cleared ... you had cleaned up that situation according to your words? - A: That's right.

B Q: So they were wrong then were they? - A: No when I say "cleared up" I meant we had come to an arrangement, it was just a matter of paying him the money.

Q: That is what you meant when you said you had "nothing on your plate" or words to that effect, is that right? - A: That's right.

Q: And on the 20th did you make a number of phone calls to a number of police officers from a house in Beckenham? - A: Well I may have done.

C Q: Was that at the suggestion of the reporters? - A: It may have been.

Q: And between the 31st and the 20th had there been any meetings with me? - A: Between the 20th and the 21st?

Q: The 31st of October and the 20th of November? - A: No.

D Q: Anywhere? - A: No.

Q: I am not talking about meetings with tape recordings, I am just talking about meetings? - A: No. I said no.

Q: And I think you say you had arranged to make a meeting for the next day with me, is that right? - A: Yes.

E Q: And where did you make that telephone call from? - A: Oh I can't remember.

Q: Could it have been from the house in Beckenham? - A: It could have been, yes.

Q: And was it recorded? - A: I don't remember.

F Q: Because there is no recording before the Court of such a telephone conversation? - A: Well it wasn't recorded then.

Q: Between the 31st of October and the 20th of November had you been making efforts to contact and meet Detective Inspector Sylvester? - A: Em .. no.

Q: With the help of Mr. Brennan? - A: No.

G Q: Do you recall a meeting between yourself, Mr. Brennan and the reporters where you discussed a plan to try and ...

HIS HON. JUDGE STROYAN: No.

MR. SYMONDS: Would you look at page 41 of your statement? - A: Right.

H Q: The last paragraph: "On the 20th of November at about 5 p.m. I rang up Sergeant Symonds at Camberwell. The reason for doing this was because the reporters had suggested this." Is that true? - A: Yeah. It seems true enough.

Q: Then you have given evidence that on the 21st of November you handed over £50. Where did you get that £50? Do you say it was given to you from one of the reporters? - A: What date?

A Q: On the 21st. - A: No all the money I give you was my own money.

Q: You see in your statement to the Police you said you borrowed it from a Mr. Birchmore, is that right, a few days previous? - A: Yes.

Q: Mr. Birchmore denies that? - A: Obviously.

B Q: Do you have any other ideas about where you could have got the money from? A: No. What I said was true.

Q: This Court has heard evidence that the reporters gave you the money? - A: No.

HIS HON. JUDGE STROYAN: What? - A: No, not true.

HIS HON. JUDGE STROYAN: The Court has had no such evidence.

C MR. SYMONDS: The evidence that the reporters gave him some come from Mr. Grevett. It comes in evidence from Mr. Sim that the reporters gave him money on the 28th, the evidence from Mr. Grevett that the reporters gave the money on the 21st.

D HIS HON. JUDGE STROYAN: No I am afraid not. I will turn it up to make certain. Grevett's evidence was: "I saw one of the reporters give a young man some money in bank notes. I heard £30 being mentioned. I don't recall which reporter took out the money. Lloyd came with Sim. We followed the young man. I didn't see Perry being searched." Then he said he was asked about his statement and he said: "I do not know where the money came from. It may well have been handed previously to the reporters by the young man" and he added: "I ~~did~~ not see where the money came from." That is what Mr. Grevett said.

E MR. SYMONDS: He said ... the second page in re-examination.

HIS HON. JUDGE STROYAN: Yes I have read out your cross-examination and the re-examination.

MR. SYMONDS: And in cross-examination ...

HIS HON. JUDGE STROYAN: Just a moment.

F MR. SYMONDS: And in evidence from the Wells Street Magistrates Court he said he saw the reporters give him the money.

G HIS HON. JUDGE STROYAN: And Mr. Sims said: "I recall the reporters producing the money given to Perry. One of them produced it from a pocket, counted it in £5 and asked him to turn out the notes and the photograph." Then he said that in his statement he had given the statement on the 14th of January, 1970, he had given two accounts of what happened about the money. It was clear in his mind that it was true and he then said: "Perry produced a bundle of notes which were counted out. One or both the reporters asked me to observe it. I asked them to count the £50. They asked me to observe that he wasn't carrying any other money. Then they gave the money back to him." That was the evidence certainly, it is not evidence that the reporters produced the money and gave it to this witness.

H MR. SYMONDS: He gave evidence that the reporters gave the money and produced it to him and in his re-examination he was taken through the statement to the Police in an effort to check that.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: And when you telephoned me on the 20th did you ask if you could see me? - A: I would imagine I would have done, yes.

A Q: Are you saying that you received any messages at all from me between the 31st and the 20th? - A: There was no messages.

Q: And did you see me or meet me at all between those dates? - A: No. I may have seen you at a distance but I don't think you would see me.

B Q: Because I believe you said different at the committal proceedings about that. You say later that at Camberwell that you met me at the Walmer Castle one night?

HIS HON. JUDGE STROYAN: Which document are you looking at now?

MR. SYMONDS: Page 69 of his evidence. Was that true when you said that on oath at Wells Street Magistrates Court, that you identified another police officer who you said was with me? - A: Yeah a said a may have seen you but a didn't meet you there.

C Q: And you were asked about an occasion at the Artichoke public house were you not? - A: No.

Q: You were not asked about that? Well if you look at the very bottom of page 69 to refresh your memory to see if you might have been asked about it.
A: 69 of what?

D Q: Of the depositions you have in front of you. + A: Well that confirms that I did, doesn't it?

Q: See does it look as though you were asked about a meeting in the Artichoke?
A: No it doesn't.

Q: It does.

E HIS HON. JUDGE STROYAN: It says: "I do not know the Artichoke public house."

MR. SYMONDS: That could have been possibly in response to a question from Mr. Capstick that you would have said that? - A: A should imagine so, yes.

F Q: So it follows you were asked about the Artichoke public house? - A: Well at the committal proceedings I was asked about it and said I do not know the Artichoke pub.

Q: And on the 21st of November did you make a list of the numbers of the bank notes that you said you were going to hand over to the Police? -
A: No.

Q: You didn't? - A: I never, no.

G Q: Are you quite sure about that? Are you? Would you please look at exhibit 41 I believe?

HIS HON. JUDGE STROYAN: That is the Exhibits Book.

MR. SYMONDS: Mounter's notebook.

H MR. RIVLIN: Exhibit 43.

MR. SYMONDS: Would you look at that piece of paper with some bank note numbers written on it? Is that your handwriting on the bits of paper? - A: Well not on them, but I'm just checking the last one now. One of them could have been but a couldn't be sure.

A

Q: But you said "no" and

HIS HON. JUDGE STROYAN: What piece of paper is that you are looking at? - A: It's ... em ... just one of the pieces. There's no number on it.

HIS HON. JUDGE STROYAN: That is exhibit 42 I think, the whole lot.

B

MR. RIVLIN: 43.

HIS HON. JUDGE STROYAN: What exhibit number is this Mr. Rivlin? 42 or 43?

MR. RIVLIN: 43.

HISHON. JUDGE STROYAN: Thank you. What is the question?

C

MR. SYMONDS: Have you finished looking at them now? - A: Yes.

Q: Is that your handwriting on any of those bits of paper? - A: It could be on one of them. It's definitely not on the others.

Q: Can I see the one you identified as yours? - A: I didn't identify it as mine, I said it could be.

D

Q: And the other one? The other bit of paper? - A: They don't look like my writing.

HIS HON. JUDGE STROYAN: Can I see that please?

MR. SYMONDS: You see we have heard evidence that you wrote down those numbers on these bits of paper? - A: I don't remember writing any numbers down.

E

Q: I suggest to you that the writing looks very similar at first glance on both these bits of paper? - A: Very similar to what?

HIS HON. JUDGE STROYAN: Well you cannot ask him questions about handwriting.

MR. SYMONDS: Well the Jury will be able to see it for themselves when they look at it.

F

HIS HON. JUDGE STROYAN: It is quite clear that neither the witness, nor Counsel, nor Judge, nor Jury may set themselves up as experts in handwriting.

MR. SYMONDS: What reason would you have to write down the numbers of bank notes on a bit of paper? - A: Well if I wrote them down it would just be to keep a record in case you was ever arrested at a later date and they were in your possession.

G

Q: Could they have been written by you on instruction, or any of the other criminals who seem to be possibly taking a part in these series of observations? - A: No.

Q: Have you recalled yet whether it was Mr. O'Keefe who was taking part in setting up the observation on the 31st in the Kings Arms public house? - A: No a don't remember him being there.

H

HIS HON. JUDGE STROYAN: I think that exhibit had better go back in the notebook and the document which was put to the witness especially should be identified.

A MR. RIVLIN: Your Honour yes.

HISHON. JUDGE STROYAN: It should be marked exhibit 43A. Which was the one you said you thought might be your handwriting but you weren't sure? - A: That one.

HIS HON. JUDGE STROYAN: Well let that be marked exhibit 43A. Yes.

B MR. SYMONDS: And if you look at page 42 of your statement, halfway down, the middle paragraph. Do you see the words "the reporters then took serial numbers of the notes amounting to £50^{or} to check them with a list that I had previously prepared."

HISHON. JUDGE STROYAN: What page is this?

C MR. SYMONDS: Page 42 of the statement. Do you see those words? - A: Yes.

Q: Now how does that tie in with your blank refusal some minutes earlier when I asked if you had prepared a list of them you said "no"?

HIS HON. JUDGE STROYAN: I haven't got that page.

MR. SYMONDS: Page 42 of his statement to the Police.

D HIS HON. JUDGE STROYAN: Yes, my copy seems to go from 41 to 43. - A: I have no recall of writing the numbers down.

MR. SYMONDS: Why did you tell the Police that you had previously prepared a list? - A: Well I never told the Police that.

Q: So can you see page 42 of your statement? - A: Yes. I say the reporters then took the serial numbers or they checked them with a list that I had previously prepared.

E Q: Why did you tell the Police that? - A: Er ... 'cos I don't remember whether I wrote it down or the reporters wrote it down.

HIS HON. JUDGE STROYAN: The reporters either took the serial numbers or what?
A: Or they checked them with a list that I had previously prepared.

F HIS HON. JUDGE STROYAN: I think what the defendant would like to know is whether that means that you had in fact previously prepared a list? -
A: Well I don't remember.

MR. SYMONDS: So your "no", your plain "no" is now changed to "I don't remember" is that it? - A: That's right.

G Q: In connection with making this list? - A: That's right.

Q: I suggest that most of your answers are deliberate lies as was with that you are giving in evidence? - A: No.

Q: Now when you telephoned for the meeting on the 20th did you ask me about some friends of yours that had been arrested? - A: Em ... I don't remember.

H

Q: And do you remember the occasion that three of your friends were arrested at about that time? - A: Yes.

Q: Do you recall that one man escaped arrest? - A: Pardon?

Q: Do you recall that there were four men involved in that episode? - A: That's right.

Q: And one man escaped? - A: That's right.

Q: And did you ever have in mind I might be interested in the name of the fourth man? - A: No.

Q: Did I ever ask you about this fourth man? - A: You never asked who he was.

Q: Did I ask you in a round about way? - A: Not to my recollection, no.

Q: And if you will quickly look through the Times deposition that is for the meeting ... the Times transcription for the meeting on the 21st, page 17, where do you say on this occasion you handed over money? - A: Well unless I go through the whole transcript I

Q: Yes, just read through it quickly.

HIS HON. JUDGE STROYAN: Looking at the Times transcript, it starts on page 17. - A: I can't really tell on that transcript.

MR. SYMONDS: Well that was the transcript available when you made your statement to the Police wasn't it? - A: Available who to?

Q: To the Police and to you wasn't it? - A: No it wasn't.

Q: Didn't you make the statement to the Police in the presence of Times solicitors who assisted you throughout? - A: Assisted me?

Q: Yes, offered you advice and told you what to say etc.? - A: Well, protected me.

HIS HON. JUDGE STROYAN: What?

MR. SYMONDS: Solicitors to the Times. Were you not receiving constant advice from solicitors to the Times when you made the statement to the Police? - A: No.

Q: Were they present? - A: Yes.

Q: You see in your statement to Police you say that you said: "Here's another fifty. I still haven't got the rest and took the £50 from my breast pocket and gave it to him." Do you see those words in the Times statement? The times transcript when you looked through it? - A: I don't.

HIS HON. JUDGE STROYAN: We are on page 43 now are we?

MR. SYMONDS: Yes Your Honour. - A: I don't see them in the transcript, no.

Q: Do you see right at the very beginning: "I've only got fifty again alright A: Yes.

Q: Alright? - A: Right.

Q: Could that have been what you meant because in the Times transcript right at the very beginning of page 17 at the very top: 'P' I've only got fifty again alright?" and then in your statement to Police: "Here's another fifty, I still haven't got the rest."? - A: That's right.

A

Q: So bearing in mind your evidence for the two previous occasions that you handed over the money almost immediately at the beginning of the meeting, are you saying that this same sort of procedure happened on the third occasion? This occasion is the 21st. - A: No I'm not saying that, no.

B

Q: And having read through the conversation in general would you admit ... would you agree there appears to be another instalment of Fantasy land taking place? - A: No.

HIS HON. JUDGE STROYAN: Have you in fact read through it all or just skimmed through it? - A: Who me?

HIS HON. JUDGE STROYAN: Yes. - A: I've skimmed through it.

C

HIS HON. JUDGE STROYAN: In particular have you read page 25? If you start at the very top. - A: Yes I've read that.

HIS HON. JUDGE STROYAN: DOES that help you at all? - A: As regards what, with the money?

HIS HON. JUDGE STROYAN: Handing over the money? - A: Well Sergeant Symonds says "Thanks very much for that" I assume he's referring to the money.

D

HIS HON. JUDGE STROYAN: Does it help you about the stage in the conversation when the money was handed over? - A: No not with this transcript, no.

HIS HON. JUDGE STROYAN: Yes. What does that remark refer to? - A: Well where he says "thanks very much" ...

HIS HON. JUDGE STROYAN: Yes. - A: I had just given him £50 and he was thanking me for it.

E

HIS HON. JUDGE STROYAN: Yes I see.

MR. SYMONDS: So what you are saying is that when you gave me the £50 I said "thanks very much" and that therefore that's where the hand over took place, is it, at the top of page 25, is that what you now want to say? - A: No.

F

HIS HON. JUDGE STROYAN: Well that is what he said wasn't it? - A: What I am saying is I can't really pinpoint it on these transcripts, on this particular one. On the other one I can but I don't know who made the other ones up.

MR. SYMONDS: You see but when you made your statement to Police this was the only transcript in existence? - A: Well I didn't make the transcript.

G

Q: And were you not referring to the documents in existence when you made the statement? - A: No I had never seen the transcripts.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: And then after the meeting you gave evidence that you drove back to Beckenham, is that right? - A: Yes.

H

Q: How long would that journey have taken? - A: Em

Q: Half an hour? - A: No about 15 minutes.

Q: What happened when you got back to Beckenham? - A: Er ... I don't remember.

A Q: Well were you searched to look for the £50? - A: I was searched.

Q: According to your statement to the Police. - A: I was searched after every occasion, yes.

Q: But in 15 minutes or 20 minutes or half an hour you could have done anything with that, is that right? - A: Well a suppose so.

B Q: Now later on were you shown other transcripts made by Mr. Moody? - A: I've never been shown any transcript apart from what I've seen here today.

Q: Looking at page 39 of transcript 35B, item 12.

HIS HON. JUDGE STROYAN: Page 39?

C MR. SYMONDS: Yes. - A: Yes.

Q: Do you see Perry said: "He did mention anything but not - nothing more than before like. Said he could help someone else, er, other people, you know what's just been nicked - he mentioned their names. But, er, I got it, I don't, you know (unintelligible) it's been enough, we already got him once, haven't we really?" What do you mean by that? - A: Well I believed there was enough, enough evidence already apart from this last tape.

D Q: Did it mean that you were beginning to regret in some way having taken part in this operation? - A: Well once you start you've got to go through with it.

Q: Because did you begin to believe this little fantasy land that was being built up? - A: It wasn't a fantasy land, it was true.

E Q: But you didn't know it was true at that time, did you, it was only part? A: Well I knew I give you money.

Q: I am talking about fantasy land.

HIS HON. JUDGE STROYAN: I'm not quite sure what that is.

F MR. SYMONDS: The fantasy land is the whole lot Your Honour, all the rubbish which is not really to do with this case, I'm not charged with it. The rubbish talk about how I could help him etc. etc. etc. if only we could be friends what a wonderful life we could have together for ever afterwards and all that tripe.

HIS HON. JUDGE STROYAN: Well it may be tripe but we haven't heard it in evidence so far.

G MR. SYMONDS: You were beginning to believe it weren't you Mr. Perry? - A: (Laugh).

Q: And of course in the transcripts you have seen recently - after they had been through the hands of Mr. Moody and others - now contain a lot more words do they not? - A: Yeah.

H Q: What might be described as fatal words? - A: Fatal for you, yes.

Q: Words which put an end to any libel actions and such aren't they ...

HIS HON. JUDGE STROYAN: He really cannot answer that.

MR. SYMONDS: In a big way. - A: Yeah.

A Q: Now those words which have been found amongst "garbled" sections, do you say you said those words? - A: Yes.

Q: And that I said them? - A: Yes.

B Q: Because wouldn't such words have been of great interest to you and the reporters at the time if the whole point of the exercise was to have me arrested, don't you think you would have remembered those words and reported them to the reporters afterwards? - A: I was never asked to ... er ... go through the tapes and make a transcript of them.

Q: And if you say you did say these words, why did you say them? - A: ..

HIS HON. JUDGE STROYAN: Which words?

C MR. SYMONDS: The words which have since been found since Mr. Moody had the tapes.

HIS HON. JUDGE STROYAN: Well I think if you are going to put that, some of the words which we have heard on the tapes and which we see in the transcript were not said by either you or the witness he ought to know which words you are talking about.

D MR. SYMONDS: It means comparing all the transcripts, one against the other - which you have stopped me doing.

HIS HON. JUDGE STROYAN: No I am not.

MR. SYMONDS: Well it will take all day.

E HIS HON. JUDGE STROYAN: You could go through all the transcripts but if you say that there is something which wasn't said, the Jury have heard all the tapes.

MR. SYMONDS: I am casting doubt on the words which weren't on the Times transcript but suddenly appear later on in the Police transcripts, that is what I am saying.

HIS HON. JUDGE STROYAN: Very well. Are you saying these weren't said or what?

F MR. SYMONDS: Yes I am saying they either weren't said - one thing - or if they were some of them were said they were said in such a garbled undertone deliberately that it would be impossible for any person to hear them.

HIS HON. JUDGE STROYAN: Well

G MR. SYMONDS: I would like to ask Mr. Perry why.

HIS HON. JUDGE STROYAN: Just a moment please. You say you want to cast doubts on words which do not appear on the Times transcript

MR. SYMONDS: But appear later.

HIS HON. JUDGE STROYAN: But appear later.

H MR. SYMONDS: On other transcripts.

HIS HON. JUDGE STROYAN: Just a moment. You accept then, do you, - I want to see if I follow you - that the words which appear on the transcript what is made by the Times were in fact said?

A MR. SYMONDS: No.

HIS HON. JUDGE STROYAN: You don't?

MR. SYMONDS: I am asking about the words which do not appear on the Times transcript and appear later on other transcripts.

B HIS HON. JUDGE STROYAN: I understand that, but what I am trying to find out is what you are saying about the words which do appear on the Times transcripts.

MR. SYMONDS: What I am saying about the words on the Times transcript - which I would have come to - is that they do not give a true picture of the conversation because parts have been cut out of the tape recordings.

HIS HON. JUDGE STROYAN: Oh, we had better know which parts.

C MR. SYMONDS: And therefore you have a false picture left. A ridiculous picture in fact.

HIS HON. JUDGE STROYAN: We better know which parts you say were cut out because so far in evidence there has only been one mention of that.

D MR. SYMONDS: That was one specific example?

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: I believe I used the word once for those such words.

HIS HON. JUDGE STROYAN: Yes.

E MR. SYMONDS: But as far as pinpointing every word which has been cut out or altered, I must point out to Your Honour that it was a year or 18 months or 2 years before I was allowed to see this transcript myself. The Times transcript. The first indications I had of any words which had been spoken or alleged to have been spoken came during the time of Mr. Moody's questionnaire which I believe was in July, 1970 and that was only some words picked out. The first time I had heard the tape recordings were in 1971, Your Honour, in April, nearly 2 years later.

F HIS HON. JUDGE STROYAN: Well I have got the point that you are seeking to cast doubt on the words which do not appear in the Times transcripts but do appear later in the transcripts. That was the last point you were making to the witness I think and I have got a note of that.

MR. SYMONDS: I must put to you again, Mr. Perry, were you or were you not advised by the reporters to be very clear in the way you spoke etc. particularly to do with money, the handing over of money? - A: No, it was just to act ... be my normal self.

G Q: If you recall on the 30th there was no reference to money or handing over whatsoever, do you recall that? - A: (No answer)

Q: And I think I pointed out to you the only evidence on count 1 was your word in which you said you gave me some money, and on count 2 (the 31st) according to the Times transcripts the only evidence was the mumbled words: "I've only got some more then. " then I say that "Roy" you know, as I was allegedly getting into the car, and on the third and last

H

last meeting - according to the Times transcripts - the only evidence on count 3 in respect of the handing over of money, or the receiving of money, is when money is actually referred to which is once again right at the very beginning, yes, as I was getting into the car or approaching the car? - A: No I don't say that.

A

Q: Well look at the transcript. - A: What, the Times ones?

Q: Page 17. - A: The Times ones or ...

Q: The times. - A: Well the Times ones don't tell me a lot. Why can't I look at the other ones, they're a bit more clear?

B

Q: Well the Court has already been taken through the other transcripts time and time and time and time again, word by word, - so to speak - on many occasions and now we are going to have a look at the Times transcript which was the only transcript in existence at the time you made your statement to the Police.

C

HIS HON. JUDGE STROYAN: Yes, he said he didn't see it.

MR. SYMONDS: But the investigating officers saw it Your Honour and this (Perry's statement) was made first of all on a question and answer basis over some days, and all the documents in existence then would have been referred to during the question and answer sessions.

HIS HON. JUDGE STROYAN: Well ...

D

MR. SYMONDS: So is it right that according to the Times transcript the only evidence are the few words right at the very beginning of the conversation, "yes"? - A: Well and a few other things where you say things.

Q: And are those words mumbled? - A: (No answer)

HIS HON. JUDGE STROYAN: What was that? The other things, you said. - A: Where he says "thanks very much."

E

MR. SYMONDS: About 12 or 14 pages later, yes? - A: That's right.

Q: But I am talking about references to money. This "thanks very much" could be for anything, yes, in fact you had to be prompted quite considerably by the Judge before you referred to that and decided that it was probably thanking him for the money or offering that as an explanation? - A: Well
.....

F

Q: But as for the words on the Times transcript: "I've only got fifty again, alright?" they come right at the beginning of the conversation do they not? - A: Yes.

Q: And when you heard the words on the tape recording they were mumbled, were they not, and very hard to hear? - A: Er ... they may have been.

G

Q: So why did you mumble "I've only got fifty again, alright?" as I am approaching the car or getting into the car, as what happened along the same lines on the 31st when you mumbled "I've got some more then" when we have heard in evidence that you were being instructed to speak clearly and to wait for the money to be asked for, to leave no doubt about what was happening.

H

HIS HON. JUDGE STROYAN: I'm not quite sure what the question is?

MR. SYMONDS: I am asking why - according to the Times transcript - the reference to money is again right at the very beginning as I am approaching the car or getting into the car? - A: Well I can only put it down to being a bit nervous.

A Q: Nervous? I might be here asking you what the devil you are talking about?
A: Oh you knew what I was talking about alright.

Q: And having looked quickly through the nonsense talk over several pages, what do you think that was all on about, the same as before? - A: Yes.

Q: Which was what, advising you how best to lead a criminal life? - A: Yes.

B Q: Now why should I, a Detective Sergeant, single out you, a 22 year old criminal with umpteen previous convictions and a member of the Peckham mob, a local nuisance

HIS HON. JUDGE STROYAN: Mr. Symonds.

MR. SYMONDS: Why do you think I should come and say all these things to you?

C HIS HON. JUDGE STROYAN: Just a moment, no, no, no. That is something which you can properly tell the Jury if you want to do so. I don't really see how you can expect this witness to know what was in your mind. If you want to tell the Jury what was in your mind of course you can do so at a later stage.

MR. SYMONDS: I am asking him why he thought that Your Honour.

D HIS HON. JUDGE STROYAN: He didn't say he did.

MR. SYMONDS: Could I have a break please?

HIS HON. JUDGE STROYAN: I take it you are nearing the end of the cross-examination, are you?

E MR. SYMONDS: I am just looking to see if I have missed anything out.

HIS HON. JUDGE STROYAN: Very well, 5 minutes.

(Adjournment)

F MR. SYMONDS: Mr. Perry, when you gave evidence in chief and you described how you drove back to Peckham, you happened to mention that on your way back you happened to drive past the television tower at Crystal Palace, is that right? - A: That's right.

Q: And I believe the prosecuting counsel said "funny you should mention that" or words to that effect. Have you discussed that Crystal Palace television tower with anybody recently? - A: No.

G Q: Why did you happen to mention that? - A: Well it's just a London landmark. If you're going to describe the route you took you would say you went past Crystal Palace.

Q: Would you say "I drove underneath the television tower" when you're normally travelling round about, driving across London? - A: No.

H Q: No, quite rightly, no. Has there been any collusion anywhere? - A: With who?

Q: With anybody about the fact ...? - A: No.

Q: You drove underneath Crystal Palace television tower? - A: I've never said I drove underneath Crystal Palace television tower, no.

A Q: Or near it? - A: No, no discussion, no.

Q: No discussion. Now six months before all this took place in July, 1969, did you, Brooks, and Williams approach a man called Kirton and offer him a sum of money to fit up some police officer because they said they looked like nicking them over the keys? - A: No.

B Q: And then did one of you say "don't worry we've got it all sewn up, all you have to do is make a good offer of information and they will be taped up and photographed."? - A: No.

HIS HON. JUDGE STROYAN: When was this do you say?

MR. SYMONDS: In July, 1969 Your Honour, to a Mr. Kirton, or it could have been the beginning of August; and did this meeting take place in the Rose public house, (Edmunds?) Street? - A: No.

C HIS HON. JUDGE STROYAN: Well did you approach Kirton whether alone or with anybody else? - A: No. I don't know anyone called Kirton.

MR. SYMONDS: And did you give a description of me as the police officer to be set up? - A: No.

D Q: And did you offer Mr. Kirton £500? - A: No.

Q: Did you feel in July or August, 1969 that the Police were getting close to you, you and your colleagues, or friends, in connection with your criminal activities at that time? - A: Em ... no.

Q: And during the course of these observations did you offer here, Mr. Hawkey, offer to edit the tapes, make the offer to the reporters? - A: No.

E Q: And at the time that you, through Mr. Brennan, contacted the newspaper reporters, were you in fact facing I believe two separate charges at that time in connection with a van load of clothes? - A: What was the other one? Just the one of them you mean.

Q: Well at least one? - A: Well one, yeah.

F Q: And did you allege to the Times Solicitors that you had paid a bribe to the solicitors you had at that time?

HIS HON. JUDGE STROYAN: What? - A: Er ... I didn't say I paid him one, no.

MR. SYMONDS: Of £40? - A: No I didn't say it was a bribe, no.

G HIS HON. JUDGE STROYAN: I am not sure that I am following this; a payment to your solicitor? - A: I did pay him some money but that was for a ... em ... Court appearance.

HIS HON. JUDGE STROYAN: Just a moment.

MR. SYMONDS: Did you say that your solicitor had advised you to ...

H HIS HON. JUDGE STROYAN: Just a moment please. "I did pay my solicitor £40." What is the suggestion in relation to that?

MR. SYMONDS: Did you tell the Times solicitors that your solicitors had advised you to find a false witness? - A: Yes.

A

Q: As a result of that were you then - and after that time - represented by in fact the solicitors to the Times? - A: Yes.

Q: And did they retain Mr. Durand to defend you? - A: Yes.

Q: In connection with the

B

HIS HON. JUDGE STROYAN: Just a moment please. Is this right then: "I told the Times solicitors my solicitor had told me to find a false witness. As a result of that I retained the Times solicitors who further obtained Mr. Durand to defend me." Is that right? - A: That's right.

HIS HON. JUDGE STROYAN: Yes. Defend you on what charge? - A: Em ... relating to the van and ... em ... contents.

C

HIS HON. JUDGE STROYAN: Is this the Inner London Sessions one? - A: That's right.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: And were those services in fact paid for by the Times? Was Mr. Durand and the Times solicitors allocated to you on Legal Aid and did in fact the Times pay the costs of these legal proceedings? - A: A think the Times paid them both, but a couldn't be sure.

D

Q: And when you made your statement to the Police did you make allegations against other police officers from Peckham? - A: Yes.

Q: And did you later withdraw those allegations? - A: No.

HIS HON. JUDGE STROYAN: The allegations about what, I'm sorry?

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MR. SYMONDS: About Detective Inspector Sylvester and Detective Constable Hughes.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: And did you appear at a disciplinary proceedings held in connection with these allegations? - A: No.

F

Q: And after the Times newspaper had published their allegations did the Times put you up in a number of hotels in the London area? - A: For 2 or 3 days, yes.

Q: And did a member of the Times staff take you up north to look for a job? - A: Yes.

G

Q: And did the Times pay you a large sum of money for your help and assistance to them? - A: No.

Q: Did they ever pay you any money? - A: No.

Q: Did they ever repay the money you claim you had paid to the Police? - A: No.

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Q: Was that because they had given it to you in the first place? - A: It was all my money I gave you.

Q: Now in respect of the - one moment Your Honour - in respect of the money you claim you handed over on the 21st, can you now offer some explanation as to where you got the money from? - A: The 21st of November that is?

A Q: Yeah. - A: A borrowed it off a Mr. Birchmore.

Q: But you know that Mr. Birchmore denies that? - A: Well a didn't know that, no.

HIS HON. JUDGE STROYAN: We can't have this. We can't have this,

B MR. SYMONDS: Right. Yes. Once again you see you have listed here the numbers of very new notes, in fact two of the Bank notes were only printed on the 7th of November that month. When did you borrow this money, do you know?
A: I can't remember but it would have been pretty near the date a met ye.

Q: And lastly, according to your evidence on the 24th of September did you say that you intended to pay some money to me when you received that valuable advice: "They have your fingerprints, plead guilty to Section 1." Did you intend to give me some money then? - A: Yes.

C Q: You did, and your indication of this were the words: "See you later" were they? - A: Yes.

Q: And is this an accepted expression of yours: "See you later."? - A: Em ... yes.

D Q: Yes, because on nearly all these tape recordings they nearly all end up with you saying: "See you later" is that right? = A: O.K. yeah.

Q: Your Honour, going back to the business of asking questions about the 31st ...

HIS HON. JUDGE STROYAN: Yes.

E MR. SYMONDS: There are some questions that I would like to ask again and I ask you if I could ask

HIS HON. JUDGE STROYAN: You cannot ask them a second time.

MR. SYMONDS: Very good My Lord. I have no more questions.

F HIS HON. JUDGE STROYAN: Mr. Symonds, I just want to make sure that I have correctly understood what you have been putting to this witness. First you are saying that you never gave him, I'm sorry, that he never gave you any money at all.

MR. SYMONDS: Yes.

HIS HON. JUDGE STROYAN: You are saying that any money he might have had must have been given him by the reporters, is that right?

G MR. SYMONDS: I suggested to him that the reporters were giving him money to give to me...

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: And that he was in fact keeping this money ...

H HIS HON. JUDGE STROYAN: Yes that is right.

A MR. SYMONDS: And mumbling a few words at the beginning of each meeting like "I've got some more then" or "Here's another fifty, alright?" in an undertone as I am getting into the car, and that if he did ... if he was - I don't know if he was in possession of money to give to me - I never saw it Your Honour.

HIS HON. JUDGE STROYAN: Yes I have that.

MR. SYMONDS: And so in this way he was succeeding in making himself £50 for a 5 or 10 minute conversation and he was also succeeding in destroying me, as I said before, killing two birds with one stone.

B HIS HON. JUDGE STROYAN: Yes. You are as I understand it then, accepting that you were in the car with him at these conversations, but in particular

MR. SYMONDS: I don't accept these conversations, Your Honour, it was nearly two years before I ever heard these tape recordings but they were not ...

HIS HON. JUDGE STROYAN: Yes, but

C MR. SYMONDS: But they just don't make sense, that I as a Detective Sergeant, should have gone and sat in a car and said all these things just like that to a man that I didn't know at all in the first place, and secondly I know that bits have been cut out. One particular bit I remember exactly is the bit about the photographer, but I know that other bits were cut out, particularly certain remarks I made

D HIS HON. JUDGE STROYAN: But so far what you have suggested is that in one of these conversations - I think referring to the 31st of October - a part when you mentioned a photographer has been removed, that is what you are suggesting?

MR. SYMONDS: That is one specific piece I remembered two years later when I heard the tapes played for the first time, I remembered about the photographer specifically because I

E HIS HON. JUDGE STROYAN: Now I am not going to^s back to the 31st because you have dealt with that, but as far as this particular conversation on the 21st is concerned, are there any specific pieces which you say were wrongly recorded or have got in wrong? Is there any specific parts of that conversation which you specifically challenge? I follow entirely what you are saying; you are casting doubt on those bits which appear in later transcripts which don't appear in the Times transcripts, I follow that, is there any specific part of the Times conversations which you say never took place or anything of that sort?

F

MR. SYMONDS: Your Honour, I can't put my ...

HIS HON. JUDGE STROYAN: I follow.

G

MR. SYMONDS: I can't on this day remember anything absolutely particularly but the photographer, but I am saying that as the man I was at that time and the job I was doing, that is not the conversation that took place. That has been changed and altered. It has been made to look, well, it is just ridiculous, quite ridiculous. It has been altered.

H

HIS HON. JUDGE STROYAN: Well I follow that, that you make a general criticism of it, I follow the time that has elapsed now, but is there any particular passage of conversation recorded on the Times transcript which you say didn't take place at all? Anything of that sort?

A MR. SYMONDS: After 12 years, Your Honour, I really can't think. As I say, I heard it for the first time after two years and then shortly after that I left the country and it was 12 years ago, and I haven't thought about this at all over the past 8 or 10 years I have been abroad, and I am certainly in no position now to start pointing to specific points and say that this word or that word as it is may have been altered or whatever. I am just asking people to look at the whole thing in general and in total. In the first place it doesn't make sense when you read through it, there's many places where there are quite strange pauses and gaps and the subject suddenly changes inexplicably I would suggest in all those, but I am not in a position to say ...

B HIS HON. JUDGE STROYAN: Yes very well.

MR. SYMONDS: At this stage.

HIS HON. JUDGE STROYAN: Yes. I just wanted to give you the opportunity of dealing with it in any particular detail if you thought it right to do so. I don't think I can take it any further.

C MR. RIVLIN: Your Honour, may I clear up a misunderstanding? The defendant, when he said he was asking to put questions again ...

HIS HON. JUDGE STROYAN: Yes.

D MR. RIVLIN: As I am led to believe, was not asking for leave to put the same questions again, what he was asking for was leave to put some fresh questions but he was asking a second time. He was asking again, and I thought I better bring that to your notice, Your Honour, before the witness's evidence is concluded. As I understand it from Mr. Green the defendant wishes to put one or two things that he has never put before to this witness.

HIS HON. JUDGE STROYAN: I see. What he asked me was to ask the same questions twice and I didn't want that.

E MR. RIVLIN: Your Honour, that is the way it came out in the wash but I think I understand that he was really asking for leave to ask one or two questions about matters that he has never put before. That is what I have been led to believe Your Honour.

F HIS HON. JUDGE STROYAN: I see. Well you had a very full opportunity to deal with these matters last time but nevertheless if there is a fresh matter about the 31st which you omitted to put last time, provided it is a fresh matter and not going over the same old ground again, I will give you leave to put it.

G MR. SYMONDS: Mr. Perry, there is some questions I wish to put to you particularly about what happened at Nuneaton and if you refer to your statement from the beginning again. After arriving at Nuneaton - at the bottom of page 2 - you say that you arrived at Nuneaton at about midnight and you were asked if you wanted to make a statement and if you wanted to plead guilty. You said: "No, I never done it and I was then put in a cell until the following morning." Yes? - A: That's right.

Q: And then at the bottom of the page you say: "About 10 minutes later the Sergeant came in and said, 'you might as well put your hands up we've got your prints all over'"? Yes? - A: Yes.

H Q: Then you say that during the day you were questioned and had a photograph and fingerprints taken and

HIS HON. JUDGE STROYAN: No I think we better have the sentence in between, we don't want any false impression to be put about that.

A MR. SYMONDS: "We've got your prints all over the cartons. I said 'that's impossible.'"

HIS HON. JUDGE STROYAN: Yes.

B MR. SYMONDS: And then the point I am coming to is that towards the end of the day one of the officers asked you why the Sergeant at Camberwell wanted you charged with Section 1 theft and did you know me and you say there that you said you did not know me, is that right? - A: I said what, a did not know you?

Q: Yeah. - A: That's right.

C Q: And then the next paragraph is: "The Sergeant also asked me why the police officers at Peckham were making themselves busy and said that they were under the impression they were going to tip everybody off." You said: "That's more than likely; He asked me if I knew the names of the officers at the station" and you got the impression he was talking about Peckham. The last hour you were there they were only asking you about the Police. Now is that fair? - A: Yes.

Q: Is that what happened? - A: Yes.

D Q: And then you say: "A senior officer came in and the Detective said 'this is the Guvenor' and he said 'what's all this I hear about bent Police or something like that'? and you said 'I don't know any names, I only hear from people' and then the Detective Sergeant took you out to a uniformed Sergeant and said to him 'he's just been telling me about our friends in the Met. they're worse than the villains.'" Is that right? - A: That's right.

Q: That is all Your Honour. I just wanted to clarify that piece.

E HIS HON. JUDGE STROYAN: Yes, very well.

RE-EXAMINED BY MR. RIVLIN

F Q: Now, Mr. Perry, I just have a few questions to ask you and I would like to deal with them in the same order as the defendant dealt with them in cross-examination. Would you please look at page 2 of your statement to the Police? Now just let the Jury understand this, that statement is dated the 5th of December, 1969 isn't it? - A: Yes.

Q: If you look at page 1? - A: Yes.

G Q: And you have got a typewritten copy in front of you haven't you? - A: That's right.

H Q: And would you please look at page 2 and I am just going to read out a passage that has been the subject of argument between the two of you, and which has already been referred to in evidence. About halfway down the page once you were in the cell and you were talking about the Detective Bergeant who came along. 'He said to me 'someone told me to see you.' He also said 'if any of the Nuneaton officers come in tell them we're talking about some clothes from your flat.' He said 'I don't think they have got a lot on you. They won't tell me a lot. They have got a fingerprint of yours. Tell them you'll plead guilty to a Section 1 theft. The most

you'll get is 12 months for that.' I didn't ask why he was saying this. He told me he would see me later when I came out. Symonds then left me in the cell and that night I was taken to Nuneaton by car. There was two Nuneaton officers in the car with me and two in a car behind." Now you remember that being read out to you, do you not? - A: Yes.

A

Q: And you are saying to the defendant, no, that he said, not 'they have got a fingerprint of yours tell them you'll plead guilty, but if they have got a fingerprint of yours tell them you'll plead guilty.'? - A: That's right.

B

Q: And there was a good deal of concentration upon that? - A: That's right.

Q: Was there not? - A: Yes.

C

Q: Now this is the typewritten copy of the statement that you made to the Police. I would like you if you would please to look at the original, and before I show it to you, let me say that I shall ask His Honour and the Jury to have a look at the original, but would you please look at page 3 of the original and look at that page, 13 lines up from the bottom of the page. Is that the original statement in which you deal with this particular conversation? - A: Yes.

Q: And would you please read out what it says in the original statement? - A: It says: "If they have got a fingerprint of yours."

D

Q: Now the word 'if' is there but it is right to say, isn't it, it appears to have been inserted later? - A: That's right.

Q: The word is accompanied by some initials from you, is that right? Your initials are on the left? If it isn't right just say so. - A: Yes.

Q: It is. Well now I would like His Honour to have a look at that and I think it is only right that the Jury should see it with their own eyes please. Just that particular page. We need not worry about the other pages. It is 13 lines up from the bottom of the page.

E

HIS HON. JUDGE STROYAN: Well I can see the word 'if'. They are your initials are they? - A: In the paragraph on the left.

MR. RIVLIN: In the margin.

HIS HON. JUDGE STROYAN: Yes, there is something else which looks as if it might be. - A: I think the other signature was the ...

F

MR. RIVLIN: The initials of the other officer and the officer I think that took the statement Your Honour.

HIS HON. JUDGE STROYAN: And the reason I suppose you are saying 'if' is inserted later is because the next word which is 'they' appears to start with a capital letter.

G

MR. RIVLIN: With a capital letter, that is right.

HIS HON. JUDGE STROYAN: What is the date of the initialling? - A: Oh ...

MR. RIVLIN: I don't know if we have a date for the initialling Your Honour.

HIS HON. JUDGE STROYAN: We have a date for the statement of course.

H

MR. RIVLIN: We have a date for the statement Your Honour. I have further questions in re-examination to put which I hope will assist with the

detail about dates, but for the time being I would just like certainly you and the Jury to see that.

HIS HON. JUDGE STROYAN: Yes, very well.

A MR. RIVLIN: The original statement. Of course the defendant has seen it.

HIS HON. JUDGE STROYAN: Yes.

B MR. RIVLIN: Would you please hand it to me? Members of the Jury, it is going to be handed to you now. Can I just point to where it appears about a third of the way up from the bottom of the page on the left. Thank you. Thank you very much. Now, Mr. Perry, it may be in everyone's mind, do you understand, to try and work out when it was that the word 'if' was first mentioned. Now I think that I can show you another document which may help you. That statement there which we have seen is dated the 5th of December, isn't it? - A: That's right.

C Q: Now I would like you to have a look please, and again Your Honour a copy of this was handed to the defendant last Thursday.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Would you please have a look at your original statement to the Times which is dated the, November the 26th, do you see that? - A: 28th.

D Q: The 28th, yes, but if you look at the end of the statement do you see a date? - A: Yes.

Q: The 26th, is that right? - A: That's right.

Q: And it is a statement that is witnessed, is that right? - A: That's right.

Q: Right.

E HIS HON. JUDGE STROYAN: 26th of November, 1969?

MR. RIVLIN: 26th of November, 1969 which is some little time before you made your statement to the Police. I would like you to look at the first page of it; the page which begins: "My name is Michael Roy Perry, age 22" is that right? - A: That's right.

F Q: It is a typewritten statement which you have initialled in parts and which you have signed at the end, isn't it? - A: Yes.

Q: Now would you look at the last paragraph on that page, and is that dealing with the conversation that you had in the cells? - A: Yes.

Q: What does it say? Just read it out would you please. "He says" - A: "He says ..."

G Q: Could you speak up so we can all hear you? - A: "I don't think they have got a lot on you but if they have got a fingerprint on you tell them that you will plead guilty to Section 1 theft."

Q: Carry on.

H HIS HON. JUDGE STROYAN: Just a moment please. - A: "That's a maximum ..."

HIS HON. JUDGE STROYAN: Just a moment. Yes. - A: "That's a maximum of 12 months. He told me that would not be so bad as being charged with burglary ...

A MR. RIVLIN: Yes. - A: "Then he said, 'see you later.'"

Q: Now did you make your statement to the Times, the one that is in your hand, before you made your statement to the Police? - A: Yes.

Q: And is it right then that you told the Times that he had said 'I don't think they have got a lot on you, but if they've got a fingerprint on you' you told them that before ever the question of the Police Statement came into being? - A: Yes.

B Q: Very well. Yes, thank you. Now do you remember telling the Jury more than once in answer to the defendant that you understood that the defendant in saying what he did was giving you the 'tip off'? - A: Yes.

C Q: What do you mean by the fact that he was tipping you off? - A: Well he was trying to ... em ... he was trying to tell me what the ... what he could do to help me.

Q: When he told you, as you say he did, that they didn't have anything on you, a lot on you, did you know that before he told you? - A: Well you could never be a hundred per cent sure.

D Q: Well what did that information mean to you, that they hadn't got a lot on you? - A: I was under the impression that if they could get me to admit it that was the only way I would be charged with it.

Q: Now, Your Honour, I don't want there to be any questions about this statement to the Times. It has been disclosed to the defendant ...

HIS HON. JUDGE STROYAN: Yes.

E MR. RIVLIN: And if the defendant requests that I should show the Jury that paragraph that has just been read out or indeed if the Jury wish to see it, it is available to be seen. It cannot be exhibited.

HIS HON. JUDGE STROYAN: No.

MR. RIVLIN: We are not seeking to establish the truth of it by putting that paragraph in, but the time at which this witness first told somebody that.

F HIS HON. JUDGE STROYAN: But in relation to the presence or absence of the word 'if'.

MR. RIVLIN: Your Honour, yes, it deals with that question. So I make the offer to the defendant if he wishes the Jury to see that paragraph it can be done now.

G HIS HON. JUDGE STROYAN: Yes. Do you want them to see it Mr. Symonds? Did you hear that?

MR. SYMONDS: I don't dispute what has been read out by him.

MR. RIVLIN: I am obliged. Very well.

HIS HON. JUDGE STROYAN: Very well.

H

MR. RIVLIN: Now we can move on quite some way I think to this, you were asked by the defendant to say what possible advice or improper advice he could have been giving you on the first occasion, that is October the 28th, do you understand? - A: Yes.

A Q: And in fact one particular paragraph was drawn to your attention but I don't actually think you were given the opportunity to read the whole thing through before you answered. I wonder if you would please have a look at the Times transcript. If you look at page 2 of the Times transcript, exhibit 35A. Exhibit 35A, page 2. This is the one where there are the snatches of conversation, do you see Mr. Perry? - A: Yes, page 2.

B Q: Yes, and do you have it: "DSS - you get, see ..." have you got that bit at the top, the paragraph at the top? - A: Yes.

Q: Now let us just go through it. I will read it to you and then I shall ask you about it. "You get, see, the customers and that's where you get the money, see, on a nice little fraud. It doesn't matter how hard you work or how much you go out thieving and how many people you fucking turn over you still won't make as much in ten (garbled)" Now I have read that to you, haven't I? - A: Yes.

C Q: Do you understand what that means? - A: Well he's saying to me ... well they way I read it is you get quite a bit of money on a bit of fraud.

Q: Fraud is different from thieving? - A: Well not ...

MR. SYMONDS: It's the way he reads it now he's just guessing.

D MR. RIVLIN: No I am sorry, the question is ...

MR. SYMONDS: It should have been, what he thinks at the time, not taking wild guesses now of what he reads now. - A: It's an easier way of earning money.

MR. RIVLIN: Yes, thank you. Now it was suggested to you that on that first occasion, and I put what ...

E HIS HON. JUDGE STROYAN: Sorry, what is the easier way of earning money? - A: Fraud.

MR. RIVLIN: It was suggested to you that on that first occasion this is what you were doing - and just listen to me carefully would you please - that you were operating the set with the controls in your pocket and pulling a plug in and out. Did anything like that happen? - A: No.

F Q: Can you remember, were you sitting with your hands in your pockets? - A: No.

Q: Did you have any controls in your pockets at that time? - A: I believe on one occasion I did have some sort of device.

G Q: On one occasion, yes. Well now which device are you talking about, a tape recorder or a transmitter or what? - A: It was a tape recorder.

Q: A tape recorder. Yes, that we have heard about that and I am not going to tell you what the evidence is that we have heard. If it was just a transmitter that you had in your pocket on that occasion, would you have any controls? - A: No.

H Q: Very well. Then you were asked questions, weren't you, do you remember, about the 31st of October and you probably do remember this, Mr. Perry, that you were shown the Times transcript and you were cross-examined on the basis of the Times transcript, do you remember that? -

A: Yes.

Q: And if we look at page 5 of the Times transcript. Do you remember being asked a number of questions about the very first paragraph, indeed sentence, "Got a bit then?" Garbled. "Got a bit more then?" Yes? - A: On page 5?

A

Q: No page 5 of the Times transcript 35A? - A: Oh yes.

Q: And would you please now go to page 11 and on page 11 at the bottom of the page is this what we see: "You know you can have sort of earnings." Do you see that? - A: Yes.

Q: And then it says: "Garbled. Yes. Yeah." Right? - A: Right.

B

Q: Now at that point I would like you to have a look if you would please at page 15 of exhibit 35D - Penna and Eley's ...

MR. SYMONDS: I didn't cross-examine on this Your Honour.

HIS HON. JUDGE STROYAN: No.

C

MR. RIVLIN: Do you have that? - A: Yes.

Q: It has got a number 9 at the top of the page and a 15 at the bottom right hand corner. The reason why I am asking you these questions you see, Mr. Perry, was that the defendant will appreciate this, he was suggesting to you that that is the only evidence in the case, do you understand? - A: That's right.

D

Q: Now you just look at page 15.

MR. SYMONDS: I didn't suggest any such thing, I said that the only evidence at the time you made your statement to the Police.

MR. RIVLIN: Would you please have a look at the top of the page 25.10: "You can have more than that, you see, you can have more than help, you can have fucking, you can have ... you can, you know, sort of earnings out of it." "I ... I still ain't got it all like, I got another fifty, alright?" Garbled. "Yeah, fine, yeah." Now when you were listening to the tape did you hear that? - A: Yes.

E

Q: Yes. Coming to another matter now. It was suggested to you that this is what was being done, that there were some police officers who were treating you roughly in order to get information out of you and the defendant was, as it were, soft bottling with you, do you understand? - A: Yes.

F

Q: Going easy with you. With the same page in mind as regards the police officers who were treating you roughly, were they simply trying to get information out of you? - A: No.

Q: What did they get out of you Mr. Perry? - A: Money.

G

Q: Yes, and in answer to the defendant you said this didn't you, do you remember: "It has been put to me before that I gave information but it hasn't been believed."? - A: That's right.

Q: Just answer this question very simply. What was that earlier occasion?
A: That was what the police officers were talking about in their defence they said I was an informer.

H

Q: In the other cases? - A: That's right.

A

Q: Now there is little else I would like to ask you but I would like to come now if I may to the 21st of November. Do you remember the same thing happening, you being cross-examined about the passing of money and the Times transcript being put into your hand, and do you remember saying this to His Honour and the Jury: "This transcript doesn't help as to the stage of hand over of money. On the other transcript I can pinpoint it." ? -
A: Yes.

B

Q: Which other transcript were you talking about Mr. Perry? - A: The 35B.

Q: 35B. Well just have a look at 35B and say if that is the one that you mean. Which one are you talking about and which page? - A: Em ... well this was the only one I've read.

Q: Which one? - A: The 35B.

Q: Can I have a look at it please? - A: So it must be in there. I must have read it in there.

C

Q: Well I think you may have the letters wrong because the one you were going through when giving evidence before was 35D. - A: Oh.

Q: If you look at page 24 of 35D. You see that bit at the bottom about: "Well he can be seen to afterwards, can't he? Yeah. Yeah."

HIS HON. JUDGE STROYAN: Just a moment please.

D

MR. RIVLIN: Do you have that Your Honour, 24?

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: "He can be seen to afterwards, can't he? Yeah, yeah, by the Police." At that point I think that certainly so far as the Jury is concerned originally there was blank thereafter, but you listened to the tape at that part more than once, did you not, and you were able to identify words about which you have told us? - A: Yes.

E

Q: And you told us that that was the place where the money in your judgment was passed? - A: Yes.

Q: Thank you. You were asked about the fact that you were facing charges ...

F

HIS HON. JUDGE STROYAN: Just a moment please. I have got some words written down at the bottom of page 24 which are typed. I thought that the witness said he made out certain words when he heard the tape?

MR. RIVLIN: Your Honour is absolutely right. The position is this, that Your Honour's page has not been edited at all.

HIS HON. JUDGE STROYAN: No.

G

MR. RIVLIN: The Jury's has so that they wouldn't be influenced by any words that they saw.

HIS HON. JUDGE STROYAN: Yes, I know that now.

MR. RIVLIN: And the words given by the witness that I have down, and I do hope that mine accords with Your Honours, are: "Here's the other thing. I cannot get fuck all lately."

H

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Are those the words that you have written down that the witness actually gave?

A HIS HON. JUDGE STROYAN: In my note, yes, the witness said, according to my note: "Here's the other thing. I cannot get fuck all" and the defendant then said: "Cheers" after that.

MR. RIVLIN: Your Honour, yes, that is right. Now I have perhaps just one more matter Mr. Perry, and that is this, you were asked as to whether you were facing any charge and you talked about a van and the clothes, do you understand? - A: Yes.

B Q: At the time that you had your conversations, your various conversations with Mr. Symonds, were you or were you not on bail? - A: Yes.

Q: You were on bail? - A: Yes.

Q: I think that you actually mention on one conversation the fact that you are facing trouble, don't you? - A: Yes.

C Q: Yes, I have no further questions Your Honour. Thank you. Might the witness be released please?

HIS HON. JUDGE STROYAN: Yes.

(WITNESS WITHDREW)

D MR. RATCLIFFE: Your Honour, I call Ian Thompson, page 92 in the bundle of depositions.

HIS HON. JUDGE STROYAN: Thank you.

IAN THOMPSON (Sworn)

EXAMINED BY MR. RATCLIFFE

E Q: Your name, rank and appointment please officer? - A: Ian Thompson, Chief Inspector, Traffic Patrols, Metropolitan Police formerly Sergeant 41 'M' Division attached to Peckham Police Station My Lord.

F Q: And Chief Inspector, you were at Peckham from June, 1967 until November, 1970 is that right? - A: I was sir.

Q: And were you Section Sergeant at Peckham Police Station on the night of the 20th/21st of September, 1969? - A: I was sir.

G Q: At about midnight that night did you, as a result of a message from Sergeant Ingram, go to the Goldsmith Estate and there see a white van containing a load of cigarettes? - A: I did sir.

Q: And at about 5 o'clock that morning were cartons of cigarettes taken to the Police Station? - A: They were sir.

Q: And kept secure there? - A: They were sir.

H Q: Was the van in the forecourt of a block of Council flats called Jarvis House in Goldsmith Road, Peckham? - A: It was sir, yes.

Q: And was it partially hidden from the street by a block of lock-up garages?
A: Yes sir.

CROSS-EXAMINED BY MR. SYMONDS

A

Q: Your Honour, we were told that it was going to be Nuneaton officers next. This was the very first intimation that we have had that Mr. Thompson was being called. I ask you to break now so that I ...

B

HIS HON. JUDGE STROYAN: Well I have had the list of the order in which the witnesses were going to be called since ... over a month now.

MR. SYMONDS: They haven't been followed Your Honour, various witnesses have been interposed and my solicitor was instructed, I believe, and he so instructed me, that the Nuneaton officers would be called next.

HIS HON. JUDGE STROYAN: They have been followed, and this witness's name follows immediately on from Mr. Perry's name on the list I have got.

C

MR. SYMONDS: Yes, but no-one has been taking notice of the list we are taking notice of what the Prosecution tell us because Mr. Moody we have had and people out of order all the way through this trial.

HIS HON. JUDGE STROYAN: Mr. Moody was called for.

D

MR. SYMONDS: I objected most strongly to Mr. Moody being called at that stage Your Honour.

HIS HON. JUDGE STROYAN: You asked for him to be called.

MR. SYMONDS: I asked for him to be called in the right order after the other witnesses.

E

MR. RIVLIN: Well, Your Honour, Mr. Moody's name I don't think appears on the list of witnesses. We had him before Perry because the defendant wanted him.

HIS HON. JUDGE STROYAN: Yes.

F

MR. RIVLIN: But be that as it may, Your Honour, the situation is this, that I am told that Mr. Green may have informed him that the Nuneaton officers would be called next. Your Honour, Police Sergeant Thompson, his evidence is within a very short compass. He has been asked for by the Defence and I presume that because he has been asked for by the Defence and can really add nothing to the Crown case, but the defendant should know very well what it was that he wanted to ask him, and because his evidence comes within such a short compass I thought we could call him and get him away.

HIS HON. JUDGE STROYAN: Yes.

G

MR. RIVLIN: I am sorry, may I say Mr. Symonds, if you have been misled in any way, but Your Honour if it is possible for the defendant to deal with him it would be most helpful.

HIS HON. JUDGE STROYAN: Well I am sure he wants to get away. It doesn't seem to me that it carries the case any further forward.

H

MR. RIVLIN: Your Honour, the defendant wants him and that is why we have got him here.

HIS HON. JUDGE STROYAN: Yes. What do you want to ask him?

MR. SYMONDS: There are some questions I want to ask him Your Honour.

A HIS HON. JUDGE STROYAN: I think you better ask him, but I will give you a moment or two to find your notes. He has been on the list over a month now.

MR. SYMONDS: Your Honour,

MR. RIVLIN: Your Honour, he was here last week and the Defence certainly knew that he, including the Nuneaton officers, were also here last Thursday.

B HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: So I don't think anyone can say that they have really been taken by surprise.

MR. SYMONDS: I knew the Nuneaton officers were waiting here Your Honour, but no-one mentioned Mr. Thompson's name to me in any way whatsoever.

C HIS HON. JUDGE STROYAN: It escapes me what he has to do with this case. What do you want to ask him about?

MR. SYMONDS: I haven't found his statement yet Your Honour.

HIS HON. JUDGE STROYAN: Page 93 in the depositions.

D MR. RIVLIN: Well I think we can read somebody-else before Lunch if it helps the defendant, and have this witness straight back into the witness box after lunch.

HIS HON. JUDGE STROYAN: Very well.

MR. RIVLIN: I mean we could read Police Sergeant Ingram whose evidence is agreed.

E HIS HON. JUDGE STROYAN: Yes. Very well. I am sorry Mr. Thompson, we are going to have to ask you to come back after the midday adjournment. You will be dealt with immediately then and I hope you won't be very long. -
A: Yes.

MR. RIVLIN: Could you step down please, officer, and leave the Court. Thank you very much.

F (WITNESS WITHDREW)

MR. RATCLIFFE: Your Honour, the statement to be read is that of Police Sergeant Ingram, page 94.

HIS HON. JUDGE STROYAN: Yes.

G MR. RATCLIFFE: This is the statement, Members of the Jury, of Raymond Ingram, Police Sergeant 91 of 'M' Division attached to Peckham Police Station. He says: "I have been a Sergeant since 23rd June, 1969 since when I have been stationed at Peckham Police Station. At about 11.45 p.m. on 20th September, 1969 I received information regarding an apparently abandoned van 774 FYV. As a result I communicated with Sergeant Thompson. At 5.00 a.m. on 21st September, 1969 its load of cigarettes was brought to the Station and sealed in the female cell. The following day, 22nd September, 1969 I was posted late turn Station Officer, and during that

H

tour of duty, I broke the seals and re-examined the cartons. I discovered the address of the Nuneaton Co-operative Society on one of them. I then caused a message to be sent to the Police at Nuneaton, informing them of the recovery of the cigarettes." The statement is then signed by him and dated in the usual way. Your Honour, would you consider rising now and consider rising earlier?

A

HIS HON. JUDGE STROYAN: That clock is in fact slow?

MR. RATCLIFFE: Yes it is.

HIS HON. JUDGE STROYAN: It never seems to be right.

B

(Luncheon Adjournment)

IAN THOMPSON (Recalled)

CROSS-EXAMINED BY MR. SYMONDS

C

Q: Mr. Thompson, I believe you said you were Sergeant on duty - the uniformed Sergeant on duty - on the night of the 20th of September, is that right?

A: I was, yes.

Q: Was that a Friday night or a Saturday night? A Friday night it would be?

A: I cannot recall, I'm sorry.

D

Q: And as a result of a message you went to Goldsmith Estate, found a white van containing a load of cigarettes? - A: I did.

Q: And did you later draw a map showing the place where you found the cigarettes? That is the truck containing the cigarettes? - A: I did, yes.

Q: Will you produce that map please?

E

MR. RIVLIN: It is an exhibit Your Honour but we haven't put it before the Jury. I think it is exhibit 17.

HIS HON. JUDGE STROYAN: Is it going to help us much?

MR. SYMONDS: It is an exhibit already Your Honour.

F

HIS HON. JUDGE STROYAN: I know it is, but is it going to help us?

MR. SYMONDS: Yes I think so.

HIS HON. JUDGE STROYAN: Well we will see.

MR. SYMONDS: Is that the map you drew? - A: That is the map, yes.

G

Q: And that shows a large white truck have the Jury a copy of this exhibit 17 and Your Honour?

MR. RIVLIN: The Jury haven't got copies of this and I don't know if there are photo-copies but I will find out Your Honour.

HIS HON. JUDGE STROYAN: We will see what the point is, it may not be necessary for them to have it.

H

MR. RIVLIN: Your Honour, I think that we can get photo-copies for the Jury, it means tearing them out of some bundles.

HIS HON. JUDGE STROYAN: Yes, let us leave it for the moment and let us see what the point is going to be.

MR. SYMONDS: Does your map show a white van which I think indicates the number 774 FYV almost blocking the exit of the court or of Jarvis House a block of flats? - A: Yes it does.

Q: And when you went to Jarvis House did you meet the informant, a man who had phoned up about this vehicle blocking this exit? - A: I did.

Q: And was that a Mr. Stevenson the caretaker of the block of flats? - A: His name I can't remember but he was the caretaker.

Q: Were you the first officer to examine this van and see the cigarettes in the back, the first police officer? - A: I think so. There was another officer with me but ... er ... it was either he or myself. I'm not sure which.

Q: As a result of finding these cigarettes in the back of the van did you contact the Station Officer at Peckham Police Station that night, Sergeant Clemence? - A: If I recall I think Sergeant Clemence was with me when I found it.

Q: Can you recall the details of the complaint made to you by the informant, Mr. Stevenson? - A: No, he just said that the van was parked there and it looked suspicious.

Q: And when you examined the van did you find the doors locked or unlocked? A: I can't recall.

Q: Now at this stage did it cross your mind to inform the night duty C.I.D. of what you had found? - A: I suppose so, yes.

Q: Would that have been because this would have been C.I.D. crime, a large number of cigarettes found in the back of a van? - A: Yes it would have been routine to inform them.

Q: Can you recall who was the night duty C.I.D. officer that night? - A: I can't off hand, no.

Q: Does the name Detective Sergeant McGowan refresh your memory? - A: Yes I know a Detective Sergeant McGowan, yes.

Q: Can you recall who was his assistant that night? - A: I'm afraid not, no.

Q: Would Temporary Detective Constable Dolan refresh your memory? - A: The name Dolan I recall, but once again I don't know if he was on duty that night.

Q: At some stage was it decided between you and your senior officer at Peckham Police Station that is the uniformed branch, to withhold the information about this van full of cigarettes from the C.I.D.? - A: Withhold the information?

Q: Yes. - A: No, no.

Q: And were you responsible for telling Police Constable Myers - who was the night duty reserve - not to tell the C.I.D. about this van full of cigarettes if they enquired? - A: No, I know nothing about this.

A Q: Is it to your knowledge that at that time it was standard practice for two Temporary Detective Constables to be on night duty each night - called night duty aids? - A: I can't remember. I know there would have been at least one.

B Q: And would you agree that the function of these plain clothes officers who are posted on night duty would be to carry out any observations that came up that required to be carried out requiring the use of plain clothes? - A: It's possible, yes.

HIS HON. JUDGE STROYAN: Mr. Symonds, can we arrive at some question which will indicate to the Jury what on earth this evidence has got to do with this case.

MR. SYMONDS: All in due course Your Honour.

C HIS HON. JUDGE STROYAN: Well I am not prepared to sit here a long time and listen.

MR. SYMONDS: Well if you would like to order me to stop asking questions I am prepared to sit down now.

HIS HON. JUDGE STROYAN: I have not done so, I am asking you to get on to the point.

D MR. SYMONDS: Well in case I haven't made the point clear, Mr. Thompson, the point that I hoped to have made so far would be that this truck was found full of cigarettes, it must have been realised that this was a C.I.D. matter, and I am saying that rather than inform the C.I.D. steps were taken to keep this matter from the C.I.D. who was Detective Sergeant McGowan the night duty C.I.D. officer? - A: As far as I can remember the C.I.D. covered a reasonably large area - more than one Police Station. As I understand it or as far as I can remember we kept an observation on the van with officers in plain clothes, and the night duty C.I.D. were informed but due to - as far as I can remember - other cases they were dealing with they did not arrive at Peckham Police Station until nearly 6 o'clock in the morning.

E Q: Can you recall the time that you were informed of this van being found containing the cigarettes? - A: I'm not certain, I think it was shortly after midnight.

F Q: And did you request the Panda car to keep observation on this van for a time? The driver of the Panda car?

HIS HON. JUDGE STROYAN: Well it wouldn't be evidence if he did, but let us assume that he did or didn't, I don't know. Where are we getting to Mr. Symonds? Can we have a question which indicates that ...

G MR. SYMONDS: Well I think that ...

HIS HON. JUDGE STROYAN: It has got some relevance. All this

MR. SYMONDS: May be this question could be answered. Did you order the Panda car of Police Constable Walker to keep observation on this van for a time?
A: Yes.

H Q: And is the Panda car a brightly painted and unmistakable vehicle? - A: Yes.

Q: And then later did you request two uniformed officers to put on civilian coats over their uniforms and go and sit in this vehicle? - A: That's right the Panda, but it was a temporary measure while we got officers more suitably attired as it were.

A Q: And then at about 4 o'clock in the morning did you decide to cease this observation and withdraw the officers from the lorry they were sitting in?
A: I'm not sure what time it was in the early hours of the morning, coming on towards the end of the shift which was 6 o'clock.

B Q: And did you yourself go with P.C. Barry the Jail van driver to take the cigarettes from the van? - A: As far as I can recall we went to bring the van in but for some mechanical defect we were unable to move the van so we had to unload it.

Q: Now did it ever cross your mind that fingerprints may have been there and of use in this investigation? Fingerprints on the cartons and on the truck?
A: Yes. The van itself - as far as I can remember - wasn't touched and the cartons were handled with care.

C Q: By 'care' do you mean to avoid smudging any fingerprints that were on there and to avoid putting any others on? - A: Yes.

Q: Now up until 4 o'clock did you have any contact with the night duty C.I.D. at all? - A: I can't remember to be quite honest ... em ... I know steps were taken or put in hand to have them informed, a routine measure, whereby one would telephone the local Police Station and when the C.I.D. were contacted they rang the Station Officer.

D Q: And when you removed the cartons of cigarettes from the van did you find any labels upon them to show where they might have come from? - A: I can't remember that I'm sorry.

Q: And did you later phone Trio Place and ask for one of their officers to remove the van to Peckham Police Station? - A: Yes we asked for a traffic patrol officer.

E Q: P.C.'s Peart and Mayfield? - A: I can't remember but it was the traffic patrol officers who were night duty.

Q: And when you had removed the cigarettes to Peckham Police Station did you there count them and then put them away in a cell and seal the cell? -
A: I don't think I counted them. I think other officers counted them, I just unloaded them into the ... em ... front office.

F Q: And when you were counting them did you then see any labels on the cigarettes or the cartons showing that they could have come from the Co-operative shop in London? - A: No I can't remember seeing any labels.

Q: And then later that morning did Detective Sergeant McGowan and Temporary Detective Constable Dolan return to Peckham Police Station and were they then at about 6 o'clock in the morning then told of these cigarettes? -
A: They did return to the Police Station very late, towards the end of the shift, which as I said is 6 o'clock and they were told but I can't remember for certain the precise time.

G Q: And then did a row break out between the uniformed Sergeant and the C.I.D. Sergeant about why the C.I.D. had not been informed of this find?

H HIS HON. JUDGE STROYAN: Well this is wholly inadmissible.

MR. SYMONDS: We have statements Your Honour, and we have witnesses which will be called later for the Defence, or I believe some statements have been agreed even.

A HIS HON. JUDGE STROYAN: I simply cannot understand ...

MR. SYMONDS: This man was present during the row.

HIS HON. JUDGE STROYAN: I simply cannot understand what difference a row, supposing it took place

B MR. SYMONDS: It's the start of the whole story Your Honour, the start of the whole story.

HIS HON. JUDGE STROYAN: I can't see

MR. SYMONDS: It's the beginning of everything.

C HIS HON. JUDGE STROYAN: I can't see what possible relevance it can have to any of the matters the Jury have got to decide. Perhaps you could ask a question which indicates what bearing this matter could have on whether or not you received three corrupt gifts.

MR. SYMONDS: And then were you present when Sergeant McGowan said words to the effect: "You started this job, you kept it from us, you finish it."

D HIS HON. JUDGE STROYAN: It is hopelessly inadmissible and you know perfectly well it is inadmissible. - A: Do you wish me to

MR. SYMONDS: Did it later come to your knowledge that some time after you had removed the cigarettes but before the van had been removed, three men had returned to the van in the early hours of the morning and had approached the caretaker and accused him of stealing the cigarettes from it? -
A:

E HIS HON. JUDGE STROYAN: No, no, no, no, you know perfectly well - and I have told you many, many times during this case - you are not allowed to pluck allegations out of the air and put them to a witness who is not in a position to answer them.

MR. SYMONDS: Well he either knew or he didn't Your Honour.

F HIS HON. JUDGE STROYAN: That is nothing to do with it. You are putting an allegation which is at the moment wholly unsubstantiated and it is quite unfair to this witness to ask him it and it is quite unfair that the Jury should know about it. Now go on to something else.

MR. SYMONDS: Some days later were you present when the cell was unsealed and the cigarettes were removed from the cell? - A: I don't think so. I can't remember that.

G Q: Would you look at the Peckham book which shows do we have this I wonder? Where this matter is recorded.

MR. RIVLIN: I wonder if the defendant could identify which book it is he would like the witness to look at?

MR. SYMONDS: Number 12A if it was 1965.

H HIS HON. JUDGE STROYAN: What on earth is the Peckham book you want to look at?

MR. RIVLIN: Well I am sorry, Your Honour, if the defendant could say what kind of book he would like to have a look at we will do our best.

A MR. SYMONDS: The 'Property brought to the Station' book. I forget the number, it is 12 years ago and I think they have been changed since. This book finishes in August, 1969 Your Honour, it will be the one following this.

HIS HON. JUDGE STROYAN: What is it you hope to establish from it?

B MR. SYMONDS: The date that the cell was unlocked, the cigarettes were taken out, examined again and the labels showing that they had come from Nuneaton Co-operative were found and that Nuneaton was eventually - some days later after the finding - was informed that the cigarettes stolen from their Co-op had been found, but unfortunately too late for fingerprints because in the intervening days the Co-operative store had been thoroughly cleaned by the cleaners.

HIS HON. JUDGE STROYAN: Well even if that is right, how is it going to help on the question of whether you received corrupt gifts in October and November?

C MR. SYMONDS: Because I know this is an official cover-up and everything is trying to be swept under the carpet, but I think the Jury ought to know the full story of how it all started. This is the very start of the thing, the finding of the cigarettes and the fact of this dispute between uniform and C.I.D. led to various other things which we will hear about from the Nuneaton officers and we have heard about in part from Mr. Perry. There is more to this case than a few silly words on a tape recording about packing your profits away in a sweet shop etc. and the Jury should know the whole facts, everything that happened, how it happened, how it came about.

D HIS HON. JUDGE STROYAN: The Jury will hear that which is admissible and relevant.

E MR. SYMONDS: Well if this witness says he cannot remember whether he was present or not when the cell was opened

HIS HON. JUDGE STROYAN: That is what he has said.

MR. SYMONDS: I cannot see that I can ask any more questions Your Honour.

HIS HON. JUDGE STROYAN: I think I would be very surprised if

F MR. SYMONDS: If we could have found it in the book we could perhaps have refreshed this witness's memory about whether he was present or not and then I could have asked some more questions. Thank you.

MR. RIVLIN: If Your Honour could just allow me one moment. Well Your Honour I have got in my hands now a book that goes up to October, late October, 1969.

G HIS HON. JUDGE STROYAN: Yes

MR. RIVLIN: I see that there are some entries in it relating to November, 1969. Yes, November, 1969. If the defendant wishes to look at this book he can do so, although

HIS HON. JUDGE STROYAN: Do you want to look at it Mr. Symonds?

H MR. SYMONDS: Yes I would like to have a look at it please.

MR. RIVLIN: Subject to his doing so I have no questions to ask of this witness.

HIS HON. JUDGE STROYAN: No. Did you make entries in that book? - A: I have made entries My Lord, yes.

A MR. SYMONDS: Well may be the witness could look at this. Looking at the back pages of that book Mr. Thompson, would you say that that was where the cigarettes should have been entered: 'Property brought to the Station' suspected stolen and having been concerned in crime? - A: Yes it would appear so.

B Q: And would you say that that is the book which covers that period of the 20th of September? - A: Yes this would appear to be the book for that period.

Q: And there is no entry in the back of the book in respect of those cigarettes
A: No there isn't.

Q: Yes thank you. No more questions Your Honour.

C MR. RIVLIN: Yes, could I have the book please?

HIS HON. JUDGE STROYAN: I suppose that ought to be exhibited?

MR. RIVLIN: Your Honour, I have no objection to it being exhibited certainly. I haven't had a look at this book.

D HIS HON. JUDGE STROYAN: I haven't either.

MR. RIVLIN: I know.

HIS HON. JUDGE STROYAN: All I know about it is that it is not relevant. Whether the Jury want to have a book which is not relevant I don't know.

MR. RIVLIN: Well that is another problem.

E MR. SYMONDS: Your Honour, if there had been an entry properly made saying who had brought the cigarettes to the Station etc. then it might have been relevant, I don't know.

HIS HON. JUDGE STROYAN: Well I don't think we need worry with a book that is not going to help. We have there an answer that it is a book which hasn't had any entries put in it. Let us leave it there.

F MR. RIVLIN: Well Your Honour I go on to call the next witness, William Kenneth James.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Yes, thank you very much officer. If you would be so kind as to wait outside for a short while. Thank you.

G (Witness withdrew)

WILLIAM KENNETH JAMES (Detective Inspector) SWORN

EXAMINED BY MR. RIVLIN

H Q: Your name, rank and appointment please officer? - A: William Kenneth James, Detective Inspector, stationed at Nuneaton, Warwickshire.

- A** Q: And is it right, Inspector, that in September of 1969 you were a Sergeant a Detective Sergeant stationed at Nuneaton? - A: That is correct.
- Q: And on Monday the 22nd of September of 1969 - in the morning - did you go to the premises of the Co-operative Society in Abbey Street, Nuneaton and there discover that there had been a burglary? - A: I did.
- Q: Although is it right to say that there was no sign of forcible entry? - A: That is correct.
- Q: And was it alleged that a large quantity of cigarettes had been stolen? - A: That is correct, yes.
- B** Q: Did you receive a telephone message later on that day from the Peckham Police Station? - A: I did.
- Q: And as a result of receiving that message, the following day did you leave for London? - A: I did.
- C** Q: Alone or with other officers? - A: I went with one other officer at that time, a D.C. Wilson.
- Q: Did anyone else join you? - A: Er ... later that ... on the evening of that day they did, yes.
- Q: Who was that? - A: That was Detective Constable Cook and Detective Constable Hannis.
- D** Q: Now on the 24th of September did you arrest a man by the name of Brooks? A: I did.
- Q: And was he placed in a cell in the Peckham Police Station? - A: That is correct.
- Q: During the evening of the same day did you arrest another man? - A: I did.
- E** Q: Perry? - A: Yes.
- Q: And which Police Station did you take him to? - A: I took Perry to Camberwell Police Station.
- F** Q: Now I would like to ask you what happened when you took Perry to the Camberwell Police Station. Can you remember at approximately what time it was that you arrived there? - A: We had arranged to do the first watch on Perry's flat. It was dark, I believe, as we were driving across London and I drove Perry's car across London with him in it to the Camberwell Police Station and I would think it would be somewhere 6, 7 o'clock.
- Q: Yes, and when you took him to Camberwell what did you do? - A: He was ... er ... he was lodged in the cells at Camberwell ..
- G** Q: Yes. - A: And then I went with D.C. Wilson for refreshments.
- Q: Where did you go to? - A: To a fish and chip shop near the Police Station.
- Q: Did you see anybody or meet anybody there? - A: In the fish and chip shop?
- H** Q: Yes. - A: No.

Q: Did you see anyone after you had been to the fish and chip shop? - A: Yes we saw D.C. Hannis, D.C. Cook, the accused and we went to a pub with them close by.

A Q: You went to a public house close by? - A: Yes.

Q: Where did you meet them before going to the public house? - A: Over the road from the fish and chip shop.

Q: Whilst you were in the public house was there a conversation, just answer 'Yes' or 'No'? - A: Yes.

B Q: Did the defendant ask something of you? - A: He did.

Q: What did he ask of you? - A: He asked me if I minded if he had a word with the prisoner on his own.

Q: Did he explain why he would like to speak to him? - A: Well he was the local officer, he knew Perry and he might be able to ... er ... able to get him to tell the truth better than I could, not knowing him.

C Q: Did you agree to ...

HIS HON. JUDGE STROYAN: Just a moment please.

MR. RIVLIN: Did you agree to that? - A: Indeed I did.

D Q: Did you have any objections to that course at all? - A: None whatsoever.

Q: Just answer this question as simply as you can. At that stage did you have any hard evidence against Perry? - A: No.

Q: Can you say whether of your own knowledge the defendant, Mr. Symonds, or Sergeant Symonds as he was, knew that, he knew you had no hard evidence against him? - A: He knew.

E Q: He knew that? - A: Yes.

Q: Did Sergeant Symonds speak to you again that day? - A: Yes.

Q: You tell the Jury the circumstances in which he spoke to you? - A: Well I was at the Police Station there and Sergeant Symonds ...

F HIS HON. JUDGE STROYAN: Is this Camberwell? - A: Camberwell, yes, and Sergeant Symonds came out to me and said "I think he will plead to a Section 1." The 1968 Theft Act had just come out and that meant he would plead guilty to theft as opposed to burglary.

HIS HON. JUDGE STROYAN: What time was this about? Afternoon or morning? - A: Oh that was in the evening.

G HIS HON. JUDGE STROYAN: The evening, yes.

MR. RIVLIN: Well you had been for a drink, hadn't you, that evening? - A: Oh that was only for 10 minutes.

Q: Just a short? - A: Just ... we were 10 minutes in the pub and that's all.

H Q: Yes, very well. Now that night did you take Perry back to Nuneaton? - A: I did. Oh no I didn't.

Q: Well did you return to Nuneaton? - A: I did.

Q: Did Perry go to Nuneaton? - A: He did.

A Q: And when I said you, perhaps we can put it more accurately, but did your police officers ...? - A: Yes.

Q: Take Perry back to Nuneaton? - A: We did, yes.

Q: And did you interview Perry either that night or the following day or both?
A: I interviewed him the following day not that night.

B Q: On one occasion or more than one occasion? - A: More than one occasion.

Q: If you can just answer this question 'Yes' or 'No' please. Did you obtain any more hard evidence as a result of interviewing Perry than you had the previous day? - A: No.

Q: Yes, would you please wait there.

C

CROSS-EXAMINED BY MR. SYMONDS

Q: Mr. James, when did you first find out the Co-operative Society building in Nuneaton had been broken into? - A: About 9 a.m. on Monday the 22nd of September.

D Q: And did you with other officers go there and search for fingerprints and clues? - A: Yes.

Q: But did you find that the cleaners had already been into the stores and there was no clues to be found? - A: There was no prints to be found because there was no obvious point of entry for a start off.

E Q: And had the cleaners been into the store that morning? - A: I believe they had.

Q: And did you later find that the cigarettes had in fact been in custody at Peckham Police Station since the previous Saturday night? - A: I did.

Q: So were you somewhat surprised at this delay? - A: Yes.

Q: And if you had been

F HIS HON. JUDGE STROYAN: Just a moment. Just a moment. What day of the week was the 22nd did you say? - A: The 22nd I found out.

HIS HON. JUDGE STROYAN: What day of the week was that? - A: The Monday was the 22nd, they were stolen on the 20th sir.

G HIS HON. JUDGE STROYAN: Yes, the Saturday night. The first time you went round was Monday the 22nd, the burglary having been on the Saturday the 20th? - A: That was our information later on, that the burglary had been on the 20th.

HIS HON. JUDGE STROYAN: And you discovered the cigarettes had been at the Peckham Police Station was it or Camberwell? - A: At Peckham.

H HIS HON. JUDGE STROYAN: Cigarettes at Peckham, yes. - A: The cigarettes had been at Peckham. I was informed at 5 p.m. on the 22nd they had been there and I understand discovered on the Saturday the 20th, the evening of

Saturday the 20th, the same night the shop had been done.

HIS HON. JUDGE STROYAN: Yes.

A MR. SYMONDS: And there would have been officers on duty at Nuneaton Police Station on the Sunday, the day in between, would that be right? - A: Yes that would be correct.

Q: And if your Station had been informed of the recovery of these cigarettes would it have been possible, perhaps, to have found some clues and fingerprint marks in the Nuneaton Co-operative? - A: I couldn't answer that.

B Q: Some time after making your initial enquiries in the Nuneaton Co-operative was a phone call received at your Police Station from an informer? - A: I am unable to answer that, I wasn't there.

Q: Did it later come to your knowledge that a phone call had been received from an informer? - A: Yes.

Q: Did you later meet this informer? - A: Yes.

C Q: And did the informer tell you two names that had been concerned in this break-in? - A: One name and a description, originally.

Q: Did the informer seem to have considerable knowledge of the crime and how it had been committed? - A: Yes.

D Q: Sufficient to satisfy you as to the veracity of his information? - A: Yes.

Q: And as a result of the information received from this informer did you then set out to arrest Mr. Brooks and Mr. Perry? - A: Yes.

E Q: Now when you arrived at Peckham Police Station did you find that there appeared to be some dissension between the uniform and the C.I.D. and that this dissension appeared to arise out of the discovery of these cigarettes and their handling thereafter? - A: I couldn't put it down to that. I certainly found there appeared to be dissension amongst the C.I.D. at Peckham and the uniformed officers.

Q: Would it be right to say that when you arrived at Peckham you would normally have been expecting to have dealt with the C.I.D. officers as this would have been a C.I.D. case? - A: Yes.

F Q: And did you in fact find yourself dealing with uniformed officers for assistance in tracing vans and such? - A: I found myself dealing with a mixture. Indeed I thought I was - one of the officers - was a C.I.D. officer until I found out the following day or I saw him the following day in uniform. The day he was with me he was in plain clothes.

G Q: And later that day did you succeed in arresting Mr. Brooks in Peckham Market Place? - A: Yes. I couldn't tell you if it was the Market Place; in Peckham near the High Street.

Q: And some time after lodging him in Peckham Police Station did Mr. Brooks in fact escape? - A: I was informed he had escaped later on, yes.

H Q: At some stage during your search for Mr. Perry were you informed that officers at Camberwell had in fact been keeping a dossier on Mr. Perry and
....

HIS HON. JUDGE STROYAN: No.

MR. SYMONDS: No?

HIS HON. JUDGE STROYAN: No. You know Mr. Symonds you are not allowed to ask of the witness what other people told him.

A MR. SYMONDS: Very good. Why did you contact Camberwell police officers at some stage? - A: I didn't.

Q: Do you know why another officer did? - A: Someone told me

HIS HON. JUDGE STROYAN: No.

B MR. SYMONDS: Did it ever come to your knowledge that officers at Camberwell were, and had been for some time, taking an interest in Mr. Perry and his associates? - A: Yes.

Q: And that officers in Camberwell knew where Mr. Perry was living at that time? - A: Yes.

Q: And could thus help you to find him and arrest him? - A: Yes.

C Q: And as a result of that information did you then meet myself and Sergeant Harley? - A: I did indeed.

Q: And did Sergeant Harley and myself then take you to a house where Perry was living? - A: Yes.

D Q: And was this - or I should have said a flat - was Mr. Perry's flat situated above a sweet and cigarette shop? - A: At 40 Nunhead Lane, Yes.

Q: And was it quite obvious to you that I was familiar with the owner of this sweet and cigarette shop? - A: You certainly left us in the side street and went to see him to obtain the key.

Q: To obtain the key to the flat? - A: Yes.

E Q: And was it to your knowledge that I had sent two junior officers off to get a search warrant? - A: They came back with a search warrant while we were waiting, yes.

Q: And having secured a search warrant and having secured the key to the flat from the owner underneath did we all then enter the flat? - A: Yes.

Q: And search it? - A: Yes.

F Q: And in the flat did we find certain items of interest to us? - A: Yes.

Q: For example, did we find a large pair of bolt croppers? - A: We did.

Q: Did we find a number of knives? - A: Yes.

Q: Daggers etc.? - A: Yes.

G Q: Secreted around the flat? - A: Yes.

Q: Particularly on the door? - A: On the door lintels, yes.

Q: Did we find a large amount of clothing? - A: I cannot recall that. I recall ... the only thing I can recall about clothing is ... em ... empty shirt boxes but I cannot recall a large amount of clothing. I did ... the room I searched with another officer was the old man's room that we didn't know it was his room at the time. There was an old man living on that floor.

H

Q: And then after searching the flat was it then decided to split forces, as it were, into two parties; one party of which would go off and take refreshments, returning later to relieve the party who were staying on behind? - A: Yes.

A Q: And some time later did Mr. Perry return? - A: Yes.

Q: And was he identified to you by Detective Constable Hill? - A: One of the detectives from Camberwell, yes.

Q: And you arrested him? - A: Yes.

B Q: Did you question Mr. Perry at that time to tell or let him know in any way why you were arresting him? - A: I told him why he was being arrested, yes.

Q: And did you question him referring to the Nuneaton aspect, the Co-op etc.? A: No because he denied knowing where the place was.

C Q: And when you say you drove Mr. Perry's car to Camberwell Police Station? - A: Yes.

Q: Why did you take Mr. Perry to Camberwell and not to Peckham? - A: Because we were with Camberwell officers at that stage and we already had Brooks at Peckham. We didn't want to put them together.

D Q: And then once you arrived at Camberwell Police Station did you then question Mr. Perry in respect of the break-in of the Co-op at Nuneaton? - A: No, no.

Q: Well why was that? - A: Because he was placed in the cells.

Q: Was it your intention to question him at some later stage? - A: Indeed.

Q: At Nuneaton? - A: Yes.

E Q: Now when you were at Peckham did you make enquiries as to whether any fingerprints had been found on the cartons or the boxes? - A: Yes.

Q: Did you speak to a Mr. Moth a fingerprint officer? - A: I couldn't tell you.

Q: And were you told whether fingerprints had been found or not? - A: I was.....

F HIS HON. JUDGE STROYAN: No. - A: As far as I am aware no fingerprints were found.

MR. SYMONDS: So you proposed to take Mr. Perry back to Nuneaton purely on the say so of the informer, is that it? - A: Yes.

G Q: I can jump a bit here. When you arrived back at Nuneaton did you tell Mr. Perry that you had his fingerprints? - A: I could well have done.

Q: But this would have been a bluff of course would it? - A: Yes.

Q: Now you say that when Perry was taken back to Camberwell he was lodged in a cell. Are you sure about that, was it a cell or was it a detention room? A: I have no idea. I was told he was lodged in the cell. I had nothing to do with processing him other than telling the Station Officer the details for the charge. I never at any stage went near the cells at Camberwell or indeed at Peckham.

H

Q: And at what stage did you learn that Mr. Brooks had escaped? - A: When I sent ... I sent ...

A Q: In this series of events? - A: I had three men there. We had one car at Camberwell and we were going to bring the two prisoners back separately. So the three men went to Peckham, two of them were picking up Brooks in the one car and the other car was going to be brought back to take the other man up and I had a phone call from Detective Constable Hannis which said "you will never believe this"

HIS HON. JUDGE STROYAN: No I don't expect you did, but you are not allowed to say so. We can all guess what he said. - A: Yes.

B MR. SYMONDS: And your recollection of the cells at Camberwell ... well would you start off by saying that Camberwell was a very small Police Station?
A: By my County's standards, no.

Q: With three or four cells? - A: I have no idea.

Q: Did you ever go down to the cells at all? - A: No.

C Q: And so far would you say that you had received considerable help from the Camberwell officers that you had met and dealt with? - A: Indeed I did consider so.

Q: Would you say you received more help and assistance, shall we say, than you had received at Peckham? - A: No. I received a considerable amount of help at Peckham.

D Q: But was there anything at Peckham which caused you any feelings of resentment or distress or suspicion that happened? - A: The whole atmosphere in the Metropolitan was fraught.

Q: With what? - A: With a feeling I didn't like.

E Q: And would you say that this feeling existed at Camberwell? - A: I had very little to do at Camberwell.

Q: And when you were discussing the situation of Mr. Perry with myself and other officers at Camberwell Police Station, did you ask us for our assistance in dealing with him? - A: You offered your assistance. I didn't specifically ask for it, not that I didn't welcome it, but I didn't ask for it, it was offered by you.

F Q: You see the allegation is that I went down to Mr. Perry's cell and tipped him off about something, that is why I am standing here now? - A: That may well be.

Q: Pardon? - A: That may well be, I don't know.

G Q: Would you think that if I as Detective Sergeant at Camberwell in my own Police Station, wanted to tip off somebody, wouldn't you think that I could just go down there and tip him off, why should I come to you and ask you if I can go there? - A: Because you had asked my officers previously if they would mind you going to see him and they told you to wait until you saw me - on two occasions - that is why you asked me.

H Q: Is this to your knowledge? I notice the Judge hasn't jumped in to stop you. Because is this to your knowledge or is it were you there when this was said or was this what was said afterwards, some time afterwards? - A: This is not to ... this is not to my knowledge, you know that. This is what I have been told.

Q: What you have been told? - A: Yes.

Q: I suggest that you know better than to make such statements.

A HIS HON. JUDGE STROYAN: No, no, no, that won't do. Mr. Symonds, you ask a question without thinking about it - it appears occasionally - and when you get an answer which you don't like you come out with a reply like that.

MR. SYMONDS: Well you jump in every 5 minutes Your Honour, and I notice you didn't on that occasion.

B HIS HON. JUDGE STROYAN: I am not having you being rude to me. I have already warned you about this, it doesn't help you at all. Let us stick to the facts of this case.

MR. SYMONDS: So when we were discussing the situation in the public house was it decided to con Perry, as it were, by telling him that his fingerprints had been found and that he was going to be charged because they had been found? - A: No, no.

C Q: Was it decided that having told Mr. Perry this you were going to give him 'cold turkey' treatment, you were going to take him back to Nuneaton and lock him up for 24 hours? - A: No.

Q: And did you do that? Did you lock him up for 24 hours at Nuneaton? - A: I did. Not for 24 hours.

D Q: And leave him there for to sweat? - A: Wait, wait, not for 24 hours at Nuneaton. You know that the only time we can keep prisoners arrested without charging or taking them before the Court is 24 hours. He was kept for 24 hours from the time of his arrest and then he was released because I couldn't keep him any longer.

Q: And did you take any steps to interview him while he was up there? - A: I did.

E Q: And if you had taken any steps to interview him wouldn't this have been, wouldn't there be a Station record to show this? - A: There would be a charge sheet.

Q: Would you look at that charge sheet please.

HIS HON. JUDGE STROYAN: Is that the charge sheet? - A: That is the charge sheet Your Honour.

F HIS HON. JUDGE STROYAN: Has it got a charge on it? - A: No indeed.

HIS HON. JUDGE STROYAN: Oh. - A: We do call it a charge sheet.

HIS HON. JUDGE STROYAN: Yes I see.

G MR. SYMONDS: And while you are looking at it, was there once a charge written in in pencil which was afterwards rubbed out? - A: That I cannot tell you, it would be possible. I cannot tell you that, I cannot see it. Possibly there was because usually when someone is arrested on suspicion it is entered in pencil on the charge sheet first, arrested on suspicion of whatever it is and if it is decided to bail a man 38/2 it is then typed in.

H Q: Now looking at that charge sheet, can you please point out the times that you visited Mr. Perry in his cell to question him? - A: I cannot, no.

Q: And why is that? - A: Because the Station Officer hasn't entered it in.

Q: Would it be right to say that in fact according to that charge sheet Mr. Perry was left quite alone apart from being taken meals during the time he was in your Police Station? - A: Yes it would.

A

Q: And would this not be the 'cold turkey' treatment as discussed in the pub at Camberwell? - A: There was no 'cold turkey' treatment as you call it discussed at Camberwell at any stage and you well know it, and I cannot see the point if you are saying that ... how you are saying 'cold turkey' treatment and the man was ... yet you're suggesting that the man was never seen at all, so what is that? Where does that get you?

B

Q: That is 'cold turkey' treatment Mr. James. - A: Well you're teaching me something then.

Q: So would you agree then that according to the official charge sheet of your Nuneaton Police Station, Mr. Perry was not seen at all during those 24 hours apart from being taken meals? - A: I agree that as shown on the charge sheet you are correct, there is no record of the visits and the interrogations of Perry.

C

HIS HON. JUDGE STROYAN: Well how many times do you say that you visited him?
A: I interviewed him three or four times. In fact I have never heard the phrase 'cold turkey' outside the pictures.

MR. SYMONDS: And then at some stage after Mr. Perry had been in your Police Station for some hours did you take his fingerprints and his photograph? -
A: No.

D

Q: Are you quite sure about that? - A: I am quite sure.

Q: Could some other officer have taken his fingerprints and his photograph? -
A: Oh yes they would have been.

E

Q: And would this be indicative that he was being charged? - A: Not necessarily.

Q: If a prisoner was sitting in a cell and suddenly taken out and having his fingerprints taken and his photograph would he imagine that he was being charged? - A: I would have no idea what he would be imagining.

Q: But normally

F

HIS HON. JUDGE STROYAN: No, no, no. You know you cannot ask one witness what another witness's thoughts are.

MR. SYMONDS: Particularly if that prisoner had been told on arrival - before leaving London that his fingerprints had been found and he was going to be charged and if he had been told again on his arrival at Nuneaton - that his fingerprints had been identified and he was going to be charged.

G

HIS HON. JUDGE STROYAN: That is not a proper question as I have just explained to you. It cannot be answered. You cannot ask somebody what somebody else thought. You can ask him what he did or didn't do. The reason he gives.

MR. SYMONDS: And given Mr. Perry's fingerprints and photograph procedure have been taken, could it have been done with the intention of convincing Mr. Perry that he was in fact being charged? - A: No.

H

Q: At what stage was it decided to release Mr. Perry? - A: When he said something to me, and after some further considerable questioning regarding the matter he spoke to me about.

A HIS HON. JUDGE STROYAN: Just a moment. You decided to release him on bail, is this right? - A: Yes as a result of something he said to me.

HIS HON. JUDGE STROYAN: Very well that is enough. Yes.

MR. SYMONDS: And was there something Mr. Perry said to you, the offer of a bribe? - A: To whom?

B Q: To you? - A: No.

Q: Did it ever come to your knowledge that Mr. Perry had offered police officers at your station a bribe? - A: I was told when he had gone in fact.

C Q: And who of the police officers did Mr. Perry offer a bribe to, which ones? A: I'm not absolutely positive, I think it was D.C. Wilson and D.C. Clarkson who came up and said after that "do you know what he said, he said what if I give you 20/25 pounds each to get out?" and they laughed and I laughed. I thought it was ludicrous that a man would say a thing like that.

Q: Yes, and would such an offer be an offence in the Nuneaton Police Force, the offering of a bribe? - A: Indeed.

D Q: It would be.

HIS HON. JUDGE STROYAN: I can think of no Force, as it were, in which it would not be an offence.

MR. SYMONDS: And you were rather anxious to charge Mr. Perry were you not? - A: I told you Mr. Symonds, I laughed when I heard.

E Q: But there you have Mr. Perry, he has been sitting in your cells for 24 hours

HIS HON. JUDGE STROYAN: No that is not accurate and you know it isn't accurate.

MR. SYMONDS: Well what is not accurate Your Honour?

F HIS HON. JUDGE STROYAN: He has not been sitting in this officer's cells for 24 hours, he has just told you.

MR. SYMONDS: He has been sitting in your cells for 'x' number of hours, you want to charge him with something, is that right? You want to find a way to keep him there because you are only allowed to keep him for 24 hours, is that right? - A: I wanted an admission.

G Q: Well what about attempting to bribe two of your officers, did that ever cross your mind? - A: As I said, I didn't know about it until after he was released and I laughed, the same as the officers did, at it. It was a joke as far as we were concerned.

Q: And so of course you made a report about this matter to your senior officer, did you? - A: No.

H Q: Why was that? - A: Because I didn't think it worth reporting.

Q: Now you said that you decided to release Mr Perry because of something he said to you? - A: Yes.

Q: What was this, a denial of the offence? - A: He denied the offence.

A Q: Or an alibi? - A: He had denied the offence all the way along.

Q: Well in view of Perry's allegations, Your Honour, I don't see why we shouldn't have this out. It has already been out.

HIS HON. JUDGE STROYAN: Well I am not sure what the next question is going to be.

B MR. SYMONDS: What was it that Mr. Perry said to you that made you decide to release him?

MR. RIVLIN: Your Honour, may I say that before the witness answers, I have no objection to him answering, but I can only see one answer and I really wonder whether Mr. Symonds wants it. I interjected at this stage to spare the defendant against a piece of prejudicial hearsay evidence and inadmissible, but if he really wants it

C MR. SYMONDS: Your Honour, this has been out, it came out in Mr. Perry's evidence, what he is supposed to have said to the Sergeant.

MR. RIVLIN: Oh no, Your Honour, it was done in an admissible way because what Mr. Perry was ... the only questions that I am entitled to ask of the Police or Mr. Perry are things that happened between himself and the defendant.

D HIS HON. JUDGE STROYAN: And the defendant, yes.

MR. RIVLIN: And Mr. Perry dealt with that. He dealt with a conversation in a motor car ...

HIS HON. JUDGE STROYAN: Yes.

E MR. RIVLIN: Relating to what was said between himself and the defendant, and indeed when Hannis gives evidence I believe he can deal with the matter in an admissible way. I have no objection - may I make it clear - but the defendant might be put on guard that he might not get an answer that he likes.

HIS HON. JUDGE STROYAN: Yes, well Mr. Symonds?

F MR. SYMONDS: Well in that case I would like to discuss it with my solicitor for a couple of minutes Your Honour.

HIS HON. JUDGE STROYAN: You have heard what has been said. The question, before you put it, is inadmissible because the answer would be hearsay. I have given you a great deal of latitude so far. If you want to ask this question - although the answer is strictly inadmissible - I am not going to stop you, you seem to attach a great deal of importance to matters, whether they are relevant or not is another matter, but I am not going to stop you asking the question but I may put you on guard that you may get an answer that you don't like.

G MR. SYMONDS: I want to check with the solicitor Your Honour, but I think what is on the tip of Mr. James tongue, as it were, is already before the Court and the Jury, and I may be wrong about that and that is what I would like to check up on.

H

HIS HON. JUDGE STROYAN: Well I think you are, but I will rise for a couple of minutes, and I only mean a couple of minutes.

A MR. RIVLIN: Your Honour, before you do; there was a point raised with the last witness, the last officer about the question of the entering of the cigarettes, his words.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: It is not always easy to trace the relevant document immediately
....

B HIS HON. JUDGE STROYAN: No.

MR. RIVLIN: Because we have got a whole mass of documentation.

HIS HON. JUDGE STROYAN: Yes.

C MR. RIVLIN: We have traced the relevant documents and I am going to hand up to the defendant. I very much hope It won't be necessary for Inspector Thompson to come back into the witness box but may I say we have kept him here.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: This is the document which records the cigarettes that were taken into the Police Station.

D HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And

HIS HON. JUDGE STROYAN: Well if the matter is going to be left in the air and the defendant is going to comment on it we better have him in.

E MR. RIVLIN: Your Honour, I would like the defendant to see them and see if it is necessary to trouble him.

HIS HON. JUDGE STROYAN: Yes, that can be done in the course of the next two or three minutes.

(Adjournment)

F MR. RIVLIN: Your Honour, this document has been shown to the defendant and I am led to believe the Defence are prepared to admit that there is a proper record of the receipt of the cigarettes into Police custody and in those circumstances I should not call or apply to recall

HIS HON. JUDGE STROYAN: No.

G MR. RIVLIN: Mr. Thompson.

HIS HON. JUDGE STROYAN: No, is that right Mr. Symonds?

MR. SYMONDS: Yes Your Honour.

HIS HON. JUDGE STROYAN: Thank you.

H MR. RIVLIN: Thank you.

HIS HON. JUDGE STROYAN: Defendant admits proper receipt of cigarettes. On what date?

MR. RIVLIN: According to the record the 20th of September.

A

HIS HON. JUDGE STROYAN: Is there a time on it?

MR. RIVLIN: Well, Your Honour, there is "20th of September, '69 5.00 p.m." and next to it 21st of September '69 5.00 a.m. Now I cannot for the present time unravel those two but it is clearly at that time, that weekend.

B

HIS HON. JUDGE STROYAN: Yes, thank you. That is the Peckham ...

MR. RIVLIN: Yes. The first date and time is the date and time when the property was found and the second is the date and time when the property was deposited.

HIS HON. JUDGE STROYAN: Yes, thank you, and that is the Peckham Police Station book?

C

MR. RIVLIN: Yes it is Your Honour.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: So we were at the point of discussing the fact that you say you decided to release Mr. Perry because of something he said to you? -
A: Yes.

D

Q: And that thing he said to you was it ... did he name any names? - A: No.

Q: What exactly did he say to you? - A: He said: "I have been told by a police officer in London to say nothing, that you have got nothing on me to prove it."

Q: And so at that stage you immediately decided to release him? - A: Oh no, indeed.

E

Q: Yes? - A: No.

Q: So what did you do? Did you try to establish from Mr. Perry who had told him to say this? - A: Yes.

Q: And did you establish from Mr. Perry who had told him to say this? -
A: No.

F

Q: Did you ask him about Peckham Police Station? - A: Not in particular.

Q: Did you ask him why the police officers at Peckham were making themselves busy? - A: No.

Q: Did you say that you were under the impression that the police officers at Peckham were going to tip everybody off? - A: No.

G

Q: Did you ask him if he knew the names of any of the officers at the Police Station? - A: No the only name I was interested in was the one who had told him that.

Q: And did you decide to report all this to a senior officer? - A: Officially?

H

Q: Yes. - A: No.

Q: Why not? - A: What proof did I have? I had this ...

Q: Is it not a fact that you were dealing with a man known to you as a professional criminal? You knew about his previous convictions I take it?

A A: He was an ordinary ... he was an ordinary small time crook.

Q: Yes. - A: Nothing professional about him.

Q: And this sort of allegation one would expect, would you not, from such a person? - A: No, I had reason to believe what he was telling me was the truth.

B Q: And what reason did you have to believe this? - A: I had ... I knew when the shop had been done, how many had been there, what his part was in the offence, the fact that they were all in white coats and it is normal for a man like that - he wasn't a professional crook he was a small time crook, nothing professional about Perry and you know that, you know his record - and I was surprised that the man didn't come over the top and tell us, and make an admission of his part in it. I couldn't understand why he wasn't because in my experience when you have that much and they know you have that much, and they know it is right, they tell you.

C Q: But Mr. Perry turned round and said: "I still don't admit it because I've been told to say nothing" did he? - A: Mr. Perry says: "I'm saying nothing. I've been told by a policeman in London that you have got nothing that you can prove."

D Q: And did you ask Mr. Perry why the Sergeant at Camberwell wanted him charged with Section 1 theft? - A: Did I ask him why?

Q: Yes. - A: No.

Q: And did you ask Mr. Perry if he knew me? - A: No. I knew you.

Q: You see because Mr. Perry has said - and correct me if I am wrong here Tim - has said that he told you that I told him to say nothing? - A: No.

E Q: Sergeant Symonds from Camberwell? - A: No indeed not.

Q: So that would be wrong would it? - A: It would. It is wrong, not 'would 'is.'

F Q: And then did you take Mr. Perry out to a uniformed Sergeant and say to the uniformed Sergeant "he's just been telling us about our friends in the Met. they're worse than the villains"? - A: No.

Q: You see I am reading from Mr. Perry's statement now. So would it appear that nearly everything Mr. Perry said? - A: I didn't say it to a uniformed Sergeant.

G Q: Pardon? - A: That wasn't said to the uniformed Sergeant, that was said to the Detective Chief Inspector.

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

Q: You see Mr. Perry said it was a uniformed Sergeant? - A: He is mistaken.

H HIS HON. JUDGE STROYAN: Did you make this observation? - A: I did, but I actually said "if this is right the officers in the Met. are worse than the villains."

Q: And you were basing that observation upon what? - A: Perry's story.

Q: Perry's story? - A: Yes.

A Q: Which was what, he had been told to say nothing? - A: Yes.

Q: Or more than that? - A: That we had no evidence, which only a policeman would have known. Perry wouldn't have known it because we knew so much without having actual evidence.

Q: Was your informant's name O'Rourke? - A: Yes.

B Q: And after Perry was released did you see O'Rourke at some time later that day or the next day? - A: No.

Q: Did one of your officers see him? - A: That day or next, no, not that I know of. He was seen some time later by someone, yes.

Q: Did you later hear that when Mr. Perry had left your Police Station that he had gone straight to see O'Rourke? - A: No.

C HIS HON. JUDGE STROYAN: No.

MR. SYMONDS: Did it later come to your notice that Perry alleged that he had secured his freedom from Nuneaton Police Station by paying a bribe? - A: Would you repeat that?

D Q: Perry alleged to Mr. O'Rourke that he had secured his freedom from the Nuneaton Police Station by paying off one of your officers?

HIS HON. JUDGE STROYAN: That is a wholly improper question which you need not answer and you should not have asked, which you know quite well.

MR. SYMONDS: There is evidence here Your Honour.

E HIS HON. JUDGE STROYAN: No, you are not asking that question and you know perfectly well why not.

MR. SYMONDS: So did you make a report then about all these things? - A: Everyone at Nuneaton Police Station was well aware of what had happened and what my feelings in the matter were, from the Chief Superintendent down to the youngest probationer.

F Q: And did you make an official report about this? - A: About what?

Q: About Mr. Perry's allegations to you? - A: No.

Q: Why not? - A: What was I to report?

Q: The allegation. Did you later report these allegations? - A: That some policeman in the Met. had told him to say nothing? That is all I had, that some policeman in the Met.

G Q: Had told him to say nothing? - A: Yes.

Q: So you didn't think it was worthwhile making a report then in September, 1969 about these matters? - A: No.

H Q: But you did think it worthwhile to make a report in December or January about this allegation and did you not then make a report? - A: When I saw the Times and the story in the Times, yes, I made a report.

Q: And would you now please look at this report which I believe Mr. Moody took possession of? - A: I don't know what Mr. Moody took possession of at all. It would be round about the 13th, I believe, of December of 1969.

A HIS HON. JUDGE STROYAN: Were there some names in the Times report? - A: No there were no names Your Honour. What there was was a photograph of Perry with his face blacked out and a photograph of his car and I recognised both.

HIS HON. JUDGE STROYAN: Yes.

B MR. RIVLIN: We are doing our best to find it Your Honour. I wonder if the defendant might feel able to in the meantime to ask questions of the witness and if the witness finds it difficult to answer then he can say I cannot answer without my report.

HIS HON. JUDGE STROYAN: Yes, very well. You go on Mr. Symonds.

MR. SYMONDS: What decided you to make a report about an alleged allegation by Mr. Perry to you? What decided you to make a report in December? -

C Q: It wasn't

Q: When you had considered it unnecessary in September? - A: It wasn't only in the context of the allegation that had been made to me by Perry that I made that report. That report was made in the context of other things that had gone on in the Metropolitan area, in other areas, in other places other than Peckham.

D Q: And this is all calculated in your report is it? - A: Yes.

Q: What you know about the Met. that sort of style? - A: No not at all.

Q: I will be expecting to see in this report? - A: To explain what?

Q: Did you also make a report against Mr. Moody that he had assaulted you? - A: No.

E Q: Did Mr. Moody assault you? - A: No.

Q: Did he assault any of your officers? - A: Not that I know of.

Q: Is there a report in existence anywhere claiming assault? - A: No. I certainly complained about Mr. Moody.

F Q: And was your complaint to do with an alleged assault? - A: No.

Q: Was your complaint to do with the fact that you thought that he suspected you or one of your officers? - A: Yes.

Q: And was that in connection with the revelation at that time that Mr. Perry had been offering bribes around to your police officers? - A: No, that was when I accused Mr. Moody and the other Detective Chief Superintendent of head hunting in Nuneaton.

G Q: Was that Mr. Emmet? - A: No, it is Detective Chief Superintendent Lambert with Mr. Moody.

Q: And by head hunting did you mean that you felt that there was some suspicion attached to either yourself or one of your officers in connection with this matter? - A: I knew there was no suspicion attached to any officer in Nuneaton but they came up and their attitude was as if they were looking for a scapegoat in Nuneaton.

H

Q: Which means surely that you felt ...

HIS HON. JUDGE STROYAN: Just a moment. It seems to me you are getting further and further from the facts of this case. Can we get to something which matters?

MR. SYMONDS: Tim, Tim. If you say you felt that the investigating officers were searching for a scapegoat this must mean, surely, that you felt that there was some suspicion attached to either yourself or one of your officers at Nuneaton? - A: Not necessarily, no.

Q: Now when you were dealing with Mr. Perry when you arrested him, and afterwards when you were questioning him, did you make any notes anywhere in your notebook or any official record of what was said to Mr. Perry or by Mr. Perry? - A: No.

Q: By yourself? - A: No.

Q: And did any of your officers make any such record? - A: I don't know, not that I know of.

Q: And so would it be right to say that the very first record of any recalled conversation or allegations, or whatever the very first words that were written about this matter were written in December, 1969? - A: Yes. As far as I am concerned, yes.

Q: And is it to your knowledge that apart from yourself and two or three other C.I.D. officers, none of the other Nuneaton officers - uniformed or C.I.D. - corroborate what you have to say?

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

MR. SYMONDS: Well shall I read out his statement to him?

HIS HON. JUDGE STROYAN: No you will not.

MR. SYMONDS: Because I believe Mr. James, you said everyone knew about it that is why I made that point. I believe you said the Chief Superintendent to the lowest Clerk or whatever, that is why I thought I would be entitled to put the other side of the coin.

HIS HON. JUDGE STROYAN: It was a wholly improper question and the sort of which we have had far too many of today.

MR. SYMONDS: When and by whom was it decided not to recall Perry to Nuneaton to comply with his bail?

HIS HON. JUDGE STROYAN: You can ask him if he came to the conclusion about it. If he can answer that, and if he cannot it is not relevant.

MR. SYMONDS: Did you come to the conclusion not to recall Perry to comply with his bail? - A: Any Section 38/2 letter that is written from Nuneaton is done by a Superintendent.

Q: But would the Superintendent seek some form of advice from the officer in the case before sending such a letter? - A: Of course.

Q: And would you, therefore, have advised your Superintendent that Perry should not be recalled to Nuneaton? - A: Yes.

Q: And can you recall at what date you did this? - A: No, but

Q: Well if you look ... I think it is an exhibit ...? - A: It should be on the charge sheet.

HIS HON. JUDGE STROYAN: It is exhibit 8 the letter.

A MR. SYMONDS: The letter from Nuneaton.

HIS HON. JUDGE STROYAN: 8th of October. Yes.

MR. RIVLIN: Your Honour, the date can be put, it is the 8th of October.

HIS HON. JUDGE STROYAN: Yes.

B MR. SYMONDS: When Mr. Perry was bailed under Section 38/2 ...

HIS HON. JUDGE STROYAN: You haven't got it Members of the Jury I don't think.

MR. SYMONDS: How long did that bail last for? Would it have been one month?

A: I cannot say, I cannot remember.

C Q: Do you recall advising your superior officer, within one or two weeks after Perry's arrest, that he should be sent a letter telling him not to worry about his bail notice? - A: I would have.

Q: And do you recall sending such a letter to Mr. Brooks? - A: I would have.

D Q: So from the time you had re-arrested him you hadn't seen or questioned him at all? - A: That's another story.

Q: Going back to that night at Camberwell, did it come to your notice that I was collating information on Perry and his associates? - A: No.

Q: Now you remember that on arrival at Nuneaton you told Mr. Perry - or shortly afterwards - you told Mr. Perry we have your fingerprints, is that right? - A: I don't remember. I said I might have, I don't remember, but I might well have.

E Q: And you would have considered this a normal aspect of Police work, a 'bluff' I think you said? - A: I do sometimes bluff.

Q: Now could you have made this bluff as a result of an agreement between you and I and the other officers at Camberwell? - A: No.

F Q: That this was how Perry should be treated or could be treated? - A: No.

Q: Did you have any idea that I might have told Mr. Perry that his fingerprints had been found? - A: No.

Q: So therefore if you did tell Mr. Perry that you had his fingerprints when you arrived at Nuneaton this would have been entirely a coincidence, is that right? - A: If I did, yes.

G Q: Entirely a coincidence? - A: Yes.

Q: Because there had been no agreement between us to tell Mr. Perry this? - A: None whatsoever.

H Q: And when you were being questioned by Mr. Moody and Mr. Lambert did you think the suggestion was being made that someone had been dishonest at Nuneaton? - A: Not necessarily. I didn't like the way they were going about it and I objected to them both.

Q: And you say you didn't question Mr. Perry at Camberwell. Did any of your officers question him to your knowledge? - A: No. I went nowhere near the cells and Perry was in the cells. It is not to my knowledge.

A Q: Would it be true to say that at the time that Perry made this allegation to you he was in your view just another thief who was making allegations against the Police? - A: There was more to it than that with what had gone on before, as I have explained on two occasions to you. There was more to it than that but there was no evidence.

Q: Do you mean by that the dissension you found at Peckham Police Station between the uniform and the C.I.D.? - A: No I don't mean that.

B Q: Did you find dissension there? - A: I have already told you I did.

Q: And did you ... were you of the opinion that the thing that the dissension had arisen from was because the uniform had tried to keep the discovery of the van to themselves?

C HIS HON. JUDGE STROYAN: I don't think this witness's opinion about it matters does it?

MR. SYMONDS: I am just reading through his deposition Your Honour.

HIS HON. JUDGE STROYAN: I dare say you are.

MR. SYMONDS: Of what he was saying and asked by Mr. Capstick. - A: I don't know why the dissension was but there was certainly dissension.

D Q: Well, Mr. James, I must just make quite clear the fact that I challenge most of your evidence and I say to you that when you came to Camberwell looking for assistance to find Mr. Perry I gave you all assistance and that furthermore you approached me after Mr. Perry's arrest to assist you to trick, as it were, him into making an admission? - A: We do dissent. We do dissent. No not that.

E Q: And that by agreement ...

HIS HON. JUDGE STROYAN: Just a moment please.

MR. SYMONDS: And at your request ...

HIS HON. JUDGE STROYAN: Just a moment Mr. Symonds, I was trying to make a note of the last answer to the last question. You asked if the witness had agreed with you to trick Perry after his arrest and his answer was 'no'. Yes.

F MR. SYMONDS: And that this trick would take the form of me telling Perry he had been arrested on fingerprint evidence? - A: No.

Q: And that you would later confirm this to him? - A: No.

G Q: And that Perry would then be placed in a cell for a considerable period of time and he would be treated in such a fashion as to believe that he was certainly going to be charged? - A: No.

Q: And in respect of Mr. Perry's allegations or alleged allegations I suggest to you that this alleged allegation is a concoction between you and two or three C.I.D. officers only at Nuneaton?

H HIS HON. JUDGE STROYAN: What is the alleged allegation? I don't quite know what the alleged allegation is?

MR. SYMONDS: Perry said he was told to say nothing by a Metropolitan police officer, that is the allegation. I am suggesting that this allegation was concocted by Mr. James and two or three other officers some months later whilst themselves under investigation. - A: What on earth for?

A

Q: Tim. No more questions Your Honour.

HIS HON. JUDGE STROYAN: I am afraid I am completely lost by the last one.

MR. RIVLIN: I'm sorry Your Honour?

HIS HON. JUDGE STROYAN: I am afraid I am completely lost by the last question.

B

MR. RIVLIN: Your Honour, I have got it I hope.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: That the allegation as to what happened in the Police Station, that is Perry's allegation against some officer at the Met. is a concoction between you and two or three other police officers made some months later - other officers at Nuneaton - made some months later whilst you were under investigation yourselves.

C

RE-EXAMINED BY MR. RIVLIN

D

Q: I would just like to ask you two or three questions Inspector. - A: Yes sir.

Q: You will have to forgive me if some of the questions seem rather obvious to you and that the answers you have in mind rather obvious, but we don't perhaps all know as much as you do about Police procedure and tactics when asking people questions. You told His Honour and the Jury, did you not, this, that the defendant - you were asked this question by the defendant - about what he had told you about Perry and you say you weren't told, you weren't given information by the defendant about Perry as to the extent of his criminal activities. Do you remember saying that to the defendant? - A: As of Perry's criminal activities?

E

Q: Yes. - A: Well I knew of his criminal activities myself.

F

Q: Yes. You see the reason why I ask you is this, that you said this to the defendant and I would like to ask you what you mean by it, you said: "He wasn't a professional crook, he was a small time crook and you know it." I was surprised that Perry didn't come over the top and tell us." Do you understand? - A: Yes, yes.

G

Q: Now what do you mean when you said to the defendant "he was a small time crook and you know it."? - A: Well he knew Perry, he came over to assist us from his Station to another Station because he knew him. I mean I already had Perry's criminal record from the yard.

H

Q: Did this defendant ever suggest to you that Perry was anything other than a small time crook? - A: No.

Q: Now then you said you were surprised that Perry didn't come over the top and tell us? - A: Yes.

Q: Now would you explain what you mean by that please? - A: Normally when you have ... when you know so much about a crime, on how it has been committed, when it has been committed, what vehicle was used, the petty criminal normally owns up.

Q: Did you know quite a lot about this particular crime? - A: Yes.

A Q: And let me ask you this obvious question if I may. When you are interviewing somebody who is suspected of committing a criminal offence, is the fact that you know a good deal about the crime something that is likely to assist you? - A: Oh yes, yes.

Q: And if the person whom you are questioning in your experience believes that you know little or nothing about the crime? - A: He will try and hold out.

B Q: Now you were asked questions about this and so I am entitled to ask you questions in re-examination. You have told the Court that Perry told you "I've been told by a police officer in London to say nothing and that you've got nothing on me." Do you understand? - A: Yes.

Q: Would you ever tell a suspect to say nothing? - A: Like that, no.

Q: Would you ever lead a suspect to believe that you had got nothing on him? A: No.

C Q: What in your experience would be the likely effect of saying that to a suspect? - A: That is as far as you will get.

Q: That is as far as you will get? - A: Yes.

D Q: And if you are seriously investigating a criminal offence and you had a suspect what would you like him to think about your state of mind? - A: In which way?

Q: As to how much you knew about a criminal offence? - A: Well you let it out bit by bit what you do know and see what his reaction is. You don't ... you don't just tell him straight away all you know, you let it out in little bits and see what his reaction is to what you have to say.

E Q: Would you lead a suspect to think that you might not know very much about a criminal offence? - A: Indeed not.

Q: Would that make any sort of sense in terms of your experience of investigating crime? - A: None at all.

Q: No, and if you did what would the likely result of that be? - A: That he would say nothing at all.

F Q: Yes, and so if someone told you that they had been told by a police officer to say nothing, how do you react to that, if there be a shred of truth in it? - A: Well whoever he may be that you have to question and he has been told that by a police officer, you're going to get nowhere.

G Q: If you had thought when this defendant asked to go and see Perry, if you had thought that he might say any such thing to Perry? - A: He wouldn't have got within a mile of him with my permission.

Q: Yes. Would you have regarded that as being helpful to you? - A: Helpful?

Q: Yes, I am asking you questions, you just answer them. - A: No.

H Q: Now it was put to you by the defendant that Perry had said that he had given Sergeant Symonds name at the Nuneaton Police Station? - A: Yes that is not correct.

Q: Well let me in fact ...

HIS HON. JUDGE STROYAN: Just a moment.

A MR. RIVLIN: Try to take the sting of that suggestion by the defendant, by saying that - with His Honour's leave - that Perry said no fewer than three times, Your Honour, that he did not mention the name of the Person.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Who had given him that information.

B HIS HON. JUDGE STROYAN: Yes, that was certainly my recollection.

MR. RIVLIN: He said it three times.

MR. SYMONDS: I read out to Perry from his deposition.

MR. RIVLIN: That is right and may I help by

C MR. SYMONDS: Where Perry said he did give my name. I did read the whole thing out.

D MR. RIVLIN: May I help by reading my note. This is what Perry said: "as far as I can recall your name was not mentioned at all. When I was at Nuneaton I did tell them that I had been told to keep quiet. I said that that was by an officer that had come in the cell. I did not use your name. I just said a detective had come and tipped me off." Then the statement was put to him and this is what he had to say after the statement had been put: "I did not say that Sergeant Symonds had told me to say nothing. I didn't mention your name." Well there you have it, do you see? - A: I spent an hour and a half questioning him on that fact alone.

Q: You did? - A: Before he was bailed, yes I did.

E Q: Trying to find out who it was who had given that advice? - A: Indeed, yes, who had said that.

Q: Who had said that? - A: Yes.

HIS HON. JUDGE STROYAN: Did you ever discover who said it from Perry? - A: Not from Perry, no.

F MR. RIVLIN: You said that you had made no record of what had been said between you and Perry? - A: Yes.

Q: Was there any evidential value in that which Perry told you? - A: It was a denial.

G Q: And indeed did you get off the ground so far as Perry was concerned? - A: A complete denial from beginning to end, what I would have expected had I known what he said after.

Q: Yes. Thank you very much. Thank you. Might this witness be released?

HIS HON. JUDGE STROYAN: You mean you would have expected a complete denial had you known that somebody had said to Perry keep quiet about it they haven't much on you? - A: Indeed, yes.

H HIS HON. JUDGE STROYAN: Or something like that? - A: Indeed, yes.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Yes, thank you.

A

(Witness withdrew)

MR. RIVLIN: Your Honour, the next witness is William David Hannis, page 83. Your Honour, the last witness will be warned not to speak to anyone.

B

WILLIAM DAVID HANNIS (Detective Inspector) SWORN

EXAMINED BY MR. RIVLIN

Q: Is your name William David Hannis? - A: Yes it is.

Q: Are you still a police officer? - A: Yes, I am a Detective Inspector with the West Midlands Police.

C

Q: Stationed where? - A: Coventry.

Q: Is it right that in September of 1969 you were a Detective Constable serving at Nuneaton? - A: Yes that's correct.

D

Q: And on Monday the 22nd of September of 1969 did you learn of the burglary at the Co-operative Society at Nuneaton? - A: Yes that's so.

Q: Did you later discover that a quantity of cigarettes had been recovered in Peckham? - A: Yes.

Q: And that there may be a tie up between the two? - A: That's correct.

Q: Did you join Detective Sergeant James in London? - A: Yes I did.

E

Q: Was that on the 23rd? - A: It was yes, the Tuesday, it was yes, the 23rd.

Q: And on the evening of the 24th of September can you remember being at Camberwell? - A: Yes.

Q: Were you in the C.I.D. office there? - A: Yes that's right.

F

Q: Was someone brought in? - A: Yes he was.

Q: Who was? - A: Michael Roy Perry.

Q: Did you search Perry's motor car? - A: Yes I did.

Q: And when you came back where was Perry? - A: As I recall he was in the cells.

G

Q: Do you remember whether you had any refreshment that evening? - A: Yes I did.

Q: And if so when? - A: Yes I did. Shortly after searching the car.

Q: Where did you go to? - A: Er ... to a cafe opposite.

H

Q: And with whom did you go, if anyone? -- A: With D.C. Cook.

Q: Did you ever meet any Camberwell police officer who took an interest in this case? - A: Well there were several that day that assisted.

Q: Yes. Well I am talking about that evening? - A: Yes.

A

Q: Who? - A: Well in particular Detective Sergeant Symonds.

Q: Did he say anything to you about the matter? - A: Yes. This was ... em after I had searched the car. He came back ... well he came into the Station ... em .. and said, asked, if it was alright if he could see Perry about some clothing and to see if he could get him to admit our theft, our burglary which we hadn't had an admission of.

B

Q: Yes. You were a Detective Constable at that time weren't you? - A: That's right.

Q: And did you feel able to grant permission for him to go and see Perry? - A: No it wasn't my place to do so, it was a matter for the Sergeant, my Sergeant.

C

Q: So what happened about that? - A: I said I thought it would be better to wait until Sergeant James returned.

Q: And did he do that? - A: Yes he asked again and I said I thought it was best if he wait and he agreed.

Q: You say he asked twice? - A: Yes.

D

Q: And did he wait until Sergeant James was available? - A: Yes. We went ... em ... we went I think at his suggestion, to a public house next door to wait for Sergeant James to return from his tea.

Q: Well now were you present when the defendant asked Sergeant James if he could go and see Perry? - A: Yes, I heard him ask him in the public house when Sergeant James came in.

E

Q: And did Sergeant James agree? - A: Yes.

Q: Did you speak to the defendant after he had been to see Perry or not? - A: Er ... no I don't think so.

Q: No. Did you hear Sergeant Symonds say anything at all about the matter after that? - A: Well I heard him talking to Sergeant James about it ... em ...

F

Q: What did he say to Sergeant James can you recall? - A: As I recall he thought he would take a Section 1 theft, that Perry would take a Section 1 theft on the job at Nuneaton.

Q: And can you remember anything else besides that? - A: No. There was a further discussion but I didn't ... I wasn't party to it really, I was just there and heard some of it.

G

Q: Yes. Now was Perry taken to Nuneaton? - A: He was.

Q: That same night or ...? - A: The same night.

Q: The same night. By whom? - A: Er ... by myself and I think D.C. Cook was with me.

H

Q: Did you see Perry again? - A: Yes I did.

Q: When? - A: At Nuneaton.

Q: When? - A: Well several times during the next ... em ... I think it was about 24 hours.

A Q: Did you see him alone or with somebody? - A: I was usually with somebody. Yes, in fact I would be all the time.

Q: With whom, can you remember? - A: Well with different officers, but some times with D.C. Wilson as I recall and perhaps with D.C. Cook ... em ... but there was ... there would be several occasions when I spoke to him.

B Q: Well did you - just answer this question 'yes' or 'no' well no perhaps you couldn't, just answer this question quite simply without talking about the conversations that you had - what was the purpose of seeing him? - A: To ... er ... gain an admission for the burglary at Nuneaton.

Q: So it was interviewing him? - A: Interviewing him, yes.

C Q: It wasn't just a question of him getting a cup of tea or something like that? - A: Oh no, no, no, it was an interview.

Q: Just answer this question 'yes' or 'no' did you obtain any evidence? - A: No.

Q: And do you know that Perry was bailed? - A: That's correct.

D Q: From Nuneaton to appear at some later date? - A: Yes at Nuneaton.

Q: Now again answer this question 'yes' or 'no'. Did you hear something about a London officer? - A: Yes.

Q: Did you ever speak to anyone at London about what you had heard? - A: Yes.

E Q: To whom did you speak? - A: To Detective Sergeant Symonds.

Q: When did you speak to him? - A: Er ... well I spoke to him at least twice that I recall ... er ... on I think the particular day that he was bailed, that Perry was bailed.

F Q: Well can you remember when that was or not? You see you had arrested him or you had taken him to Nuneaton on the 24th, on the 25th you had interviewed him, can you remember when it was in relation to that that you spoke to Sergeant Symonds? - A: Er ... I think the first time I spoke to him would be the 25th.

Q: When would the next time be? - A: Well I know that I spoke to him on the Saturday which I think was the 27th.

G Q: Yes. - A: Em ...

HIS HON. JUDGE STROYAN: On the 22nd? - A: The 27th.

HIS HON. JUDGE STROYAN: The 27th.

MR. RIVLIN: Well in fact I do have a 1969 calendar and the 27th of September was a Saturday, but you spoke to him more than once you say? - A: Yes, yes.

H

A Q: Now you are entitled to tell the Court what passed between you and the defendant and so I would like to take it in stages if I may please. Let us deal with the first conversation first, and if you could keep your voice up and speak quite slowly. Would you just tell the Court what was said between you, you telephoned him? - A: Yes I telephoned him and told him that Perry was to be bailed and bailed Section 38/2 which means to return to our particular Police Station at Nuneaton and I also told him that Perry had suggested that he knew that we had no evidence against him.

Q: Pause there please. Perry had suggested that he knew that you had got no evidence against him.

B HIS HON. JUDGE STROYAN: Just a moment. I haven't got this straight.

MR. RIVLIN: Your Honour, this is what this officer is saying to the defendant over the telephone.

HIS HON. JUDGE STROYAN: Yes.

C MR. RIVLIN: You are telling the defendant something that Perry had told you? A: Yes that's right.

HIS HON. JUDGE STROYAN: "I said to the defendant Perry said ...

MR. RIVLIN: That he knew he had ...? - A: That he knew that Perry knew that we had no evidence against him.

D HIS HON. JUDGE STROYAN: This is going round in circles. "I said to the defendant that Perry told me" is this right "that Perry knew that the Police had no evidence on him"? - A: Evidence against him.

HIS HON. JUDGE STROYAN: Is that right?

MR. RIVLIN: Your Honour, yes.

E HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Yes. - A: And that ... er ... Perry had said that it would cost him when he returned to London.

HIS HON. JUDGE STROYAN: This is something you are telling the defendant? - A: That's correct.

F MR. RIVLIN: You are telling the defendant this? - A: Yes.

Q: Did you tell the defendant what the occupation was of the person who was supposed to have given Perry that advice? - A: Yes it was suggested that it was a police officer.

Q: A police officer, yes. Now you carry on please. - A: Sergeant Symonds asked me ...

G HIS HON. JUDGE STROYAN: Just a moment please. Yes. - A: Sergeant Symonds asked me whether I knew who it was, who the police officer was ...

HIS HON. JUDGE STROYAN: Yes. - A: And I said that I didn't know. Sergeant Symonds said that he would try and find out and he would lock him up.

H HIS HON. JUDGE STROYAN: This is Sergeant Symonds telling you that if he found the Metropolitan police officer who behaved like this he, Sergeant Symonds, would lock up that officer? - A: Yes, correct, Your Honour.

HIS HON. JUDGE STROYAN: Well, yes.

MR. RIVLIN: Did the conversation go any further at that stage? - A: Yes. He asked me whether anyone else knew of this allegation ...

Q: Yes. - A: And I told him that ... er ... Detective Inspector Robson of C9 at Scotland Yard ...

Q: C9 did you say? - A: C9 department.

Q: What was C9 standing for? - A: It was a provincial liaison department, a department to liaise between the Metropolitan Police and the provincial forces.

Q: So you told him Detective Inspector Robson of the C9 department what? - A: Knew of the allegation.

Q: Yes. - A: Er ... Sergeant Symonds then asked me not to tell anybody else and leave it to him, and also not to let Detective Inspector Robson know of his interest.

HIS HON. JUDGE STROYAN: Not to tell anyone else?

MR. RIVLIN: To leave it to him you say? - A: To leave it to him.

Q: And not to tell Inspector Robson that he, Sergeant Symonds, knew of? - A: Knew of the allegation.

Q: Knew of the allegation. Was anything else said that you can recall? - A: Not at that time.

Q: About Perry or anybody? - A: No.

Q: No, right. Well how was it left then? - A: Well it was left that I would get in touch with him if we got any more and he would get in touch with us if he found anything out.

Q: You say you spoke to him on Saturday the 27th? - A: That's right.

Q: Right. Was it by telephone? - A: Yes it was by telephone.

Q: And who had telephoned who? - A: I had telephoned Sergeant Symonds.

Q: And what did you say to him? - A: I talked to him about the enquiries that we had made that day.

HIS HON. JUDGE STROYAN: I am sorry, the telephone call on what date?

MR. RIVLIN: The 27th, Saturday the 27th Your Honour.

HIS HON. JUDGE STROYAN: Yes, the 27th "I telephoned the defendant" yes? - A: About the enquiries that had been made in Nuneaton that day regarding the burglary at the Co-op. This was a week from the date of the offence and the day of the Saturday Market at Nuneaton when we presumed there would be witnesses if there were to be witnesses, and I was telling him the result of these enquiries.

Q: Negative? - A: There was ... it was not totally negative we thought. There was a witness who had indicated that they had seen the van.

Q: Well never mind about that, but the position was it was not totally negative? - A: No it was not.

Q: And you spoke to Sergeant Symonds about your enquiries? - A: I did.

Q: Yes. Was anything further said about the little chat you had had the previous ...? - A: Yes it was mentioned and Sergeant Symonds asked whether we had got any further with it and as to whether we knew any more about the person involved ... er ... the police officer involved and I said that we didn't.

Q: Yes, and you ... how was the matter left? - A: Well the matter was left that we would remain in touch, that we would keep in touch if there was any further development.

Q: Were there any further developments? - A: There was certainly none from our end at that time.

Q: Yes. Well I have completed my examination in chief Your Honour.

HIS HON. JUDGE STROYAN: Yes. Are you likely to be any length of time with this witness Mr. Symonds?

MR. SYMONDS: I should think several hours Your Honour.

HIS HON. JUDGE STROYAN: Well in that case we had better start now.

MR. SYMONDS: At half past four?

HIS HON. JUDGE STROYAN: Yes, we will try and get some of it done tonight.

MR. SYMONDS: I think it would be better to start tomorrow morning Your Honour quite honestly because I am very tired, I have been on my feet ...

HIS HON. JUDGE STROYAN: Well if you are going to be as long as that you had better start tonight.

MR. RIVLIN: If Your Honour would allow me a moment?

HIS HON. JUDGE STROYAN: Yes.

CROSS-EXAMINED BY MR. SYMONDS

Q: So, Mr. Hannis, you were a Detective Constable in 1969 serving at Nuneaton is that right? - A: That's correct.

Q: And when did you discover that the Co-operative Society had been broken into? - A: On the Monday morning.

Q: And did you yourself go to the Co-operative Society to investigate the crime? - A: No I did not.

Q: And were you the officer who received the telephone call from the informant? - A: I was.

Q: Had you received any information from this informant before? - A: No.

Q: Did you then go to meet the informant? - A: I did.

Q: Was the informant a man called O'Rourke? - A: That's correct.

Q: And from what the informant told you did you feel that O'Rourke had probably taken part in this offence himself? - A: I felt that he knew a lot about it.

Q: And did Mr. O'Rourke ask for money in exchange for his information? -
A: Not at that time.

Q: Did Mr. O'Rourke supply you with the names of suspects? - A: He did.

A Q: How many names did he supply? - A: At that time about - as I recall - about three or four.

Q: Can you recall those names now? - A: I recall Perry, Brooks, Lamming, and I think ... er ... Laser or Liser, Laser.

B Q: Laser, and two of those men were later arrested, is that right? Perry and Brooks? - A: They were.

Q: But did you ever make any attempt to arrest the other two, Lamming and Laser? - A: Not at that time.

Q: Did you later interview them in connection with this offence? - A: I did not, no.

C Q: And as a result of the information given to you did you go to Peckham Police Station? - A: I did.

Q: And did you find then that the cigarettes had been in the custody of the Police since the previous Saturday? - A: I understood that was so.

D Q: Did you also find that there appeared to be some form of dissension between the uniform and the C.I.D. at Peckham Police Station? - A: I didn't find it so, but I heard there was.

Q: And did you discover that the job, as it were, was being handled by the uniform branch? - A: Not when I arrived.

Q: Were you present at the arrest of Brooks? - A: No.

E Q: Did you know who was present? - A: I believe Sergeant James and D.C. Wilson.

Q: Were you aware that there was a later complaint of assault against the Nuneaton police officers who arrested Brooks? - A: Yes I was.

Q: By a civilian bystander? - A: I understand so.

F HISHHON. JUDGE STROYAN: No this won't do.

MR. SYMONDS: Did you interview Brooks after he had been arrested and taken to Peckham Police Station? - A: No.

Q: Did anybody to your knowledge? - A: Not that I recall. Not when I was there.

G Q: He was just arrested and put into the cells as far as you know? -
A: It had all happened before I arrived.

Q: At what stage did you arrive Mr. Hannis? - A: I had been there on the evening but I was missing the following day for the first part of the day I was elsewhere in London.

H Q: And were you with Sergeant James when Sergeant Harley and myself came into the picture as it were? - A: That's correct.

Q: And did Sergeant Harley and myself come into the picture because we knew where Perry was living at that time? - A: That's right.

A

Q: And did you hear that we were in fact keeping a dossier on Perry and his associates? - A: Yes I did.

Q: And did you come with other Nuneaton officers, Sergeant Harley and myself and other Camberwell officers to where Perry was living? - A: Yes that is right.

B

Q: And was it to your knowledge that I was in contact with the man called Mr. Skippen who owned the sweet and cigarette shop below Mr. Perry's flat?
A: I didn't know his name but yes the man in the sweet shop, yes.

Q: Did I go and see him and in fact obtain the spare key to the flat above?
A: That's right.

Q: And was it to your knowledge that I sent two Detective Constables off to obtain a search warrant? - A: Yes.

C

Q: And whilst we awaited the search warrant did we keep observation on Mr. Perry's flat from outside? - A: Yes we did.

Q: After the arrival of the search warrant did we then enter the flat and search it? - A: That's right.

Q: On searching the flat did you notice some unusual items of property? -
A: Yes.

D

Q: Contained in the flat? - A: Yes.

Q: Can you remember some of these items? - A: Er ...

Q: Which you would not expected to have seen? - A: There were several knives which I thought unusual.

E

Q: Yes. - A: A pair of bolt croppers.

Q: Yes. - A: And quite a large amount of clothing.

Q: Yes, and did a lot of this clothing look as if it had been taken new from a box, worn once and then thrown into a corner? - A: Yes that's right.

F

Q: And in your experience as a police officer would this indicate someone in possession of a quantity of stolen clothing who was using it very casually?
A: Well it ssemed that there was a lot of clothing for a man of that ... er ... style and that age, much more than we would have expected.

Q: And was it to your knowledge that I expressed an interest in this clothing and started to examine it? - A: Yes you did.

G

Q: And did you find Mr. Perry's passport? - A: I don't recall.

Q: Or a passport? - A: I don't recall.

Q: After searching the flat was it agreed to break our party up into two groups? - A: That's right, yes.

H

Q: One to stay and keep observation and the other to go for refreshments?
A: That's right.

Q: And after a time did you leave Mr. Perry's flat? - A: Yes I did.

Q: And return for your refreshments? - A: That's right.

A Q: Did you later see Mr. Perry being brought into Camberwell Police Station?
A: Yes.

Q: And I believe you said you searched his car? - A: Yes I was directed to search his car.

Q: Now can you recall the layout of Camberwell Police Station, the cells part? - A: Towards the back as I recall.

B Q: As you come in the door did you find yourself in a large room which is called the charge room, if you like? - A: The charge room, yes.

Q: And is there a door on the left which leads on to an alleyway containing four cells? - A: Well I remember there was an alley of cells, yes.

C Q: And was it to your knowledge that the end cell was the 'property cell'? -
A: No I can't recall that.

Q: Was it to your knowledge that Camberwell was a Sergeants' Station as far as C.I.D. were concerned? - A: Yes.

Q: And that I was a Sergeant? - A: That's right.

D Q: And so being in that position in my own Police Station, as it were, would you consider me to be in a position to go anywhere in that Police Station I wanted to? - A: Of course.

Q: At any time? - A: Yes.

Q: And if I wanted to walk into the passageway leading to the cells I could have done so? - A: Of course.

E Q: If I wanted to take some property or put some property into the property store at the end of the cells I could have done so? - A: Yes.

Q: If I wanted to creep along and tip Perry off to say nothing I could have done so? - A: Yes.

Q: There was certainly no-one there to stop me? - A: I presume not.

F Q: Now you have given evidence that at some stage I approached you and asked permission to go and speak to Mr. Perry, is that right? - A: Yes.

Q: And there was I a Detective Sergeant in the Camberwell Police Station and what was your position at that time, were you guarding Perry personally or something? - A: No, no I was just waiting.

G Q: Were you a visitor from Nuneaton, a Detective Constable, and you were in the Police Station? - A: That's right.

Q: And the evidence is that I came up to you and said what, please can I go and see Mr. Perry or something like that? - A: Yes.

Q: What did I say? - A: You asked if it would be alright if I went and seen Perry.

H Q: Does that sound credible to you? - A: Yes, perfectly normal.

Q: Perfectly normal. So a Metropolitan Detective Sergeant in his own Police Station with free access to the whole Station is going along to this Detective Constable from Nuneaton and asking permission to see a prisoner in the Station? - A: Yes.

A Q: And the evidence is you refused, you said no you cannot go, is that right?
A: No I thought it would be better for you to wait for the Sergeant to come back.

Q: And so what did I do then? - A: You asked again and I suggested again that I thought you ought to wait and you agreed.

B Q: Was I sort of hopping about looking anxious? - A: Not at all.

Q: And you know sort of really anxious to get down to see this chap Perry?
A: No.

Q: But if I really wanted to see Perry for - shall we say - a nepharious purpose, do you imagine that I would have come along to you and asked your permission first to go and see him?

C HIS HON. JUDGE STROYAN: Well he cannot answer that. If you had a nepharious purpose then it is something you can tell the Jury about if you want to.

MR. SYMONDS: Your Honour, it is ten to five and I suggest we break off here for tonight. As you can see I shall be going on for some time yet.

D HIS HON. JUDGE STROYAN: I don't think you will be going on for very much longer.

MR. SYMONDS: Well I can always drop down and faint from exhaustion in another half an hour's time but as I am carried out I shall be saying I still have some more questions to ask.

E HIS HON. JUDGE STROYAN: Yes. What I am going to tell you now is you have been given great latitude today, you have asked a lot of questions about a lot of topics which have got apparently, so far as we know so far, nothing to do with the issue that the Jury are trying of whether you received corrupt gifts on the 28th, 31st of October and 21st of November of 1969. We may do later but it is certainly not apparent at the moment what the events in Camberwell Police Station on the 20th or 21st or 24th of September have got to do with it, we could hear later, we haven't so far, but I am not going to let you go on asking questions which at the moment appear to be irrelevant. We are going to rise now and during the adjournment I think you would do well to have a word with your Solicitor and confine yourself tomorrow to relevant questions otherwise I shall have to limit the questions you ask. Members of the Jury, would you like to be back at the usual time and would you like to leave the Court now, and Mr. Hannis you will be completely careful, as I am sure you will be, not to discuss your evidence in this case with anybody in any shape or form during this adjournment. - A: Yes Your Honour.

F HIS HON. JUDGE STROYAN: Very well, perhaps you would like to leave the Court now. - A: Thank you.

(Jury sent away and witness)

G HIS HON. JUDGE STROYAN: Now, Mr. Symonds, I have got a note here which says you wanted to ask me something after the Jury had gone.

H

MR. SYMONDS: Yes Your Honour. There is a notice attached to my record that I have to see the Doctor every morning.

HIS HON. JUDGE STROYAN: Yes.

A MR. SYMONDS: Well this means that I sit around from about half past six until 9 o'clock every morning waiting for the Doctor to come in and this means by the time I get to the Court it is 10 o'clock or jolly nearly and this means that I don't have much chance to speak to my solicitor on a morning as I would like. If I am sick then I would ask to see the Doctor Your Honour. I feel that this enforced seeing of the Doctor every morning is depriving me of valuable time with my solicitor.

B HIS HON. JUDGE STROYAN: The reason I asked you to see the Doctor is because I was worried about your health. That was the reason, and I wanted to make sure you were fit before you came to Court. That was the only reason I asked for you to be seen by a Doctor.

C MR. SYMONDS: Your Honour, I was ill for a couple of weeks as you know with influenza and what not, but I am now beginning to feel better everyday, only tiredness, that is all, but as far as any particular illness is concerned I don't think I warrant having a Doctor visit every morning.

D HIS HON. JUDGE STROYAN: Very well, I certainly don't want to force it upon you, but let me tell you this, that I would not be disposed to grant any adjournment because you said you were feeling ill if you had not been seen by a Doctor and if I had not got a Doctor's line that you did need an adjournment, do you understand that?

MR. SYMONDS: Your Honour, if I feel ill again I will certainly ask to see the Doctor before I come to Court.

HIS HON. JUDGE STROYAN: Very well. I want to make it crystal clear to you, that should you ask for an adjournment on medical grounds, unless you have got a doctor's line you won't get it, do you see?

E MR. SYMONDS: I understand that.

HIS HON. JUDGE STROYAN: Very well, on that basis you need not see the Doctor again until further notice.

MR. SYMONDS: Thank you.

F
G
H
"I certify that I took shorthand notes of the proceedings in the trial of Regina v John Alexander Symonds and that the pages numbered 1 - 70 are a correct and complete transcript of my said shorthand notes to the best of my skill and ability"

J. Wilkinson
.....