

IN THE CROWN COURT

Before:

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

Held at Teesside Crown Court,
Victoria Buildings,
Middlesbrough,
Cleveland.

Wednesday, 1st APRIL 1981

R E G I N A

v

JOHN ALEXANDER SYMONDS

.....
(Transcript of the Shorthand Notes of MRS. ANN LEE OF HUMPHRIES BARNETT AND
CO., Official Shorthand Writers, 19 Queen Victoria Street, Leeds, LS1 6BD.
Tele: 455082.
.....

MR. G. RIVLIN Q.C. with MR. RADCLIFFE appeared as Counsel for the Prosecution.
THE ACCUSED appeared on his own behalf..

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DISCUSSIONS IN THE ABSENCE OF THE JURY
AS TO THE WITNESSES TO BE CALLED AND BY
WHOM ETC:

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TEESSIDE CROWN COURT

BEFORE: HIS HONOUR JUDGE R.A.R. STROYAN, Q.C.

WEDNESDAY, 1st APRIL 1981

NO JURY PRESENT:

THE DEFENDANT: There is a point I would like to raise before the jury comes in. This is the point of the Camberwell police officers shown on the indictment.

THE JUDGE: Just a moment please. Yes.

THE DEFENDANT: First, page 243-246 on the indictment your honour.

THE JUDGE: What?

THE DEFENDANT: Detective Constable Cox and Detective Sergeant Gray.

THE JUDGE: What are you looking at?

THE DEFENDANT: The names of some Camberwell police officers your honour who were called by the prosecution in the committal proceedings...

THE JUDGE: Yes.

THE DEFENDANT: ... and are shown on the indictment and I have asked that...

THE JUDGE: Who are these?

THE DEFENDANT: Walter Cox, detective constable.

THE JUDGE: Yes.

THE DEFENDANT: Ronald Grey, detective sergeant. Peter Holland, detective sergeant. Terence Law who was a detective constable...

THE JUDGE: Yes.

THE DEFENDANT: There was another one. David George Gordon Hill. Cox, Grey, Hill and North, your honour.

THE JUDGE: Yes.

THE DEFENDANT: I have their pages numbers in the depositions if you would like to have them.

THE JUDGE: YES.

THE DEFENDANT: Gray is page 121 - 122. Cox is page 243-246. Hill is page 240-242. North is page 238-239 your honour. I believe it is agreed that these should be read out without calling the officers and I would like to submit that they

that they/...

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A should be read out ~~at~~ at ~~this~~ stage in the prosecution case.

THE JUDGE: I don't think the stage at which they are read out makes much difference.

THE DEFENDANT: They are prosecution witnesses your honour.

B THE JUDGE: The prosecution are entitled to call their witnesses in what order they think right, in the same way you are.

THE DEFENDANT: All I meant was I was submitting they should be read out during the prosecution case, before the end of the prosecution case.

C THE JUDGE: Well they are not witnesses the prosecution have got on their list. I will just see what they say. What page is Holland?

THE DEFENDANT: Holland I think I mentioned his name in mistake because his evidence is just about the same as Sergeant Grey. Its 119-120 but I am not sure in actual fact whether...

D THE JUDGE: Well Mr. Holland and North seem to be character witnesses. Cox and Hill appear to be relevant.

THE DEFENDANT: I think North's evidence is evidence which is relevant your honour in connection with the ~~big~~ about Kirton that was brought out at one stage.

E THE JUDGE: Well Kirton is wholly irrelevant. Kirton's evidence is almost all hearsay. I am certainly not going to issue a certificate for him. If the prosecution are willing to agree the evidence of character witnesses well ~~sobe~~ it but Grey, Holland and North seem to me to be relevant only on character.

THE DEFENDANT: I thought it had been agreed to read out.

THE JUDGE: Well just a moment...

F THE DEFENDANT: Some of them your honour.

THE JUDGE: Just a moment. What do you say about that Mr. Rivlin?

MR. RIVLIN: Your honour if the defendant has finished, your honour the position that we have adopted about these witnesses is that essentially, essentially they are witnesses relating to character.

G THE JUDGE: Yes.

MR. RIVLIN: And the view that I took, your honour, was this, and I indicated it some time ago to the defendant through his solicitor, that I took the view I would have no objection, save to one particular matter, to these statements being read to the jury as part of the defendant's case.

H THE JUDGE: Yes.

A MR. RIVLIN: Your honour our case is that the defendant was not a good police officers.

THE JUDGE: Yes.

MR. RIVLIN: These witnesses speak as to the fact that in their opinion he was a good police officer.

THE JUDGE: Yes.

B MR. RIVLIN: And, in those circumstances, your honour, it seemed to me to be appropriate for the matter to be dealt with in the way I have suggested. The defendant says "No I am not happy with having these statements read as part of my case. I want them to be read as part of the prosecution case," but your honour, I don't think, with respect, that it is incumbent upon us to call or read these witnesses as part of our case, and the relevant paragraph is 444 at page 284 of the current Edition of ARCHBOLD, page 284.

C THE JUDGE: 444 yes?

D MR. RIVLIN: Page 284. Your Honour the prosecution must have in court the witnesses whose names are on the back of the indictment but there is a wide discretion in the prosecution whether they should call them.

THE JUDGE: 444?

MR. RIVLIN: Page 284.

THE JUDGE: Yes. "Witnesses the prosecution need not call."

E MR. RIVLIN: Yes. "There is a wide discretion in the prosecution whether they should call them and having called them either examined them or merely tender them for cross-examination. Where the witnesses evidence is capable of belief it is the duty of the prosecution to call them even though the evidence he is going to give is inconsistent with the case sought to be proved. The discretion of the prosecution must be exercised in a manner calculated to further the interests of justice and at the same time to be fair to the defence. If the prosecution appears to be exercising their discretion improperly it is open to the judge to interfere and, in his discretion to invite the prosecution to call the witness."

F Now your honour, may I explain what the situation is with regard to these witnesses? We do take the view that essentially they are character witnesses although it is right to say one or two of them speak as to the keeping of a dossier.

G THE JUDGE: Yes.

H MR. RIVLIN: Your honour we are content that this evidence should be placed before the jury. It can be placed before the jury in one of two ways I suppose, either by the Crown having to get the witnesses here and tender them to the defendant for cross-examination or, alternatively, for the statements to be read.

THE JUDGE: Yes.

to be read/Yes/...

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A MR. RIVLIN: Your honour having regard to the content of the statements it seemed to me that the appropriate course was the one that I have suggested. Your honour the defendant loses nothing because the evidence is put before the jury.

THE JUDGE: Yes.

B MR. RIVLIN: What he does lose I think is this, he loses the ability to say to the jury that, "These witnesses as to my good character are part of the prosecution case and it is the prosecution case that I had a good character."

THE JUDGE: The prosecution case from first to last is that this is a corrupt police officer.

C MR. RIVLIN: Absolutely your honour and so to that extent it seems to me that it would be .. the course that I have suggested, is not merely the appropriate one but in the circumstances the fair one.

THE JUDGE: Yes.

D MR. RIVLIN: Your honour it is not as though, as I understand it, there is to be no evidence called on behalf of the defendant, in that he is not calling any witnesses and so, as it were, the fact that he is going to read these statements together with others would not affect the procedural situation in the case,...

THE JUDGE: No.

E MR. RIVLIN:..in any way. Your honour I am perfectly content to leave the matter in your hands, you having read these statements for yourself. May I just say this, in relation to Ronald Grey, page 121.

THE JUDGE: Yes.

THE DEFENDANT ...

F MR. RIVLIN: I have made it absolutely clear to the defendant, through his solicitor, that there are two passages that, if this statement was read, could not be read. That is the view that I take and those two passages are as follows: Your Honour about five to six lines up from the bottom of the page, "As far as I was concerned there was no breath of suspicion against him, none whatsoever." Your honour the problem about that is the defendant knows, and I say this in the absence of the jury, is that we have knowledge of some complaints that were made over a period of years and so that might give a misleading impression to the jury.

G THE JUDGE: Yes.

H MR. RIVLIN: The defendant, I would suggest, really gets what he wants without that particular statement going in. The other problem appears at the bottom of the page, 121. "If there was a police officer in the area who was corrupt then information would come to me from informers and no such information reached me regarding Sergeant Symonds, none whatsoever." Well your honour, if that does follow it is hearsay and I don't see how the defendant, on

A any view, could hope to get in the fact that informers had not given any information against him.

THE JUDGE: No.

MR. RIVLIN: No I have, I hope your honour will accept, striven to be fair about this. I have agreed to the reading of some of these statements with a little reluctance.

B THE JUDGE: Yes.

MR. RIVLIN: But, doing the best that I can appearing on one side, as it were, steering a middle course, it seemed to me that the suggestion that I made was a reasonable one and one that was most appropriate to the circumstances and I do not think that I can assist you any further.

C THE JUDGE: No. Thank you. Well Mr. Symonds it seems to me the basis of all this is that your case is that you say that you were an honest and uncorrupt police officer at the time. The prosecution say you were a corrupt police officer at the time. That is the foundation of all this. It would be wrong, in my view, in the light of the evidence which I have already heard, for the Crown, to call witnesses to say that you were a good and honest police officer, but it is perfectly in order for you to lead that evidence yourself.

D It will be before the jury in just the same way and so with the exceptions that Mr. Rivlin has just put, those witnesses can be read as part of your case. The evidence will be before the jury in just the same way and I think it would be right perhaps in the circumstances that an officer of the court should read the evidence.

E THE DEFENDANT: Your honour about that, about the requested position, Sergeant Grey was answering a question put to me about as far as he was concerned...

THE JUDGE: Yes.

F THE DEFENDANT: And Mr. Rivlin has said that some years previously I believe there was a complaint ... Mr. Rivlin was saying there was a complaint against me whilst I was serving at Camberwell together with Sergeant Grey.

THE JUDGE: You see the point is this ...

G THE DEFENDANT: Because there was a complaint once of which I was cleared and I don't see why these words should be deleted because, if no complaint was made against me at Camberwell, I would say that Sergeant Grey is entitled to say that all the time he knew me, which was nearly a year, as far as he was concerned, "there was no breath of suspicion against him. None whatsoever." Sergeant Grey is not to know that when some years before a coal lorry driver complained I treated him roughly or something when I arrested him over stolen coal ...

H THE JUDGE: Well I am not concerned with coal drivers many years ago.

MR. RIVLIN: No your honour, nor are we. It may be possible for us to

for us to/...

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reach some agreement about the way that particular matter is to be put and if your honour would leave that over...

A

THE JUDGE: Yes I will leave that matter over...

MR. RIVLIN: Yes leave that over and as I say it may be possible for us to reach some agreement about that. I am not terribly worried about that but I do not want some false impression to be created.

B

THE JUDGE: No.

MR. RIVLIN: Of course, if the only complaint that had been brought to my attention was some years ago brought by a coal miner I would not have dreamt of standing up and saying anything about it.

THE JUDGE: No.

C

MR. RIVLIN: Well subject to that your honour and discussions about that, which perhaps we can raise the point if we cannot agree.

THE JUDGE: Yes.

MR. RIVLIN: I wonder if the defendant has any other observations. If not we seem to have dealt with that.

D

THE JUDGE: Yes, we seem to have dealt with that.

THE DEFENDANT: Well I just wanted to raise that point...

THE JUDGE: Yes, that can be considered further but, so far as the others are concerned there is no difficulty, they can be read as part of your case. Now there are some other matters in relation to the statements which I was asked to look at last night.

E

I am prepared to certify for the following witnesses:

MR. RIVLIN: Well your honour, I am sorry, but I don't know whether I am supposed to hear this.

THE JUDGE: I don't think it matters.

F

THE DEFENDANT: No I don't object if you are just going to name the witnesses and certify they can be called.

THE JUDGE: One matter which I did mention to you last night Mr. Symonds and I want to raise with Mr. Rivlin as well, but the witnesses I am prepared to certify are, Hales, Clements, Sheridan, Houghton, Buchanan, Watson, Dippie and Millard.

G

Now there is one query and that relates to Sergeant Harley which you raised with me last night.

THE DEFENDANT: Yes sir.

THE JUDGE: I would like you to find out about that but I won't ask you if you don't want me to.

H

THE DEFENDANT: No I would like you to ask.

you to ask/...

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A MR. RIVLIN: Your honour there has been some talk about Kirton?

THE JUDGE: Yes.

MR. RIVLIN: Your honour I read Kirton's statement and I would willingly concede his relevance to the defendant's case. He is the one who says that in July 1969 there was some talk about "setting-up" a police officer or police officers and, your honour, I think it is only right I should say that.

B THE JUDGE: Yes.

MR. RIVLIN: Whether the defendant wishes to call him or not is a matter entirely for him but I don't think I could possibly argue, knowing what is in the statement, that it is not a relevant matter.

C THE JUDGE: Yes.

THE DEFENDANT: Could I raise, following on from that your honour, the subject of O'Rourke?

D THE JUDGE: Just a moment. In the light of what Mr. Rivlin says I will certify Kirton. I haven't got a statement from O'Rourke. What I am concerned about at the moment is Harley. I have not got a statement from him.

THE DEFENDANT: Your honour there is a statement from Harley which is in the possession of the prosecution. If I suggest you read that statement you could see yourself whether he was relevant or not, without me seeing it.

E MR. RIVLIN: There is not a statement from Harley. There is an interview. Harley was interviewed by police officers and there is not a statement from him. Your honour, I am taken by surprise about Harley and if you would allow me time to consider that...

THE JUDGE: Yes.

MR. RIVLIN: ... and I can perhaps mention it at a later stage.

F THE JUDGE: Yes. His name has cropped up.

MR. RIVLIN: Hopefully before the end of the day.

THE JUDGE: Yes his name has cropped up in the evidence in relation the events of 24th September.

MR. RIVLIN: Your honour yes.

G THE JUDGE: It's a very limited part of the case but his name has cropped up.

MR. RIVLIN: It has indeed, your honour, and I have ... given that it has cropped up and the defendant says he can give some relevant evidence, then so be it... but we have not got, as I understand it, we have not got a witness statement from Harley.

H THE JUDGE: Yes. Well I will leave that one over for the moment.

for the moment/...

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MR. RIVLIN: Yes.

A THE JUDGE: Is there a statement from Webb.

MR. RIVLIN: Your honour I think not.

THE DEFENDANT: Yes your honour.

B MR. RIVLIN: Well there we are your honour. Well perhaps we can deal with this at a later stage. I have not myself, seen a statement from Webb and I have seen many many statements in this case.

THE JUDGE: Yes. Was he in the bundle of statements I was given.

THE DEFENDANT: He should have been in the bundle your honour.

C MR. RIVLIN: Perhaps we can deal with this at the same time as we deal with Harley.

THE JUDGE: Yes.

MR. RIVLIN: Yes. I have just been handed a statement from Webb.

THE JUDGE: I wonder if it was in the bundle I was given some time ago. Ah yes I have it in a different bundle.

D MR. RIVLIN: Could we deal with this at the same time we deal with Harley your honour?

THE JUDGE: Yes.

MR. RIVLIN: I will have a look at this statement in the meantime.

E THE JUDGE: Yes. Now there are two other witnesses. One is Clarkson and one is Cook. Are they on the indictment.

MR. RIVLIN: No.

THE DEFENDANT: No.

F THE JUDGE: And therefore not in this bundle. Not in the depositions?

MR. RIVLIN: No.

THE JUDGE: You have those statements?

MR. RIVLIN: Yes your honour, I have read them.

G THE JUDGE: They seem to me only marginally relevant on a very small part of the case. There is a short passage in Cook, page 189. It seems to me, Mr. Symonds, to be on one view contrary to your interests and most of the rest is not admissible.

THE DEFENDANT: Cook was the fourth officer your honour who .. there were four (inaudible) officers at Camberwell and he was the fourth one.

H THE JUDGE: Yes. His evidence is he heard you say to Sergeant James, in relation to Perry, "I have had a word with him and I think he

and I think he/...

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A

will plead to Section one theft." That is the nub of his evidence. That, it seems to me, might well on consideration not be thought to be not in your interests but I am not going to say anything more about it now but I think you ought to consider it and, Clarkson, I have had, I have got a statement taken in the presence of Detective Sergeant Kirkland, none of that I would have thought, is admissible.

B

THE DEFENDANT: I think Clarkson is the officer, one of the officers to whom the bribe was offered.

MR. RIVLIN: Your honour if it is of any help to your honour, I can see that there may be some relevance so far as Cook was concerned. After all he was one of the Nuneaton officers who went along to London.

THE JUDGE: Yes.

C

MR. RIVLIN: And, in relation to Clarkson, he does assist the defendant by proving that Perry offered him a bribe.

THE JUDGE: Yes.

D

MR. RIVLIN: And to that extent, with respect, I think that he might be relevant and assist the defendant's case, although the defendant has really got this in already.

THE JUDGE: Yes.

MR. RIVLIN: But whether he chooses to call him, that's another matter, but I think I feel having read that statements there may be some marginal relevance in each case,

E

THE JUDGE: Yes. Well I will certify for Clarkson and Cook but I think you ought to consider very carefully whether they are really going to help you.

THE DEFENDANT: Very well.

THE JUDGE: And we will deal with the matter of Harley and Webb either later today or at an early stage.

F

MR. RIVLIN: Yes.

THE JUDGE: In the meantime we have plenty of evidence to keep us going for today I am sure.

MR. RIVLIN: Your honour yes.

G

THE JUDGE: Very well.

THE JUDGE: Other persons about whom I have to take a decision is Duffy. He doesn't seem to add anything in the light ...

H

MR. RIVLIN: If Duffey had been required and I have never been told that he is required, I would have been content to have him brought up and tender him.

THE JUDGE: Yes.

tender him/Yes/...

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A MR. RIVLIN: But up to this moment during this trial in front of the jury, it has never been canvassed that Duffy may be required.

THE JUDGE: No. His name appears on the list I was given last night.

MR. RIVLIN: Your honour yes.

THE JUDGE: I will leave that matter.

B MR. RIVLIN: Your honour, given that Mr. Duffy has already given evidence on one occasion and I adopted the stance I would be happy for the transcript of that evidence to go before you...

THE JUDGE: Well that's what I had last time.

C MR. RIVLIN: ... I would be quite happy to adopt the same stance now, although it would be unusual indeed for a transcript to be read to a jury...

THE JUDGE: Well it can be done if it is agreed.

MR. RIVLIN: Your honour yes.

D THE JUDGE: Well I will leave that matter for further consideration.

.....

JURY BROUGHT INTO COURT

E
.....

EVIDENCE OF MR. LAMBERT CONTINUED (evidence in re-examination:)

F MR. RIVLIN: Now Mr. Lambert you are still giving evidence on oath.
A. Yes.

Q. Last evening when the jury were released from court, did you sit down and listen to the various tape recordings being played.
A. I did.

G Q. That is exhibits numbers, one two three and five.
A. I did yes.

Q. Relating to a telephone conversation.
A. Yes.

Q. And next came the broken up tape.
A. Yes.

H Q. And then the tape of the events on 31st October, three days later, and then the tape of the 21st November.
A. That is correct.

That is correct/...

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A MR. RIVLIN: Weeks later. And you listened carefully to those in the presence of his honour did you not.

A. I did yes.

Q. Well now I am going to ask you what you have to say about the tapes you listened to last evening.

A. I am convinced in my own mind that they are the tapes that came into the possession of the police early on in this enquiry, in 1969.

B Q. I had listened to them, all of them, on several occasions, in various places, both at the offices from which we were conducting that enquiry and at the offices of EME where those tapes were being examined and I am convinced that they are the same tapes.

C Q. And so, if I may just follow that through with a final question, did you detect any difference in the content of the tapes that you listened to yesterday from the content that you heard so long ago.

A. The only difference, in my opinion, that I could detect, was that with the apparatus that were replaying those tapes was of a much better standard, but of course this is understandable.

D Q. Yes. Now can I just ask you one or two further questions about that. When was it that you first heard the tapes. You see they came into police possession in early December 1969. Can you remember whether you heard them say before 1970.

A. Oh yes.

Q. You did, you heard them before 1970.

A. You see it was midnight on a Friday night that I took possession of the ... they were in fact copy tapes as the court has already been told ... and one can appreciate that it was impossible at that stage to listen to them.

E Q. Yes.

A. All we did was take possession of them and listed in fact what we had taken possession of.

Q. Well Mr. Lambert ...

F A. But the next day on the Sunday I started to go through those tapes and compare them with the transcripts that had been provided by the Times.

Q. Yes.

A. And as far as I could see they were correct transcripts of those tapes that I was listening to. A few days later, and I can't remember the date, but possibly the Monday or the Tuesday, but very early, the actual tapes came into our possession.

G Q. When you say the actual tapes...

A. Well the original tapes...

Q. Yes now you listened to those...

A. ... and from that time onwards I listened to those tapes.

H Q. The original ones.

A. The original ones, yes.

MR. RIVLIN: You listened to those from that time onwards.

A. Yes, on several occasions.

THE JUDGE: I think the 3rd December.

MR. RIVLIN: Yes the 3rd and 5th December. You see the magnetic tapes came along on the 3rd December and the cassettes on the 5th December.

A. Well whenever they came into possession of the police. Obviously it was of utmost importance to the enquiry we should listen and we should know exactly what was on those tapes .. the best transcript that we could, that could be provided at that time of those tapes.

Q. So from what you have said it seems and please correct me if I am wrong, that you started to listen to the originals or alleged originals very shortly after they came in.

A. Yes. I would say on the Saturday and the Sunday I had gone through all the tapes I would think.

Q. Now Mr. Lambert if it be the suggestion that after the tapes had come into police custody, do you understand...

A. Yes.

Q. They were then tampered with or fabricated in some way, what do you say about that.

A. I say that is complete rubbish.

Q. And why do you say that that is complete rubbish.

A. Well because once the enquiry had started certain people were given responsibility for certain things and once those tapes came into possession of the police, I had listened to them but within a very short while other people had listened to them, ie. Mr. Williamson who was overseeing the enquiry ...

Q. He was...

A. He was one of Her Majesty's Inspectors of Constabulary.

Q. Yes.

A. In fact Her Majesty's Inspector of Constabulary for Crimes who had been directed by The Home Office to oversee that enquiry.

Q. Yes and well...

A. And for anybody to tamper or alter those tapes it would have become quite obvious to both myself and to Mr. Williamson.

Q. Now you can't speak for anyone other than yourself so let's just concentrate on Fred Lambert please if we may.

A. Yes. Well but it would have been obvious, quite obvious to me they had been tampered with.

Q. Well did the suspicion ever arise in your mind that any such thing happened.

A. It had never even been considered and I never thought of it and I am certain it never happened.

Q. Now you were asked yesterday and you remember the problems that arose whilst you were giving evidence yesterday, whether there was any disagreement between you and other officers, in particular

Moody, as to the way in which the investigations were being carried out and you said there was some disagreement.

A. I said that ...

MR. RIVLIN: ... there was some disagreement.

A. Yes.

Q. Now I would just like you to confine your answer if you can, yes or no, because I hope that I am going to be asking this question in an admissible way. Did the disagreement that you had with anyone concern in any way shape or form the evidence in this case.

A. No.

Q. Or any other case.

A. No.

Q. Yes thank you Mr. Lambert. I have no further questions to ask of you.

THE DEFENDANT: I wonder if I may ask the same questions of Mr. Lambert in respect of the tape recordings, I did not have an opportunity to ask questions about?

THE JUDGE: No you have had a full opportunity to cross-examine him, I am not going to allow any more. Thank you Mr. Lambert.

THE DEFENDANT: I have had no chance at all to ask this gentleman about the tape recordings.

MR. RIVLIN: Your honour might I formally produce at this stage the consent of Her Majesty's Attorney General dated 1st September 1970 to this, for this prosecution, that is exhibit 36.

THE JUDGE: Yes.

MR. RIVLIN: I go on now to call our remaining three witnesses. First, Mr. Hyde.

.....

MR. STANLEY ROYSTON HYDE (AFFIRMED).

THE JUDGE: Just a moment please. Yes.

MR. RIVLIN: Now what is your full name.

A. Stanley Royston Hyde.

Q. Where do you live Mr. Hyde.

A. 38 Prestbury Road, Cheltenham, Gloucestershire.

Q. And what is the nature of your present employment please.

A. I am a principal scientific officer in the Scientific Civil Service.

Q. Mr. Hyde you are being called, as you appreciate, as an expert in this case. I would like to deal with your evidence as briefly as I can. First I would just like to ask you about your experience and qualifications. Do you have any academic

A qualifications.
A. Yes. I have a bachelor of science degree in electrical engineering. I am also an associate member of the Institution of Electrical Engineers.

MR. RIVLIN: What is your speciality Mr. Hyde.

B A. Well I have spent over thirty years in the field of electronic equipment design and development and included in that was nine years working at the Joint Speech Research Unit undertaking speech research. It was during that period that I came into contact with these tapes.

Q. Between 1952 and 1954 what was the nature of your employment.

A. That was when I did National Service in the Royal Electrical and Mechanical Engineers as a tele-communications mechanic.

C Q. Between 1955 and 1965 a period of ten years what was the nature of your employment.

A. I worked at that time in the Royal Naval Scientific Service.

Q. ...

THE JUDGE: I am sorry I missed those dates.

D MR. RIVLIN: 1955-1965.

THE JUDGE: Thank you.

A. In the Royal Naval Scientific Service. That is the civilian force of scientists and at that time I was involved with electronic equipment design and testing and development.

MR. RIVLIN: Between 1965 and 1973?

E A. I worked at the Joint Speech Research Unit at Ruislip, Middlesex near London.

Q. And what were the main matters upon which you were engaged in the Speech Research Unit.

F A. Well signal processing of speech signals. Research into human speech production. Signal analysis. The generation of synthetic speech. The recognition of speech by computers and such topics. My general expertise was in the field of speech recognition and voice identification.

Q. And did you publish a number of papers related to these matters.

G A. Yes, a number of papers between August 1968 and the last publication is in 1976, that's papers at conferences, papers in scientific and learned journals, a contribution to an encyclopaedia of computer science, and a number of publications in the general field of speech research.

Q. Well I am not going to ask you to enumerate them. I am going to ask you this. When was it that you first became involved in this case. What year.

A. October 1970.

H Q. And of course at that time you were working in the Joint Speech Research Unit were you not.

A. Yes I was.

MR. RIVLIN: And were you asked to examine the tapes with which we are concerned in this case.

A. Yes I was.

Q. Not merely the original tapes but also, or the alleged original tapes, but also copies.

A. At that time I did not do an extensive study of the copies. The first contact I had with the tapes were of copies of tapes three and four. Originally the tapes in this case and in the Robson and Harris case were treated as one batch and they were all examined together at one time. The first approach to us at JSRU was on the 21st October 1970, the police brought to JSRU copies of tapes three and four. Later they brought the original tapes of tapes three and four on the 29th October 1970.

Q. Mr. Hyde I want to cut matters short. Have you, by now certainly, examined the originals, alleged originals and copies.

A. I have examined the original tapes and I have examined recordings, copies that I made myself of those originals in order to do what analysis could be done on the copies, but I have not made an extensive analysis of the Times copies.

Q. But you have heard them before.

A. But I have heard them yes.

Q. Well I can deal with the question of copies I think at a later stage but is it right that you have been assisted or you have conducted examinations in conjunction with other people.

A. Yes.

Q. Who are they.

A. Mr. Penna and Mr. Eley of the Forensic Tape Laboratory at the Technical Support Unit at Bannock Hill and in conjunction with those I have agreed a programme of work to study the copies, the Times copies, but I did not at that time handle them myself.

Q. I think you were involved in analysing the results of their investigations.

A. Yes. We agreed the approach of the analysis, an analysis was undertaken ...

Q. Well the answer is really yes isn't it Mr. Hyde.

A. Yes it is.

Q. Mr. Hyde 1970 you started, did you do any more work on them after that year.

A. I worked on the tapes at various times from the 21st October 1970 up until the 9th February 1972. I am sorry I should say the 24th January 1972.

Q. Right.

A. The work after that was incidental. It did not include the tapes. At that time we were preparing for the Robson and Harris trial and after the trial I did no further work on the tapes until the 25th September 1980.

Q. Yes. Of course we know that in 1980 the defendant returned to this country.

A. Yes.

THE JUDGE: September 1980 was it.

A 25th September 1980. I then had contact with the tape recordings again.

Q. Yes.

MR. RIVLIN: And do further work on the tape recordings.

B A. Yes indeed. From then up until the present time but mainly the work at Denmark Hill took place between 25th September 1980 and 9th October 1980.

Q. Right. Now what I am very anxious to do Mr. Hyde, if possible, is to keep matters as short and as simple as may be and what I would like you to do please is to explain to the jury in very simple terms what it was that YOU did so far as the tapes were concerned. What your interest was and the objects of it.

C A. The work can come under three headings. Careful listening to the tape recordings in order to identify their contents, and consider whether the contents agree with the alleged methods of production. Visual inspection of parts of the tape recordings...

Q. Not too quickly.

D THE JUDGE: This is two is it.

A. This is the second one, is visual inspection of parts of the tape recordings. Looking for physical imperfections generally. And, third, is instrumental analysis of the tape recordings.

MR. RIVLIN: Now, just a moment, please. Instrumental analysis of the tape recordings. That is analysis of them using certain instruments. Is that right.

A. Using certain instruments, yes.

E Q. Well I think it might best help us if you just tell us which instruments you used and why you used them.

A. Right. Tape recorders of course but one in particular with a repeating facility to allow constant repetition of parts of the tapes for listening.

F Q. Now why did you do that. Why did you use that.

A. In order to concentrate. Very careful listening to particular pieces of the tape without the interruption of continual winding back and playing again. It is very important when you are listening to very specific details of the tape not to be diverted by having to perform other operations at the same time.

G Q. Yes now what was the purpose of using the tape recorder in that way. What was the object that you had in mind.

A. To confirm that the recordings were made under the alleged circumstances.

H Q. What other equipment did you use.

A. The Spectrum analyser for measuring the spectral content. That is the distribution of sound energy with frequency and this is in order to study tones on the tapes and to compare original or to examine the originality of the tape recordings.

MR. RIVLIN: Did you use any other equipment.

A. Yes the sound spectrograph which gives a visual pattern of the speech and allows visual examination of speech sounds.

THE JUDGE: Sound spectrograph does what?

A. Gives a picture of the speech.

Q. Yes you said something else.

MR. RIVLIN: Yes, enables you, gives you a visual analysis I think you said, of the sounds, I think that is what you said.

A. It allows visual analysis. It provides a picture of the sounds on the tape recording. If I may show the court, this is a sound spectrogramme. It is a visual picture of the sounds which the microphone picks up and allows very detailed analysis that cannot be done in any other way.

Q. Now what was the purpose of using that equipment.

A. To examine such things as the positions of the microphone in the scene during the recording and to, in particular, to study the overlapping voice sounds where, in a normal conversation people don't speak as they do on the stage with one waiting for the other to finish, their voices very often overlap and this feature is very difficult to fake.

Q. Now in this particular case and in the tapes with which we are concerned does it happen that voices overlap.

A. Yes they do.

Q. Occasionally or what.

A. Quite often.

Q. ...

THE JUDGE: Which tapes are we talking of now.

MR. RIVLIN: The various tape recordings.

A. In all the tape recordings with two voices present the speakers tend to interrupt each other. In particular its the later tapes, five and fourteen are typical ...

Q. Yes, Exhibits three and five. Now you told the jury...

A. Should I continue with other instruments?

Q. Please do.

A. A pen recorder, or soundlevel recorder for analysing the levels of noise on the tapes in order to confirm whether or not the tapes had been used previously or whether they were virgin tapes and, finally ...

THE JUDGE: Just a moment.

A. I am sorry.

Q. Yes.

A. And an oscilloscope, a storage oscilloscope for the analysis of wave forms of tape recordings.

Q. For what.

A. For wave form analysis.

MR. RIVLIN: Now what's the purpose of that.

A. It allows you to examine you to examine clicks and other time events on the tape in order again to confirm their method of generation and the possibility of editing or tampering.

Q. Was this possibility, the possibility of editing or tampering something that you had very much in mind when you were examining the tape.

A. Very much indeed. The purpose of listening to the tape recording was to find places in the tape recording that were worthy of further analysis and some phenomena that could be possibly be consistent with editing or alteration were examined in more detail to make sure that they were in fact innocent, innocently generated.

Q. Yes, just pause there please.

THE JUDGE: Yes.

MR. RIVLIN: Was the work that YOU did on the tapes something that took you just a matter of hours or what.

A. Talking all of the tapes together, that is those of the Robson and Harris case and this case, I spent about 240 hours I predict something greater than 240 hours analysis. The tapes in this case took about 80 hours, of man hours analysis. Something in excess of that. I can't be absolutely certain.

Q. Now Mr. Hyde you did not make the recordings yourself did you.

A. That is true.

Q. You were not there at the time that this happened.

A. That is correct.

Q. And you have not had the tapes in your custody for the past twelve years have you.

A. That is correct. I have never had control and custody of the tapes.

Q. And so in absolute terms is it possible for you to say that these are original recordings.

A. Without any doubts at all I can't say that these are original recordings.

Q. Because you have not, you were not there when they were actually made.

A. EXactly so.

Q. And you have not had them in your custody.

A. That's right.

Q. But are you able to express an opinion based upon the work that you have done on these tapes, that is a scientific opinion based on the work you have done on these tapes.

A. I have examined the tapes very carefully...

THE JUDGE: Just a moment.

A. I am sorry.

Q. Yes.

A. I have examined them very carefully over a long period

and I have found no evidence to suggest that the tape, that the conversations recorded on the tape, have been edited or tampered with in any way.

A

MR. RIVLIN: And what about the question as to the originality or otherwise of the tapes.

A. Again it is impossible to be certain that the tape you have in your hand is the one recorded on the day.

Q. Because you were not there.

B

A. Because I wasn't there. However, the tests that we have made, the tests that I have made...

THE JUDGE: Just a moment please...

A. The tests that I have made lead me to the conclusion that these are either originals or that no tapes that have passed through my hands are the originals that have been alleged to be copies, as far as I can tell.

C

Q. I haven't quite followed that.

A. I am sorry.

Q. The note I have made is "the tests I have made lead me to conclude these are originals."

D

A. As far as I can tell the originals appear to be originals and the copies appear to be copies from my analysis. As I have said it's not ...

THE JUDGE: Just a moment.

MR. RIVLIN: Wait a moment Mr. Hyde.

THE JUDGE: "The tests I have made lead me to conclude the originals are originals and the copies are copies." That's right.

E

A. Yes and I say that because the type of... I am sorry. If the tapes had been faked in some way, tampered with or altered in any substantial way, I would expect evidence of that tampering or altering to appear on the recordings and I have found no such evidence. But the subject matter on these recordings is such that it would be, in my opinion, virtually impossible to make substantial changes to the text, substantial changes to the sound to the speech ...

F

THE JUDGE: Just a moment. "Virtually impossible to make substantial changes" to the what?

A. To the texts, to the words which are recorded there in the order in which they appear. Things like that.

MR. RIVLIN: Yes. I can come on to that in a moment Mr. Hyde.

G

Can I just follow up what you were saying a moment or two ago. In relation to the alleged copy recordings, the Times copies and the other copies that we have heard about in this case, you say that you're able to say something about those.

A. Yes, I can say something about them.

Q. What can you say about those.

H

THE JUDGE: These are The Times copies and the ..

MR. RIVLIN: The Times copies and the other copies.

THE JUDGE: Yes.

A MR. EIVLIN: Are you able to say whether or not they are indeed copies.

B A. We were asked to examine The Times copies. I was unable to be present on the day that the copies were available for analysis. Mr. Penna and Mr. Eley did the analysis. We agreed beforehand and by telephone the type of analysis that should be done. I have since examined their evidence, their recordings, their data, and I tend to agree with their conclusions that the copies are copies.

Q. That is as far as you can go.

A. I was not present while they were being examined.

Q. Yes.

C A. And I did not handle them but as far as I am able to say the evidence appears to show that they are copies.

Q Yes. Well I don't think it is suggested otherwise in relation to The Times recordings, copy recordings, and, as regards the other alleged copy tapes have you at any stage examined those.

A. Can you be more specific about which copies we are talking about.

D Q. Yes the copies that were first taken of these tapes.

A. And handed to the police.

Q. Yes.

A. These copies were brought to the Joint Speech Research Unit at one time, or certain copies were. I don't know that the full set was and we expressed the opinion then we ought to see the original copies, original recordings and, later .. I can be more specific if necessary...

E Q. No. Keep it simple if you can Mr. Hyde.

A. Later the original tapes were brought to JSRU, the Joint Speech Research Unit, and I made copies there myself and some analysis was made on the original recordings. Some analysis was made on the copies that I made. I did not subject the original copies that I saw to any extensive analysis.

F Q. Now Mr. Hyde can I just ask you one or two questions that I hope may assist the jury to understand your conclusions. In relation to the tape recording of alleged conversations you were given information as to the places or positions in which the microphones had been set up.

A. Yes the manner in which they were recorded.

G Q. For example, one under the dashboard, one round the neck, one under the arm or in the hand.

A. Yes.

Q. And you have listened to the tapes have you, the relevant tapes in order to establish whether your findings are consistent with the microphones being placed in one position or another.

A. Yes I have.

H Q. Can I just put the matter very simply. There is a microphone in

front of you isn't there.

A. Yes there is.

MR. RIVLIN: And let us assume I have a microphone around my neck whilst I am speaking to you now. Would you expect the voice levels to be different on a tape recording from the microphone in front of you and a microphone slung round my neck.

A. Yes, in general yes. Certainly when the voices overlaps. If .. it depends, because of thing called AGC that can be switched in or out, Automatic Gain Control, Whether a voice would be louder or not is incidental. When they overlap it is clear the microphone closer to you would reproduce your speech stronger than mine.

Q. If we were talking at the same time.

A. If we were talking at the same time. There are many other factors as well. Not just loudness, many other factors, that convince me that the microphones were in the positions claimed and the recordings were made under the conditions claimed. That is mostly in cars and just outside.

Q. Yes, now Mr. Hyde would that be something which would be easy to fake.

A. Not at all.

Q. That is the difference between, if I can put it in this very simple way, the difference in noise levels from one recording to another.

A. In those places where the voices overlap in my opinion it would be virtually impossible to fake in the way that we have them on these tapes.

Q. And, I don't ask that it should be played now, but you have prepared a demonstration tape have you not.

A. Yes of recordings from tapes, 13, 14 and 15, which all record the same scene with three microphones in three different positions.

Q. And that tape has been played to Mr. Ford and Mr. Killick who sit behind Mr. Green the defendant's solicitor.

A. Yes.

Q. So they have been able to listen to that.

A. Yes, listening to the demonstration tape it is very apparent to the ear that those are different microphones and in different positions. My instrumental analysis confirms without any doubt there were at least three recordings... two microphones and in my opinion three present when the recordings were made.

Q. Now the only other matter I would like to ask you about at this stage is and related to the question of faking, editing out and putting in. Now as regards that Mr. Hyde, what do you say about that in relation to the tapes that you have heard in this case.

A. If you make recordings with the intention of editing them afterwards, you take certain precautions that will allow you to cut out bits of speech without affecting what remains or to add words without affecting what remains. In this case you have normal hurried conversations under ...

THE JUDGE: Just a moment.

MR. RIVLIN: Just a moment please.

THE JUDGE: "Normal hurried conversations..." Yes?

A. In a car or just outside under often noisy conditions and these tapes are not of the quality that you could take away and then fake the results by re-arranging the words, by cutting out the significant number of words and altering the content.

Q. Not take them away and alter the words, you say...

A. You could not alter, you could not easily alter the word order or the word content of the recordings, to add words or subtract words or re-arrange words.

Q. When you say not of the quality what do you mean by that.

A. As I said if the intention is to edit you make a recording under studio conditions. You are careful that the voices don't overlap.

Q. And, if you have got recordings made under the sort of conditions alleged in this case in a public house car park with motor cars going by and extraneous noises and the like would it be an easy matter to fake insert or delete words from such a recording without being detected.

A. On parts of the tape where there are no background noises, where the speech is well separated, it would be possible to take out a sentence, take out a word possibly, to, in order to fake a conversation to be incriminating the editor would have to be very skilled and very lucky, that the places he wanted to edit occurred in editable places and I don't believe that is the case with these tapes.

Q. When you say very skilled and very lucky what do you mean by very skilled.

A. Well I mean that to make an edit in a difficult case might take you all day to make one edit.

Q. One edit meaning...?

A. The removal of a word, the addition of a word, the re-arranging of words on the tape. If luck is against you then it may take you all day to get it right. You would have to do that on a copy. You could not do that on the original because there would be a danger of forever losing the original tape.

Q. So if you are going to edit you say you would have to use a copy tape, you would not snip bits but of the original you would snip bits out of the copy you made.

A. Trivial editing is possible. If by that you mean making an edit anywhere on the tape. It is possible to do that without it being ever detected as long as a copy is made afterwards which you didn't have the edited recording in your hands, but, in order to take a conversation...

THE JUDGE: When you say trivial editing is possible you mean the removal of a few words.

A. I mean if I was given a tape and said, "Can you make an edit

A at any point on this tape without me knowing it would be true. If I could choose the place myself. I could cut out...I could shorten a period of silence for instance and no one would know, except by measuring the silence before and after.

THE JUDGE: But then you would have to do that by means of copying would you.

B A. If the editing was trivial no, but in general, if you are trying to make an edit at a critical place the results of your editing could be detectable, could be detectable, Now, in order to avoid that you would practice on a copy to make sure you could do it first.

MR. RIVLIN: Otherwise the original is destroyed.

C A. Otherwise if you make a mistake with the original you have destroyed it and you can never get back what you have taken away or what you have damaged or what you have spoiled.

Q. Yes.

A. So you would want always to go back to the original and you keep that safely locked away somewhere where it could not be damaged.

D Q. Well now its not for me to make any suggestions as to where on these tapes edits may or may not have taken place. Its for the defendant if he chooses to make that suggestion and then you can answer that Mr. Hyde. But, so far as you are concerned have you .. did you experience any worries about the question of editing when you examined these tapes in the way that you have described.

A. Not at all. I found many places that needed further examination on a first hearing, after examining them I found no evidence to suggest that editing had taken place.

E Q. I see. Now would you please wait there Mr. Hyde.

THE DEFENDANT: Your honour I wonder if I could ask for a break here for a few minutes, because the questions are on very technical matter and I would like to take some advice before asking questions?

F THE JUDGE: Yes you can have five minutes.

.....

THE COURT RETIRED FOR A SHORT WHILE

G MR. HYDE (cross-examined by THE DEFENDANT):

THE JUDGE: Yes?

H THE DEFENDANT: Mr. Hyde I believe you gave evidence that you were first approached on this matter in October 1970. Was this as a result of a communication from the police to your research unit.

A. We were approached by a Mr. A.E. Bailey of the National

Physical Laboratory, who was acting as an intermediary with the DPP.

THE DEFENDANT: And when you were brought tapes to examine is it right they were copy tapes originally.

A. The first tapes that were brought to JSRU on 21st October 1970 were copies of tapes three and four.

Q. And would it be right to say that with these tapes there came a list of I believe five questions concerning the recordings.

A. I have an idea the list came at a later date but it was about that time.

Q. And when you were given these copy tapes to examine were you given their alleged histories.

A. Yes I was given, again it is a long time ago and I am not sure what happened on the first meeting and what happened on the second and third and so on, but, by the 29th October, we had seen the originals of these tapes and, certainly at that time I had a copy of a statement by Mr. Hawkey about the contents of the tape recordings and the way in which they were recorded.

Q. And from Mr. Hawkey's statement did it appear that their alleged histories were that these were brand new virgin tapes.

A. It does not say on the ... it does not say in the copy of the statement I have. I have just three pages of the statement that detail the tape recordings, their numbers and dates on which they were made, the instrument, the apparatus used to make the recordings and so on.

THE JUDGE: I think that's the schedule to Mr. Hawkey's statement.

THE DEFENDANT: The schedule, yes.

A. I believe that's true.

Q. So would it be true when you first conducted your examination into those tape recordings you were in fact looking at copy tapes and you did not have the full alleged history of the tape recordings as alleged by the reporters and Mr. Hawkey.

A. The copy tape, the copies of three and four were brought on the first day in order to acquaint us with the problem. The originals were brought later for us to do further analysis on, but, on the first day, we sat down for an hour and listened to the recordings and made some comments to the police about the quality and what we could expect to do at the Joint Speech Research Unit.

Q. Would it be right to say that the first time you heard fully the alleged histories of these tapes was, would it have been at the committal proceedings.

A. I am not quite sure what you mean by "fully."

Q. When Mr. Hawkey stood up and said that on each and every occasion these tapes were brand new when put on to the machines to make the tape recording.

A. I was not at your committal proceedings. I did go to the committal of Robson and Harris I believe.

- A THE JUDGE: We don't need to hear about that.
A. I believe you are right in saying the first time I heard that brand new tapes had been used was when Hawkey said it in the witness box at the Robson and Harris trial.
- B THE DEFENDANT: That's the answer. That what I wanted to know, thank you. Now I believe you say you were given a list of questions to answer in connection with the tape recordings you were shown. Do you recall those questions or do you have a record of them.
A. I don't have a copy of the questions. I have a copy of my answers that were sent in typewritten form through Mr. Bailey of the NPL I believe.
- C Q. I believe if you look at page five of your first report, there's a heading there, "Replies to specific questions."
A. Quite correct.
- Q. First question being, "Is each tape an original master recording." Does that refresh your memory.
A. Yes.
- Q. I believe you replied, "It's difficult to tell with certainty."
A. I did.
- D Q. And you go on to say that "each recording ends with a length of tape which seems to be unrecorded." Now when you were examining...
- THE JUDGE: Is that what you said?
A. Yes that's true. That was based on listening only.
- E Q. Yes.
- THE DEFENDANT: I think you have answered the question in advance, that when you were examining these tape recordings you were in fact listening, in the main, to that part of the tape recording which covered the alleged conversation or meeting.
A. In the main, yes. That is what we offered to do at the time that we were asked what could be done by the Joint Speech Research Unit.
- F Q. And at that stage did it cross your mind to make any form of scientific examination of other parts of the tape. For example, the unrecorded parts.
A. Not a detailed scientific examination. That came later, in the case of Robson and Harris and, by the time that it was relevant to do that in relation, in these tapes, in the tapes for this trial or in this case, you were not around and so the whole thing was stood down and so it is correct to say, I believe, that my early analysis was mainly on the recorded contents of the conversations and the music and so on around them. My more recent analysis has been of the more technical levels, of noise levels, noise measurements and things like that.
- G
- H Q. Would it be true to say that your more recent analysis has been carried out following on from information received from other experts.

A A. Yes I have seen the reports of Mr. Ford, Mr. Killick, Mr. Taylor and so on.

THE DEFENDANT: I believe one of the other questions, the original questions you were asked was on paragraph 29, "Is there any evidence of editing splicing over-running or tampering of any kind?"

A. That's true.

B Q. And I believe you say there, "No substantial evidence of this kind could be found, but the sudden change from tape 3(a) to tape 3(b) could have been produced by splicing."

A. Could you read the rest.

THE JUDGE: Just a moment please.

THE DEFENDANT: Yes.

C THE JUDGE: "No substantial evidence of tampering could be found."

THE DEFENDANT: "the sudden change from tape 3(a) to 3(b)..."

THE JUDGE: Just a moment. What do you say? I am asking you.

A. I said, "Please read the rest of the sentence."

D Q. Yes I know you did. What did you say before that.

A. I am sorry, what did I say in my report?

Q. What I have got in my note is, "No substantial evidence of tampering could be found but there was a sudden change in"... something.

A. "The sudden change from tape 3(a) to tape 3(b) could have been produced by splicing" comma.

E Q. Yes.
"But could equally well have occurred in accordance with the explanation given above."

Q. Yes. And what is the end of the sentence you wanted to read.
A. That's it.

F Q. "Could equally well have occurred in accordance with the explanation given above."

THE DEFENDANT: Yes perhaps your honour, it should be right to go through the five questions and five answers.

THE JUDGE: Well just a moment. What was the explanation given above.

G A. Well there were various suggestions of how the change-over from 3(a) to 3(b) was so sudden.

H Q. Yes.
A. And one that I suggested was that the tape was turned back a bit and then started again over the top of a recording which was already existing at the beginning of the tape. Normally your honour, if you make one recording, stop the tape in the middle and then begin without any changes making a second recording, there is a very brief gap between the two.

between the two/...

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A

THE JUDGE: Yes.

A. .. something which shows the tape recording was switched off and then switched on again and that was not present in this case. The reason it was not present is fairly obvious. The second recording began somewhere before the first recording had ended so that instead of recording stopping and starting, someone had recorded it and then gone back through the tape and started over-writing what was there before.

B

Q. So the position was this. What I call the first recording was made.

A. Which is 3(a).

Q. Which is 3(a), just a moment.

A. And that is the one which gets faster and faster.

C

THE JUDGE: Don't go too fast.

A. I am sorry.

Q. First recording is made on tape 3 (a).

A. With the batteries running down.

Q. With the batteries running down.

D

A. So you had a very imperfect recording.

Q. Does it come to this. Have I understood rightly. The conversation with the batteries running down is recorded and then someone starts again at or near the beginning and records a further conversation over the top of the one with the batteries running down. Is that right.

A. Over the top of maybe the latter half of the recording.

E

Q. Yes.

A. Its not near the beginning. There's quite a substantial bit of 3(a) remaining, but 3 (b) starts before 3(a) had ended. It was recorded over the top. And, what I am saying in my report is that either the sudden change was due to splicing or it was due to over-recording. You must remember, your honour, that the part of the recording which is obliterated is unintelligible.

F

Q. The part of the first conversation which had gone down either intelligibly or not, unintelligibly, is eliminated is it not when ~~you~~ record something on top of it.

A. The first part remains because the second recording was made after the beginning.

G

Q. Yes I follow that, but once you start the second recording it destroys what was underneath it.

A. That's true.

Q. And, so far as the quality of the second recording is concerned, is that affected by the fact that it is recorded over the top of an earlier conversation, whether a good one or a bad one.

A. Not at all.

H

Q. The quality of the over-recording of 3(b) this is...

A A. 3(b) over-records 3(a).

THE JUDGE: Yes that's what I said. The quality of over-recording 3 (b) is not affected by what was underneath it. Is that right.
A. That's right.

B Q. Yes. Yes. For the purposes of the quality of the recording does it make that better or worse or more or less intelligible if the recording is on what has been called a virgin tape or if it is over-recorded on a tape used before.
A. It would make virtually no difference to the last recording you made. It would not be affected by what was underneath it in general.

C Q. No. Would it be any better or worse than a recording on a virgin tape.
A. From the point of view of making a record of a meeting there would be no difference.

Q. Thank you. Yes.
A. For some reason they went on this recording session with a tape recorder that could not use large spool tapes. The only tape they had available already had two recordings on it.

D Q. Just a moment. They went with a tape recorder...

THE DEFENDANT: Your honour how can Mr. Hyde, say, this, just as a matter of interest?

THE JUDGE: They went with a tape recorder what ...
A. That could not take 7½" spools.

E Q. Is that a Uher.
A. The Uher recorder would not take 7½" spools. They had a 5" spool with them that had two recordings on it already, 3 and 3(a).

Q. Yes.
A. And by accident or design they recorded tape 3(b) over the latter, i.e. unintelligible part of 3(a).

F Q. Yes, Mr. Symonds?

THE DEFENDANT: Well in the first place I suggest to you Mr. Hyde that there is no such things as a 7½" tape.
A. Spool. I am sorry it is an 8" reel isn't it, its 7½" is the speed.

G Q. Precisely.
A. Yes you are quite right. The reel they had was a 5" reel and the tape recorder could not take anything larger than a 5" reel.

Q. You see I would like to go back to your evidence in chief, where you give your qualifications. You started off by mentioning two years in the RAF. That was your National Service was it.
H A. No, in the Army.

Q. And you were a telecommunications mechanic, is that right.

that right/...

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A A. Yes indeed, a long time ago.

THE DEFENDANT: Yes were your duties as a telecommunications mechanic anything to do with tape recordings or tape recorders.

A. No not at that time.

B Q. And then you went on to say from 1955 to 1965 you were a Naval Scientific Officer.

A. I was in the Royal Naval Scientific Service and it was at that time that I first began tape recording, about 1955-56.

Q. Was it at that time you started to specialise as it were in the analysis and transmission of speech.

A. Not at that time I was involved with the design and construction of electronic equipment.

C THE JUDGE: Can we get on to this case please.

THE DEFENDANT: Well I would say sir is it that your expertise relates to the analysis and transmission of speech as opposed to magnetic recording.

D A. In my work over the years I have had a lot of experience with magnetic recording as a technique, as a tool, for use, and most of my experience relates to the use of magnetic tape recording as a user. I am very familiar with what can and cannot be achieved with a tape recorder.

Q. So in other words, excepting the tapes in this case, your experience of magnetic tape is as a user of tape and not as an examiner of tape and its characteristics.

E A. Yes that's true up until 1970 ... up until 1970 although I was at that time I was building tape recorders of my own, so I am not a complete novice in what a tape recorder is and what it can do.

Q. So, again ignoring the Times tape recordings, what is your experience of verifying the originality of tape recordings.

F A. None before 1970. We were approached because we were the Joint Speech Research Unit and it was analysis of the speech on the tapes that we were asked to do.

Q. So were you asked to make an analysis of the speech on the tapes or were you asked to examine the tape recordings as to their originality and authenticity.

G A. At that time what we agreed to do was to examine the recordings on the tapes and make a decision, make an informed comment about whether the recordings could have been faked.

Q. But would it be true to say that it would not have been possible for you to examine the tapes as to their originality and authenticity because at that time you were not in a possession of their alleged history.

H A. Its true that we could say very little about the tapes themselves. Our analysis at that time was mainly on the contents of the recordings. As I say more technical analysis came later in the case of Robson and Harris and in your case could not be done because the case against you was suspended.

you was suspended/...

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THE DEFENDANT: And as a user of tape...

A THE JUDGE: When did you .. just a moment ... when did you do the work on these tapes with which we are concerned in this case.
A. I had a period in 1970 and 1971 ...

Q. Yes.

B A. And a period more recently beginning September 1980 until October 1980. In the earlier period most of my work on the contents of the tape recordings was done. In the later period most of my work on the technical electrical analysis was done. But there is some overlap.

Q. Yes.

C THE DEFENDANT: Would it be right that it was on the 10th January 1972 when you came into possession of the full reports of the experts, Mr. Ford and Mr. Killick at that time, which pointed out certain shall we say, phenomena.

A. I am not sure of the date but it was about that time that I had access to those reports, yes.

D Q. Therefore, it would be right, would it not, that you had from 10th January, if that be the date, until April in which to carry out tests on these tape recordings in the light of what you had learnt.

A. Yes a lot of the analysis was done to re-examine the points which the reports by Taylor and Ford brought up. I was asked in connection with the Robson and Harris trial to examine specific...

E THE JUDGE: We are not concerned with that.

A. No. Well my analysis of these tapes in this case, the more technical analysis, dates from last year. As I said the analysis of the Symonds tapes was suspended at about the time the case was put into cold storage.

Q. Yes.

F THE DEFENDANT: I believe you gave evidence that when the police officers brought you the copy tapes on the 21st October 1970, you yourself made further copies from those copies and it was the further copies that you carried out your tests on. Is that right.

G A. The tests were made on copies of the originals after the 29th October. That is only tape 3 in this case. The tapes, the other tapes in this case, we did not see the originals or do any work on them before 26th January 1971. So, with respect to the recordings in this case, we had access to the original tape three on the 29th October 1970, to the remainder of the tapes...

H THE JUDGE: Just a moment.

A. 29th October 1970.

Q. Yes.

A. And the remaining tapes...

THE JUDGE: You are talking of the originals.

A. The remaining originals were brought to JSRU on the 26th January 1971 and that was my first contact with the Symonds tapes, other than tape three.

Q. Yes.

THE DEFENDANT: And you gave evidence Mr. Hyde of having published a number of papers on your scientific speciality and indeed a contribution to an electronic text book but are any of these papers to do with the examination and analysis of magnetic recordings as to their originality and authenticity.

A. No they are not.

THE JUDGE: Yes.

THE DEFENDANT: And in the light of your experience and qualifications would you say that you can tell with certainty if a recording is an original or a copy.

A. No.

Q. And on the point of tape editing would you know that editing of tapes is a common everyday practice in the radio tv film and record business.

A. Yes, and those tapes are made either under studio conditions or, in the case of radio reporting, the tapes, the splices are very clear on them if you listen to them and you have had experience you can hear where the joins are very often. Its very apparent.

Q. So you say you can detect such edits in what, pop music,...

A. Many edits of that sort can be detected.

Q. And would you agree that many could not be.

A. I would agree that there are edits which cannot be detected.

Q. We have heard evidence of maybe 200 edits in a half hour programme.

A. It depends on the luck of the editor. If he wants to make an edit in a difficult place he has a difficult job and in general the conversations in these tapes are very difficult.

Q. Quite apart from this case, the Times case, have you been involved in any other investigations into the originality and authenticity of tape recordings.

A. No I have not.

Q. In a court of law.

A. I left the Joint Speech Research Unit in 1973 and I am only here today because of my connection with the case in the 70's.

Q. So would you agree that editing and copying can remain undetectable.

A. It can under favourable circumstances yes.

Q. I must ask you if during your examination of the tapes whether you found it necessary to place any form of mark on the base film side of any tape or tapes.

A. Of the tapes in this case no.

A

THE DEFENDANT: And was it later brought to your notice such marks had been found.

A. Yes indeed.

Q. And did you examine those marks.

A. I examined the marks as they existed at that time. Two were clear ... I am sorry I am taking all the tapes as a whole that includes the Robson and Harris tapes. Some marks were clear and some were practically invisible by the time I saw them.

B

THE JUDGE: What about in this case.

A. The mark on tape 3(a)/3(b) I notice at the time its a very faint stain, two minute particles near the edge. In other words a very indistinct mark.

C

THE DEFENDANT: Can you give the date of that examination, the visual examination. Would that have been in 1980.

A. I can tell you I think. 23rd December 1971. And the mark on tape five which was the only other one I noted "that there was a faint smudge or dot rather than a line, could be a line with part of it erased."

D

Q. On the same date.

A. On the same day. So the tapes in this case the marks were very indistinct.

Q. But in the other were the other marks more distinct.

A. That is in the Robson and Harris case?

Q. In the same series of fifteen tapes.

A. Tape four was quite distinct. Tape seven was a well defined line, yes.

E

Q. Would it be true to say tape four is the back-up tape of tape 3(a) which is an exhibit.

A. Yes it is. Or the other way around, tape four is the main tape and tape 3(a) is the back-up.

Q. So is it right to say that you did not notice any of these marks during your original examination.

A. That's true.

F

Q. And may I ask if you did in fact conduct a visual examination of the tape recordings.

A. Of parts of the recordings yes. I observed them for obvious damage and splices and I also looked at drop out phenomena that is foreign bodies impressed in the magnetic coating side, where there was evidence on the recording that such particles might be found.

G

Q. And you say the magnetic coating side and on those occasions would you have looked on the base film side.

A. It depends. Normally taken out of the tape recorder you would stop it at the point where the sound appears to indicate a point of examination and take the tape out and turn it over and it is possible at that time to examine the back of the tape.

H

Q. I think you said that you made a point of visually examining

A the tapes at any point where you found phenomena.
A. No at those points where I thought it was worth checking for physical evidence on the tapes.

THE DEFENDANT: And when you carried out your original examination did you find the point of interest between 3(a) and 3(b).

A. I don't think so, not .. I don't think there were drop outs in 3(a) and 3(b).

B Q. I think you described at one time you thought it might have been a splice or some other reason for it.
A. I was saying that the evidence on the recording could have been due to a splice or could be due to another more innocent explanation.

C Q. And looking at the other tape the 3(a), did you examine the point there on tape 4 where there was phenomena.
A. I saw it as it went through the tape from reel to reel but I didn't examine it very closely under very strong light and such things.

D Q. And these two points where I believe you say you have noticed phenomena would that be the two points where these marks were later found.
A. No I don't think so.

Q. 3(a) and 4.
A. No I don't think so. I was looking for drop outs and 3(a) and 3(b) is such a bad recording, I honestly don't recall and its so long ago....

E Q. Perhaps if you refer to your notes, I believe it would be your report number one regarding these two tapes.
A.. Do you want to refer to a particular paragraph?

Q. I wish to refer to tape 4 to I believe the click, you describe it .. it was described as a click.
A. The click in the gap of tape 4?

F Q. Yes.
A. Oh yes that's very familiar to me.

Q. And would that be the point where the mark was later found.
A. No it occurred some centimetres away from that.

Q. Some centimetres.
A. On tape 4. I can tell you where the mark occurred...

G THE JUDGE: Well tape 4 is not concerned with this case.

THE DEFENDANT: Well its the back up tape to tape 3(a), your honour. There are two marks on tape ... two marks where we are talking about are one marked on exhibit tape 3 before the court and in fact where the ...

H THE JUDGE: You must not give evidence Mr. Symonds.

A A. The mark occurs roughly 1.7 seconds before the click that was examined.

THE DEFENDANT: And would that mark bear any relation to the mark found on the exhibit before this court, tape 3 exhibit 5.

A. The other mark is a long way away but its in the general vicinity of the gap but its ... in that case ...

B Q. By long way away do you mean centimetres.

A. Centimetres and seconds. Its 2,3,4,5, about six seconds away, if you align the beginning of the gap of tape 3(a) 3(b) and align the beginning of the gap of tape 4 the marks are about six centimetres apart.

Q. Six centimetres and would six centimetres be within the range of error.

C A. No, sorry, six seconds.

Q. Six seconds.

A. Its of that order. Roughly six seconds in playing time.

Q. And when you examined the mark on tape 5 did this mark come at a point which had aroused your interest on your original examination.

D A. It occurred near the join between the two recordings I believe.

Q. And did you notice...

THE JUDGE: Just a moment. Tape 5 exhibit 3 mark occurred, where?

A. May I just refer to my notes your honour. It occurs roughly at the joint between the two recordings on tape 5.

E Q. When you say the two recordings of tape 5 what do you mean by that.

A. Tape 5 was a re-used tape your honour. The earlier recording on the tape, i.e. the first recording on the tape, was recorded after the second recording on the tape. The tape was re-used and stopped before the original recording had been completely wiped out. Now the mark occurs at this point where the first recordings that you find on the tape ends. A few centimetres away from it.

F Q. So tape 5 was stopped and re-used so that the recording the jury have heard was a recording on the top of and thus erasing ...

A. A Robson and Harris tape.

G Q. Yes.

A. It appears to be a tape used for Robson and Harris.

Q. Just a moment, but at the end of the conversation in this case..

A. ... at the end of the conversation with Symonds...

Q. Yes.

H A. ... there is a very small gap as you would expect if tape recording had been stopped before completely erasing all of the earlier recording and its about that point, i.e.

A

the end of the conversation with Mr. Symonds that the mark appears on the tape. But its ...

THE JUDGE: Just a moment.

A. But iks, by the time the tape reached me it was very indistinct...

B

Q. Just a moment. You say, "Tape 5 was stopped and re-used. It would erase the Robson and Harris tape. The end of the conversation with Symonds there's a small mark", I am sorry, "a small gap indicating that the recorder had been switched off and then on and its at this point the mark occurred."

A. No your honour. Not off and on, but the recording that was erasing the earlier one stopped...

C

Q. Yes.

A. ... before the earlier underlying recording finished. When the tape recorder is stopped...

Q. Just a moment please. The end of the conversation with Symonds there's a small gap.

A. Yes, a small gap.

D

Q. Indicating what?

A. Indicating that the tape recorder had been stopped at that point on this Symonds recording.

Q. Does that mean switched off.

A. I am sorry sir.

E

Q. Isn't that the same as switched off.

A. Yes. Switched off. Not off and on. I am sorry your honour you said off and on. Not on again. Switched off. That leaves a gap of about half a second on the tape.

F

Q. I see. And then the old conversation continues.

A. Yes The old conversation is then unaffected by the later one and you can hear that underneath ... hear that towards the end of the tape. The mark, which was hardly a mark by the time it got to me, it was a faint smudge or a dot, occurred at about that point.

Q. Yes.

THE DEFENDANT: Now would it be, to clarify matters Mr. Hyde, would it be right to say that you were shown that mark in, was it 1971 or 1972.

A. 23rd December 1971.

G

Q. 1971, and at the time you were shown that mark did it mean any more to you than just being a mark.

A. It appeared to be made for the purpose of analysis.

H

Q. But what, the point I am getting at, is when you were shown that mark it just appeared to you to be a mark and at that time there was nothing in your mind about what you have just told the judge about one conversation over-riding another one. Is that right.

A. That's true.

That's true/...

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A THE DEFENDANT: Because is it not true that it was not until nearly ten hours later, in 1980, when you came to this conclusion about one conversation over-riding another one, was this after information received from the defence experts.

A. As I said before everything was put in cold storage when your case was suspended and nothing was done about it until 1980, October, September 1980 and at that time I wrote a correction to my original report explaining what you have just said.

B Q. Right. Would it be right that when you originally reported on tape 5 on page 2 of your report, number 3, paragraph 15, if you would care to refer to it. Was not your original report on that tape, "No breaks are heard during the meeting between P and S but before the meeting, at the very start of the recording the recorder is apparently re-started after about three seconds."

C A. That's what it says, yes.

D Q. "After the meeting P apparently meets the other people involved in the recording exercise and following a male voice saying, 'Let's put it in this car shall we,' the recorder is almost certainly switched off and re-started at a later time. The last part of the recording is thus not continuous with the recording of the meeting between P and S and subsequent events."

A. That's the way it appears on listening, yes.

E Q. And then in 1980 I believe you then correct that report by saying on paragraph 3 of page 21, "In reference (c) paragraph 15, I have written, 'The recorder is almost certainly switched off and restarted at a later time and in paragraph 16 it is not clear why the recorder was restarted to make this second recording.' After studying the recordings at the join between the two sections referred to I am quite satisfied that the recording of the meeting between Perry and Symonds on the earlier part of the tape was made after the recording, at the end of the tape." That is the second recording was made first and then the tape was re-used to make the first recordings, therefore, over-riding the earlier part of the second recording.

A. Yes.

F Q. What I must ask you Mr. Hyde is if you had come to that conclusion in respect of this break, the mark, and in the light of your subsequent knowledge about tape 5, I must ask you if you had had that information to hand at the time that you made your first report regarding the alleged originality and authenticity of the tape recordings, would you have been minded to come to the same conclusion in respect of tape 5.

G A. The conclusion? Which conclusion? That it was stopped and re-started? I don't understand your questions fully.

THE JUDGE: I must say I didn't either.

H THE DEFENDANT: Your conclusion, paragraph 37, is that, "No evidence of editing or tampering was found in these recordings tap, 2, 5, 13, 14, 15, Each recording is consistent with the alleged method of production and such breaks or interruptions which do occur can be attributed to typical faults or

A

characteristics in the equipment used." That's the conclusion I was asking you about.

A. O.K.

THE JUDGE: What's the questions about.

A. What's the question?

THE DEFENDANT: Your honour over ten years now, nearly twelve, the evidence has been that brand new virgin tapes were used.

B

THE JUDGE: Yes. Don't start giving evidence but what's the question you want to ask.

THE DEFENDANT: I ask the question and I ask the question which I thought I asked clearly, but I will ask it again, and that is that if Mr. Hyde had the facts to hand in 1971 that he had in 1980 in respect of the phenomena on tap 5, would he have come to the conclusion that he recorded in 1971, which I have just read out, i.e., "each recording is consistent with the alleged method of production."

C

A. At that time there was no suggestion that a virgin tape had been used in each case. For all I knew at that time the tapes were used many time before.

D

THE JUDGE: But does it make any difference to the quality of the recording whether or no the tapes were virgin.

THE DEFENDANT: Its a question for you Mr. Hyde.

A. I am sorry.

THE JUDGE: Does it make any difference to the quality of the recording whether or not the tape is a virgin tape.

E

A. No. This point occurs well after the meeting with Mr. Symonds and is not relevant to the content of the conversation between Symonds and Perry.

Q. Yes. Very well, yes.

THE DEFENDANT: And this report was made on the 8th July 1971. Is that right.

F

A. Yes.

Q. And I believe you said you attended the committal of Robson and Harris. Is that right. Which I believe was in March 1971. Is that right.

A. I don't recall the date and I am not sure whether it was the committal proceedings. I attended some court proceedings before the main trial and it may have been.

G

Q. Well they may have been the committal proceedings.

A. It may have been one of the defendants.

Q. Yes. It was in March 1971.

A. Can you just tell me where that took place.

H

Q. Well Street Magistrates Court and I believe I have a copy of your ...

A. I thought it was Bow Street that I went to but...

A THE DEFENDANT: .. of your deposition here. This can be checked up and confirmed at a later date but I put it to you Mr. Hyde that in fact in March 1971 you were present in court and heard Mr. Hawkey giving his evidence about brand new virgin tapes being used.

B A. I don't recall seeing Mr. Hawkey in court before the trial at the Old Bailey, the Robson and Harris trial at the Old Bailey. I was not there for much of the day at those committal proceedings, if that is what they were. I was not there for the whole trial necessarily. Its so long ago and I have no record of what happened.

THE JUDGE: Yes.

C THE DEFENDANT: Well I would like to continue with that suggestion that Mr. Hyde was in fact present at the committal proceedings.

THE JUDGE: Well you have made the suggestion and he said he cannot remember, its nearly 12 years.

D THE DEFENDANT: Yes, well I would like to question his memory, perhaps by referring him to certain documents which probably it would be best to do after the adjournment. Best to return to that point after the adjournment your honour?

E THE JUDGE: Well we have a little time before the adjournment now. Well can you help about this. I think this may be what the defendant is getting at. Mr. Hawkey is alleged to have said at some stage that all these tapes were virgin tapes. It is now clear apparently accepting what you say that at least two of them were not. Do you follow.
A. Yes.

F Q. Now did you know, in March 1971, that Mr. Hawkey was for saying that all the tapes were virgin tapes.
A. My memory tells me that I did not. My memory and my notebooks of the time tell me that the first time that suggestion was made was at the trial at the Old Bailey of Robson and Harris.

Q. Well that's the first you heard of it.
A. That's the first I heard of it yes. As I say I was given...

Q. Just a moment please. "First heard this in Robson and Harris trial."
A. As I said your honour I was given the extracts of Hawkey's statement, three pages.

G Q. Yes I follow that.
A. With detail, the recordings...

H Q. Yes just listen please. You say you did not know in March 1971 that Hawkey had said the tapes were virgin. You first heard that he had said that in Robson and Harris's trial. That was in 1972 I think it was, wasn't it?
A. Yes.

wasn't it/...Yes/...

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A THE JUDGE: Spring of 1972. I think what the defendant is trying to get at is whether, had you known in 1971 that Hawkey was for saying that, all the tapes were virgin, whether that would have made any difference to your conclusion. Isn't that the point Mr. Symonds.

THE DEFENDANT: Yes your honour thank you

B THE JUDGE: What's your answer to that?

A. My conclusion was that the recordings had not been edited or tampered with in any way.

Q. And does the fact that you ^{now} know or knew in 1972, in March, that Hawkey had said or was for saying all the tapes were virgin, does that affect your conclusion?

C A. It would have if I had made any comments about Hawkey's statement or whether the tapes were virgin ...

Q. Yes.

A. And I didn't.

Q. In respect of the question of whether the tapes had been tampered with does it make any difference.

D A. No certainly not. There's a perfectly innocent explanation and there's no reason to come to a sinister one.

Q. Just a moment. What's the perfectly innocent explanation.

A. That the tape was re-used and the Symonds meeting was recorded over the top of a meeting in the Robson and Harris case.

Q. Yes.

E A. In any case it occurs a long way away from the meeting between Mr. Symonds and Mr. Perry and has no bearing whatsoever on whether that, whether those conversations had been edited. Absolutely none.

Q. During this adjournment Mr. Hyde will you be very careful not to talk about your evidence or about this case to anyone at all.

F A. Yes your honour.

.....

G LUNCHEON ADJOURNMENT

H

WEDNESDAY, 1st April 1981

PROCEEDINGS AFTER THE LUNCHEON ADJOURNMENT:

(CROSS-EXAMINATION OF MR. HYDE BY THE DEFENDANT CONTINUED):

THE JUDGE: Yes.

THE DEFENDANT: Mr. Hyde did you ever at any stage examine all these original tape recordings and their boxes.

A. I didn't make a detailed study of the markings on the boxes. I did have them altogether at one stage for copying. That was in ... on the 26th January 1971.

Q. And on that occasion did it come to your mind to examine the tapes and their boxes specifically with reference to batch numbers.

A. No I didn't do that analysis.

Q. And has it since been brought to your notice that according to the batch numbers on the tapes and the boxes some tapes would appear to be in the wrong boxes.

A. I have heard that suggestion made in this court.

Q. And in view of your experience of ... would you consider this unusual.

THE JUDGE: Well its not really a question he can answer.

THE DEFENDANT: And I would like to ask you now about the different methods of editing. I believe in one of your reports you did comment on this. Is this right.

A. Yes that's true.

Q. Would that be the appendix to report number two on page five.

A. I think report number one is also relevant. Paragraph seven and what follows. In the appendix to report number two I did make some further comments on editing yes.

Q. And paragraph number seven do you say, "The most satisfactory way of editing a tape recording is by splicing together different pieces of previously recorded tape."

A. This is paragraph seven of report number one?

Q. Yes.

A. Yes.

Q. "And then making a copy of the result."

A. Yes, if you are trying to deceive someone you would make a copy.

Q. I think you go on to say, "It must be admitted a skilful join made under favourable conditions may be quite impossible to detect in the reproduced signal."

A. That's quite correct.

quite correct/...

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THE DEFENDANT: That's in the copy.

A. Yes that's correct.

Q. And then you go on to say, "I believe there are many different ways or clues..."

THE JUDGE: Just a moment, "Skilful join maybe impossible to detect on the copy." Is that right.

A. If the join is made at a favourable location.

Q. Yes.

A. i.e. favourable to the editor who is presumably trying to deceive.

Q. But you are talking of copy tapes.

A. I am talking of the copy of an edited master.

Q. Yes.

THE DEFENDANT: I believe you do say in paragraph 8, that, would it be right to describe it as "it would be better or easier to edit if there's a low background noise at the point to be joined."

A. That's one of the conditions yes.

THE JUDGE: Low background noise improves prospects of editing.

A. If there's silence at that point and editing is done carefully you may not detect a change has been made.

Q. Yes.

THE DEFENDANT: And in paragraph nine you go on to say that, "It should be noted that a sudden brief drop in intensity is also a characteristic of a common tape imperfection. This phenomenon is known or referred to as a drop out."

A. Yes.

Q. I wonder if you would describe "drop out" briefly.

A. A very sudden drop in high frequency content of the recording.

A. The physical correlates of that are a foreign body impressed into the magnetic coating which lifts the tape away from the head.

THE JUDGE: A sudden drop in high frequency what?

A. Content. The higher frequencies are affected more by the spacing between the head and the tape. If a particle of dirt or something is on the coating then that lifts the tape away from the head temporarily and the result is a sudden drop in the high frequency.

Q. So it might be caused by a foreign body on the tape.

A. A foreign body on the tape.

THE DEFENDANT: And in your examinations of these tapes did you ever discover a foreign body embedded in it.

A. Yes all over the place.

Q. The magnetic side.

A. Yes they come from sloppy processing during manufacture.

Q. And during your examination of these tape recordings did you discover any drop outs.

A. Yes all over the place.

THE DEFENDANT: So would it be right to say that the drop outs you discovered could have been the result of a foreign body in the magnetic side of the tape or as a result of editing.

A. From listening to the tape, yes. That is why I examined the tape then to see if there was evidence of a foreign body impressed into the coating. If there was then that was a quick way of telling me that the change was occurring on the tape that I had and wasn't something that was on the tape that was copied.

Q. And would it be right to say that in every case where you found a drop out you discovered a foreign body embedded into the tape.

A. I only looked at significant places. That is during the conversation where there was a significant change and in most of those there was a foreign body. In some cases there was a whole scattering of particles around that area.

Q. And in any case at all did you discover a drop out where there was no foreign body embedded.

A. No none that I thought worthy of examination, then examined and failed to find a foreign body, no I wouldn't say so. In some cases its inconclusive, as I say, instead of a single particle you may find a dozen or so scattered along the tape and it is difficult to decide which one you are looking at.

Q. And in respect of splice editing would it be right to say this is carried out by cutting and joining together different sections of tape and this is widely used by amateurs and professionals.

THE JUDGE: Let him answer the first one.

A. Splicing means cutting and joining the tape.

THE DEFENDANT: And would you agree that this is widely used by amateurs and professionals and may be used to change the context by interpolation or omission.

A. It is widely used by amateurs and professionals. It can be used to make the tape appear to say something it didn't.

Q. And omission you agree.

A. Yes if you wanted to cut out a word you could do it by splicing and...

Q. Would it take the splice... I am sorry ...

A. ... and then expect the results to be noticeable.

Q. But would the tape with the splice be generally referred to as "the master".

A. That depends on what it is you are doing. The term "master" can be a purely temporary assignment of a label to a tape. If you are making, if you are given a tape and want to make one hundred copies of it, the one that you are given would be the master, but that would be ... could have been ... its simply to distinguish the one you are copying from from those copies that you made.

Q. And is it to your knowledge that in the commercial world it is the original tape which is cut up in the course of editing.

A. No I would not know that.

know that/...

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A THE DEFENDANT: And then the edited master which is stuck together with bits of selotape, would that be right.

A. Well usually better quality tape than selotape but its the same sort of stuff.

Q. From that would you usually make a copy which could be referred to as a "copy master".

A. A "copy master", I couldn't say.

B Q. And apart from that method of editing would you agree there are four other well known methods of editing magnetic tape recordings, one of them being electrical switch editing.

A. It is clear that you can change a recording by switching on and off the recorder or by switching on and off the copying recorder.

Q. Yes, ~~be~~ that would be switching the recording device on and off whilst the recordings is being made.

C A. Yes. But whether that has a grand name such as "switch editing" I would not say.

Q. Would you agree this is considered to be a basic form of editing and ~~may~~ be used to change the context of the tape by admission only.

THE JUDGE: Admission?

D THE DEFENDANT: Omission.

A. Omission. It is clear that switching off means that you have a period when you are not recording. In that sense you had omitted.

Q. And we have heard evidence of a pause button. Is it to your knowledge that a pause button is to be found on the Nagra and Uher machines used in this.

E A. I don't think there's a pause button. Its possible to turn the switch into a pause condition. The Uher has a pause button. I am not sure that the Nagra has. I have not seen it.

Q. And mechanical switch editing would be the same only it would be mechanical instead of electric switch. Would that be right.

A. Presumably you would stop the tape from moving while you wanted not to record something.

F Q. Yes.

A. Again I would not say these are necessarily common practices for editing. They can be done and they are done but whether they are used in order to change the content of a tape recording I would not know. They are very clumsy ways of doing it.

G Q. And would you agree there is another form of editing which is called, "erase editing". This is erasing mistakes or unwanted sounds after the recording is completed.

A. I think all of these terms derive from a definition of editing.

Q. Yes.

A. And you can change the content by erasing. Editing presumably means any changes to a recording or the recording of a scene.

H Q. Yes and lastly, is the term "copy editing", familiar to you. which is making another recording from the original.

A. I have heard it used.

A THE DEFENDANT: Is this widely used by amateurs and professionals and may it be used to change the context of a recording by interpolation or omission.

A. Yes. Again I might expect the results to be apparent. It depends on whether the editor is lucky in being able to make the changes where he wants to rather than where he is forced to.

B Q. Was it to your ... did you notice at any stage or was it brought to your notice that some of these recordings were overloaded.

A. Yes. I think tape three (b) is badly overloaded.

THE JUDGE: What does that mean.

A. That the record level is set too high so that the signals are damaged, as it were, when passing through the amplifiers. They are too strong for the tape recorder in that condition.

C THE DEFENDANT: And is the recording level ...

THE JUDGE: Just a moment ... signals are damaged. Is that right.

A. Yes normally you would ...

Q. Does that mean its too loud.

A. Its too loud for the tape.

D THE DEFENDANT: Is there a device known as the "automatic gain control" which normally automatically sets the recording level.

A. If it is used yes.

Q. And would such a device be found normally on Nagra and Uher machines.

A. Its on the Nagra. I am not sure about the Uher.

E THE JUDGE: I am sorry. What's on the Nagra.

A. ...

THE DEFENDANT: An automatic gain control device. To prevent the overloading of recordings.

THE JUDGE: Is that right.

F A. Yes. It is sometimes called "automatic level control." "Automatic volume control." "Automatic gain control". They are all terms for the same type of circuit.

Q. Does that mean any more than there's a machine to stop it getting too loud.

G A. It means that where you are not sure what the strength of the sound is, you can be confident that the tape will not be spoiled by the sounds being too loud because the circuit prevents the loud sounds from spoiling the tape.

Q. Yes, that's just what I said isn't it. A machine for stopping it getting too loud.

A. Its a circuit for stopping it getting too loud.

Q. Yes there you are. Its easier if we use ordinary English.

H THE DEFENDANT: And on tape 13 and 14 did you find the same defect.

A. What defect.

THE DEFENDANT: Overload.

A. Tape 14, during the music which is recorded from the car radio has overload, yes. It is not overloaded during the conversation between yourself and Perry.

Q. And is the first

THE JUDGE: Just a moment. If you want me to get your cross-examination down you must not go quite so fast. Tape 14 is overloaded during the music not during conversation. Is that right.

A. Yes your honour.

THE DEFENDANT:

Q. Would it be right to say tape 14 the music before the conversation is not overloaded but the music after the conversation is.

A. My notes taken at the time says the radio programme before the conversation suffers seriously from overloading but this is a function of how loudly he had the car radio on I think. The microphone for tape fourteen was very close to the car radio and the conversation took place seven feet farther away, a few feet further away and so the radio spoils the recording and the conversations are quite clear.

Q. And continuing on the subject of editing. In chapter five of the appendix on page five of report number two. Paragraph five, do you say, "That the removal of a single section of tape results in a single join. The complete sentence which stands alone in the recording might be removed completely without detection." Then you go on to say, "When two people are in conversation they do not normally speak in isolated sentences. Their speech will often overlap and one speaker will often make a deliberate noise, for example, agreement or encouragement, while other is speaking."

Would it be right to say that if the speech did not overlap and there were no deliberate noises made, for example agreement or encouragement, it is possible to remove a complete sentence from a recording without detection.

A. It depends if the cut is made at a favourable place, or, in that case the two cuts are made in favourable places. In general that is very difficult to do with a recording made in a car in the street with two people talking, traffic going by and other noises.

Q. And would one of the points that might bring your attention to such an editing process be a sudden change in recording of intensity or noise level. Due to the difference of intensity of the two recordings being joined together.

A. Yes, that's a possibility, yes.

Q. And during your examination of the tapes did you find any sudden changes in intensity of noise level.

A. Yes. There are changes all over the place. Some due to drop outs. Some due to the effect of AGC circuit on loud noises. Some due to the fact the traffic suddenly stops or disappears. Some due to the fact the movement of the car suddenly stops or suddenly changes. There are There are 101 ways, or 101 reasons, why the background or the sound level should suddenly change. One of them could be due to editing.

Q. So, following on from that, if a machine had an automatic gain control which was not used for some reason or another, would the resulting falls and drops in noise level be an assistance to editing. Could it help to disguise editing.

A. I am not quite sure what you are getting at. To disguise editing?

A

THE DEFENDANT: Yes.

THE JUDGE: If a machine had an automatic gain control,

THE DEFENDANT: Which was not used.

THE JUDGE: Would that help to...

B

THE DEFENDANT: ... disguise editing.

A. I can't see how that would help you to disguise an edit.

Q. I believe you said in your evidence that you took, that you used...

THE JUDGE: Mr. Symonds do you mean it the other way around, that if the automatic gain control had been used it might help to disguise edits. Is that what you meant, because you put it the other way round.

C

THE DEFENDANT: Well I was reading from a note which my note must be wrong. Tim would you advise me on this.

THE JUDGE: For my part I find it difficult to see how not using a machine can help to disguise anything. I can see how using it might disguise something but I can't see how not using it can disguise ... you see what I mean Mr. Symonds.

D

THE DEFENDANT: Yes. Actually this was raised in cross-examination before about the automatic gain control and the point that I took from that was, as I understood it, the non-use of the automatic gain control can result in such a recording being made where it would be easier to edit later. As you say I might have got it wrong and it might in fact have been the use of an automatic gain control.

A. And it may have been something to do with the other case, the Robson and Harris case and not this one.

E

THE JUDGE: Has it anything to do with this case.

A. I am not sure what the question is your honour but there was such a discussion during Robson and Harris.

F

Q. Well I am not concerned with that now but the question now is had there been an automatic gain control and had that automatic gain control not been used, would that help to disguise an edit.

A. No of course not.

THE DEFENDANT: And may we put the other way, if it had been used would that help to disguise an edit.

A. That depends. The Nagra (3) had a very rudimentary and crude automatic gain control circuit and it was not operative over a very wide range and I would not think it could be used in that way.

G

Q. Your honour I have just received some advice perhaps I should put the question another way.

THE JUDGE: I thought you might.

H

THE DEFENDANT: The question is this, if a machine is fitted with an automatic gain control will it be normal to make use of this device during a recording session.

A. It depends on the intentions of the recording engineer. He may use

it he may not.

A THE DEFENDANT: And if it is not used would there be a possibility of a recording being produced which was overloaded or poor quality.
A. Yes.

Q. And, therefore, would an edit be more difficult to find in a poor quality overloaded recording.
A. It depends on which one of the many criteria you are using to identify the edit.

B Q. Now during your evidence in chief you listed some equipment that you had used, I believe sound spectograph. May I ask if you took any, where you explained your machines allowed the voice, the noise of the voice to be shown in a written form, and may I ask if you took any photographs or you have any recordings of places where you found serious faults.
A. I found no serious faults.

C Q. Were you shown photographs or spectograph readings or spectrogrammes made by other experts in connection with these tape recordings.
A. I don't think anyone else has used a sound spectograph in these recordings except me. They are generally expensive equipments and are generally used by experts. I have not seen anyone else using them in this case.

D Q. Going on from that Mr. Hyde, when you were asked to investigate these tape recordings was it to your knowledge that the previous investigation had been carried out into them by EMI.
A. I knew that at some stage. I am not sure I knew it on the first day. I certainly knew it before we had gone very far that Mr. Taylor of EMI had examined the tapes.

E Q. And may I ask you if you were shown a report made by Mr. Taylor in respect of his analysis of the tapes.
A. I saw a report by him after I had written my own reports.

Q. And when you read the reports of Mr. Taylor did you see an item which was usually the second paragraph of each report.

THE JUDGE: Mr. Taylor is going to be a witness isn't he.

F THE DEFENDANT: Yes your honour.

THE JUDGE: Well he had better tell us this himself.

THE DEFENDANT: Well the point I want to make your honour is about the fact that it relates the history of the tapes which is in Mr. Taylor's report which was made available to Mr. Hyde in 1970 or 1971.

G THE JUDGE: I dare say it is but you must ask Mr. Taylor about that not this witness. You can't possibly ask this witness what Mr. Taylor understood about the tapes at earlier stages because presumably even that came to Mr. Taylor at secondhand. It would be third or even fourth hand from the mouth of this witness.

H THE DEFENDANT: Could I ask if Mr. Taylor's report contains information about ...

THE JUDGE: No.

about/No/...

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A

THE DEFENDANT: ... the alleged history of the tapes.

THE JUDGE: No. We are going to see Mr. Taylor and he can give his evidence himself. It is quite wrong to try and get it out of someone else.

THE DEFENDANT: Well may I ask Mr. Hyde if he as a result of seeing Mr. Taylor's report carried out further tests or experiments.

B

THE JUDGE: Yes.

A. Yes on tape four which is relevant to the Robson and Harris case.

THE DEFENDANT: And did you carry out further experiments on any other tapes, relevant to this case for example.

A. Difficult to say after all this time.

C

Q. Well exhibit, tape three for example which contains 3 (a) and 3(b).

A. Well I examined tape 3(a)/(b) before I saw Mr. Taylor's report. I afterwards read what Mr. Taylor said about it.

Q. Is it right to say that the first tapes you examined which were the subject of report one were tapes three and four.

A. Yes.

D

Q. And is it right to say that tapes, that tape four is in fact backup or tape 3(a) is a backup to tape four.

A. Yes, tape four is the direct recording and is the better quality recording.

THE JUDGE: Yes.

E

THE DEFENDANT: And as a result of your further examination of, and did you make any further examinations on any further tapes as a result of reading Mr. Taylor's report.

A. Difficult to say. Some further analysis followed during the Robson and Harris trial. Whether any of that was due to Mr. Taylor's reports I can't say at this time. I don't think so. In general I think Mr. Taylor gives the tape recordings in this case a fairly clean bill of health except his comments about tape 3(a) and (b) and tape four.

F

Q. Well in view of that remark your honour I would like now to refer this witness to Mr. Taylor's report.

THE JUDGE: No I am afraid not and I have not written down what he said about a clean bill of health either because its not admissible either.

THE DEFENDANT: The jury have heard it and its not exactly right is it.

G

THE JUDGE: The jury have heard a great deal of hearsay in this case. I am sure they are now beginning to understand.

THE DEFENDANT: Well, ^{maybe} can I read out Mr. Taylor's comments on the tapes in this case.

THE JUDGE: No. No. Mr. Taylor will be able to give them himself and it will be much more satisfactory.

H

THE DEFENDANT: So no questions at all about Mr. Taylor's reports. Is that it.

A THE JUDGE: No. You are going to call Mr. Taylor. He will tell the jury about it. Its much more satisfactory he should do it. You can't get around it in this way.

B THE DEFENDANT: So would it be right to say that in the beginning you were examining copies you had made of copies supplied to you by the police.

B A. In the beginning I examined the original copies of tape three and four and I then made ... I am sorry ... the original recordings of tape three and four. I made a copy of those recordings so I could continue part of my analysis after the police officers had left, and those things that I could do from a copy I did from a copy and those things I needed the original for I did from an original.

C Q. Well I believe it is now told that you had no knowledge of the alleged history of these tapes when you examined them as to whether they were new virgin tapes or what.

C A. No. The state of the tapes before the recording, no I had no knowledge of that. I did, as I say, have part of Mr. Hawkey's statement.

D Q. So your first question from the police, "Is each tape an original master recording?" How could you really answer that examining a copy of a copy.

D A. If the .. as I have said, we were trying to examine the contents of the tape and trying to decide from the contents whether there was evidence of tampering or alteration or amendment or anything of that sort.

E Q. And you were making your examination as a speech specialist and your examination was based purely upon, and the results of your examination were based purely upon the speech that you heard.

E A. Purely no. No. As I said I examined the, physically examined the tapes for things like drop outs and damage. Its very ... you don't need the originals in order to examine the overlap between two speakers when they speak together. That can be done from a copy.

F Q. And at that stage in your professional career were you aware of such phenomena as a fifty hertz hum and thirty hertz tone burst and such...

F A. Was I aware of such phenomena?

F Q. Yes.

F A. Oh yes.

G Q. Was it to your knowledge that such phenomena could appear on , for example, copy tapes and be an indication of the fact that alleged original tapes may be copies.

G A. Yes. Its common knowledge that a recording made under unfavourable conditions can result in hum.

G THE JUDGE: Can result in what?

G A. In hum on the tape.

H THE DEFENDANT: And what would you call unfavourable conditions.

H A. Conditions which gave you hum.

H Q. Would that be...

H THE JUDGE: "Unfavourable conditions can produce hum." Yes there you are.

THE DEFENDANT: Would you describe an unfavourable condition as plugged into the mains.

A. It depends whether the hum was disturbing to the recording that you were trying to make. If you were trying to record a conversation between two people a low level of hum might not worry you. I don't know. If you were an out and out professional you may be very worried by a low level of hum. Whereas the police might be satisfied to listen to a recording through a very weak amount of hum.

Q. And was it to your knowledge at that time that certain types of hum could only be picked up through the recording device taking the supply of electricity from the mains or being in close proximity to a mains power supply.

A. Could only be?

Q. Yes.

A. Rec-orded?

Q. Yes.

A. No. I know they can be recorded from other ...

Q. Well we have already agreed you have no, you were not supplied with the alleged history of the tapes that they were new virgin tapes. May I ask if you had been supplied with the history of the tapes in as much as the fact they were supposed to have been recorded on battery operated machines.

A. Yes I knew what sort of machines they were and I knew, for instance, that the telephone conversations were recorded indoors and that the other convervations were recorded out of doors in a car.

Q. Using a battery operated machine.

A. Yes I knew the type of machine and I knew it was battery operated.

Q. And in view of what we have just gone over about different types of editing and making copies and such and that you had been asked to establish whether it was an original master recording, did it cross your mind to test these tapes to see if in fact there was hum on them or if in fact they conformed to their alleged history of having been recorded on a battery operated machine.

A. Some analysis of that sort was done. I was aware though that even in a car with a Uher tape recorder you have a source of hum present in the tape recorder. So if I detected hum on a recording made on a Uher I would not be greatly surprised because I knew that the motor circuit generated hum.

Q. And would that hum be fifty hertz hum.

A. In the case of the Uher yes or thereabouts.

Q. And would it be the same for a Nagra.

A. No it would be thirty hertz in that case, or thereabouts.

Q. Would it be true to say you did not test for hum in the early stages of your investigation.

A. Except on tape three where the hum ... on 3(a) the hum is obvious. Where it was obvious I looked at it and listened to it and thought about it and made measurements of it and things like that.

Q. And was it later brought to your notice that fifty hertz hum had been discovered on certain of the tape recordings.

A

A. Would you like to be specific, which tape recordings?

THE DEFENDANT: Tapes, one, 3(b) and thirteen.

A. Tape thirteen the hum is very very weak and I didn't detect it on tape thirteen.

THE JUDGE: I am sorry I thought you said tape thirteen was very weak.

B

A. The hum on tape thirteen is extremely weak and occurs in only one place. Its just above the noise level and that hum I didn't detect or give any great significance to. It occurs several minutes after the conversation. It has nothing to do with the conversation at all. Tape one I never examined at that time. Tape 3(a) the hum is obvious.

THE DEFENDANT: 3(b).

C

A. 3(a) the hum is obvious.

Q. And on 3(b).

A. I detected hum on 3(b). Yes, its on 3(a) and 3(b), but it has a different quality. Its very weak on 3(b) and its very strong on 3(a).

Q. And on 3(a) did you find the motor was running down.

D

A. Yes.

Q. And would you expect that to give a constant hum or constant hertz.

A. If the hum had come from the motor I would expect it to remain constant on play back, yes. 3(a) is not connected with this case of course.

Q. And I believe you have said in evidence that Mr. Eley and Mr. Penna carried out certain experiments in connection with these tape recordings under your directions and I believe that you say you evaluated the results.

E

A. That's the Times copies?

Q. And did you require Mr. Eley to carry out an experiment in respect of the hum to be found on tape thirteen.

A. We did that together.

F

Q. Was this the experiment of going up to the Crystal Palace television tower.

A. No I have never done that.

Q. Is it to your knowledge that the theory has been submitted by Mr. Eley ...

THE JUDGE: No. No, no no no.

G

THE DEFENDANT: Well he said he was giving...

THE JUDGE: No you can't put it like that.

MR. RIVLIN: Well your honour I think the defendant is surely to be entitled to put .."If it is said that that... "

H

THE JUDGE: He is entitled to put the supposition but he is not entitled to put it the way he did.

way he did/...

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MR. RIVLIN: He is not entitled to mention Mr. Eley...

THE JUDGE: No.

MR. RIVLIN : But he is entitled to put the supposition.

THE JUDGE: Yes to put the supposition yes.

THE DEFENDANT: I see. If it was said that the fifty hertz hum found on tape thirteen was in fact picked up by Mr. Perry's equipment as he drove underneath the television tower at Crystal Palace, would you agree that this could be a possibility.

A. A possibility yes.

Q. And I believe are you aware that such an experiment has been carried out.

A. An experiment?

THE JUDGE: No. No, no.

THE DEFENDANT: All right.

THE JUDGE: If it was said the fifty hertz hum on 3(b) was picked up...

A. Thirteen your honour, not 3(b).

Q. Thirteen, I am sorry, I am grateful, was picked up near the Crystal Palace the television station, that is a possibility.

A. Its almost certain. It is almost certain it was picked up near the Crystal Palace television transmitter. The question is, does .. can pick-up from the transmitter produce the phenomenon that we detected and, in my opinion, it is a perfectly plausible theory.

Q. Yes, well there we are. Yes.

THE DEFENDANT: And have you or anybody to your knowledge, ever in fact picked up a fifty hertz hum from a television transmitter.

A. I have picked up fifty hertz on equipment from all sorts of transmitters where I would not expect it to be in theory. If you are close to a very strong radiating transmitter you can get all sorts of effects.

Q. And would the fifty hertz on tape thirteen be fifty hertz sinusoidal hum

A. Tape thirteen?

Q. Yes.

A. Its so weak you can't tell. There appear to be no harmonic components strong enough to detect whether or not the original was sinusoidal or distorted or, containing harmonics that is. It is just too weak to tell. It is just above the noise level and any distortion or harmonic products would be below the noise level so it is just impossible to tell.

Q. And if it was possible to tell and it was in fact fifty herts sinusoidal hum would not the hum from the television wave form be different.

A. It is certainly not sinusoidal over a long period because it fluctuates as the car drives through the field of this transmitter.

THE JUDGE: How do you spell sinusoidal?

A. Sinusoidal, S I N U S O I D A L. Sinusoidal or sinusoidal, it means having sign wave properties, i.e. its a curve ...

THE JUDGE: Its (inaudible) cosign.

A. Like cosign but shifted, slightly.

Q. Yes.

A. Sign and cosign are mathematical expressions for a wave shape.

Q. Yes very well. Very interesting.

THE DEFENDANT: And if the fifty hertz on tape thirteen came from a television transmitter would you expect to find other sound and vision components on tape thirteen.

A. I might. But, as I say the signal is so weak that anything weaker than the fifty hertz component is lost in the noise or is outside the band width of the equipment being used. We are talking about a very very weak signal indeed.

Q. And this in fact is ... would it be true to say ... no more than a theory of yours.

A. What theory. I haven't put forward any theory.

Q. Well have you any scientific evidence ...

A. I haven't put forward any theory have I.

Q. About the fifty hertz hum ...

A. I am just agreeing its a possibility, was my theory.

Q. I believe, did you say you never did examine tape one or did you examine it eventually.

A. I did not examine tape one until last year. I was never asked to. It was never put to me. And I first examined it on 2nd October 1980.

Q. And when you examined tape one did you examine it with a view to discovering whether or not there was a thirty hertz tone burst on that.

THE JUDGE: Is the thirty hertz tone burst something the jury and I would recognise on tape, the tape too.

A. Well your honour the tape recordings in this case appear to have been re-used in many different ways ... in two different ways. In one case something was recorded on that beforehand and then something recorded on the top, but in other cases, the earlier cases ...

Q. Yes could you answer the question. Is a thirty hertz tone burst something the jury and I would recognise when we hear the tapes played.

A. No its too weak and too low a frequency.

Q. Does it make any difference to the quality of the sounds we did hear.

A. No it does not. It only bears on whether the tapes were virgin.

Q. Just a moment. "Thirty hertz tone burst not detectable by a layman listening." That right.

A. If you listen to it at the normal speed you wont hear them.

Q. Yes.

A. In fact they don't ...

Q. Just a moment. Just a moment. "Doesn't affect the quality of what you

heard".

A. No relevance to the conversations at all.

THE JUDGE: "No relevance to the conversations but may be relevant to..."

A. ... to the virginity of the tapes at the time of the recording.

Q. There we are. However hard we listen members of the jury we are unlikely to detect thirty hertz tone bursts and if we did it would have no relevance.

THE DEFENDANT: And did you in fact find thirty hertz tone bursts on tape one.

A. Tape one? There are I believe there are thirty hertz tones present. I did not examine them.

Q. And did you find thirty hertz tone bursts present on tape five.
A.. There are thirty hertz one bursts on tape five. You can hear them by speeding up the tape recorder. If you played it in the fast wind mode you can hear them just. You can't measure that they are thirty hertz at that speed but you can detect that something is there.

Q. And what did the presence of a thirty hertz tone bursts on tapes one and five signify to you, if anything.

A. That the tapes were not virgin tapes when they were used. They had been used before.

Q. And ...

THE JUDGE: Just a moment. "Signifies that those tapes were not virgin tapes but had been used before."

THE DEFENDANT: And were you present in court when Mr. Hawkey and Mr. Mounter both said tape five was a virgin tape.

THE JUDGE: No. No, no no no.

THE DEFENDANT: I believe the expert was present in court.

THE JUDGE: No. No, that is not proper.

THE DEFENDANT: During the time you were listing the equipment you used I believe you listed a pen recorder. Is that right.

A. Yes.

Q. Spectral analysis, sound spectrograph, sound spectrogramme, overlapping conversation, pen recorder. Now were you using a pen recorder from the outset of your enquiries.

A. Not at JSRU no. I used it last year at the Forensic Tape Laboratory. I did not use one in 1970/1971.

Q. Because I believe you said "They used the pen recorder for analysing levels of noise on tapes to see if they were virgin tapes." Is that right.

A. Yes.

Q. And when you had Mr. Taylor's report before you were these pen recordings included in the report. May I show these to you.

A. Mr. Taylor's report included some pen recordings of overall level. They had nothing to do with the measurement of tape noise.

THE JUDGE: Just a moment.

A. We are back again to whether AGC affects it one way or the other.

THE JUDGE: He can't tell us what Mr. Taylor's report says. We have had this point already (inaudible).

THE DEFENDANT: Did you ever examine some pen recordings in connection with the tapes in this case.

A. I made my own pen recording of tape five that suggests it was not a virgin tape when it was used.

THE JUDGE: Mr. Symonds is the point you are trying to make that some of these tapes are not virgin tapes. Is that the point.

THE DEFENDANT: No your honour not at all. The point I am trying to make is we have heard a mass of evidence that the tapes were virgin tapes. Now we have tapes before us which are, which show signs they are in fact copies and we have heard evidence today and on previous occasions that one of the methods of editing tapes is in fact to cut them with scissors cut out words, stick them together again and then make a copy of them...

THE JUDGE: What's that ...

THE DEFENDANT: ... the point I am trying to get at is the fact that tapes which are claimed to be virgin by the people who made them, the reporters and the sound engineer and, against the fact that what we have before the court now are copies, is indicative of a form of editing process otherwise then we would have the copies, the originals in front of us.

THE JUDGE: That's not the evidence at all. The evidence we have had so far is that the original tapes are original tapes but that more than one of them has been used before the recording which has been played to the jury. That's the evidence.

THE DEFENDANT: Of what, of this witness?

THE JUDGE: Its the evidence in the case generally so far.

THE DEFENDANT: Your honour we have had a number of people coming here and swearing blind that the tapes were virgin tapes taken out of plastic bags, ceremonially broken open taken out ..

THE JUDGE: No no...

THE DEFENDANT: ...of new boxes...

THE JUDGE: No no that is not the point. Mr. Symonds if you are suggesting that there is to be found on any of these tapes before the jury a point at which they have been edited you should put it to this witness so that he can deal with it.

THE DEFENDANT: Well your honour the first time I heard these tapes was nearly two years after they were allegedly made, probably the second time I heard them was nearly twelve years later. I am trying to point out before now that I am not in a position to put my finger here or there. What I am trying to point out to the jury is the fact that its very suspicious that we do not have the original tapes in front of us,

the virgin tapes, why have we got copies...

THE JUDGE: No.

THE DEFENDANT: And the fact that we have got copies is I suggest is because they have been edited.

THE JUDGE: No its not the evidence. Just pay attention will you. These tapes have been examined on your behalf by I think no less than three experts. When you last examined them I do not know, but so far as your case is concerned, having had the advantage of examination by three experts, if you are going to suggest that there is any point in any of those tapes before the jury which has been edited or tampered with in any way then you should put that particular point on that particular tape to this witness so he can deal with it. Do you see? So far ...

THE DEFENDANT: I have already suggested that tapes 3(b) and five are edited and I mentioned the case of the photographer walking in front. That was one particular place that I KNOW, I KNOW ABSolutely, as sure as I am standing here, there was a conversation that was afterwards cut out but, but, as for the other bits, its twelve years later, I can't say this word should be here that word should be there. I think that maybe this has been changed around abit. I can't do it. No one could. No one could be confronted with a tape recording allegedly made twelve years before.

THE JUDGE: Its not a question of you being confronted by a tape recording. You have had the tape recordings examined by three experts. If there is any point which you are going to raise to the effect that any particular part of any of these tapes has been edited either by adding something or by deleting something, well then you should put that point to this witness so that he can give an answer.

THE DEFENDANT: Your honour it has been quite clear, not only the defence experts, but also the prosecution expert, have said, quite clearly, and quite openly, because it is the truth, there is no way to detect editing if it is done competently. They all say the same and they all say when the question is put to them, "Can you detect this particular point or that particular point has been edited?" They same, "No there's no way we can do it." The only way they can detect editing is when it is done incompetently and it leaves some sort of clue which they can fasten on to and they get their machines out and say "Well its pretty obvious there has been an edit here because my machine shows such and such a aline" or whatever. But there is no way anyone in the world can detect a tape that has been competently, not even, but just competently edited and that is clear to everybody. Everyone has said it including the prosecution experts because, your honour it is the truth it is a fact of life.

THE JUDGE: Mr. Symonds in a court of law we act on evidence not on guess work. The evidence of this witness so far and he may change it if you have something further to put to him, the evidence of this witness so far is there is no evidence of any editing to be found on any of these tapes. Now if you are suggesting there is any evidence of editing you should put it to him so he has a fair opportunity of dealing with it.

THE DEFENDANT: Well your honour, I disagree with that because only an

because only an/...

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hour or so ago this witness was agreeing when I took him through his statements about finding bits and pieces, I think the word was, in one of the cases ...

THE JUDGE: Is there any specific point which you want to put to this witness to indicate that any of these tapes before the jury has been edited in any sinister way.

THE DEFENDANT: You mean to point to the places on the tape?

THE JUDGE: Yes.

THE DEFENDANT: Well if the originals were here all stuck up together with bits of selotape and all chopped up into pieces...

THE JUDGE: Mr. Symonds ...

THE DEFENDANT: ... it would be very easy but the very fact we have got copies there makes it impossible your honour.

THE JUDGE: No. The evidence before the jury so far, you may call evidence I don't know, but the evidence before the jury so far is that these tapes are the original tapes.

THE DEFENDANT: Well, what brand new virgin originals? But the gentleman has just been saying ...

THE JUDGE: No. No.

THE DEFENDANT: He is saying because of this thirty hertz on it ...

THE JUDGE: Mr. Symonds...

THE DEFENDANT: ... that they, it shows him they were not original.

THE JUDGE: Mr. Symonds you understand perfectly well I am quite sure. Is there any part of these tapes, is there any passage in these tapes which you wish to suggest to this witness has been edited, in the sense that something has been added or something has been cut out.

THE DEFENDANT: Well of course its a nonsense isn't it. I say to this witness, "Excuse me Mr. Hyde but they cut out a bit about photographs. Do you see where that was cut out." Its ridiculous because he, Mr. Hyde, saw the copies after they had been ... and he didn't even examine the alleged originals he examined copies of the copies.

THE JUDGE: No. No. No.

THE DEFENDANT: And he says himself he saw no physical signs of editing and our own witnesses say they found no physical signs of editing because that means they found no places where the tapes had been cut and stuck together with selotape and everyone agrees that you can edit tapes anywhere you like and unless you leave a clue, an obvious clue, no one in the world can tell whether they have been edited or not and that is why they should never be in evidence before this court your honour. It is absolutely wrong to use such evidence.

THE JUDGE: But you see at the moment there is no evidence they have been edited in any way. It may be you will call some. I don't know, But at the moment, as things stand, the evidence is if the jury accept it,

if the jury accept it/...

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that those are the original tapes and they have not been edited.

THE DEFENDANT: Your honour ...

THE JUDGE: Just a minute. If therefore, you are going to argue to the jury at a later stage that there are points at which these tapes have been edited in the sense that things have been knocked out or other things have been added in, it is right and fair you should give this witness, who examined the tapes, an opportunity of dealing with it. I can't put it any more plainly than that.

THE DEFENDANT: The evidence before this court is of the reporters and the sound engineer, who swore blind on oath that they used a brand new tape, tape five was brand new when it was put on the machine. The evidence of this witness now ...

THE JUDGE: You know perfectly well Mr. Symonds.

THE DEFENDANT: ... is that the tape he examined, the alleged tape five, was obviously not brand new because it has phenomena on it, which means it was not a new tape. Now what I am going to say, either now or later, is the reason we have not got the brand new virgin tape .. before us today is because it was edited and the copy was made and unfortunately the experts have found traces of phenomena which show that it must be a copy or, because it is not the brand new virgin original as made by EMI and supplied to LSM.

THE JUDGE: I am sure you understand the situation perfectly well Mr. Symonds. I am not going to say any more. Have you any more cross-examination.

THE DEFENDANT: Yes your honour. So, just to clarify a couple of points. Page three of your first report you say, "At the end of tape 3(b) recording is continuous for about 27 seconds after the signal ceases." Is that right.

A. Yes.

Q. "and this follows someone saying, 'What's this you have got in your pocket'".

A. Yes.

Q. Are you quite sure about that. Does it follow that or does it precede it.

A. The tape is...?

Q. Yes, would you look at exhibit 35(b) the unedited transcript, I think at page 28.

A. That's the transcript of tape five not 3(b) which suggests tape 3(b) was switched off before five I think.

THE JUDGE: So what do you want the witness to look at, which tape.

THE DEFENDANT: 3(b), his scientific reports about tape 3(b). I would like him to refer to page 28 of the unedited transcript which is exhibit 35.

A. Which page, 25?

Q. 28.

THE JUDGE: Page 28 and the cut out point at which the conversation stops

being part of this case and start, begins being part of some other case comes under 24.

A THE DEFENDANT: Yes that's what I am going to put.

THE JUDGE: Yes very well you put it to him.

THE DEFENDANT: Now if you look at page 28 of transcript of tape 3(b). As you have just been told by his honour, there is supposed to be a cut out point just under 24. Do you see, 24, "Male, 'Let's put it in this case shall we'."

A. Yes.

Q. If you draw an imaginary line underneath that because we are told that you found a change of background noise about there.

THE JUDGE: I think the evidence was, the cut out point comes either at or after the engine noise, but certainly that's the last audible part of the words.

C THE DEFENDANT: Yes. Now is that right. Did you find a change in background noise after the words, "Let's put it in this case shall we", said by a man.

A. I have said nothing about change in background noise.

Q. I thought not, because there's nothing in your report about it you see. In your report ...

D A. Where does the suggestion come from, I am sorry ...

Q. The suggestion came when I was about to cross-examine Mr. Perry about, "Hey what's this in your pocket", and then there was a suggestion there was a break, a change in background noise, after, "Male, 'Let's put it in this car somewhere'." And the following conversation was nothing to do with tape 3(b) so I would like you to refer to your report, page 3, where you say on paragraph 13, "At the end of tape 3(b) the recording hiss continues for about 27 seconds after the signal ceases. This follows someone saying, 'What's this you have got in your pocket.' "

E A. Can I have a question?

Q. Yes. You still agree with that do you Mr. Hyde.

A. Yes I think so. Its a long time since the report was written.

F Q. And have you ever found a change in background noise immediately after the male voice saying, "Let's, let's put it in this car shall we", which would indicate another conversation at another time and place continues thereafter.

A. None of this has anything to do with the conversation with you. That occurs a long time before this doesn't it. It has nothing to do with the conversation between you and Perry.

G Q. No but this is a technical matter which would come under your ...

A. I think my answer to your question must be no. Not in the way you suggest. I mean there are changes in the level all the time but I think you have to put your question much more thoroughly and a more technical manner for me to answer it technically...

H THE JUDGE: I am afraid I don't understand. Its as simple as that.

A

THE DEFENDANT: Your honour if I can remind you when I was about to question Mr. Perry about, "Hey what's this in your pocket", I was stopped. I was told and the jury were told I should not question Mr. Perry on this because after, "Let's let's put it in the car shall we?", there was a change of background noise and therefore this conversation, "Hey what's this in your pocket"...

B

THE JUDGE: I don't remember hearing it, I don't remember anyone mentioning a change in background noise.

MR. RIVLIN: Your honour that's quite wrong, I am sorry but your honour on Monday morning we dealt with this, on Friday of last week and on Monday morning of this week when I pointed it out to your honour. Do you recall?

C

THE JUDGE: Yes.

MR. RIVLIN: We accepted 3(b) ran on...

THE JUDGE: Yes.

MR. RIVLIN: ... and Mr. Perry ought to be permitted to be cross-examined about that matter...

D

THE JUDGE: Yes.

MR. RIVLIN: ... and we produced this little document here...

THE JUDGE: Yes.

MR. RIVLIN: ... Mr. Penna's transcription of what happens on 3(b) and we fully accepted that which the defendant is putting to this witness, namely 3(b) runs on.

E

THE JUDGE: Yes.

MR. RIVLIN: We have been through all this.

F

THE DEFENDANT: Well I will take it... What I am pointing out your honour is that change in background noise which was once stated to be out of twenty-four, but this witness did in fact not find such a phenomenon according to his report.

THE JUDGE: I don't recall anybody talking about a change in background noise.

A. Your honour I believe they did for tape five at this same point and I think he is mixing up something they said about tape five.

G

Q. That may be it. Well I personally don't recall anything about change in background noise on tape 3(b).

A. Tape 3(b) ceases at this point or very close to it. Tape five continues with a different level of background noise because its a different recorder.

H

Q. Yes. Is that what you mean Mr. Symonds.

A. ...

THE DEFENDANT: No your honour I think everyone was told to draw a line underneath that. ...

A. That was in tape five.

A

THE DEFENDANT: I know I am not wrong but there you are...

THE JUDGE: Well ask the question.

THE DEFENDANT: Its the usual thing ...

THE JUDGE: Ask the question by all means. Go on to tape five if you would rather.

B

THE DEFENDANT: And your third specific question when you first received took charge of tapes 3(a) and four, was that, "Is the recording continuous throughout." Did you find tape three to be continuous throughout.

A. Tape three refers to Robson and Harris.

C

Q. No tape three.

A. 3(a) and 3(b).

Q. Three, 3(a) and 3(b).

A. No of course not. Three (a) and 3(b) are two different recordings on the same side and there was, therefore, a break at the point between them.

D

Q. So it is not, therefore a continuous recording.

A. A break in the sense of a break of continuity. Tape three contains three recordings and two of them are on the one side, called tape 3(a) and 3(b).

Q. And I believe your first opinion about the change from 3a to 3(b) that it could possibly be due to a tape splice. Is that right. Was that your conclusion on 11th October 1970.

A. I said the sudden change was consistent with that yes, and there were also innocent explanations for it. In any case it does not refer at all to conversations with yourself.

E

THE JUDGE: Just a moment.

THE DEFENDANT: And, at a later date, 8th July 1971, were you then asked to examine tapes two, tapes, five, thirteen fourteen and fifteen. This was your third report.

F

A. My third report which deals with the tape recordings in this case is dated 8th July.

Q. Yes.

A. My first contact with them was on the 26th January. The first contact with the tapes.

G

Q. Yes and when you listed the description of the recordings did you show that tape two was a recording, full track on a 5" spool which had been played at 7 $\frac{1}{2}$ " per second.

A. Yes. Tape two, yes.

H

Q. And when you read that did that raise any queries in your mind or any doubts or suspicions, that it was a 5" which had been played at 7 $\frac{1}{2}$ " per second to make a recording.

A. I had no idea what was in the intention of the recorder, of the person making the recordings. They seemed to have captured what they were interested in

A

THE DEFENDANT: Yes, but would you agree that the playing time of a five inch tape at $7\frac{1}{2}$ IPS is approximately sixteen minutes.

A. Yes, its about that order. If they were sure they could record all they wanted to in sixteen minutes...

Q. Yes.

A. ... then there was no problem I gather.

B

Q. Yes. But the full tape would play for sixteen minutes and would it be right to say that on both the Uher and the Nagra this tape could have been set to play at its lowest speed.

A. Oh yes.

C

Q. So when you later heard evidence about the meeting on the 28th, which is the subject of tape two, and you heard that it was going to be a meeting of unknown length, was in fact the first meeting, did it not strike you as somewhat unusual that the sound engineer should have set up a tape recording more or less at full speed, a small spool which would run out in sixteen minutes.

A. It didn't strike me as such, but if you put the question to me now, then it seems a silly thing to do if you want to record a longer conversation. As I say they appear to have captured what they wished to on the recording, except its very badly broken up.

D

THE JUDGE: I suppose if you want to record a conversation that is going to last an hour you don't put on a tape that will run out in fifteen minutes.

A. Unless you are incompetent or make a silly mistake at the time. I suggest the engineer made a silly mistake at the time and would have preferred to run it at a slower speed but simply forgot. Nothing suspicious about it at all.

E

THE DEFENDANT: Could it have been in fact that tape two might have been a later copy of the original tape two.

A. Tape two is just rubbish. It has almost nothing on it of importance. It is full of breaks and is hardly relevant to this case. Tape one and two have practically nothing on them of use, it appears to me.

F

THE JUDGE: That's not for you to say.

A. But that is why my analysis dealt more with the other tapes in the case because this is full of rubbish.

Q. Yes.

G

THE DEFENDANT: And would you say that ... I believe you have said that no evidence of tampering or editing was found on tape two but would you also agree it is not possible to be sure that no form of editing has occurred during the breaks.

A. That's right.

Q. Is that your report.

A. In this case there is no back up recording with which to compare

H

(continued over)...

A it so we can't tell whether any changes have been made in the breaks. It would be quite easy to make an edit in any of those one hundred breaks and for it not to be detectable.

THE DEFENDANT: Now I believe you say that the breaks could have been as a result of loss of radio contact. Could the loss of radio contact have been brought about in any way by Mr. Perry, who was supposed to have been carrying a transmitter and ...

B A. I don't know precise details of the positioning of the transmitter on Mr. Perry and whether he could have got his hand to it and whether he could have altered it as he was walking along. I had the impression that it was strapped to the middle of his back for tape two but I am not certain of that.

Q. The evidence was that it was in his pocket on this occasion.

C THE JUDGE: I thought the evidence was the microphone was around his neck and the transmitter was in his pocket but anyhow let's go on.

A. The breaks appeared to be due to bad contact in the transmitting equipment or loss of radio contact or a combination of several innocent circumstances.

THE DEFENDANT: May I ask you if you ever examined the original equipment alleged to have been used during these recording sessions.

D A. No. I did hire one Nagra tape recorder from Location Sounds and discovered afterwards it was used in this case and it had seven faults on that I was interested in. Particularly with the AGC circuit. It didn't work properly. I didn't discover until later it was one used in this case.

Q. And you say you discovered faults on the AGC.

A. Yes the AGC circuit on that tape recorder when I borrowed it or hired it was not working correctly, and couldn't be used.

E Q. It was broken. And did you ever have an opportunity to examine the radio transmitters and microphones etc. used...

A. Not used in this case no.

Q. Now going on to tape five, I believe you put in your report there was a break at the very start of the recording when the recorder was apparently re-started after about three seconds.

F A. Yes it sounds as though the tape was switched on for about three seconds and then stopped, presumably to test it was working, and then started again. A very long time before the conversation with you.

Q. And then you say later on following a male voice saying "Let's put it in this car shall we" the recorder is almost certainly switched off.

A. Yes we dealt with that this morning.

G THE JUDGE: Yes.

THE DEFENDANT: Yes. Would that have brought about the change in background noise on tape five at an identical place to the one I have just referred you to on tape 3(b).

A. Yes. It could, because the second recording is, was made on a different occasion. They are not connected recordings.

H Q. And did you ever synchronise 3(b) against tape five.

A

A. I did for most the conversation. Not synchronise but paced. Played one and then the other and back to the first and then the second and, to compare the conversations on them. In the case of thirteen and fourteen I synchronised recordings. In this case I believe I just paced.. Went through one and then the other.

THE DEFENDANT: Yes.

A. Again its a long time ago.

B

Q. I believe you say that, "In both tapes two and five the operation of the AGC circuit can be detected", in paragraph 17.

A. Tape two, yes.

Q. "As with the previous tape, tape two, the operation of the AGC circuit can be detected."

A. On tape two, yes. On tape five its very plain in the recording that follows the break. I am not certain that the AGC is present in the recording before the break, but I would have to do a ...

C

THE JUDGE: Perhaps you could tell us what the AGC is and what it does, if it has got any relevance now.

A. This is the circuit which prevents overloading and prevents distortion due to it being too loud.

D

Q. Yes and there we are then.

A. And you can detect the presence of it because a very sharp sudden noise causes the sounds which follow to be a bit too weak and then they build up again.

Q. Yes. I see.

A. The effects are apparent on tape two and they are apparent on parts of tape five.

E

Q. Yes.

THE DEFENDANT: And now coming on to tapes thirteen fourteen and fifteen, you noticed "tape thirteen does not exhibit a noticeable amount of ignition noise which might be expected with a radio microphone."

A. Yes and I explained why in the report.

F

Q. That the receiver is shielded by the car body.

A. Yes. The receiver and transmitter are inside the same car.

Q. And you also noticed "after the conversation between P and S some serious breaks occur."

A. In tape thirteen?

G

Q. Yes. May I ask if the fifty hertz hum comes with the four and a half minute break that you referred to.

A. That's the only place where I detected fifty hertz hum with any reliability.

H

Q. Would it be true to say that was the only place you could detect it because the hum can only be discovered in unrecorded sections of tape.

A. That wasn't an unrecorded section of the tape. The tape was recorded but there was a break in the transmission or a break in the reception of the microphone signal. In practice, if you listen to it very carefully, the microphone circuit has not been lost it has just been suppressed, and we believe the reason for that is he was too close

A to the Crystal Palace transmitter.

THE DEFENDANT: So you are suggesting that being so close to the Crystal Palace transmitter in some way cut out the microphone and put on the fifty hertz hum.

A. Yes.

Q. And you mention other breaks occur after the conversation. What would you offer for those.

B A. Well some of them I think were due to a break in the microphone contact as Perry was moving. Some of them could be due to the same effect. I am not sure. But there seem to be two or three different causes of the breaks. Some of them just due to a break in the microphone circuit. Some due to the receiver not working correctly in that very strong field from the television transmitter. Again no relevance at all to the conversations that you took part in.

C Q. And, in respect of tape fourteen, would it be true to say that this is the only tape in the whole series which is recorded throughout its length.

D A. I don't think so. I don't think that's true. I am not certain but it has been said it is the only recording for which the defence can find no fault. I don't think it has been alleged that there are no other recordings recorded throughout that length.

Q. Perhaps you can check your records about that.

A. No. I believe some of the radio microphone recordings are recorded throughout their length but there are breaks in reception due to the things I have mentioned.

Q. Well would you say that tape fourteen is the only recording which is recorded throughout its length which has no breaks in reception.

E A. Tape fourteen was recorded with a direct microphone that Perry did not have access to. In other cases the microphone was on Perry and when he moved he disturbed the circuits. In the case of fourteen it was strapped to the car and the tape recorder was in the boot of the car and the circuit remained undisturbed throughout the recording.

F Q. And would you say tape fourteen is the only recording in the series which is recorded throughout its length and has no breaks in it.

A. And has no breaks in it. Yes.

Q. And, therefore, would it be true to say that tape fourteen is the only tape in which it is quite impossible for anyone to find hum, either thirty hertz tone burst or fifty hertz hum, because there is nowhere to look for it. Would that be true.

G A. Yes. Those phenomena, excepting the tape 3(a) and maybe others, were only present in places that did not matter.

Q. But were they present in unrecorded sections.

A. Not in every case. On tape thirteen the fifty hertz hum appears in a recorded section.

H Q. And does it also appear on an unrecorded section.

A. On tape one the fifty hertz hum is on a recorded section.

A

THE DEFENDANT: And does it also appear in an unrecorded section.

A. The thirty hertz appears in an unrecorded section.

Q. So would it be true to say if I wanted to make a detection of any editing I was going to do in any tape recordings I would be very well advised to play that, to record that tape throughout its length.

B

A. If you knew beforehand that the defence experts were going to find things like fifty hertz and thirty hertz hum, that may be true, but it suggests that whoever made the recordings had a lot of knowledge of what was going to happen afterwards and a lot of knowledge of tape recording in a field which perhaps he wasn't familiar, i.e. forensic tape analysis.

Q. And if I didn't know about thirty hertz, 30 hertz tone burst and fifty hertz hum and I recorded one tape throughout its length then I would be fortunate would I not that the fact that if there was these hums upon the tape they couldn't be found.

C

A. The thing that the editor would have most difficulty over was in making sensible edits during the conversation. It's that that he would try to avoid and that has nothing to do with recording throughout its length.

THE JUDGE: Is there any evidence of editing of the conversation in this case.

D

A. Editing of the conversation?

Q. Yes.

A. No. There is no evidence of deliberate tampering editing alteration with the intent to deceive. There are breaks and things which have a perfectly natural explanation...

Q. Yes there we are.

A. They are not edits.

E

THE DEFENDANT: And if this tape had been edited even competently would you have been in a position to discover.

THE JUDGE: Mr. Symonds he says it is not edited.

F

THE DEFENDANT: Your honour he cannot say it is not edited. This has been cleared and made quite clear. He can only say he found no obvious signs of editing.. That's all this gentleman can say and that's all anyone in this world can say. He cannot say it is not edited your honour. YOU said that, not this gentleman here and I have to put to this gentleman here that if this tape had been even competently edited...

THE JUDGE: You need not shout.

G

THE DEFENDANT: I am sorry. If this tape had been even competently edited, are you prepared to stand there and say that you would have undoubtedly have been able to detect the evidence.

A. No.

Q. Thank you very much. As long as we get that point clear because it is very important.

H

A. I said at the beginning that a competent edit in a favourable place...

Q. As every man....

A. Can I be allowed to finish?

A THE DEFENDANT: As every man, any scientist, must say because of course it is the truth.

THE JUDGE: Anything else.

THE DEFENDANT: In respect of tape fifteen did you examine that Mr. Hyde.

A. Yes tape fifteen is a Grundig cassette.

B Q. Yes and did you find a number of drop out type phenomena in tape fifteen. Paragraph 23...

A. Fifteen is a very poor recording.

Q. On page three ...

C A. Yes. There did appear to be drop outs on tape fifteen. Thirteen and fourteen are recordings of the same scene and wherever . there was any consideration about tape thirteen, tape fifteen, the other two tapes were there to back it up. I had no reason to think that tape fifteen had been edited.

D Q. And, on the next page, page four, if I can draw your attention to the penultimate paragraph, where you say, "It must also be admitted that skilful editing made under favourable conditions may be undetectable and so it is not possible to say with certainty that no editing has taken place on any of the tapes concerned."

A. Yes that has been said several times today.

Q. Your honour may I ask for five minutes recess to see if I have missed anything out.

E THE JUDGE: Well I think you could ask if you have missed anything out. I don't think you need five minutes to do it in. You have a talk with your solicitor. It doesn't seem to me to be anything you have missed out.

THE DEFENDANT: Mr. Hyde if I can go back to the question of the thirty hertz tone burst, I believe you said the fact these thirty hertz tone bursts show you that the tapes were not true virgin tapes. Is that true.

F A. They were not virgin tapes at the time of recording. That's the most logical explanation.

Q. And do you have ... can you offer any explanation as to how that thirty hertz got on to these tapes.

A. The tapes were erased before being used again by a process which left these very weak thirty hertz tones.

G Q. Perhaps you can describe this process to the court.

A. Describe the process of?

Q. Of erasing which leaves thirty hertz tone bursts.

H A. The thirty hertz tone bursts are there because of the recording that was made, or some previous recording. They are then erased on some form of erasing machine, possible using a Nagra tape recorder. The thing that remains is the very weak components that were not dealt with successfully by the erasing process of the tape recorder.

Q. So what you are saying is that the thirty hertz was probably put on to

the tape during some sort of recording programme before.

A. Some previous recording. With a Nagra tape recorder.

A THE DEFENDANT: And then it was the programme was erased but the thirty hertz was left on.

A. Very, very weak yes.

Q. So it was an incomplete erasure.

A. That's right.

Q. And have you ever encountered this in your own experience, this form?

B A. No I would consider tapes with this level of noise on to be perfectly acceptable for any purpose I wanted to use them for. The noise is extremely weak. The tones are extremely weak, and don't interfere in any way with the recordings I wanted to make later. I suggest that in this case they reused, systematically reused, tapes in the early stages and they were tapes which had been erased by some process before being used in the ... to make the conversations in this case.

C Q. And why should only thirty hertz be left on the tapes and not parts of the music or speech conversations.

A. Presumably because only thirty hertz was there at that frequency and that there were no components in the original recording of the same or similar frequency. Thirty hertz is just about the cut-off or lower cut-off point of most tape recorders.

D Q. So, do you know about bulk erasing and bulk erasing machines.

A. I know there are machines on which you can put a tape which will erase the whole tape in one go.

Q. So if you put a recorded tape containing speech and music and thirty hertz tone burst into a bulk eraser, could it be that when you take it out again you have just got thirty hertz left.

E A. It could depend on the bulk eraser but I don't believe I can answer that question with any certainty. It is possible that a good bulk eraser would remove it. It is possible that one that wasn't working properly or with an erasure that was incompetently done might leave them. I don't know.

THE JUDGE: Yes we have that point.

F THE DEFENDANT: And I believe you said that you would consider it very difficult to fake recordings when two voices overlap.

A. Yes virtually impossible to do the sort of faking that would have to have been done, if ...

Q. Well virtually impossible or really impossible or difficult.

A. In practical terms impossible.

Q. Impossible.

G A. Yes.

Q. I believe you said its virtually impossible to make substantive changes to text. Is that right.

A. Yes to make any substantial number of changes to the text in order to alter the content it would be very difficult indeed.

H Q. And when you said that statement did you consider the possibility of editing by omission that is of deleting sections.

A

A. I have said before that if the cuts can be made in a favourable place it wouldn't be detected. In the case of thirteen, fourteen and fifteen, we have one tape supported by two others. The chances that you could make an edit in the middle of a conversation and then find that the same favourable circumstances would obtain on the other two recordings is very, very low, the probability is very low and so I say ...

B

THE DEFENDANT: And so is the matter of deleting a section, Yes?

Would you agree that this would in fact, or could in fact make a substantive change to the text by just a simple deletion.

A. I don't believe there has been any editing during the conversation on these tapes. I can find no evidence and everything suggests to me they have not been tampered with.

C

Q. And would you agree that within these recorded conversations there exists many pauses.

THE JUDGE: Well we have all heard them.

A. Pauses in the conversation, yes. Not pauses in the background noise.

D

THE DEFENDANT: And would these pauses not provide an opportunity for editing by deletion.

A. Not if the background noises continued. Nor would it help you if the conversation left didn't make sense. You would have to be able to find a place where you could remove a sentence at a time and remove that sentence and for the conversation that remained to make sense.

E

Q. And I believe you said it can take one full day to make a single edit.
A. Under difficult circumstances, yes.

Q. Can I ask you if you have ever taken one full day to make a single edit.
A. I have never tried to alter tape recordings so that they say something different. I have not spent a day on one recording. I am thinking of the types of process you would have to do in order to successfully make an edit under difficult conditions and that could take you all one day to make one edit.

F

THE JUDGE: We have had all this once. We need not have it again.

THE DEFENDANT: And ... do you want me to sit down now your honour?

THE JUDGE: If there is some fresh matter please raise it.

G

THE DEFENDANT: And do you say, you refer to trivial editing and you said it was physically possible. Yes? And easy, trivial editing.

A. Yes. By that I mean...

H

Q. Physically trivial.
A. An easy edit that would not necessarily make any change in the content of the tape recording. It might shorten a silence for example.

Q. But could not a physical or trivial edit in fact make a vital difference to the sense of the conversation.

A. I do not believe that the conversations recorded on these tapes are suitable for editing, in general.

Q. Yes, but the question was, could a trivial edit make in fact a vital

difference to a conversation.

A. By a trivial edit I meant, almost by definition, one that didn't make any difference, any difference to the sense of the conversation. As I say, shortening a silence for example.

THE DEFENDANT: And very last of all I believe you did say in your evidence in chief that you did not subject the original copies or the original recordings to any extensive analysis.

A. Any extensive visual analysis. I explained the visual analysis that I did and that was looking for damage and splices and examining drop outs where I thought they were relevant.

Q. I believe you also said you cannot without any doubts at all, you can't say whether recordings are original or not. "I can't say original recordings without any doubts at all."

A. In general that is true.

Q. Thank you very much.

MR. RIVLIN: Thank you very much indeed Mr. Hyde, thankyou.

THE JUDGE:: Yes

MR. RIVLIN: Mr. Penna please.

.....

MR. CLIVE STANLEY PENNA (SWORN):

MR. RIVLIN: What is your full name please.

A. Clive Stanley Penna your honour.

Q. Are you a technical officer attached to the Metropolitan Police Tape Forensic Laboratory, New Scotland Yard.

A. I am.

Q. For how long have you been employed in that capacity.

A. Within the tape laboratory, nine years.

Q. Do you hold a City and Guilds Certificate in Electronics.

A. I do your honour.

Q. And have you been engaged in this field of forensic tape recordings over the last nine years.

A. I have.

Q. And during the last nine years have you gained a fair deal of experience in the field, in this field.

A. Yes.

Q. For example, have you given evidence in court before.

A. Yes on many occasions.

Q. Now can I just deal with the question of the transcripts and then I would like to ask you just a few questions about the tapes.

A. Yes.

A

MR. RIVLIN: Would you please have a look at exhibit 35(d).

A. I have a copy.

Q. You have a copy have you. Are those transcripts that you prepared together with Mr. Eley.

A. That is so.

Q. And you therefore, formally produce exhibit 35(d) as being your work.

B

A. Yes.

Q. Can you please just help the jury to this extent, you have had to prepare transcripts of tape recordings in the past have you.

A. Yes.

Q. On just a few occasions or on many occasions.

C

A. We quite frequently get involved in the transcription of difficult tape recordings.

Q. And so you have a trained ear do you in that respect.

A. In that respect.

Q. Yes. Now is it an easy thing to transcribe difficult tapes.

D

A. Given the right conditions, time, patience, knowledge of the language involved perhaps not, but without those conditions perhaps yes.

Q. In this particular case did you find it an easy task or a difficult task.

A. Not that difficult, given time, but there are places that are still indecipherable.

Q. And how much time did you spend on this tape.

E

A. .Given that we started with transcript 35B to begin with, that we used that as a basis to carry on, I would think about fifty hours, that sort of order.

Q. And I am not going to ask you about these matters, but is it right that even whilst you have been listening to the tapes in court you have come across little things that you had not heard before.

A. That's correct, yes.

F

Q. So that the more you hear the more you get really. Is that right.

A.. Its always the case with this type of recording.

Q. Yes. Now I would just like to ask you about one or two particular matters. Would you please take a look at the beginning of tape number five. That is the 31st October. Page seven. Now have you been able to ascertain when it was the door opened and when it was the door closed.

G

A. Yes it appears, reading down the transcript, that the door opens after the word "radio."

THE JUDGE: Just a moment.

MR. RIVLIN: That's at the top of the page.

A. Yes.

H

Q. Page seven yes.

A. Than you have, "How are you doing Mickey" followed by "Door closing."

door closing/...

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MR. RIVLIN: Would you please now turn to page 24.

THE JUDGE: 24?

MR. RIVLIN: Page 24 yes. Now you know do you not that the jury's copies are blank in relation to the end of the page.

A. Yes. Am I correct in thinking that's after, "by the fellers."

Q. Yes. I think they have, "by the fellers", but then it is blank.

THE DEFENDANT: I think the jury have written in Mr. Perry's account.

MR. RIVLIN: Well they may or they may not have. I don't know because I did not ask them to write anything in. Would you please tell the jury this. Have you been able to decipher what comes after "By the fellers."

A. Yes.

Q% And what does come after, "By the fellers", and could you just say it quite slowly so we can take it in.

A. Yes. 27/28, Perry begins, "Yeh, here y'are."

THE JUDGE: Meaning, "Here you are."

A. Yes. Right.

Q. Yes.

A. "I may as well give you that now", comma, "I can't, I can't get fuck all", and then Symonds, "Cheers." And that is the end of the page. Followed on ...

THE JUDGE: Just a moment. Did you want to jot that down in your copy, members of the jury. The note of what Mr. Penna hears reads as follows: "Yeh here y'are. I may as well give you that now. I can't, I can't," .. that phrase is repeated twice, and "fuck all."

A. And then he says, "Lately", which is on the next page.

Q. Just a moment, and the reply to that according to this witness is "Cheers."

A. That interrupts Mr. Perry when he is saying, "I can't I can't get fuck all lately."

MR. RIVLIN: Oh I see. You say Perry is finishing off his little sentence by saying, "I can't get fuck all lately" and the word, "Cheers"...

A. Interrupts the last part of that.

THE JUDGE: Just make a note of that, that's Mr. Penna's view. You will have to form your own view when you have heard the witnesses. Yes.

MR. RIVLIN: Now the transcripts that you have prepared are of tapes number one, exhibit one, tape two exhibit two, tape five exhibit three and tape fourteen exhibit five.

A. Yes your honour.

THE JUDGE: Tapes one two three...

MR. RIVLIN: One, two, five and fourteen. One two five and fourteen. Exhibits one two three and five.

THE JUDGE: Yes.

MR. RIVLIN: And when you prepared these transcripts what did you use copies or the originals, or what.

A. Both.

Q. And have you checked them, certainly against the originals.

A. Yes. Not only have we checked them against the original of those tape recordings, we have also checked them against the other versions of the same recording. I.e. in the last instance also tape thirteen was checked against the transcript.

Q. Yes. In relation to tape thirteen which is exhibit number six, have you noticed any difference in sound levels there.

A. Yes. The voice of Perry is clearer in the main on tape thirteen because the microphone is around his neck.

THE JUDGE: On page thirteen or tape thirteen.

A. Tape thirteen.

MR. RIVLIN: Tape thirteen.

THE JUDGE: Yes. Perry clearer on tape thirteen.

A. Whereas Symonds is clearer on fourteen.

MR. RIVLIN: And, for example, that little bit on page 24 that you have just told us about...

THE JUDGE: Tape fourteen that's when the microphone was under the dashboard I think.

MR. RIVLIN: Yes that's right your honour. In relation to that little bit on the bottom of page 24 what do you say, do you say it can be heard better or worse on tape thirteen.

A. I say Perry can be heard better and Symonds can be heard better on fourteen.

Q. Now when you are trying to decipher something that appears or may appear to the layman to be garbled, how many times might you play it before you come up with the result.

A. Many many times. Suddenly it occurs to you what they are saying and you wonder thereafter why on earth you didn't hear it in the first place but its often the case that that is what happens.

Q. Now I would just like to ask you a few questions about the tapes. We have heard just a little about you and Mr. Eley being asked to examine tapes.

A. Yes.

Q. That is The Times copy tapes.

A. Yes.

Q. Have you ever been required to give evidence about the authenticity and originality of tapes.

A. Yes.

Q. Have you conducted any examination of these tapes, originals or copies.

A. Yes.

Q. Sufficient to enable you to express a view about them.

A. Yes.

A

MR. RIVLIN: Have you found anything in your examination of the originals or alleged originals, or the copies, which has led you to believe that they may have been tampered with or concocted or fabricated in some way.

A. Nothing whatsoever.

Q. In relation to the question of noise levels that is something isn't it that Mr. Hyde talked about.

A. Yes.

B

Q. So I don't want to spend a lot of time on that but is that something that you have considered.

A. Yes that is one of the aspects we looked at.

Q. And indeed is it right that you prepared a demonstration tape in relation to that matter.

A. Not noise levels as such.

C

Q. What is demonstration tape number two.

A. That is a demonstration tape showing the passage we have just dealt with on page 24 of the transcript.

Q. Yes.

A. Coming through three different tape recordings, thirteen, fourteen and fifteen.

D

Q. Yes.

A. Indicating different microphone positions.

Q. Ah I am sorry, I didn't say microphone position, I meant to be referring to this same matter of noise levels coming from different positions. Do you understand.

A. Yes.

E

Q. And in a moment or two I am going to ask that this be played after demonstration tape number one and may I preface this by asking whether you are aware that Mr. Brd and Mr. Kilick have heard these demonstration tapes.

A. Yes they have.

F

Q. But it is right isn't it you have made I think three demonstration tapes.

A. Yes I think we referred to just now our demonstration tape number one as being, as I have just described that is in fact our number two.

Q. Yes that's what I said, number two, demonstration tape number two.

A. Yes that's right.

G

Q. Let me ask you about demonstration tape number one first. Now can I just deal with that please Mr. Penna. Is it right that you were able to compare two tapes in a particular and interesting way.

A. Yes your honour.

Q. You just tell the jury about that would you.

A. Yes. On the latter part of tape thirteen.

H

Q. That is exhibit number six. Yes.

A

A. When the group of people as we have heard, arrived at Beckenham you can hear and see on tape, transcript of tape thirteen, that is page 40 of 35(b).

B

MR. RIVLIN: I wonder if the jury could get that out please. Yes.

A. At point six and again at point ten it says in the transcript and can be heard on the tape a tape recording being re-wound and you can hear the recording being rewound and the speech is very fast and, because it is being rewound, the speech is in fact backwards.

C

Q. Now just let's pause there for a moment. This is something which is alleged to have happened after the meeting had taken place.

A. That's right.

Q. Between Mr. Symonds and Mr. Perry when there is further conversation and somebody is re-winding one of the tape recordings.

A. Yes.

D

Q. And you can hear the event take place on tape thirteen.

A. That's correct.

Q. Now what have you been able to do.

A. What we have done is taken the sound of this tape recording that is being re-wound, slow the speech down and reverse its direction and then identify it as being part of tape fourteen.

Q. Now would your demonstration tape help us there.

A. Yes.

Q. What will we hear if we listen to the demonstration tape.

A. There's two particular instances where it is possible to decipher parts of the tape recording, that is referring to transcript 35(d) page 35.

E

Q. Yes.

A. Beginning eight lines down.

Q. Yes.

A. "I have got to find out names of the police officers who are dealing with them." Right.

F

Q. Yes.

A. That section can be heard. And then on the next page, page 36, three lines down, "Find out exactly what the strength of it is and also how much". That can be heard.

Q. So if we listen now to this demonstration tape what will we be listening for.

A. You will be listening for those words.

G

Q. Right I wonder ...

THE JUDGE: How is it going to help us.

MR. RIVLIN: Your honour?

H

THE JUDGE: How is it going to help us.

MR. RIVLIN: Well your honour the prosecution say it might help in this way.

A That it is possible to say that when tape number thirteen was being played, that when tape number thirteen was being recorded, those who can be heard on tape number thirteen were in fact at the time playing back tape fourteen.

THE DEFENDANT: Or the missing tape your honour, the one they decided... not to...

THE JUDGE: No. No.

B MR. RIVLIN: Your honour, that's the point of it all. I mean that's the point of it all. You see they are playing something back and it has been identified.

THE JUDGE: Yes I see.

MR. RIVLIN: And that is as far as it goes.

C THE JUDGE: Yes. What it shows, if the jury accept it, is that on the way back, or immediately on arrival back at Beckenham, the reporters presumably were playing back tape number fourteen.

MR. RIVLIN: To hear what it was going to say.

THE JUDGE: Yes.

D MR. RIVLIN: So that within a very short time of the incident and indeed during the currency of this tape being played, tape thirteen being played, they are listening to or going to listen to what is on the tape.

THE JUDGE: Yes.

E MR. RIVLIN: Now your honour, I don't want to pretend that I can take it any further than that. I can't and that's the point of it all.

THE JUDGE: Well yes its a very limited point.

MR. RIVLIN: It is. It is indeed your honour.

THE JUDGE: I am not sure...

F MR. RIVLIN: But we have evidence about it now, but...

THE JUDGE: Yes.

MR. RIVLIN: But the position is the witness has in fact prepared a demonstration tape which shows this.

THE JUDGE: How long would it take to play.

G MR. RIVLIN: How long will it take to play, a couple of minutes is it or less.

A. At the most, well given we can find it easily on the tape, you will need headphones as well.

THE JUDGE: Well (inaudible).

H MR. RIVLIN: Well your honour I can see you are not terribly enthusiastic

and, may I say in those circumstances I shouldn't trouble.
I think I have got the point from the witness and the situation
is if the witness's evidence on this is challenged then the tape
can be played.

THE JUDGE: Yes I think that's best.

MR. RIVLIN: But I have got the point. Your honour I am afraid that
I can't go quietly on the next one the next demonstration tape which
relates to the bottom of page 24.

THE JUDGE: No I follow that.

MR. RIVLIN: Bottom of page 24 you have prepared a demonstration tape
there have you Mr....

THE JUDGE: You have got that point on that first tape members of the jury,
it does show while the tape is being played over shortly or if not
almost immediately after the (inaudible)...

MR. RIVLIN: And that tape has been identified ...

THE DEFENDANT: The demonstration tape your honour, is about words
which Mr. Perry has given a different meaning to. I think this is
unusual, making up tapes.

THE JUDGE: Well we can hear the tape and the members of the jury can decide
it.

MR. RIVLIN: Yes well you prepared a demonstration tape relevant to the
bottom of page 24. Is that right.
A. That's correct.

Q. Well now just help us, before we listen to this, what will we hear
when we listen to this tape please.
A. Three versions of the same conversation.

Q. Coming from.
A. Tape thirteen, fourteen and fifteen in that order.

Q. Well then we will listen and I will just ask you one or two questions.

THE JUDGE: Thirteen fourteen and fifteen, in that order, demonstration
tape will show us what you heard at the bottom of page 24. Right.
A. Yes.

THE DEFENDANT: If prosecuting counsel knew he was going to play this it
might have been better to ask Mr. Penna after they played them about
the words rather than asking him first and then writing it down ...

THE JUDGE: It has been done perfectly properly...

THE DEFENDANT: The eye leads the ear.
A. I would suggest headphones are used.

MR. RIVLIN: Yes very well. Perhaps we can do this.

can do this/...

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A THE JUDGE: If you have page 24 open in front of you members of the jury you can just see whether what you hear turns out to be what is written down.

TAPE PLAYED

B MR. RIVLIN: Right those are the three recordings you have made of those three.

THE JUDGE: Speaking for myself I would like to hear the first one again.

MR. RIVLIN: Your honour yes.

THE JUDGE: Should we hear the whole thing once more ladies and gentlemen and then we can listen again?

TAPE PLAYED ONCE MORE

C MR. RIVLIN: Now those are taken from those three different recordings.
A. That's correct.

Q. And I shall not ask you any more questions about what can be heard but are the ...

D THE JUDGE: I found the second one clearer myself, I don't know what anybody else's views are, I don't know. I will make a note of that.

E MR. RIVLIN: Were you concerned when you made that demonstration tape to ascertain whether the microphones that were in use were indeed positioned in different places.
A. Yes, and you can also hear movement differs between, movement of persons that differs between the three different examples. Tape thirteen there is clothing movement. Movement very obvious. On fourteen, Virtually no movement can be heard and on tape fifteen you can hear movement again.

Q. Yes. Yes thank you Mr. Penna would you just wait there please?

F THE JUDGE: Well I think we will rise now. I am afraid you must come back tomorrow. Having been here so long I dare say another day wont make any difference. Very important not to talk about your evidence to anybody at all.

COURT CLOSED

G THE JUDGE: I should perhaps say before I leave that I think I may have to sit late tomorrow afternoon or even perhaps not at all. I have another engagement in this building which I can't put off. I wont be sitting before three o'clock tomorrow and it may be I shall have to cancel tomorrow afternoon.

THE COURT ROSE at 4.35 p.m.

H I CERTIFY that I took shorthand notes in the trial of R V SYMONDS and that page 1 - 79 inclusive hereof are a complete and correct transcript of part of my said shorthand notes to the best of my skill and ability.

Humphries, Barnett & Co.

Rehner