

Before:

HIS HONOUR JUDGE R.A.R. STROYAN QC

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

Friday 3rd April, 1981.

R E G I N A

-v-

J.A. SYMONDS

SUBMISSIONS.

MR. SYMONDS OPENING SPEECH TO JURY

MR. SYMONDS STATEMENT FROM THE DOCK

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

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

MR. J.A. SYMONDS conducted his own defence.

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SUBMISSION IN THE ABSENCE OF THE JURY:

A MR. SYMONDS: Your Honour, if I could address Your Honour on the matter of some of the witnesses.

HIS HONOUR JUDGE STROYAN: Yes.

B MR. SYMONDS: In respect of Mrs. Clements for whom a subpoena has been issued, Mrs. Clements has been contacted by my solicitors, Your Honour, and she suggests that she would rather be in contempt of court than to come here to give evidence. I did ask this---- her, that would be in connection with a statement taken by police officers, enquiry officers, I have suggested that this statement be read out Your Honour. I wondered if I could put that suggestion again to avoid the difficulties that seem to be arising in connection with this witness.

C HIS HONOUR JUDGE STROYAN: Just a moment. I'll find her evidence.

MR. SYMONDS: Perhaps I should add also to that Your Honour, in fairness to Mrs. Clements, that her father has very recently died.

D HIS HONOUR JUDGE STROYAN: Oh. She deals with some bills I think doesn't she?

MR. SYMONDS: Yes. This is in connection with the invoice which was later sent to The Times and her evidence is particularly about the additional tapes which were issued, and----

HIS HONOUR JUDGE STROYAN: Well I don't think she takes the case very much further forward does she?

E MR. SYMONDS: I beg your pardon Your Honour.

HIS HONOUR JUDGE STROYAN: I don't think she takes the case very much further forward does she?

F MR. SYMONDS: Well I think it is an important point, the fact that more tapes were issued to Hawkey than accounted for either before the court or (inaudible). My contention is that tapes were edited and could have meant cutting them up which would have meant that there would have been this possibility arising of tapes just disappearing.

HIS HONOUR JUDGE STROYAN: Well I don't know, I don't think there has been any difficulty about the bills has there Mr. Rivlin?

G MR. RIVLIN: The problem is that we don't necessarily accept what she says or that she's in a position to say what she says.

HIS HONOUR JUDGE STROYAN: No.

H MR. RIVLIN: That's the difficulty. Your Honour, I don't wish to be obstructive. It may be possible to find some formula whereby her statement could be read but it couldn't be read

as an agreed statement of the facts. It could be read, as it were, on the basis that this is what she has said at some stage, but I'm not prepared to accept that that which is contained in this statement is true.

HIS HONOUR JUDGE STROYAN: No.

MR. RIVLIN: And the jury would have to be told, if it was read, that it is being read to avoid bringing the woman up here shortly after her---- she's suffered a bereavement in her family. But I will not have it said by the defendant that this is evidence admitted by the Crown as being true. He can say that this is what she has said at some stage but if it's a question of it being read on the basis that it is agreed and admitted evidence then I am afraid that the witness would have to be called.

HIS HONOUR JUDGE STROYAN: Yes. Well you have heard that Mr. Symonds.

MR. SYMONDS: Yes Your Honour.

HIS HONOUR JUDGE STROYAN: Parts of it can be read on the basis of it's what she said at some time. I'm not very sure if it is a very satisfactory way of dealing with it. I don't think you can read something that is not accepted to be true, but it's very much on the fringe of this case in any event. It doesn't seem to me that there is anything I can do about it at the moment. If she's not going to come. I should be very loath to commit her for contempt in the circumstances in which she finds herself in, particularly as her evidence seems to be on the fringes of the case in any event.

MR. SYMONDS: Perhaps I could discuss this during the adjournment.

MR. RIVLIN: It has come to my notice within the last moment or two, I hadn't been told about this in sufficient time to enable me to look at the statement and consider it afresh. I'm willing to do that. I'm willing to help, as Your Honour knows, in any way that I can, but I am not prepared, on behalf of the Crown to agree something as being the truth when it may not be.

HIS HONOUR JUDGE STROYAN: Yes. Well I think all we can do at the moment is that the matter can be discussed over the adjournment. I can do no more at the moment.

MR. RIVLIN: Yes. Your Honour, apart from anything else, it may well be that she is not in fact in a position to give the evidence that she purports to give.

HIS HONOUR JUDGE STROYAN: No. It's a very long time ago and she probably hasn't got any notes herself.

MR. RIVLIN: Well, Your Honour, would you be so kind as to leave this matter over and it can be mentioned to you perhaps on Monday.

HIS HONOUR JUDGE STROYAN: Yes.

**A** MR. SYMONDS: The next witness is Buchanan. I have received information that----

HIS HONOUR JUDGE STROYAN: Yes, I have read the---- I have looked at the Buchanan statement. My impression was originally that he had been called in the previous proceedings, I think I was wrong about that.

MR. RIVLIN: We will let you have his statement to read Your Honour.

**B** MR. SYMONDS: He was called in the previous proceedings.

HIS HONOUR JUDGE STROYAN: I have got a statement here.

MR. RIVLIN: He was called. I think he was called last year in the trial within a trial. We will let you have his statement to read this time.

**C** HIS HONOUR JUDGE STROYAN: I think I have got it, I think I was handed it on the issue of the voire dire, but it seems to me that it is entirely hearsay. Unless there is something more to it than appears on the face of the document his evidence would not be admissible. If he can be interviewed by your solicitors in London, I see he lives in Chiswick - I'm sorry he lives in Buckinghamshire, or did live in Buckinghamshire - if a statement can be got which is relevant and not hearsay well then you shall certainly call him. But the material I have got relates entirely to hearsay evidence. I'm not going to have him brought here to give evidence which is not admissible in any event.

**D** MR. SYMONDS: And the last witness Your Honour is Mr. Webb.

**E** HIS HONOUR JUDGE STROYAN: Well the same applies to him. I read his statement again this morning and unless there is something more than there is on that statement it appears to me to be entirely hearsay. Again I am not going to call him to give hearsay evidence or to attempt to give hearsay evidence which would not be admissible. I have not got any discretion about it, I am not allowed to admit inadmissible evidence and hearsay evidence is inadmissible. I have no choice in the matter. If I can be shown a statement which Mr. Webb can seem to be giving admissible and relevant evidence then of course you can have him here, but I am not going to have him brought here to be put in the witness box and then to hear only that he didn't say anything.

**F** MR. RIVLIN: Your Honour, I might be able to help here. If Mr. Green would hand to me a copy of Mr. Webb's statement and in it underline those parts that he wishes, if they are admissible matters then I think I will very likely be able to agree them and the problem may be resolved in that way.

**G** HIS HONOUR JUDGE STROYAN: Yes. Well then I think we had better leave that problem over until Monday in any event.

MR. RIVLIN: Your Honour, yes.

**H** HIS HONOUR JUDGE STROYAN: There is no good me giving you leave to issue subpoenae to bring witnesses up here and then find they have no admissible evidence.

Yes. Anything else I can give any help about?

A MR. SYMONDS: Your Honour, at this stage I would like to make a very brief submission.

HIS HONOUR JUDGE STROYAN: What sort of submission?

MR. SYMONDS: Your Honour, no case to answer.

HIS HONOUR JUDGE STROYAN: Very well. Yes.

B MR. SYMONDS: Your Honour, I submit that the evidence presented to the Court during these past days has been in many cases incomplete and contradictory and that evidence has materialized which did not materialize during the trial within the trial. And I refer particularly, Your Honour, to the matter of the possibility of tapes 1 and 2 originally being recorded on the one tape. And from all three main witnesses we did have some evidence to support that possibility. Mr. Lloyd said it was possible to----

C HIS HONOUR JUDGE STROYAN: They can't have been recorded on the same tape, only hears one conversation.

MR. SYMONDS: No Your Honour, one tape recorded----

D HIS HONOUR JUDGE STROYAN: If you record on top you erase the one on the bottom.

MR. SYMONDS: No Your Honour. With the Uher machine it is possible to record on the two halves.

HIS HONOUR JUDGE STROYAN: Oh you mean on the second track.

E MR. SYMONDS: Yes.

HIS HONOUR JUDGE STROYAN: Yes, I follow. What's your point about that

F MR. SYMONDS: Yes. The point about that Your Honour, if it is so that originally the telephone conversations were recorded on track 1 of a 5" tape, and the meeting was recorded on---- originally on track 2 of the same 5" tape which would appear to have some support from the list of exhibits handed over to Scotland Yard, when 14 tapes were in fact handed over, and further support from the words of Mr. Lloyd who said it was possible that tapes 1 and 2 were originally recorded on one tape, and Mr. Hawkey also indicated this possibility. I suggest that, given that, the jury could not be sure beyond all reasonable doubt that tapes 1 and 2, as presented to the Court, are truly the original tapes. And further to that, Your Honour, this is in connection with count 1 only, I would submit that the evidence which has been placed before the Court in respect of count 1 is so weak---- in fact it boils down to Mr. Perry saying he gave me £50. The evidence of searching takes place at such a distance after the meeting, according to the evidence of witnesses, after in fact the 20 minute break, after refreshments in a public house, that I suggest that the evidence of the money not being on Mr. Perry after the meeting should not bear any weight at all. Further to that Your Honour----

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A HIS HONOUR JUDGE STROYAN: The question of weight is not one that I can decide, the jury has got to decide that. The evidence is there. It is not for me to say whether it is right or wrong.

B MR. SYMONDS: I suggest that it would be unsafe Your Honour to allow count 1 to go before the jury. There is no evidence other than that of Mr. Perry, who I suggest Your Honour is, according to the Prosecution evidence, an alleged accomplice, and that he does require corroboration. I believe Mr. Perry under those circumstances should be described as an alleged accomplice and should require independent corroboration.

HIS HONOUR JUDGE STROYAN: I think that is probably right but you see the---- it may be said that there is independent corroboration namely in the searching and also in the content of these tapes.

C MR. SYMONDS: I am referring to count 1 Your Honour particularly. I am submitting that count 1 should be not put before the jury to proceed, that is necessarily my consideration, count 1.

D HIS HONOUR JUDGE STROYAN: I think it might be open to the Crown to argue that if the jury accept the tapes that any of the tapes, even the last one, even that could amount to corroboration of count 1. I think it is open to the Crown to submit that the evidence on each of these counts is capable of corroborating the evidence----

E MR. SYMONDS: By saying it would be dangerous to put it before the jury because the jury is being invited to convict on count 1 in respect of evidence which is not to do with count 1 but to do with count 2 and 3, some form of system. I would submit that this is---- that this would be unsafe to leave this---- to leave it to the jury, to be so persuaded in view of the evidence that we have heard during the course of this trial in respect of count 1. That is all I wanted to say, Your Honour.

F HIS HONOUR JUDGE STROYAN: Thank you. I think it might be helpful if you just said one word about the first submission in relation to tapes 1 and 2.

MR. RIVLIN: Your Honour, yes. Well Your Honour I can answer both submissions very briefly. As regards the first submission that has been made there is clear evidence----

HIS HONOUR JUDGE STROYAN: Listen to this Mr. Symonds.

G MR. RIVLIN: ---- there is clear evidence from Mr. Lloyd and Mr. Mounter and Mr. Hawkey that tapes numbers 1 and 2 are original tapes, they have said that. All three of them, as Your Honour knows, has given an account as to the manner in which those tape recordings were made. They gave an account to the police upon which they were cross-examined and re-examined, which is in accordance with the Prosecution case. Your Honour will remember the schedules which have been put forward. There is the clearest possible evidence before the jury that tapes numbers 1 and 2 were original tapes. The defendant may have some sort of an argument to present to the

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jury that they are not, but then, in the submission of the Crown, he would have to present that argument.

A HIS HONOUR JUDGE STROYAN: Yes.

B MR. RIVLIN: Your Honour, there are other things that could be said but I do not think that they need to be said. Your Honour, may I just assist if I may briefly with count number 1 and be of assistance to Your Honour in this way. The Prosecution would willingly accept that in directing the jury as to the evidence in this case, whether Perry is or is not an accomplice, and technically I think he is not an accomplice, but whether he is or is not the jury should treat him as if he were an accomplice.

HIS HONOUR JUDGE STROYAN: That is the view I took.

C MR. RIVLIN: Most certainly Your Honour, I would be the first to say that that would be the correct approach. But having said that Your Honour I propose to submit to the jury that in the particular circumstances of this case, with him being overseen by others who are involved in this investigation, there really was no question of him being a party to a criminal enterprise in the sense that he himself was committing a crime. As regards corroboration of Perry, in my submission that is very easy to identify. It comes in two forms. First the searching, and there we have the evidence of Lloyd and Mounter and Hawkey, and second the content of tape number 5, exhibit number 3 - and I would respectfully invite your attention to page 7 of exhibit number 35(b), top of the page, this is the 31st of October.

D HIS HONOUR JUDGE STROYAN: Yes.

E MR. RIVLIN: "You know, a bit more dough". And page 15 at 25:20, "I still aint got it all yet. I got another 50. All right. Yeh, fine, yeh." Now that is three days, Your Honour, after the date of count number 1. Do you have the passage?

HIS HONOUR JUDGE STROYAN: Yes.

F MR. RIVLIN: That is three days after count number 1, and it is our submission that one need not, as it were, rely upon the general proposition that talk about the corrupt conversations on more than one occasion could amount to corroboration of count number 1, here we have got specific corroboration of count number 1.

HIS HONOUR JUDGE STROYAN: Yes.

G MR. RIVLIN: And it is absolute direct corroboration of that count.

HIS HONOUR JUDGE STROYAN: Yes.

H MR. RIVLIN: Or, perhaps to put the matter more accurately, capable of being absolute direct corroboration of that count. And so, Your Honour, I am afraid that there is no question here of count number 1 depending upon the evidence of Perry alone.



HIS HONOUR JUDGE STROYAN: Yes. Anything you want to add Mr. Symonds?

MR. SYMONDS: I don't think so Your Honour. I have made my submission. I told you what I thought.

HIS HONOUR JUDGE STROYAN: Yes. It seems to me perfectly plain that this is a matter which must go to the jury. I cannot possibly on the evidence say the defendant is not guilty at this stage. It is a matter the jury must decide. It is better that I say no more about the evidence at the moment. Bring the jury back please.

MR. RIVLIN: Your Honour, before the jury is brought into court may I say this. I don't know what stance the defendant is going to take when the jury is brought back into court, but there is one thing in the back of my mind that concerns me, and it is not a matter that is being mentioned for the first time. In my submission it would be quite improper for the defendant, if he chooses to say anything to the jury in whatever form, to refer to the contents of statements that he has in his possession but in respect of which no admissible evidence has been given or is about to be given or could be given. In other words, there must be, in my submission, no blurting out of matters that are inadmissible.

HIS HONOUR JUDGE STROYAN: I hope I have already made plain to him, I shall certainly do so again.

MR. RIVLIN: Your Honour, you have made it plain on countless occasions but we have reached a new stage of the trial now and----

MR. SYMONDS: Following on from that Your Honour, Prosecuting Counsel is in possession of a number of statements which I understood he was going to vet for what he would consider to be inadmissible evidence. As I understand it the trial has not been finished yet and I have been given no opportunity to see what is claimed to be inadmissible and what is not.

MR. RIVLIN: Oh no.

MR. SYMONDS: So my hands are tied. In that case I'd like to look through the bits that have been signified so that I don't---- that I am not interrupted.

MR. RIVLIN: Your Honour, I am sure the defendant knows very well what I am talking about. The really objectionable things that could be said are opinions of people who are not able to give evidence about those opinions; or statements as to fact relating to what happened at these times which is quite inadmissible for the defendant to refer to.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Your Honour, I have in fact spent quite some time going through a substantial part of the statements that have been handed to me by Mr. Green. There is a little more that remains but I don't think, Your Honour, and I am sure that Mr. Green would agree with this, I don't think that the extractions would come as any surprise to the defendant whatsoever. They are statements of opinion, or conversations

between two people which are inadmissible on the grounds of hearsay.

**A** HIS HONOUR JUDGE STROYAN: Yes, well I shall make that clear to the defendant when the jury appears.

MR. SYMONDS: Your Honour, I would like to have the opportunity to refer, if there are not many, to such part of the statements----

**B** HIS HONOUR JUDGE STROYAN: It might be convenient now, if you would let me know, and I shall ask you again before the jury, what course you are proposing to take, and I might be able to help you. Are you going to give evidence yourself?

MR. SYMONDS: Well Your Honour all I am going to do, I am going to make a speech and then I shall make a statement and then I shall call my first witness.

**C** HIS HONOUR JUDGE STROYAN: What you may do, in the event of your choosing to make a statement from the dock, is first briefly to open your case, which means telling the jury briefly what your evidence you hope is going to establish, you see that's first. Then you may make your statement from the dock, if you wish to do so. That is second and distinct from your opening of your case. You follow do you?

**D** MR. SYMONDS: Yes.

**E** HIS HONOUR JUDGE STROYAN: The first part of it, which is opening your case, what you may do is to tell the jury, and I am sure you can do it quite briefly, what you expect your evidence will establish so that they will know what is coming. Then, when you make your statement from the dock you may make your own points on the facts for yourself. Then you call your evidence. Then at the end of your evidence Mr. Rivlin will address the jury on the evidence that has been given, and finally you would have another opportunity to address the jury. Do you follow?

**F** MR. SYMONDS: Yes well what I did want to do, Your Honour, I wanted to do originally was to call the experts and all that straight away and then make my statement after the expert's evidence.

HIS HONOUR JUDGE STROYAN: No, I'm afraid not.

**G** MR. SYMONDS: So what I was then proposing to do was to make my opening defence speech now and then I would---- I have noted four things. And what I would do is to start off by criticising the Prosecution evidence and pointing out the weaknesses, and then I would suggest to the jury a little, a small extract of law. Although I know it is for you to say that but I submit that I should be allowed to suggest a small extract of law as Mr. Rivlin did in his opening speech. And then what I hope to show in my defence I intended to put into my statement.

**H** HIS HONOUR JUDGE STROYAN: You are certainly entitled to do that. So far as the criticism of the Prosecution evidence is concerned perhaps the best time to do that is when the case is

finished, when you have called all your evidence, after Mr. Rivlin had addressed the jury, when the jury have the whole of the evidence before them. Do you understand?

A MR. SYMONDS: Well yes Your Honour, but I did want to do it now, I believe I am entitled to.

MR. RIVLIN: He is entitled to Your Honour.

HIS HONOUR JUDGE STROYAN: He is entitled to yes.

B MR. SYMONDS: I would like to criticise parts of the Prosecution case while it is still fresh in their minds.

HIS HONOUR JUDGE STROYAN: Well you can do that, I'm not going to stop you doing it, but you will have an opportunity at the end of everything to make your final submissions to the jury and----

C MR. SYMONDS: Well at the end of everything I wanted to make a more general statement about the case as a whole and not have to leave it right to the very end to point out some----

HIS HONOUR JUDGE STROYAN: Very well.

MR. SYMONDS: ---- small, may be, criticisms and weaknesses that have appeared, and leave the final speech for the general thing.

D HIS HONOUR JUDGE STROYAN: Very well, you may do that. What you must remember is that there is a difference between your opening speech to the jury and the statement from the dock. Do you understand that?

MR. SYMONDS: Yes.

E HIS HONOUR JUDGE STROYAN: Your statement from the dock gives you an opportunity of putting your own case forward. The opening statement is principally to tell the jury what you hope to prove by your evidence and you are also entitled to criticise what has been said in the evidence for the Crown up to now. Please remember there is a distinction between the two speeches and we will have a moment when you will say at the end of your opening address, 'Now I am going to make my statement from the dock.' Do you follow? Because they are two different things.

F MR. SYMONDS: Yes.

G HIS HONOUR JUDGE STROYAN: And let me tell you this now Mr. Symonds, so far as your statement from the dock is concerned the law is as follows, that a defendant has not the right to make a statement from the dock which is not relevant to any issue of the case then being tried. Now what that means I am sure you understand perfectly well. I'm not going to allow you during your statement from the dock to stray beyond those matters which are relevant to the case, and I'm not in particular going to allow you to pursue those points which I stopped you from taking during the evidence. Do you understand?

H MR. SYMONDS: Yes Your Honour, but I would like perhaps before the jury come back to have just two or three minutes with my

solicitor to make sure about----

A HIS HONOUR JUDGE STROYAN: Yes very well. In particular I shall not allow you to make statements about things said by other people on inadmissible occasions or views or opinions about other people who are not before the court. And that is my duty under the law as I understand it. If your solicitor needs to know where it is to be found it is paragraph 583. Very well, I'll rise for a few moments. I hope it will be only a short time.

B COURT ADJOURNED

MR. SYMONDS' OPENING SPEECH TO THE JURY:

C HIS HONOUR JUDGE STROYAN: Members of the Jury, I'm sorry you have been kept, we have been making the final preparations for the defendant's case to start, as it now will.

D Now Mr. Symonds let me remind you, as I already have, before you start, that you now have the choice of giving evidence on oath in the witness box yourself upon which you will be cross-examined, and then of calling witnesses. You have the further choice of making a statement from the dock which will not be on oath and which will mean that you will not be cross-examined. The jury will, therefore, not have the opportunity of seeing you under the sort of cross-examination which has been demonstrated by you to the witnesses for the Crown. The third choice you have is of simply saying nothing, and it is right to tell you that the fact that you elect to exercise your right to silence is not in any way evidence of guilt, because the Crown have to prove the case from first to last. No adverse inference will be drawn from the fact simply that you have not said anything at all. You are entitled to remain silent and leave it to the Crown to prove their case. E If in the event either of your giving evidence yourself or making a statement from the dock if you wish to do so you may start by addressing the jury with the object principally of telling them what you hope to establish by your evidence, and you may also criticise, if you wish, the evidence led so far by the Crown. And, in either event, at the end of the evidence F and after Mr. Rivlin has addressed the jury you will have a final opportunity of addressing the jury yourself. Do you understand that?

MR. SYMONDS: Yes Your Honour.

HIS HONOUR JUDGE STROYAN: Very well, what do you propose to do?

G MR. SYMONDS: I propose to address the jury now, particularly on matters which have arisen so far on the evidence they have heard so far.

HIS HONOUR JUDGE STROYAN: Yes.

H MR. SYMONDS: Yes, and I propose to make a statement, and I propose to call an expert.

HIS HONOUR JUDGE STROYAN: Very well. Let me again remind you

A before you make your address to the jury and your statement from the dock that the law is plain, that you have not got the right of making a statement from the dock which is not relevant to the issues in this case. So you will confine yourself in your statement and in your address to the jury to matters which are relevant, and I will not allow you to deal with those matters which I have stopped you dealing with so far in cross-examination. Very well, now you may make your opening address to the jury and please make a break between your opening speech and your statement from the dock.

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MR. SYMONDS: Members of the Jury, you heard the Prosecution case against me and now it is my turn to put forward a defence case. I would like to start off by going back to the very beginning of the Prosecution case which was a speech made to you by the Prosecuting Counsel. In that speech the Prosecuting Counsel ran through more or less in chronological order the evidence that he proposed to bring before you. He started off by pointing out that I am representing myself and it is my choice - it is my choice. Prosecuting Counsel then went on to talk about the sort of evidence that would be brought before you and there would be tape recordings and reporters, that the reporters had made careful contemporaneous notes of their observations, notes which would enable them to refresh their memories of what they saw. I would suggest to you, Members of the Jury, that under cross-examination it became quite obvious that the notes that were being used were not contemporaneous. One of the notes is an exhibit in this case- that is Mr. Lloyd's notebook. I suggest that from cross-examination it could be seen that those notes were not and could not be contemporaneous. I ask you to recall that I put it to Mr. Lloyd that those notes were concocted and concocted at a later date. I also point out to you that it was established that the original notes of the reporter Mounter had been destroyed or lost at some stage. The notes used by Mr. Mounter were, in fact, an alleged copy

of notes made from the originals. It was also established I submit to you, during the cross-examination of Mr. Hawkey that Mr. Hawkey had also lost or disposed of his original notes; I believe the word was, "I scrapped them". So as to that strength of evidence suggested by the Prosecution the fact that the main witnesses in this case were undoubtedly the two reporters and the sound engineer who will come to refer to careful contemporaneous notes, I suggest to you that that has been completely broken down. The other plank as it were of the Prosecution case, apart from the alleged contemporaneous notes and their main witnesses, are tape recordings submitted to the Court as original and authentic, and you have been given transcripts of what some people think these tape recordings say. You also had them played over to you many times. And I have tried to establish throughout the course of this trial so far that you should not pay attention and put total trust and belief into these tape recordings. Tape recordings are a very dangerous form of evidence because they can be so easily interfered with. They could be edited. Words can be changed around. Bits can be taken out. Bits can be added on. And the impact upon the jury, upon anybody, listening to tape recordings which sound as if they are continuous, sound to the ear that there are no breaks, no obvious breaks, no obvious words added on, is considerable. This is understood. And for those reasons the law has laid down very strict conditions under which tape recordings were allowed to be used in the case. This is to protect people such as myself, defendants, against the possibility of the jury being misled by tape recordings which may have been interfered with.

A Now we have heard evidence from Prosecution experts  
that tape recordings can be quite easily interfered with  
and the tampering of the tape recordings may be quite  
impossible to find, this is come from the Prosecution  
evidence. Tampering need not be by an expert - I believe  
B you have heard me use the word competent on many occasions,  
a competent amateur. A competent amateur can be someone  
who has had a very short period of instruction. So to  
protect people who are faced with charges and the evidence  
C against them is of a tape recorder or tape recordings, laws  
have been laid down, or rules have been established, that  
before such recordings should be accepted, totally believed,  
certain things must be established. The first one is the  
D accuracy of the recording and its authenticity. Now the  
accuracy of the recording is, I submit, is, the accuracy of  
the recording, is a totally accurate record of what was said  
on a certain occasion. And its authenticity is, I submit,  
E its genuiness, its originality, and this means that the Court  
and the jury must be satisfied that that recording has not  
been interfered with in any way whatsoever, and that that  
recording therefore must comply, and comply exactly, with  
F its alleged history. And that is from the time it was made  
to the time it becomes before you Members of the Jury. And  
for that reason the second rule laid down to be established  
is the custody of the recording, plus the fact that it has  
not been dubbed, edited.

G Now when you talk about editing of the tapes you must  
realise as everyone does that editing of the tapes---- in  
order to edit the tapes you need first of all the time and  
H the opportunity to make the edit. We have heard evidence  
that one edit may take a whole day or an afternoon, but I

have also put it to the Prosecution witnesses that editing can be quite a simple matter. That many, many edits can be done in a very short space of time. And, furthermore, the finding of these edits might be quite impossible even to a trained and experienced ear, or by a trained and experienced expert person with access to the machinery may not be able to find those edits and that is why the custody of the recording is so important. Now the Prosecution realise that and, therefore, he spent some days having the Prosecution witnesses look carefully at the tape recordings and identifying marks and writing on the spool and on the boxes. That was the reason for that. The Prosecution were attempting to establish the custody and the identity of the recordings. They also attempted to do this by the evidence of the reporters, which was to the effect that these recordings, having been made, were immediately taken to The Times and locked up in a steel cabinet and that no one could have got to them and that, therefore, there was no chance to edit them. To that effect we heard evidence about The Times that they had left in the offices and the newspaper the fact that they went to this person or that and they were away for so many hours on the occasions that they were copied. Now I sought in my cross-examination to shake that, and I must admit that I did. I submit that as a result of my cross-examination it can be seen that the evidence offered to this Court, and originally by the reporters and by the expert, was not quite right because gaps started appearing. And I will point out some of those gaps to you.

The first gap, the most obvious ones, came right at the beginning of the exercise of recording when we discovered that, in fact, that was now not so or not quite



A so, that the tapes had been kept locked in a steel cabinet  
from the very beginning of the enquiry the first day as  
we were originally led to believe. It came out that, in  
fact, Mr. Lloyd had been in the habit of taking tapes  
home. He said for custody. Then I would point out to you  
B that taking tapes home also offers a opportunity for  
tampering if it is so desired. And further evidence came  
out showing the lack of proper custodial care. We heard  
about one of the photographers collecting tapes from the  
C doorman, from the official at The Times office, and taking  
them down to Beckenham. Further evidence came out. We  
heard that certain tapes which had been used to make  
recordings on the 30th, and according to their original  
D evidence should have been taken back to The Times and  
locked up, suddenly reappeared again on the 31st and were  
used for making other recordings.

E I will suggest to you that this shows that at some  
stage, particularly in the early stages of this enquiry,  
these tapes were not receiving the sort of custody and  
care that they should have done to have come under the  
rule or the law (I should say the rule) about their  
F careful custody in order to establish and uphold their  
originality. That, in fact, these tapes had had ample  
opportunity---- had had ample opportunity for being  
tampered with in some way.

G Another point that came out early in Mr. Rivlin's  
speech was the fact that when this allegation was  
allegedly made to the reporters by Mr. Perry he decided  
not to report this matter to the police but to carry out  
the enquiry themselves, and the reason given was that the  
H Times were deeply distrustful of the police.

Now during the cross-examination of Mr. Lloyd you may have noted the bit about whether or not he had been engaged on any previous enquiries into the police. You may have noticed that at first he denied it and I put to him what had been said on previous occasions, and I believe it did come out that Mr. Lloyd had in fact been involved on a previous investigation into the police which had been stopped. I suggested to Mr. Lloyd that the fact that he had been involved into a previous investigation into the police which had been stopped and which had had two results - one, that he had lost his story, and the second was that he had been subject to some criticism by senior police officers - had rather more to do with the fact that Mr. Lloyd decided to carry out investigations himself here and if indeed the decision of his seniors at The Times. And was, in fact, if anything, the basis for the remark that The Times had reason, or The Times were distrustful of the police.

Continuing on the opening speech. Mr. Rivlin then went on to point out that this is a criminal trial with a burdon and standard of proof. He asked you to consider each count separately on its own merits, and I ask you to do the same. I particularly ask you to consider the merits of count 1 at an early stage because I would point out to you, Members of the Jury, that you are entitled to throw out all or any parts of these charges at any time from now on. That is your right and I will be corrected if that is not so. I point out to you that particularly so far as count 1 is concerned the only evidence that you have had brought to your notice is more or less the word of Mr. Perry, because there is no corroboration to his word whatsoever on

A tape 2, which is the tape, exhibit 2, which is the tape offered to you as a record of the meeting on that day. And you heard the details of the search afterwards which took place, allegedly, after a wait of 20 minutes in Mr. Perry's car and after going to a public house and taking refreshments there. I suggest to you that such evidence is entirely inadequate to convict a person. You would be doing so purely on the word of Mr. Perry, who according to the Prosecution evidence, I would submit to you, is an alleged accomplice. I believe the law is that you cannot accept the word of an alleged accomplice, apart from Mr. Perry's record and background, you cannot accept the word of an alleged accomplice without some other form of independent corroboration.

HIS HONOUR JUDGE STROYAN: That is not quite right Mr. Symonds.

MR. SYMONDS: Very good. I'll be corrected. Am I wrong on the independent corroboration?

HIS HONOUR JUDGE STROYAN: Well if Perry is an accomplice, my present view is that he is not, but because of the circumstances of this case he should be treated as such, then the law is that the jury must be warned that although they may accept his evidence if they are absolutely sure it is right it is dangerous to do so without independent evidence which supports him. That is the law as I understand it. Yes.

MR. SYMONDS: Following on from that I would take up the independent evidence, I would suggest that that must be what is said, independent. For example, if it is suggested that words said again by Mr. Perry, at a later stage, should be accepted as independent evidence, I would submit that that is not so. It is not independent evidence. Further words allegedly said later by the accomplice.

Another thing that you may have noticed during the trial, Members of the Jury, was the ---- any questions I put in respect of the reporters being agent provocateurs, and I

would submit to you that that is, in fact, what happened.

A That the reporters were anxious to obtain a newspaper story for their newspaper, because that is after all their job.

Perry was anxious to be shot of policemen who he felt were getting too close to him or were soon to arrest him.

B Reporters have been put forward, or attempted to put themselves forward, as the fact that they were dispassionate and neutral observers of these matters. Stood back and dispassionately observed these matters and made notes

C and so on, but I would say to you that from the very attitude of the reporters in the dock---- in the witness box, I'm sorry, it was quite obvious that they were not dispassionate, they are not dispassionate even now. You

D have heard evidence on several occasions that the reporters urged and suggested to Perry that he should make 'phone calls to police officers to try and arrange meetings that could be tape recorded. And we have heard, I have

E suggested, that the reporters were in fact supplying money to Mr. Perry which Mr. Perry later claimed he had in fact handed over to police officers. You have heard me suggest

F that in fact Mr. Perry was in fact keeping this money and in that way deceiving the reporters. Because, as far as I am concerned, no money was handed to me on any occasion by Mr. Perry. So if it is true that money was given to

G Mr. Perry before the meeting, and if it is true that he was searched after the meeting and the money could not be found I would suggest that Mr. Perry had, in fact, secreted this money in some place where the reporters could not find it.

H Then in the opening speech Prosecuting Counsel went on to the matters of Peckham. I think you noticed that I tried to bring out the fact that there was dissension at Peckham

A between the uniform and the CID at that time and this, in  
fact, led to incompetence as far as the police work aspect  
was concerned. Because the finding of the cigarettes in  
the van should have been dealt with by CID. For some  
reason or another uniformed officers decided to undertake  
B this investigation by themselves. The result of that was  
that, in fact, no one was ever convicted of this offence  
for two reasons. The first being that the observation was  
broken off at about 4 o'clock in the morning, we have heard.  
C And the second reason is that the losers, Nuneaton  
Co-operative Society, were not informed for some days  
after this. By which time the store, we have heard, had  
been cleaned, so that for any possibility for fingerprints  
D from the store were lost and also the possibility of  
fingerprints from the Peckham end were lost.

Following on from that we have heard in Mr. Rivlin's  
speech that a quantity of clothing was found in Mr. Perry's  
E flat, in which I expressed an interest and this was, I  
believe, agreed with by the many officers who gave evidence.  
When the Nuneaton Officers came to give evidence you heard  
D.C. Harris say that he had telephoned me and told me  
F certain things and you heard me refute that. And you heard  
me put it to D.C. Harris that the telephone conversation, if  
any, was in fact some days later and respected information  
that D.C. Harris had received from the informant, that any  
G allegations made by Perry after being released from Nuneaton  
Police Station, were in fact made later to the informant and  
in that way came back to the ears of the Nuneaton police.

H So those are a few points I wanted to bring up about  
Mr. Rivlin's opening speech and to say to you the opening  
speech gave the following general impression as it was

intended to give and that is this whole business started with the theft of the cigarettes and money and that following on from the arrest of Perry, Perry was given certain information or advice by me, and that this information or advice led to Perry being later released by the Nuneaton Police, no charges, and as a result of that I at a later date am alleged to have asked Mr. Perry for some money. As a result of that Mr. Perry eventually went to the newspapers and these tape recordings were made and I was eventually summonsed in this matter, and that is why I am here now.

Now as far as that is concerned, and as far as the evidence is concerned, which is being brought forward to back-up the allegations which I am facing, I would say to you words which were mentioned to this Court the other day and which I will borrow, that the Prosecution have, in fact, attempted to make the case against me based on suspicion and innuendo. Because most of this evidence which we have heard is designed to make you think or imagine a certain thing or a certain course of action took place on a certain day. I would submit to you that the Prosecution have not succeeded in placing before you, I believe what they referred to as "hard facts of evidence". There are no "hard facts". Their evidence rests on allegations made by Mr. Perry, and it will be noted that Mr. Perry's allegations are in many cases in conflict with evidence given by other Prosecution witnesses. Particularly where Mr. Perry at one stage says, or is alleged to have said, that he in fact told the Nuneaton officers that he had been told to say nothing by Sergeant Symonds of Camberwell. Again, he had been told to say nothing by the

A Officer who came into his cell. And, as the judge has  
warned you, Mr. Perry's evidence is not to be taken too  
seriously. You have heard he is a man with 26 convictions.  
B He was a professional criminal, and to him the police were  
enemies to be fought, as in a war. In support of Mr. Perry's  
basic allegations we have the evidence of the reporters  
Lloyd and Mounter. I submit to you that it was quite  
obvious from Mr. Lloyd's demeanour in the witness box that  
C he has got something against the police, the police in  
general. What I would describe properly as a fixation of  
some sort. You recall the evidence was that he met this  
man, Mr. Perry, through another criminal who was a contact  
of his. And it would appear that within a very short space  
D of time Mr. Lloyd and Mr. Perry, together with Mr. Mounter,  
were working hand in glove to entrap, set-up, whatever,  
local policemen. Who, all they knew about was what  
Mr. Perry had told them.

E Now you may have noticed that I made certain  
allegations to Mr. Lloyd about his health over the past  
years. And there was a complaint made by Mr. Perry at the  
time, "you accused me of that before". It means that he  
F was saying that he was accused, that the same allegation was  
made against him at the previous hearing. And then  
Mr. Lloyd was defended and I was rebuked about making  
allegations - but I would point out that I was rebuked  
G along the lines that I should not make such allegations  
and that counsel, in fact, would never make such  
allegations. I would point out to you, Members of the  
Jury, that before I was represented by counsel, as  
H Mr. Perry says these allegations were put to him before----

HIS HONOUR JUDGE STROYAN: No, no, no, Mr. Symonds, this will not do.

A  
B  
C  
D  
MR. SYMONDS: Very good. I would suggest to you also Mr. Mounter was equally unimpressive in some ways during his evidence. And I believe that both Mr. Lloyd and Mr. Mounter stated that the words that they were heard using such as bastard and shit were either appropriate or deserved or whatever. They said that they came to these opinions in the early days, according to the tape recordings on the 31st and so on. And on the first occasion where the words were used, bastard, shit, etcetera, the only evidence they had to come to those conclusions was what they had been told by Mr. Perry. Because the previous tape to that, tape 2, which is described as "snatches of conversation", would suggest shows nothing evidence wise to deserve such descriptions.

E  
F  
G  
H  
Then we had the evidence of Mr. Hawkey, and I would point out that Mr. Hawkey has said throughout, and always has said, and still says, that all the tapes when used were brand new. And he was supported in this by the reporters. I believe Mr. Hawkey said that on one occasion it was pointed out to him that the tape was not brand-new. I believe that was in connection with tape 3, 3(a) and 3(b). But he was quite firm in his evidence that all the tapes were brand-new and you were given descriptions of how they were---- the plastic bags containing them were torn open and the tapes removed and placed on the machines, taken off and signed, etcetera.

I believe from evidence you have heard so far it must be coming---- it must be becoming fairly obvious in some ways that at this stage that the tapes before the Court as the alleged admissions could not in all cases have been the tapes which were given that history of being brand new



because we have heard of different conversations at different times on at least two so far.

We then heard evidence from a number of police officers and their evidence was to establish some form of continuity of handling the tapes or custody of the tapes during the times that they were in police possession. But apart from minor discrepancies, the alleged colour of the cabinet, etcetera, in general they were pretty firm along the lines that the only times these tape recordings left the offices in which they were being kept, they were being very carefully looked after and guarded, if I can use that word, by Mr. Osborne or Mr. Collins or Mr. Vernol or one of the other officers. You may notice that I asked them particularly about the marks on these tapes, whether any of the experts could have had any opportunity if they had been so minded to make editing marks on the tapes, and you heard their evidence. It was quite impossible for any of the experts when they took the tape recordings to have made these marks without being observed.

Then we had Mr. Moody. And you might have noted there that Mr. Moody's evidence in respect of the custody of the tapes in those early days, particularly the first months when they were being examined by EMI, contained a very noticeable difference. Because Mr. Moody told the Court that, according to his memory, the tapes were taken to EMI and left there. So, if that be true, then the evidence of the other police officers that you heard must have been totally wrong and incorrect; but, if that be true, it would also have been very difficult, if not impossible, for Mr. Moody to have tampered with these tapes in any way because they were in the custody of EMI during those first

months. But, if we are to believe the evidence of Mr. Vernol and Mr. Collins and Mr. Osborne, these tapes were being returned every night to their filing cabinet in Scotland Yard where Mr. Moody, I submit, would have had opportunity to tamper with these tapes; because, we have heard that there were, in fact, two tapes to the cupboard in which these tapes were kept. One of them held by the exhibits officer---- two keys to the cupboard, I'm sorry, one held by the exhibits officer, and one held by the officer in charge of the case. We also heard that Mr. Moody became the officer in charge of the case after a few months and remained the officer in charge of the case for some years thereafter. So I bring that to your notice.

You also heard evidence from Mr. Lambert who was the original officer in charge of the case, and I asked him about why he had left the keys. The point arose that there had been a dispute of some sort. It was thought that this dispute could refer to the way in which my case was being handled or was going to be handled. I believe the following day Mr. Lambert again was asked some questions where he said that the dispute had nothing to do with my case. You may recall that I asked him further cross-examination ---- examined Mr. Lambert on that point. I was refused, I told you, however I was not allowed to cross-examine Mr. Lambert on that point----

HIS HONOUR JUDGE STROYAN: No, you will not tell the jury about what was not in evidence.

MR. SYMONDS: I would say it is relevant, Your Honour.

HIS HONOUR JUDGE STROYAN: You will not tell the jury about what you think might have happened if you had asked questions which you did not ask.

MR. SYMONDS: I would have read out his statement on oath at the previous hearing.

A HIS HONOUR JUDGE STROYAN: You will not tell the jury what is not in evidence, what you hoped might have been.

MR. SYMONDS: I wonder if I could ask for a break Your Honour for a few minutes?

HIS HONOUR JUDGE STROYAN: I suggest if you want a break you have it between the end of your opening address and the start of your statement from the dock.

B MR. SYMONDS: I believe you said I am able to consult with my solicitor during my opening speech, therefore if I close my opening speech I will not be able take any advice from my solicitor on any points I have missed out because it will be closed and I will be on my statement.

HIS HONOUR JUDGE STROYAN: You have a word with him now.

C MR. SYMONDS: I am obliged.

D Well what I have done, Members of the Jury, I have just pointed out a few bits of criticism of the opening speech of Mr. Rivlin and also a few bits of criticism of some of the things that came out during the evidence of the Prosecution witnesses that I wanted to remind you about. All I will do now is tell you very briefly what I hope to bring out during my defence, when I call my own defence witnesses. What I shall be doing first of all is I shall be calling expert witnesses and I hope to bring out, through these witnesses, that there are phenomena to be found on these tape recordings which I suggest will raise serious doubts in your minds as to their alleged histories as given to the Court, i.e. that these were all brand new tapes with fresh wrappings torn off them when put on to the machine, recorded and taken away to a safe place in The Times newspaper building, where they were carefully guarded and eventually handed over to the police and brought before the Court. That is the Prosecution case, and I have sought to show you or to offer you during my cross-examination the first part of that, and that is that you should now be, I submit, in considerable doubt about how carefully these

tapes were looked after. Particularly whether or not there were, in fact, any opportunities for editing. And, after my experts have given their evidence for the Defence, will suggest that you should have serious doubts about whether the tapes brought before you as original and authentic are, in fact, original and authentic. And I would suggest to you that if there are, in fact, signs of copying processes found upon these tapes I would ask you to consider why this should be so, and I would suggest to you that any signs that tape recordings might have undergone a copying process would indicate that there is some particular reason why the originals have not been brought before you. And that particular reason is because they have been edited and having been edited they would have been marked and mutilated in such a way that they could not be brought before you. Those copies have been made which have been offered as the originals.

I will then call witnesses to deal with the events that took place at Location Sound Facilities, which is the office from which Mr. Hawkey was working from. From where he drew the tapes and equipment used in this series of observations. And I will seek to point out to you that there are certain discrepancies in the records kept at these offices which should raise further doubts in your mind as to why a number of tapes are literally missing. Because I hope to show you that, in fact, more tapes were drawn out of the stores than we have heard, and the number of tapes we have heard, together with the number of tapes which were eventually returned to Location Sound Facilities do not match up to the number of tapes that were in fact drawn from the stores. I suggest to you that these missing tapes have a sinister reason

A for being missing and that is because they were chopped up with a pair of scissors with a slow tape(?) when the editing was done. That is why they are missing. They could not have been brought before the Courts and could not be taken to Location Sound stores.

B That's it. I also call a number of police witnesses who I expect to give a different account to some of the police witnesses we have heard during the Prosecution evidence. That is the end of my address to the jury.

C HIS HONOUR JUDGE STROYAN: Very well. Would you like a break before you make your statement from the dock?

MR. SYMONDS: Please.

HIS HONOUR JUDGE STROYAN: Very well.

COURT ADJOURNED:

D -----  
(I hereby certify that I took shorthand notes in the case of R-v- SYMONDS J.A. And I hereby certify that the pages numbered 93-119 are a true and complete transcript of my said shorthand notes to the best of my skill and ability.)

E .....*N.A. Symonds*.....

MR. SYMONDS' STATEMENT FROM THE DOCK TO THE JURY:

**A** HIS HONOUR JUDGE STROYAN: Now Mr. Symonds you want to start your statement from the dock?

**B** MR. SYMONDS: Yes Your Honour. Members of the Jury, I was speaking to you just now, what I was doing was picking out a few criticisms from the evidence you have heard so far, I took the opportunity to do that. Now I come to making a statement in which I am going to tell you about myself and about the events of 1969 which are the subject of these charges.

**C** I am 45 years of age and in the main my life has been spent either as a policeman or soldier. As a boy I joined the Boy's Battery, Royal Artillery and so started my soldiering at an early age; this I was following on a sort of family tradition as my father and grandfather were also boy soldiers and also life time professional soldiers. Shortly after leaving the Boy's Battery, starting my Regular Army Service, I went in for a War Office selection board and was chosen and passed that and was commissioned in the Royal Artillery as Second-Lieutenant and I reached my commission, and my Army career which I'd like to put in. My Army character, my commission, as Second-Lieutenant, and the Casualty Notice to First Lieutenant, and I put these in as exhibits if I can as a form of character if it be that in any way. I was commissioned in 1954 at the age of 18 or 19, promoted to First Lieutenant a year afterwards as I had some soldier service to count; at the age of 21 with three years commissioned service I resigned my commission in the Army and went straight to join the Police Force, which is what I had always wanted to do. After some years in the Police Force, including a break, I decided to make a career in the C.I.D., in fact I was appointed to the C.I.D. in 1966.

At the very first possible moment that it was possible for me to be promoted, almost to the day, I was promoted to Sergeant, Detective Sergeant. It would appear from that time, at that time, that I had a good career in front of me. After being appointed to Sergeant I was sent to 'M' Division, which is a London Division on the south side of the river, and after serving a short time at the chief station, Southwark, I was given a position of some trust and responsibility in that I was sent to Camberwell Police Station which was a very small Police Station size wise and also it was a Sergeant's Police Station in as much as a senior C.I.D. officer in that station was of Sergeant's rank, and may I say that all officers in that station were trusted to a certain extent in as much as it was felt that they could work reliably, in a trustworthy fashion, without the necessity for close supervision from Detective Inspector or above in the same building as it were.

Of course by this time I was married with three children. Unfortunately my marriage broke up shortly after the birth of my third child. My wife left and I was bringing up the three children by myself with the assistance of my mother, and this accounts for the fact that some years had passed before I had seriously set about a career in the C.I.D. Because C.I.D. work at that time, and probably now, involves rather more commitment on the part of the officer having to work, expected to work, long hours, and I hadn't felt in a position to undertake this sort of work, working extra long hours, before that time. I believe you have copies of my diary, or you have been given copies of my diary, and by looking at that, looking through it you can see the sort of work we were doing and the sort of hours we were keeping. And later on I will refer you to some specific pages so you can see that it is not at all abnormal for me to

work for a period of 18 hours, 12½ hours and even 30 hours whenever the necessity arose. For example Tuesday the 30th of September, no need to look, but you will see that I worked from 9 a.m. to 5 a.m. the next day, straight through. 26th of September 18 hours; 25th, 13. 30 hours is of course including from 6 o'clock to 3 o'clock the next day, Wednesday the 1st of October.

You will notice that this particularly heavy work-load came at about that part of September when these events occurred which are the subject of these charges. You may have noticed that when I was asking questions of Mr. Price we mentioned the name Okanari. Okanari, Members of the Jury, was an abortionist who claimed to have medical qualifications of which he did not and he was running around carrying out abortions all over that part of London and some people became seriously ill, I'm not sure if one died or not. But he was a dangerous man and it was a very difficult case.

Now apart from the normal duties of a C.I.D. officer at that time, which is investigating crimes which come up on a day to day basis and which are rationed out as it were amongst the officers available, we had other jobs running which ... by which I mean there were local gangs of criminals and such who were to our notice and who we were taking an interest in but did not come under the day to day work in as much as there was nothing in the crime book of a morning perhaps involving them. And one of the local gangs which had come to our notice was a gang of criminals known as "Peckham Mob" or "The Likely Lads".

Now Mr. Perry first came to my notice in the summer of 1969 when I noticed him and a number of his associates frequenting certain public houses in the Camberwell area.

They were young men, always smartly dressed, seemed to have a



lot of money to spend on beer and what not, driving around in fairly modern cars, and none of them appears to have any regular form of work. And about this time a certain incident occurred in Camberwell whereby a group of men went to the house of quite a well known criminal and shot all the windows of his car out with a shot gun. Now this particular criminal was, in fact, the informant of a senior police officer at Scotland Yard and he complained ...

HIS HONOUR JUDGE STROYAN: No, this incident is not relevant.

MR. SYMONDS: As a result of a complaint made by this informant to another police officer ....

HIS HONOUR JUDGE STROYAN: No, this is just the sort of thing we cannot have.

MR. SYMONDS: I was asked. I was asked eventually to go to visit this man and investigate this allegation. As a result of what this man told me .... Can I say that?

HIS HONOUR JUDGE STROYAN: I don't know what you are going to say but you must confine yourself to the matters which are before the jury. If you are going to say something about Perry well then that's all right.

MR. SYMONDS: As a result of what this man told me I learnt, for the first time at that stage, the name of the names of Perry, Lambing and others. The reason for that information coming to me was not an abnormal reason because information is the very life blood of a C.I.D. officer. Without information the C.I.D. officer would be confined to making house to house enquiries and checking for finger prints and forensic clues and such in the main. So I received information about Mr. Perry and his associates from another criminal on a revenge basis, or "paying off a score". This man told me that Perry and the others ....

**HIS HONOUR JUDGE STROYAN:** No.

**A** **MR. SYMONDS:** I was told by someone that Mr. Perry and his associates ....

**HIS HONOUR JUDGE STROYAN:** No, you cannot have what somebody else told you about Mr. Perry. You must understand.

**B** **MR. SYMONDS:** As a result of enquiries I made I discovered that Mr. Perry and his associates were living in the house in the Camberwell area at that time. I believe the address is 45 Grove Park. I also discovered that they were unpopular with a number of other criminals due to their behaviour which  
**C** was described as "flashy". This means that they were behaving in such a way as to bring attention upon themselves and upon other people in that area which .... from the police, which was unwelcome to the other. For example, they would drive  
**D** along in a car throwing rotten eggs, fruit, at ordinary people going about their business at Packham Rise. They carried shot guns and let them off ....

**E** **HIS HONOUR JUDGE STROYAN:** No, no. No, no, no. We can have what you say about Perry but we cannot go into details of other people ....

**MR. SYMONDS:** I am just trying to describe the sort of people these were at that time, what they were doing ....

**F** **HIS HONOUR JUDGE STROYAN:** You can say what you know from your own knowledge about Perry because you are attacking his evidence. We are not going into what you know about other criminals at the time.

**G** **MR. SYMONDS:** Mr. Perry was often seen in the possession of a shotgun which he would let off in fun as it were, for the pleasure of waiting around the corner to see the police cars arrive, etcetera. This behaviour was described as "flashy", and  
**H** it was thought to bring unwelcome attention and police activity

A to certain areas of Peckham and Camberwell. They were involved in many fights in restaurants, public houses. But what I was particularly interested in was the fact that they were alleged to be involved in carrying out skeleton key raids on clothing shops.

B The information we received said Mr. Perry and his associates had access to skeleton keys supplied by a certain locksmith, who at that time was only known as Mack. And that the clothing and property stolen from these raids on shops was brought back to the Peckham area and was stored in lock-up garages until  
C disposed of to a receiver. At that time a Mr. Brennan, a one-time notorious criminal, Scotch Eddie the safe blower ....

HIS HONOUR JUDGE STROYAN: Now I must stop you, I have already warned you about this.

D MR. SYMONDS: .... had retired .... Your Honour, it's all relevant. It's how it all came about.

HIS HONOUR JUDGE STROYAN: What is relevant is the question of whether, on the dates before the jury, you received the  
E corrupt gifts.

MR. SYMONDS: Well I submit, Your Honour, that what is relevant is ....

HIS HONOUR JUDGE STROYAN: What is not relevant are the activities ....

F MR. SYMONDS: .... how I came to meet Perry in the first place.

HIS HONOUR JUDGE STROYAN: What is not relevant are the activities of other criminals or indeed anybody else....

MR. SYMONDS: I submit that's relevant because it was through  
G Mr. Brennan that Mr. Perry started .... got in touch with the newspaper reporters and it all started. I submit it's relevant that Mr. Brennan was the main receiver and he was the one that everyone was really after. He had the most to lose. Because  
H they'd steal £2,000 worth of property and Brennan would give

them £200 and Brennan himself would sell the property for a thousand or fifteen hundred. He was the man who was profiting the most from the skeleton key ring....

**A** HIS HONOUR JUDGE STROYAN: The more you go on on this tack the more obvious it becomes that what you are saying has got nothing to do with matters before the jury.

**B** MR. SYMONDS: Your Honour, the fact, jumping ahead now, but the fact that Brennan eventually learned that considerable pressure was being put on various people to get him, Mr. Brennan, caught, has a lot to do with subsequent events. It was Mr. Brennan who, who.... on the wheels of motion for everything.

**C** HIS HONOUR JUDGE STROYAN: Now could we please come back to the facts of this case?

**D** MR. SYMONDS: So you are saying the only thing I can say is about all this stupid talk, "Yeh.... away in the shop, yeh, yeh. Get us £30.00 a week or more"(?). Is that all I can talk about? Surely I'm allowed to talk about the background to the case and how it all came about. Or do you just want me to try and explain the edited tapes which have been chopped up and stuck together and I have got to try and find what this word means and what that word means. It's ridiculous. There's only about 12 words in evidence which have any relevance to this case and these are these words which later appeared on the tape like, "I'll give it to you now", that's if anyone can hear it, something like that. And that's the only thing that has any relevance to this case, the rest of it has no relevance, but the Prosecution has spent days gloating over it and taking people through it word by word and playing it over and over again. All this tripe....

**E** HIS HONOUR JUDGE STROYAN: No. Now I'm not stopping you ....

**F** MR. SYMONDS: All this silly talk.

HIS HONOUR JUDGE STROYAN: Listen to me. I'm not stopping you

A saying to the jury things which are relevant to the issue before  
the jury which are whether you received those corrupt gifts in  
the way alleged in the indictment. We cannot here try other  
B people for other offences, we cannot hear what other people  
may or may not have done on other occasions. This jury are  
concerned with your trial and not with what other people may or  
may not have done in South London in 1969.

MR. SYMONDS: So do you rule the fact that Perry was being  
actively pursued by myself and other officers, with a docket  
C in existence and his photograph on the police station wall and  
the local officers instructed to pay particular attention to  
where he was living - do you say that's got no relevance to do  
with the fact that I eventually spoke to Perry?

HIS HONOUR JUDGE STROYAN: Now you have come on to something that's  
D got something to do with it. You're....

MR. SYMONDS: Well, I'm coming on to now why we kept the dockets  
and how we came to take an interest in him....

HIS HONOUR JUDGE STROYAN: Which I hope....

MR. SYMONDS: ....which is relevant because if I say I was walking  
down the street one day and then decided to take an interest in  
Mr. Perry then the Prosecuting counsel have got to stand up and  
F say, "Ah, ah. Why do you take an interest in Mr. Perry you  
corrupt officer you. Maybe you thought you saw an opportunity  
of money." The reason why I took an interest in Mr. Perry is  
what I'm trying to tell the jury now, how it all came about,  
G the facts of the case. We have heard five weeks of Prosecution  
evidence about nothing in particular, now I'm just asking for  
half an hour or an hour to tell you how all this came about,  
which is the whole object of making a statement to the jury.  
H I want to tell them how it came about; who I am, what I was

doing, how I came to meet Perry, how I came to know his name, how I came to take an interest in him, how I came to keep a docket on him, how I had planned to take some action against this gang .....

HIS HONOUR JUDGE STROYAN: Mr. Symonds just listen .....

MR. SYMONDS: ..... and arrest them, which is my job.

HIS HONOUR JUDGE STROYAN: Just listen a moment. I am not and have not stopped you telling the jury that you were chasing Perry and the reasons for your chasing Perry. What I am not going to let you do is to go off into allegations about what was happening in Peckham or in Camberwell or anywhere else in South London, so far as other people are concerned, in 1969. I have not stopped you and I do not stop you telling the jury that you were after Perry or indeed you were after him because you thought he was connected with a skeleton key ring. What I am anxious about is that you do not go off and into details of what other people were doing at that time. Now do you understand?

MR. SYMONDS: Well I'd like to talk about Brennan for example because Brennan has been mentioned in evidence. I believe, I may be wrong here, but I believe it was brought out by the Prosecution in some way, or at least it came out.... I know Mr. Brennan was discussed. He was the kindly gentleman who was horrified about whether.... or whatever and got in touch with his friends in the Press.

HIS HONOUR JUDGE STROYAN: You asked....

MR. SYMONDS: And I'm saying that Mr. Brennan was not that at all. He was "Scotch Eddie", the safe blower, well known one, both his sons were safe blowers too - good ones....

HIS HONOUR JUDGE STROYAN: Now it is evident....

MR. SYMONDS: And that's the sort of man we're dealing with .....

HIS HONOUR JUDGE STROYAN: No....

MR. SYMONDS: .... the man that was taking a lot of money out of crime, thousands....

HIS HONOUR JUDGE STROYAN: Just listen ....

MR. SYMONDS: ....unperturbed, kindly, local gentleman who was horrified learning about Mr. Perry.

HIS HONOUR JUDGE STROYAN: No, no, no. However good Mr. Brennan's relations and children may have been at blowing safes or Brennan himself come to that, that cannot possibly help the jury to decide this case. Now please confine yourself to things which are going to help the jury decide your case and they do not include, especially the somewhat specialised activities of Mr. Brennan's children. Mr. Symonds, I think perhaps it would be an advantage if I broke off rather earlier than usual now so that you can look at the rest of what you are going to say, bearing in mind what I have told you. Members of the Jury would you kindly leave the court please.

THE MEMBERS OF THE JURY LEAVE THE COURT:

HIS HONOUR JUDGE STROYAN: Mr. Symonds, I think at this stage, although you are not giving evidence on oath, it probably would be better that you should not consult your solicitor unless you have something particular you want to raise with him. I think it is perfectly (inaudible). Will you please bear in mind, before the jury come back, what I told you. I am not stopping you saying why you were after Perry, what I am concerned with is that we do not go into enquiries about the activities of other people. Do you see?

MR. SYMONDS: Very well.

HIS HONOUR JUDGE STROYAN: The jury are not trying other people, they are trying you.

COURT ADJOURNS FOR LUNCH.

HIS HONOUR JUDGE STROYAN: Mr. Symonds, on you go.

MR. SYMONDS: Your Honour, there is one point I'd like to raise with you and that is, before I started making my statement you told me and the jury that the statement is not evidence and I think you more or less pointed out to the jury that they shouldn't take too much notice of me. Well what I'd like to know is if my statement is not evidence how could it be so bound by the rules of evidence that you are inflicting upon me. So far as I see it that's why I wanted to make a statement is because it's the one chance I have to put my side of the story. You have already warned the jury not to take too much notice of it....

HIS HONOUR JUDGE STROYAN: I have not....

MR. SYMONDS: No doubt they'll be warned again, but this is my only chance to stand here and tell the jury what happened.

HIS HONOUR JUDGE STROYAN: Mr. Symonds, I've not....

MR. SYMONDS: Otherwise I am being stopped and stamped on every five minutes.

HIS HONOUR JUDGE STROYAN: Mr. Symonds just listen to me for a moment. I have not told the jury not to take too much notice of it, they will take what notice of it they think right. What I have told you is that what you are doing now is not the same as giving evidence on oath in the witness box because you cannot be cross-examined. That is the law.

MR. SYMONDS: Well if it's not evidence I don't see why I should be hamstrung by these very strict rules of evidence about these matters.

HIS HONOUR JUDGE STROYAN: I will read out to you once again what the law is on that point. This was decided in the Court of Criminal Appeal in 1924 and has stood since then. The law is this, "A defendant has not the right in making a statement from



dock which is not relevant to any issue in the case that is being tried."

**A** MR. SYMONDS: Well Your Honour all I say then is that I submit that these things are relevant that I'm trying to bring out because they are relevant in as much as an account of what happened and how these.... what led up to these events that have come about, that have led to these charges.

**B**  
HIS HONOUR JUDGE STROYAN: I have told you a number of times but I'll tell you again that you may say to the jury anything relevant to the charges which you are facing. What you may not do is to talk about matters which have not got anything to do with this case such as matters which passed between people who are not before the jury, never have been before the jury and never will be before the jury. The jury have got quite a sufficient enquiry before them in any event without being required to consider what may or may not have happened so far as other people in South London are concerned in 1969. It's a matter of common sense as well as of law.

**C**  
MR. SYMONDS: Well I would like to be able to tell the jury my side of the story. They have spent five weeks listening to the other side and I'd like to briefly tell them my side because there's two sides to every story.

**D**  
HIS HONOUR JUDGE STROYAN: You may tell them what is relevant to the issues before them but I can't allow you to say that which the law says that you must not say, whatever my views may be about it. You can tell them what you like about the facts which relate to this case, you may not go on talking to them about facts which do not relate to this case, otherwise their task would be endless.

**E**  
MR. SYMONDS: Well particularly the point of Brennan Your Honour, I submit that he's relevant, his background I would (inaudible)

that he played in this case.

HIS HONOUR JUDGE STROYAN: Well we have heard that Brennan, although

A this is not admissible I haven't stopped the evidence being

brought out by you. We have heard that Brennan got in touch

with The Times reporters. You have said, although you have

(inaudible) a man with a number of previous convictions, that

B may or may not be true, I don't know, but Brennan on what we

have heard so far does not have anything to say about the

events with which the jury are concerned, of the 24th of

September, 28th or 31st of October to the 21st of November;

C that's what the jury are concerned with and they have got quite

enough to do to consider that without being asked to speculate

about what may have happened in relation to other people at

D other times, do you see? If you have got some good points on the

case it's in your interest to bring them out not to obscure them

with a lot of extraneous matter.

MR. SYMONDS: You see I submit that everything that has anything

to do with this case coming before the Court and the evidence

E that's been brought before the jury to listen to I submit that's

relevant.

HIS HONOUR JUDGE STROYAN: Evidence which the jury have heard is

relevant, you can't go on about things which are not before the

F jury.

MR. SYMONDS: But the way in which the evidence was taken or

obtained that's relevant because then the jury will know what

G weight to place upon it, whether it was obtained willingly and

freely from somebody or whether it was obtained under some form

of pressure or coercion and I would submit that in the latter

case the jury would rightfully pay less attention to that

evidence.

H HIS HONOUR JUDGE STROYAN: Mr. Symonds, what the jury have to

consider is the evidence which they have heard given before them in that witness box. That is what they decide this case upon. You have heard the witnesses yourself, you have cross-examined them at great length, you have been allowed to put many points to them which are not strictly admissible. The jury must decide the case on the evidence they have heard and not on things which they haven't heard. Don't you understand?

MR. SYMONDS: Yes but if they don't hear of certain things they won't be able to come to a true and proper decision because certain facts are being or have been or will have been withheld from them.

HIS HONOUR JUDGE STROYAN: No relevant facts have been or will be withheld from this jury.

MR SYMONDS: I think the jury should know everything.

HIS HONOUR JUDGE STROYAN: I have not stopped you and I will not stop you saying to the jury about anything that is relevant to this case. It is my duty to stop you bringing before the jury things that have got nothing to do with it. I have got, among other things, to protect the jury.

MR. SYMONDS: But you see you're stopping me Your Honour before you hear what I am going to say in some cases.

HIS HONOUR JUDGE STROYAN: No I'm not.

MR. SYMONDS: Before you can decide whether it's anything to do with it or not.

HIS HONOUR JUDGE STROYAN: I'm not going to continue arguing with you Mr. Symonds, you carry on with your statement.

MR. SYMONDS: Members of the Jury, we have got to the stage where I was telling you about Mr. Brennan and his part in this. I wish you to know that at that time Mr. Brennan was known as an active receiver and one of the most dangerous and cunning criminals in South East London. I should also point out that

at this stage that we were receiving information about this particular gang, we were also working on our other daily work which involved crimes on the Camberwell section itself.

Reference was made to certain departments of Scotland Yard which kept records of suspected activities and extraneous information of noted active criminals and we referred to these records, by we I mean Sergeant Harley and myself, who were working together on this. We found that these departments at that time knew very little about this gang and could not help us with much information. So it was at this time that Sergeant Harley and myself started to keep a docket on these gang members, and by a docket I mean a record of all their known activities and associates. Observation was kept on the house where they were then living in Grove Park or Grove Lane. An observation was kept on the places that these people frequented to our knowledge, and by this I don't mean that a 24 hour observation was kept, by this I mean that other officers at the station and ourselves, whenever we passed that area or were within that vicinity, we paid particular attention to the house or the public house or wherever, and we would note down any items of information which we thought might be useful. Such as if we saw three or four of them in a car we would note the car number down and then later we would take steps to trace the owner of the car and collate the information which had been received from all the various sources. In this we had the assistance of the man called a collator who was a constable working at Camberwell who did nothing else but kept these records and who drew files for us, etcetera, in respect of named members of the gang. And the attention of all serving officers was brought to these people by keeping intermittent observation. It also included the fact that Sergeant Harley

adopted the habit of, after going home from work, of going home via the address where they were living and noting the number of cars parked in the vicinity etcetera.

This was about July or August, 1969. Then some time later Mr. Perry suddenly moved from that address in Grove Lane or Grove Park and we lost track of him for a bit, we didn't know where he was living. And then it came to our notice that they were now occupying a flat in Nunhead Lane, a flat which they were sub-letting from the man renting it but which was owned in fact by a Mr. Skippon who owned the sweet shop under the flat, a sweet and cigarette shop. So we continued to keep observation on these people and we continued to get dribbles of information but I would point out it was not a full-time job which it was just one of many such undertakings we had going at that time, we had undertakings going about other gangs and other groups of people, suspect criminals.

So I then made contact with Mr. Skippon and found that he was most unhappy about these, in fact, illegal tenants because he had been trying to eject the true tenant from upstairs for some time. He was also unhappy because at least one serious attempt had been made to enter his shop, through a door which could only be reached from the entrance to the flat above. He was also unhappy because there were parties going on nearly every night and car loads of hooligans were coming and hanging around outside this address, and also he had come.... he had had many visits from the local police....

HIS HONOUR JUDGE STROYAN: Mr. Symonds do please be careful. I don't think Mr. Skippon's happiness or unhappiness is going to help the jury. It seems to me far removed from the issues.

MR. SYMONDS: As a result of whatever feelings he had he agreed to help us. And to this event he started to note down the

A numbers of all the cars which came to this address and sometimes the descriptions of the drivers, and from time to time we would collect from him a list of people who had visited the flat and the cars they were in.

B As you heard me bring out in evidence by questions to Mr. Perry there was a matter of some young girls who had run away from home which were found in this flat.

HIS HONOUR JUDGE STROYAN: The jury are not concerned with young girls who run away from home.

C MR. SYMONDS: And the flat had in fact been raided by officers from the Flying Squad at New Scotland Yard and other groups of police officers for various reasons. By now we had learnt that the way this group of criminals were operating was to either steal or obtain very cheaply or rent such vans as a D Ford Transit Van, and they would go to the shop they had picked out to raid arriving there just before or just after closing time. They would then watch the people from the shop leaving the shop and locking up and then immediately E afterwards using the skeleton keys they had in their possession, they would open up the shop and go in and take everything off the hangers and steal everything they could, load it in the van and drive away. We also learnt that they were in the F habit of putting stolen goods into lock-up garages in the Peckham area. And we began to feel at this stage that we were getting close to perhaps affecting arrests in this matter.

G We had also found that this group of people seemed to be fairly skilled and experienced criminals because it was proving very difficult to pick up information using H evesdropping methods or perhaps through their boasting to other criminals.

A HIS HONOUR JUDGE STROYAN: Mr. Symonds I am being very patient with you. None of this has anything to do with the issues before the jury, could you please come on to the subject which has.

B MR. SYMONDS: At this time one of my informants was actively giving me information and also supplying a number of other officers with information, other officers at other police stations. There was a man named Ronald Michael Williams, and although we were not aware of this at the time Williams played a small time part....

C HIS HONOUR JUDGE STROYAN: Now we are not going into the activities of Mr. Williams.

D MR. SYMONDS: It is relevant Your Honour. So on the 24th of September Sergeant Harley and I received a 'phone call from Peckham Police Station in which we were told that police officers from Nuneaton had arrived at Peckham and stated they had evidence to arrest Perry and another man in respect of an offence committed at Nuneaton.

E We were told that they were anxious to find Perry and our assistance was asked for in view of our known interest and work on this gang. We met the officers from Nuneaton and we went with them to the flat in Nunhead Lane and in the beginning we kept observation on the flat. Then as I believe you have heard in cross-examination, obtained a search warrant. After waiting some time we obtained a spare key from the shopkeeper, Mr. Skippon, because it was felt that people were in the flat and perhaps refusing to answer the door bell or failing to come down which, we were told by Mr. Skippon, was a habit of theirs on occasions.

H On entering the flat we searched it briefly and found the items you have heard about, including a large amount of

A clothing and shirt boxes and such. A lot of the clothing  
looked as if a shirt had been taken from a new shirt box,  
worn once or twice and then thrown into the corner of the  
room. There'd be a pile of, a couple of dozen shirts in  
the corner in that condition. So in view of what we knew at  
that time of the activities of these people I was obviously  
interested in these clothing, and looking for some form of  
identification with the idea of eventually seeing whether  
the clothing could be traced to any one of the many shop  
breaking offences which had occurred locally.

C I'd gone to Peckham myself to meet the Nuneaton officers.  
I had met the informant, Mr. O'Rourke, that they had brought  
with them, and whilst at Peckham I became aware of the  
dissension which then existed at that station. And, in fact,  
complaints were made to me by both the Nuneaton Officers and  
Peckham C.I.D. officers, and that was in respect of the  
matter of the van which had been found full of cigarettes and  
in the way in which that enquiry had been handled by uniformed  
officers.

F At some stage it became known that after the observation  
on the van had been prematurely abandoned at about four  
o'clock, three men had returned to the van and had approached  
people living in that block of flats demanding to know who had  
taken their cigarettes. That plus the fact that the cigarettes  
had been removed apparently without care about fingerprints,  
and the fact that they had been kept for two or three days in  
a locked and sealed cell when a casual examination would have  
disclosed that they had come from Nuneaton Co-Operative  
Society, and several other facts led to what could be  
described as some form of bad feeling.



As far as Sergeant Harley and I were concerned we were also disappointed, in a way, because for some months now we had been keeping a fairly careful observation on this group of people and had built up quite a dossier and had felt that we were getting close to them. It was felt by some Camberwell officers, as a result of the events of that day, that Harley and Lambing the other man, might well move again as they were by no means settled in that address and we might well lose contact with them again for a further period.

Mr. Perry eventually arrived at the flat, went in and as we have heard was arrested. At this time I was downstairs in the sweet shop with Mr. Skippon. It was, therefore, possible that Perry did not know of my presence at the scene. Mr. Perry was taken back to Camberwell and taken to the C.I.D. office and questioned about the Nuneaton offence, which he denied. He was taken back to Camberwell in his own car, D.S. James driving and Detective Constable Hill of Camberwell sitting next to him in the back seat. Mr. Perry denied the offence and was placed downstairs in the detention room. To explain the layout of Camberwell Police Station to you very briefly. You can imagine the large square detention room, as you enter the door there's one door on the right which leads into the front office of the police station and there's one door on the left which leads to the cells. Opening the door on the left you have a number of cells, I believe three, on the right-hand side of the passage-way. At the end of the passage-way is a store-room. That store-room was the C.I.D. property store-room. That is, all stolen property or property recovered or exhibits being used in evidence etcetera were kept locked up in that store-room.

The keys to the door leading to the cells were at that

time hung on a hook just inside the door leading to the front office. It was quite normal and natural for C.I.D. officers, from time to time throughout the day, to go to the property store-room to either put property in or take property out if it was involved in any case of theirs.

Now why am I telling you about this? Because it's been alleged that I went to some extreme lengths to be able to speak to Mr. Perry. It is alleged that I, as a Detective Sergeant in my own station, was more or less obstructed by this Detective Constable from Nuneaton from being able to get at Perry in order to give him some sort of advice or information, and I'll tell you now that's complete nonsense, for several reasons. The first reason is this; if I was minded to get in touch with Perry and tell him to say nothing or whatever I could quite easily have walked down that cell corridor not even needing the excuse of going to the C.I.D. property store-room and I could have passed any message I wanted through to Mr. Perry, tell him to keep quiet or whatever is alleged, in the cell on the right as I passed.

I suggest that if I was minded to tell Mr. Perry to keep quiet, I'm not saying that I am particularly clever but I'd like to tell you that I'm not the fool that people have tried to make me out to be during the past five weeks, I am not a fool, and I'll tell you that - I would not, under any circumstances have gone to such ridiculous lengths of going to a D.C. from Nuneaton with excuses about "please let me go and see Mr. Perry" or whatever, "please let me go and see him". Total nonsense. And then the Prosecution go on to say the reason I wanted to see him was to give him information, to advise him.

Now what happened was this. D.C. Hannis at that time

believed that there were finger-prints for Mr. Perry. Now you must remember the Nuneaton officers had come down to London in two groups, I believe that it was Sergeant James and the D.C. had come first on the one day and the informant had telephoned the next day and the result of the information he had given D.C. Hannis and another D.C. brought the informant down to London on the following day, which probably would have been about the 23rd.

Now Sergeant Hannis undoubtedly knew there were no finger-prints because he was told so and he was told so by Mr. Moulton the District finger-print officer who examined the van. Perry was questioned not only in the Camberwell C.I.D. room he was also questioned in the cells at Camberwell and I would suggest to you that's quite a normal procedure. Having picked a man up you would question him on the spot before concluding whether or not you were going to arrest him or you were going to drag him hundreds, whatever miles it was back to Nuneaton. And he refused, as far as I know, to make any admission at Camberwell and it was the suggestion of Sergeant James to me that I should speak to Perry and, if you like, to con him. And that was to tell him that why should he imagine that officers had come all the way down from Nuneaton and go on to his house and arrested him if there was not firm evidence against him, and to advise him to plead guilty to Section 1 as this would only carry a maximum of twelve months. It was also agreed that the Nuneaton officers would give Perry the treatment described earlier in this Court and that is to be told that he was arrested and he was going to be charged and asked to admit it or to make a statement and then be locked up for a bit as in their words "to think on it". And that, I would suggest to you, Members

of the Jury, is exactly what happened. He was taken back to Nuneaton, as we have heard; he was told he was going to be charged, he was told that Nuneaton officers had his fingerprints and he was locked in a cell and left there for a day.

Now the next thing we hear is evidence that at some stage, this is evidence from the Nuneaton officers, at some stage Mr. Perry said to them he had been told to keep quiet. And the allegation is that because Mr. Perry said these fatal words, "I've been told to keep quiet", the Nuneaton officers completely lost heart and gave in and said: "Oh well in that case if you have been told to say that we will release you". It's ridiculous anyway, so he was released and the allegation is then that the, one Nuneaton officer 'phoned me up and passed on this information. Totally untrue, Members of the Jury.

What happened was, after Mr. Perry was released and still not knowing that O'Rourke was now a police informant, he had gone round to O'Rourke's house and had told O'Rourke that he had got out of it by saying nothing but it had cost him. It had cost him, H, A, D, had. The implication being that he had paid a bribe in order to be released from Nuneaton. And I did receive information from Nuneaton to that effect but not from Hannis, from another officer. It had cost him. You may remember I was asking Mr. Perry to check how much money he had when he was at Nuneaton, the point of that being that Mr. Perry was arrested at his home and had £18.00 and threepence or whatever he was supposed to have had and he had paid a bribe either in return for information or for being released, you would expect to find some of that £18.00 missing I would submit, between the time he left Camberwell and the time he got to Nuneaton, apparently still with the £18.00. So when did he

pay it, to who did he pay it, if he did pay a bribe. Well he went to see O'Rourke that same day so he certainly had no time to go back to London to pay off a London police officer there, and I'm suggesting that if he did pay a bribe - and I say if because you cannot believe a word that man says, 26 juries haven't apparently ....

HIS HONOUR JUDGE STROYAN: No, no, no.

MR. SYMONDS: Or whatever the number. If he did pay a bribe I'm suggesting it wasn't paid to a Metropolitan police officer because if he did pay one at all, because another point I tried to bring out is it was at that time one of the favourite boasts of young criminals in the London area to boast to each other....

HIS HONOUR JUDGE STROYAN: No, we can't, no we can't have favourite boasts of young criminals.

MR. SYMONDS: Well it was brought out in evidence of Mr. Perry, Your Honour.

HIS HONOUR JUDGE STROYAN: A You can't....

MR. SYMONDS: Anyway we were then told that Mr. Perry had to be released because he had been kept the full 24 hours and they weren't entitled to keep him any longer and he was refusing to admit the offence. But we have also heard that at least one of the officers to whom a bribe was offered reported this, it is alleged, to his senior officer. I tried to bring out the point there. If they really wanted to keep Mr. Perry a bit longer there was the perfect opportunity.

But really, from the beginning, I think I could have told the Nuneaton officers it was most unlikely that Mr. Perry or any other of the young and successful criminals in his group, experienced, would be likely to make any form of admission using the sole method of cross-examination. You also heard about Mr. Perry's motor car and the fact that I

assisted Mr. Perry in that matter, that's the only assistance I ever did give him, and that was to telephone his mother at his request to tell her that he had been arrested and was in custody and was, in fact, going to Nuneaton, and to tell her to ask his brother to come to Camberwell Police Station to pick up his car. And despite Mr. Perry's denial, because he had obviously forgotten about this, despite his denial I submit that was his handwriting on that bit of paper, that authorization for his brother to pick up his car, because whose else could it be? Who is going to forge a little scrap of paper with an authorization for his brother? That doesn't make sense either. And that is how my name came to be written down somewhere, possibly, in Mr. Perry's house; because, jumping ahead a bit, we hear how Mr. Perry first starts to make allegations about Detective Sergeant Symonds at his house on the 28th, when he had previously made a full statement to The Times detailing all he knew or thought he knew about allegedly corrupt officers or threats or whatever. My name was not mentioned at all. There is absolutely no mention of my name in the allegations Mr. Perry made on the 27th and I am going to suggest to you, Members of the Jury, that that's where my name came into the picture, because I had given it to his mother. And, furthermore, Perry's mother did telephone Nuneaton, I believe early next morning and did ask about Perry and the only way she could have done that would have been from information she got from me.

Now whilst Mr. Perry was at Nuneaton part of the agreed or discussed plan for dealing with Mr. Perry was, apart from a considerable number of hours in a cell to think on it and left in solitary isolation as it were, he was going to be taken out of the cell and taken into the full charging procedure, which is

1  
A taking his finger-prints and photograph, etcetera, as if everything is cut and dried. No need for any discussion, come here, let's have your finger-prints, and that's supposed to be or was thought to have been perhaps the last little twist which might have got him to say: "Well what about the Section 1 then", or "I'll make a statement".

B I was told that the photograph had been taken of Mr. Perry and I asked a Nuneaton officer to send me this photograph which he did and I then caused copies to be made of this photograph and I distributed this photograph and I believe it is an exhibit now. And you will hear evidence from C officers to whom this photograph was distributed and who saw it on the wall and who knew about the dossier that was being kept on Mr. Perry, I will suggest to you that if there's any D truth in the Prosecution case that by this time I was deep into some sort of illegal activity with Mr. Perry, which is demanding money or whatever, I would suggest and reminding you again - I don't claim to be a member of the intelligentsia or E anything but I'm not a fool and I certainly would not have brought the notice of all other officers at Peckham, at Camberwell police station and at other police stations to the notice of this man if at that time I intended to be having F secret meetings with him for the purpose of taking money. And if at that time I intended to start advising him and assisting him and going into some sort of crime partnership, which is suggested which is also ridiculous.

G Now Mr. Perry returned to the Camberwell area after being released by Nuneaton and was seen about from time to time and in various places. And I should also explain to you that it is part of a Detective's work or I should say was, H because this is all a life time away, this is twelve years

ago, I have made a new life since then. Dragging up the old past and ghosts but twelve years ago it used to be quite normal procedure for Detective Officers to pay visits to public houses in their area and particularly public houses frequented by known criminals. Now there are many reasons for this. Information or the hopes of information is one, to see who's about, who's talking to who, who's suddenly rich, lots of things to be picked up from them. And when I'm talking about visiting these pubs I'm not talking about standing in there all night and getting drunk, I'm talking about just paying a visit, looking in, may be have a sandwich or a drink, may be not. But this was quite a normal and was not a suspicious.... what was not suspicious behaviour in those days. Because if you look in my diary, later on, you will see that a number of pubs are mentioned there more frequently than others and nearly every day or every other day or two or three times a week you will see the words "entered such and such a public house and purchased refreshments for informant".

Now Your Honour I don't see how I can continue without mentioning Williams because he does play a part in this.

HIS HONOUR JUDGE STROYAN: His name....

MR. SYMONDS: His name has cropped up.

HIS HONOUR JUDGE STROYAN: Cropped up I think on an occasion when I stopped you.

MR. SYMONDS: Cropped up in, I believe, cross-examination of Mr. Perry.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS: Cropped .... Well Williams at this time a local, and may I say extremely unsuccessful criminal, by which I mean that he spent most of his time going in and out of prison



for rather petty offences.

A HIS HONOUR JUDGE STROYAN: Now you see this is an example of something which cannot be admissible because Williams is not here and cannot be here to defend himself.

B MR. SYMONDS: Very well. Well this man was one of my informants. Not only mine he was an informant to anybody and to everybody. And he will give little bits of information, true or false, to anybody and everybody in the hope of getting ten bob or a pound for it to buy himself another couple of beers. And one day towards the end of October I had cause to go to C Mr. Williams' house to ask him about some matters that I was looking into.

HIS HONOUR JUDGE STROYAN: Well now we can't hear about those matters.

D MR. SYMONDS: No, I'm not going to mention them. Whilst in Mr. Williams' house talking to him another man came in quite unexpectedly who I recognized as being an associate of sorts of this gang but at that time I did not know his name, he had E a nickname. This man came into the house, took one look at me and practically fled. Williams later told me that I had put him in an awkward position because this man had later approached him and accused him of being a "grass", and wanted F to know all....

HIS HONOUR JUDGE STROYAN: No. All this is....

MR. SYMONDS: It will all fit, it will all fit in a minute Your Honour.

G HIS HONOUR JUDGE STROYAN: .... a very good example....

MR. SYMONDS: Pardon;

H HIS HONOUR JUDGE STROYAN: All this is a very good example of what I have been telling you, time and time again, that the jury

cannot be expected to and should not be asked to consider, other people who are not anything to do with this case and who are not in a position to ....

MR. SYMONDS: Well this man's been mentioned as well.

HIS HONOUR JUDGE STROYAN: .... and are not in a position to defend themselves. Quite wrong. You tell the jury what part you played in all this. That, I am sure, they would like to know.

MR. SYMONDS: Well I have lost about two pages now out of my account. It's going to leave a great big hole in it because a lot of things later are not going to make sense now if I can't mention this part of it.

HIS HONOUR JUDGE STROYAN: You tell the jury what you did. That's the point of making your statement, the jury will want to know what you did.

MR. SYMONDS: Well I was there Your Honour, I was doing this, I was sitting in Williams' parlour and I was drinking a cup of tea, I did it. It's an action of mine that had an effect on later events. I was there. This is not hearsay that somebody else said something. I was there, I was sitting down and having a cup of tea when the other chap walked in and then ran out again. I took part in that event.

I later learnt from Williams as a result of this man coming in, Williams had been accused of being a police informer. And Williams told me that he had, in fact, claimed it was the other way around; he was not a police informant but I was, in fact, an informant to him. Your Honour, I'd like to mention Curtain at this stage. I believe you have read his statement.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS: At about this time....

MR. RIVLIN: Your Honour, I am sorry but I have read this statement

too and I wonder if the defendant is proposing to call this man to give evidence.

**A** MR. SYMONDS: I asked for a subpoena Your Honour. I believe we have a subpoena.

**B** HIS HONOUR JUDGE STROYAN: Well I think yesterday the question of calling him arose and there was one aspect of his evidence which I thought was relevant.

**C** MR. RIVLIN: Yes Your Honour, that's absolutely right and if I may say so I entirely agree with that and I agreed with it then and we supplied Curtain's statement to the Defence as  
**D** was our duty. But, Your Honour, I say no more about it than this that we don't know whether Curtain's going to be called to give evidence in this case, and if he isn't then that which is.... the defendant is proposing to say now would be quite wrong.

HIS HONOUR JUDGE STROYAN: Mr. Symonds, is Curtain going to be called?

**E** MR. SYMONDS: Yes Your Honour, I have applied.... he's been on my list for being called for a long time. I have applied for a subpoena for him and I believe it's been granted but if....  
**F** this has all been done in the past couple of days. Your Honour, I don't know whether the man has been traced or found  
**G** or whether a subpoena has been served or whether he's on his way or not. I don't know anything about it. But also there is Mr. Duffy as well because not only did Mr. Curtain make this statement but he made it to Mr. Duffy on a question and  
**H** answer basis.

HIS HONOUR JUDGE STROYAN: Yes, well just let's leave Mr. Duffy out of this for the moment, he has nothing to do with the question in point. If Curtain is to be called and to give evidence on one very limited point which is the only thing he

A can give evidence about, well then it would be permissible for you to say what you thought he was going to say. If he is not to be called then it would be quite wrong. Do you understand that?

MR. SYMONDS: Yes, Your Honour.

B MR. RIVLIN: Your Honour, my last word on the topic is this that the defendant says he doesn't know whether Curtain has been traced or not. I wonder if that's right.

C HIS HONOUR JUDGE STROYAN: Well I think it might be, if the defendant is content, it might be advisable for his solicitor to have a word with counsel about Curtain.

MR. SYMONDS: Yes. I believe we do.... supplied a private detective of some sort.

D MR. RIVLIN: Your Honour, the reason that I did which I did is that Mr. Green has kindly communicated to me and I wouldn't have stood up unless I had received a communication.

E HIS HONOUR JUDGE STROYAN: Yes, I follow. Well Mr. Symonds unless we know for certain that this witness is going to be called it would not be right for you to address the jury about him so as at the moment we do not apparently know for certain if he is going to be called, the right way of dealing with it is to call him if he is available, the jury will hear what he has to say and you can make your submissions about it when he has done so. It wouldn't be right to make a submission about what he is going to say unless you know what he is going to say.

F MR. SYMONDS: But then again he made the statement to Commander Duffy therefore we know.... who we know can be brought here at any time. This was on a question and answer basis.

G HIS HONOUR JUDGE STROYAN: Yes, and you know, I'm quite certain, H the person to whom someone else made a statement at some other

A time cannot give evidence themselves about it. So I think  
the right thing to do, as you are not sure about Curtain at  
the moment, is to leave him over for the moment. If he is  
here to give evidence well then he can give his evidence and  
you can say what you want to say about it once that has been  
done. It would be quite wrong for you to indicate to the jury  
B something about him if in fact it turns out that he is not  
going to give evidence. If he does give evidence well you can  
make your submissions when he does that. But for the moment  
perhaps you will leave him out of it. You can come back to  
C him later.

MR. SYMONDS: Sometime towards the end of October I met Williams  
and Perry who was in his company when I went into the "Rose"  
public house, Camberwell. I was with another police officer  
D but we entered the pulic house separately. I had expected  
to see Williams there but had not expected to see Perry.  
Williams approached me and started to speak to me and mentioned  
that Perry wanted to talk to me. Perry wanted to talk to me  
E about his motor car which was in Peckham police station and the  
officer on duty had refused to release it.to him. Now why  
should Perry want to talk to me about this? Was it because I  
had helped him previously with his motor car or was it because  
F of something Williams had said to him or was it because of  
something Perry had said to Williams after Williams had  
made his claim that I was under his control. And that is all  
the conversation was about and everything about demanding  
G £200.00 and telling him to go out and do something and all the  
rest of it is total, total nonsense. And if it had been true  
I would suggest to you, Members of the Jury, that when  
Mr. Perry only some days later or some weeks later, two or  
H three weeks later, met The Times reporters and told them all

he knew or all he thought he knew or made whatever allegations he did make about the corruption of certain police officers, two at Peckham and two at Scotland Yard, I suggest that he would have mentioned then about a police officer at Camberwell who had demanded £200.00 off him. And, Members of the Jury, he did not because if you remember he was asked to look at his statement and the question was raised with several people about "is there any mention of Detective Sergeant Symonds in that statement which makes allegations against police." Your Honour, can we break off for five minutes?

HIS HONOUR JUDGE STROYAN: Yes. Are you getting near the end?

MR. SYMONDS: No Your Honour. I have still got quite a few things to cover.

HIS HONOUR JUDGE STROYAN: Yes very well. I think we ought to try and finish what you have to say today.

MR. SYMONDS: I will be finished today Your Honour.

HIS HONOUR JUDGE STROYAN: You will be?

MR. SYMONDS: Surely, yes.

HIS HONOUR JUDGE STROYAN: Yes. Very well, I'll break off for five minutes.

MR. SYMONDS: Thank you.

COURT ADJOURNED FOR FIVE MINUTES:

MR. SYMONDS: Members of the Jury, I got to the stage of this meeting at the "Rose" public house on or about the 22nd of October which was the first time that I had spoken to Perry since I had spoken to him at Camberwell Police Station at the request of the Nuneaton officers. Perry asked me if I could help him over his car which was detained at Peckham Police Station for some reason or other which had been.... was not being returned to him. There was certainly no conversation or demand for money on that occasion and, in fact, on any

occasion. Present at the public house were not only myself and the other police officer but there was also a number of other people including, it appeared later, the man who had come into Williams' house. Why I say it appeared later was because some months later when.... indeed some years later when I first came to know the full details of the allegations, it appeared that this man had made a statement saying he was also present. He also said that Perry and Williams and I were together at all times during the conversation. It appeared quite obvious to me at that time that Perry appeared to be trying to be friendly, was adopting a friendly attitude towards me. But I did not know at that time that Perry had recently to that occasion, together with other criminals, planned to set up myself and other officers to be tape recorded and photographed.

Now I knew that Perry was at that time at the heart of the skeleton key offences. I knew that he was a close associate of people who were actively involved in these offences and I suspected that he was involved himself. And it seemed to me that Perry would be worthwhile to cultivate as an informer and so I also adopted a friendly attitude to him. But at that time, as you can see from my diary, I was deeply involved in this particular Okanari enquiry. Okanari being the name of the Nigerian abortionist. And so this was something that I filed away in my mind as it were, that Perry could well be approachable and could well be manipulated or cultivated into becoming an informant.

Now the next bit of evidence against me is the telephone calls and it is said that Mr. Perry telephoned me and mentioned the "Eh(?) you know". Well two things about that, Members of the Jury. The first is that when I picked up that telephone

I first of all thought it was a man called Terry. If I mention informants you must understand it was not at all unusual at that time to have a number of informants. In fact part of our training, we were instructed to imagine everybody as a potential informant. And when I heard the words "this is Perry" I thought they were "this is Terry", who was an informant of mine. This was the young lad who had given me bits and pieces of information and whom I did meet from time to time. I think you noticed that I was surprised to hear that Terry was in Woolwich.

When I went to keep this meeting in Edmond Street I went to meet Terry and when Mr. Perry pulled into the space in front of me in his car with a small rat-faced man with close set eyes sitting in his front passenger seat, who looked the classic criminal type, who immediately jumped out of his car and scuffled away, my only thought then was I wonder who he is, the man with his two eyes either side of his nose. And I was very surprised when Mr. Perry got out of his car and got into mine - astonished, because I was waiting for Terry. And my first reaction at that time was if Terry comes I hope he just walks straight passed and ignores me.

Now, Members of the Jury, at this stage I had never ever demanded any money off Mr. Perry, Mr. Perry was unexpected to me and as far as Mr. Perry was concerned I submit that he was entering a situation which to him was fraud. Because it appears that he had told the reporters, according to his evidence, that he was meeting me to pay me bribe money, because that very morning he had suddenly remembered or recalled the name of another police officer and he was in his mother's house, remember, in Woolwich. Now all I remember



of that conversation is that Mr. Perry was talking to me in a friendly fashion about nothing much in particular. I think it is worth while noting, Members of the Jury, that Mr. Perry at that time had a fixed tape recorder in his car which was recording directly to a recorder in the boot and I believe he had been instructed to make some attempt to lure me into his car. The evidence also has been that Mr. Perry had a radio receiver connected to a transmitter which was in his pocket, and I submit to you that if it hasn't been established already I hope it will be established that this transmitter is of a type in which you can pull the plug in or out. In other words switch it on and off. And, therefore, at that stage Mr. Perry was in a position to control what was recorded and what was not. And I would suggest that that is probably one of the reasons why on tape two you have what is described as "snatches of conversation"; and I would also suggest that those snatches of conversation are nearly in every case allegedly my voice.

Now we hear about "The Grove" public house, what was I doing at "The Grove" public house, why did I go to "The Grove" public house? I went to "The Grove" public house nearly every day, because that's where I used to have my dinner. Because there were no canteen or cooked meal facilities at Camberwell Police Station at that time apart from breakfast I believe. So the only way to get a hot meal at Camberwell at lunch time, in those days, was to take an egg and a slice of bacon with you in a little tin box and cook it up yourself on a greasy old gas stove in the canteen. And I used to go out to "The Grove". Now why "The Grove"? Well because Camberwell could, I think, be described as a rough area with rough pubs, with rough people in them. But a

little way on the outskirts of Camberwell was coming into Dulwich which is a nice area with nice quiet pubs, where you can have a nice meal in peace and quiet and I was a regular at "The Grove". I don't doubt that this was known because I could be found there, in there, nearly every lunch time and my car could be found in the car park nearly every lunch time.

Now during the period from the first meeting, despite the evidence given by Mr. Perry, I believe I must have met Mr. Perry on and off, half a dozen times at least. And most of the time it was by, either rightly or wrongly, a coincidence. I would come out of the public house, having had my lunch or going to lunch, and Mr. Perry, surprise, surprise, would be waiting outside and making signs that he wanted to talk to me. Now you have heard that the reporters and the sound engineer always had with them this Uher recorder, or whatever it was, telephone attachment, and if they didn't have the equipment they wanted they only had to pick up a 'phone and it was rushed out to them immediately from Location Sound Facilities. Vehicles and drivers and technicians employed and retained for that purpose. And I would like you to consider all the evidence we have heard about telephone calls being made and tapped and recorded that the only telephone conversation arranging a meeting in this case is in fact the one before the Court, tape one, which arranges a meeting for 10 o'clock that night.

Now Perry did telephone me during this period, and not once. And I think you should also remember that the evidence has been that the microphone was installed in Mr. Perry's car on the 28th, although it's written the 27th, and it remained there until I believe the 24th or 25th of November. And so Mr. Perry had hidden recording apparatus

built into his car, as it were, from the 28th of November, 28th of October, until the 24th or 25th of November, And as for the tape recording or whatever to fit, if it's true that the tape recorders were disconnected and taken away - although that was never really established - I would suggest it's no problem for Mr. Perry with skeleton keys that can open any shop and which doubtless opened up many radio and television shops, that if he didn't have a recorder to plug into that he could easily have got one. Because you see the evidence now, Members of the Jury, is that I, an ambitious Detective Sergeant 12 years ago hoping to make a career, having given up an Army career to join the Police Force - the evidence is that I must have had some sort of brain storm or something, one would imagine, and I suddenly take a great shine to this 23 year old yobbo, take it in my head after the briefest of acquaintanceships to open my heart to him, according to the Prosecution evidence, and disclose all the workings of some sort of enormous criminal set up within the Police Force. Now I'd like to know, it has never been said, whether the Prosecution really believe that. Do they believe the two things; do they really believe that there was such an organisation with the Police Force, or do they believe that I said it seriously? Because if there was such an organisation within the Police Force and if I was a member I would say it would be rather incredible that I should decide to go and tell Mr. Perry all about it on the second or third meeting. And if there wasn't such an organisation then either I was a madman at the time and believed there was or I was making up some sort of, as I previously described as, criminal fantasy land. This is what you are going to have to decide, Members of the Jury, at some stage. Was it silly talk or was it serious and did I mean it,

A did I really believe all these things? Because I think that  
the Prosecution have at some stage suggested to you that if  
you believed that Mr. Perry was paying me £50.00 a time for a  
guided tour of my criminal fantasy-land, or £50.00 a time for  
lessons two, three and four or whatever of this incredible  
organisation alleged to be within the Metropolitan Police  
B Force at that time that you should find me guilty, Members  
of the Jury, because that's corruption do you see. But I  
would suggest to you, Members of the Jury, that you should  
look at those charge sheets in front of you before you make up  
C your mind whether to find me guilty or not, because that's  
what it's all about. I have not been charged with conspiring  
with Mr. Perry to set up an Al. Capone type organisation in  
South-east London or anybody else. I have been charged,  
D according to the charges in front of you, that I accepted or  
obtained £50.00 as a reward for showing favour re the arrest  
of Perry on the 24th of September, 1969.

E Now that comes into three parts doesn't it? I suggest  
the three parts are the favour, the demand and the payment.  
Now I suggest to you that no one seems at all quite sure what  
the favour is supposed to be, because we started off in  
evidence that the favour was that I told Perry to plead  
F guilty to Section 1 because they had his finger-prints and he  
would only get twelve months. And that was an up-hill task,  
Members of the Jury, for you to believe that Mr. Perry would  
be very happy to shell out £200 quid for such information  
G particularly if he didn't do the job anyway in the first place.  
Plead guilty to Section 1 and you only get twelve months for  
that because they have your finger-prints. And even more so  
that they didn't have his finger-prints anyway

H But later on something else crops up. The favour's now

changed is it.... Is the favour now that I told Perry to keep his mouth shut? Say nothing? Is that the favour now because never.... I don't think it's.... I'm not sure myself what the favour is supposed to be so I'm going to talk about both of them, cover both ends in case I start defending myself against one favour and then the other one's put up. Now how did this come about, "keep your mouth shut, say nothing"? Well it didn't come about through Mr. Perry that's one thing, because you can search through Mr. Perry's allegations, his allegations to the reports and his allegations a month later or so to the police when he made a long statement and you can continue on for 2½ years and you can search through his evidence-in-chief when he gave evidence at the committal and you will find not one word about "keep your mouth shut".

This second favour came up thanks to the Nuneaton officers, that's where this second favour came from and the first time that appeared on a bit of paper anywhere was when the Nuneaton officers were themselves embroiled in an investigation being carried out by senior Metropolitan police officers. Now if you remember when Mr. Price was giving evidence and he was taken through a questionnaire which was of questions put to me on I believe the 4th of July, 1970 and I pointed out to him, if you recall, that on the 4th of July, 1970 it was still "they have a finger-print of yours" as according to the police records at that time, I'd like to draw your attention to words that Mr. Rivlin read out. Chief Superintendent Moody then said, "The matter which I now propose to ask you questions about relates to an allegation that whilst Michael Perry was detained at Camberwell Police Station on Wednesday the 24th of September, 1969, on suspicion of being involved in an offence of burglary at Nuneaton that you improperly intervened in this

matter and conspired with Perry and other persons to pervert the course of justice". You see, Members of the Jury, that was the original allegation on Michael Perry according to Chief Superintendent Moody and I submit that that was the thrust of the original investigation because you see otherwise it doesn't make sense does it? Because Perry had been arrested at Camberwell by officers from, is it Warwickshire or somewhere. Coventry police, regarding an offence in Nuneaton. And he had been taken away to Nuneaton to be questioned and or charged or whatever, with this offence.

Now the allegation is that at some stage Mr. Perry brings it forward two or three weeks, at some stage just after Mr. Perry returned from Nuneaton, I tell him I can get him off this in return for £200.00. Now how could I have got him off this by myself if the allegation is true. Nonsense isn't it? I couldn't do it. What do I do, 'phone up the Chief Constable of Nuneaton and tell him to drop the charge. So I suggest to you, Members of the Jury, that if there was any truth in Mr. Perry's allegation and the way it's put, that I approached him shortly after he came back from Nuneaton and told him that for £200.00 I could get him off the charge, if there's any truth in that then it was quite reasonable for the investigating officers to believe that someone from Nuneaton must be in on this. And, therefore, the evidence of Mr. Moody and others who went to Nuneaton and the evidence of the Nuneaton officers shows the picture there quite clearly I submit. Because I will suggest that the Metropolitan officers who went up there were looking and quite naturally in view of the allegation and the circumstances, looking for the Nuneaton end if you like, the conspirator at Nuneaton. And obviously Sergeant James, as he was then, and the other

officers felt this and I suggest obviously and apparently resented it.

A Now at this stage I'd like to take you back to all that  
had happened at Nuneaton so far and that is after Mr. Perry  
was released for lack of evidence and for lack of a statement  
of admission, he went along to see Mr. O'Rourke and  
B apparently told Mr. O'Rourke that he'd got off by keeping  
quiet but it had cost him. So he was saying to Mr. O'Rourke,  
either truthfully or untruthfully, that he had paid a bribe  
and I very briefly pointed out that if he's paid a bribe it  
C must have been to a Nuneaton Officer because he saw  
Mr. O'Rourke later that day after being released from Nuneaton.  
Now who were the Nuneaton officers involved; Sergeant James,  
well you saw him, he is now an Inspector. And D.C. Hannis.  
D Now D.C. Hannis at that time was a brand new Sergeant. He had  
been promoted two weeks before, so he would still be on  
probation. And we have heard that a complaint was made at  
some stage against the Metropolitan police officers to the  
E effect that they were looking for a scape-goat.

F Now three or four C.I.D. officers at Nuneaton, the ones  
who must be under suspicion in the main because they're the  
ones who went to London, are being questioned at Nuneaton and  
are under suspicion quite obviously, and I would say naturally,  
as being perhaps the other conspirator. And at some stage  
statements are made in which I submit was the very first time  
that anything was said officially, and I'm also.... I have  
G made the allegation, I believe it was concocted. That's when  
the first business came up outside this small group of officers  
about told to say nothing by a Metropolitan officer. And in  
their statements as I cross-examined Mr. Perry.... them, they  
H also said they had spent considerable time cross-examining

Mr. Perry in the cell, etcetera. And it was at some stage that he said this. I propose to adduce evidence to you later, I hope, to show that part of that is at least proved untrue, because I submit to you that the Nuneaton officers followed the plan, as it were, and they left Mr. Perry well alone to think on it. But there was a difference you see, and there's a difference now because I have.... this is all twelve years ago and I have been out of the Police for many years but they're still serving, and at that time they had to think about their jobs and perhaps it was not a good idea, as a serving policeman, to admit to a procedure which might be, if not illegal, irregular. Perhaps it would be frowned on in certain quarters or amongst their superiors, the idea of a bit of cold turkey treatment, which Mr. James said he had only heard about in an American film.

Now they had a problem because the Nuneaton officers who were under suspicion, I submit, in an effort to clear themselves in some way, had put up this proposition that Perry had been told to say nothing. But then of course as we have heard many times during the case....

HIS HONOUR JUDGE STROYAN: Mr. Symonds, this may be, what you are going to say, it is not what the evidence is. Now I think we will break off at this stage because you are plainly not going to finish this afternoon are you? Will you please manage in the time in the adjournment to getting your statement to the jury into a form which is relevant to the matters which they have to deal with before you continue. I have been very patient with you today and I shall expect you on Monday to have looked carefully at the remainder of what you have got to say and to deal only with those matter which concern the jury.

THE COURT ADJOURNED



A (I hereby certify that I took shorthand notes in the case of  
R-v- SYMONDS J.A. and I hereby certify that the pages numbered 1  
to 42 are a true and complete transcript of my said shorthand  
notes to the best of my skill and ability.)

B  
C  
D  
E  
F  
G  
H  
...M.A. Egan.....