

TESSIDE CROWN COURT

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Before:

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HIS HONOUR JUDGE R A R STROYAN QC

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Held at:
THE LAW COURTS
VICTORIA SQUARE
MIDDLESBROUGH

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On:
Monday 13 April 1981

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R E G I N A

- v -

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JOHN ALEXANDER SYMONDS

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(Transcript of the shorthand notes by Mrs L Taylor of HUMPHREYS, BARNETT & CO, Official Shorthand Writers, 19 Queen Victoria St, Leeds. Tel 455082)

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MR RIVLIN QC assisted by MR RATCLIFFE appeared as counsel on behalf of the Crown

MR SYMONDS WAS UNREPRESENTED

Monday 13 April 1981

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MR SYMONDS: Members of the Jury, if you refer to the indictment before you, you will see that I am charged, John Alexander Symonds, on the 28th day of October 1969, within the jurisdiction of the central criminal court, being an officer of the Metropolitan Police, corruptly accepted or obtained for himself the sum of £50 from Michael Roy Perry as a reward for showing favour to the said Michael Roy Perry in relation to his principals' affairs in connection with the arrest of the said Michael Roy Perry on 24 September 1969, and if you look at the other two counts you will see they are exactly the same, except that the dates are different. They are all to do with a reward for showing favour to the said Michael Roy Perry in relation to his principals' affairs, namely in connection with the arrest of the said Michael Roy Perry on 24 September 1969.

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So there you have three counts, members of the jury - it carries a sentence of two years imprisonment on each - about what I submit to you is the one alleged offence, and that is that I did Michael Roy Perry a favour on the 24th day of September 1969.

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When the summonses were issued in 1970 or 1971 I complained bitterly about the fact this has been broken up into three separate offences and I said "Why can't it be that I am supposed to have received £150 between this date and that date because it is the one offence, surely."

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The reason why it has been broken up, members of the jury, as I understand then and what I propose to you now, is the fact that if it was put together the Prosecution would feel, or may feel, that they would lose the date completely because there is not now, and never has been, any evidence at all on count 1. The evidence on count 2 is very suspect, and the Prosecution imagine they have a little bit more firm evidence on count 3, but, members of the jury, the Prosecution have to prove each aspect of each count, so you can divide the count into three parts, that is the favour regarding the arrest of Perry and the actual alleged obtaining of £50, and you, members of the jury, must be sure beyond all reasonable doubt that the Prosecution have proved each part of each count. You must be sure of each element. So I will deal with each element in turn and I will start with the element common to each count and that is the favour.

I submit to you that the favour in connection with this case is just as important as to whether you believe that Mr Perry handed over any money or not. Even if you were inclined to feel that maybe some money had passed, you must still be sure of the favour.

Now, what was the favour? Well, I suggest that is still uncertain. We have heard of various possibilities as to what the favour might have been. It might have been that I was alleged to have told Perry, "They don't seem to have much on you", or it might have been that I told him that they had a fingerprint and he should plead guilty, or it might be that I told him to say nothing or to play it by ear. During the past four weeks this has not become clear and it is still not clear. The Prosecution have said that they are basing their case on the favour that I entered Perry's cell and said to him words to the effect, "I don't think they have got much on you but if they have a fingerprint you should plead guilty to section 1."

How did this alleged favour come about? Well, it all started, as we have heard, with the burglary in Muncaton when some men, who still remain unknown according to the records, entered the Co-operative Store at Muncaton and took away over a thousand pounds worth of cigarettes and then that night a van was found, in the vicinity of Peckham Police Station, containing these

cigarettes. It was found by uniform officers who decided, for some reason or other, that they would deal with this job themselves although it was without doubt a CID matter.

A You have heard that there was dissension at Peckham Police Station at that time between the uniform and the CID - the Prosecution have admitted this - and the dissension had arisen before this matter, not over this matter; this matter just aggravated the dissension which already existed.

As a result of the uniform deciding to carry out this observation and to keep the CID more or less in the dark, the job that day was unsuccessful - that is the job of trying to get the people who had stolen these cigarettes.

B It later transpired that after the cigarettes had been removed from the van at about four o'clock in the morning the thieves did in fact return but up to that time the observation still wasn't in existence and so they escaped.

C Now, for some reason or other, although the cartons were marked with 'Nuneaton Co-operative Stores' quite plainly, the cigarettes were put away in a cell and left there over the weekend. Now, the reason why this happened is a continuation of the dissension that then existed at Peckham Police Station and the result of that was that Nuneaton were not told of the finding of these cigarettes until the Monday. They had earlier been told, on the Monday, of the breaking but by the time they went along there and started to look for fingerprints and what not the store had been cleaned, so it is just possible that if this job had been done properly in the first place, (a) the thieves would have been caught when they returned to their van in the early hours of Sunday morning, or (b) there would have been some fingerprints found or some other clues which would have led to the arrest of the thieves.

D The next matter we heard of was the fact an informant telephoned Nuneaton Police Station and said that he had information as to who had stolen these cigarettes and it was through this informant, who at that time was completely unknown to the police at Nuneaton, that the trail led from Nuneaton to Scotland Yard and to two suspects, Mr Perry and another suspect, Mr Brook. So the Nuneaton officers went on to Peckham Police Station and started to look for the two suspects. The only evidence they had against them at that time was the fact that an informant had picked them out, and that information was not to be relied upon, I suggest because the man who had supplied the information was not previously known to the police officers and the fact of the breaking at the Nuneaton Co-op and the eventual recovery of the cigarettes had been in fact printed in the local paper before the informant contacted the police, so it would seem that he was just looking for possibly an easy five or ten pounds for giving this information which should have been regarded as most unreliable.

E On arrival at Peckham we heard that the officers had found Mr Brook and arrested him. We also heard from Mr Perry that he was present when Mr Brook was arrested. We also heard that Mr Brook later escaped from Peckham Police Station. In the meantime the Nuneaton Officers were looking for Mr Perry, so the whole matter was very unsatisfactory all the way along to this point.

G Now, the Nuneaton Officers had come to know of the dissension at Peckham because on arrival there, instead of collaborating with CID Officers, they found themselves dealing with uniform officers and they soon learned of the bad feeling between the two branches which existed at that time and that is where I came into this whole matter because it was known that I and other officers at Camberwell were compiling a dossier on the activities of Mr Perry and his associates and that we were keeping observations on his home address. So Peckham Police contacted myself and Sergeant Howard at Camberwell and asked us if we would assist the Nuneaton Police Officers to

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find Mr Perry for questioning.

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As you heard, we arranged for a search warrant to be taken out and we took the Nuneaton Officers along to where Mr Perry was living, entered his house and searched it. In the house we found a quantity of clothing which was of interest to Sergeant Hardy and myself as a number of clothing shops on Camberwell section had been broken into quite recently and cleaned out of their stock.

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When Mr Perry returned to his house he was arrested by, having been identified, by a Camberwell Officer who was upstairs waiting for him together with the Nuneaton Officers.

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Mr Perry was then taken to Camberwell Police Station, taken to the CID Office and quite naturally questioned as to his movements on the previous Saturday night and as to clothing that had been found in his flat. Mr Perry's reaction was to deny everything. As far as the clothing was concerned, he put the ownership of the clothing on to a person who was sharing the flat with him.

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So, what to do now? Nuneaton Police Officers had come all the way down to London from Nuneaton with this rather suspect information. Because it had come from a suspect source it was to be treated with great caution. They had arrested two men on the strength of this information; one had escaped and the other one was denying all knowledge of everything.

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At this stage Nuneaton Officers had spent two days in London going around searching for these men and had put quite a lot of time and trouble into their efforts, and so the Nuneaton Officers and myself had a discussion about this as to whether to release Perry from Peckham, from Camberwell, or whether there was a chance that he might be conned or tricked into pleading guilty to the offence for which he was suspected but for which no evidence existed.

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In the meantime the van had been taken into Peckham Police Station, had been examined for fingerprints by the local fingerprints officer, Mr Meth, as you have heard in one of the statements read out, and he had found no fingerprints.

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The Nuneaton Officers asked my advice and assistance on the best way to deal with this and the best way to deal with Mr Perry. They saw the dossier which was in existence. They realised that this man was known to us and had been under observation and it was quite natural to come to me and ask for my assistance under these circumstances to see if I could advise them of the best way to deal with him.

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It was agreed between the Nuneaton Officers and myself that maybe Perry might admit this offence if he was led to believe that there was fingerprint evidence and if he was led to believe that he was certainly going to be charged. Mr Perry, being a man of many convictions and no small experience of dealing with the law and the police, could well then look for a lesser charge such as, for example, simple theft rather than burglary, which is what it would have been otherwise.

That is what happened. I went in to see Mr Perry at the request of the Nuneaton Officers. I told him that he had no chance, why did he think Nuneaton Officers would come all the way down from Nuneaton to his house unless they had pretty firm evidence, and the best thing that he could do would be to try for a lesser plea. Mr Perry seemed to accept this and at the time that I spoke to Mr Perry, two Nuneaton Officers were in fact waiting outside the cell door. Mr Perry was then taken away to Nuneaton.

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Now, we have heard evidence here to suggest that in fact something else happened. The Prosecution, in what I suggest is clutching at straws in a desperate effort to back up the allegation of the favour in some way, have come out with this story that in my own Police Station, which I had a free run of, I was overcome with some sort of greed, or saw some opportunity to extract some money from Mr Perry and then, having had this idea, instead of quietly going along to Mr Perry's cell, or passing Mr Perry's cell and telling him whatever I might have told him under such circumstances, I approached one of these Detective Constables who had come down from Nuneaton, who appeared to be standing guard on Mr Perry's cell just in case anybody should have such an idea and I literally begged him, not once, but twice for permission to go and see Mr Perry. Absolute rubbish. Absolute rubbish. It does not make any sense whatsoever. First of all, if I had any idea to tell Mr Perry about the information, the true information which was available against him, it is too incredible to imagine that I would have brought attention to myself in such a way by begging twice to the young Detective Constable just down from Nuneaton to go and see him, and it is totally incredible that when interviewing a prisoner, particularly a man who was a very active criminal on that section, who I had in my sights as it were to arrest, it is incredible to imagine that I would have gone to such a man and given him any information whatsoever to help him in his position.

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It is said that I told Mr Perry that they had a fingerprint of his - or at least it was said for two years that I told Mr Perry this. That is also incredible, members of the jury, isn't it? What sort of favour is that? There am I supposed to know there is no evidence at all against Mr Perry; the only evidence against him is the word of an informant that I had met in fact at Peckham Police Station, a most unreliable man if ever there was one. His name was O'Rourke. What sort of favour is that? What sort of friend is that to go to a criminal and tell him, "They have your fingerprint, plead guilty." Nonsense, members of the jury.

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I did tell him they had his fingerprint. I am not proud of it. At the time that was considered to be active police work. I did know that Mr Perry was going to be locked up for twenty-four hours in isolation and to be led to believe that he was going to be charged whatever. All right, I can admit that now. It is all twelve years ago, it is a lifetime ago. I was on the other side of the world most of that time, but, you see, the Nuneaton Officers, can't admit it because they are still serving; they are still worried about their pensions which will be due this year or next year. This is a slightly illegal thing to do. If any of these Nuneaton Officers who came here were to say that there was some sort of minor conspiracy, if you like, between us to trick this criminal and to treat him in a way which is probably quite wrong according to the strict laws of the land, then their own jobs would be in jeopardy. So what do they say? They say, "Oh, no, it is not true", that when Mr Perry was taken to Nuneaton he was put in a cell and the door was locked, having been told that he was going to be charged and left to think about it. They say it is not true because they are in a difficult position, but you most probably heard, amongst all the statements read out on Thursday morning, there were statements from every police officer who had anything to do with Mr Perry being in a cell at Nuneaton on that day. You heard from the Sergeant who was on duty that night, and the PC; you heard from the Sergeant who was on duty that morning, and the PC - this is within the Police Station Office; you have heard from the Sergeant who was on duty on the afternoon, and the PC; you have also heard from the Sergeant who was in charge of the station; and you have heard from the Sergeant who was in charge of riding around checking up on the constables.

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You also had evidence of the charge sheet from Nuneaton, which should show every visit made to the prisoner, and according to that the only visits made to the prisoner were the normal one-every-hour to see that he had not

committed suicide or had no problems or was not ill or anything like that. So it is quite obvious from the evidence of all the other police officers at Muncaton who were on duty that day and who had anything to do with the prisoner, that the Muncaton Officers did in fact continue with the plan, as it were, that Mr Perry was put in the cell and the door was shut on him and that was that, given some time to think about it - not a new experience for Mr Perry as he said in evidence.

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Then we hear that Mr Perry at some stage during that day, according to Mr Perry's evidence: "I told them I had been told to say nothing, I told them Sergeant Symonds told me", or slightly different: "I told them I had been told to say nothing; I told them it was the CID Officer who came into my cell." Well, not worth talking about. Absolute lies. Even the Muncaton Officers must flinch at that because if Mr Perry had said that it is inconceivable the following alleged actions when they allege they 'phoned me up and we continued to liaise on the eventual obtaining of more evidence leading to the eventual re-arrest of Perry and charging him.

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As for Mr Perry, just about every word he said in evidence, apart from parts of his evidence regarding the taperecordings, he has proved to be a liar; he has proved to be a man that would go into the witness box and say anything that comes into his head, the more damaging to me the better. Well, this is not unnatural, members of the jury, not unnatural at all. You may have noticed that I appeared to be a little bit rougher, shall we say, with certain witnesses than with others, and you may have thought I was not very rough at all with Mr Perry. What was Mr Perry doing? He is a professional criminal. As far as the professional criminals in London are concerned, they are in a state of constant warfare, if you like, with the police. It is them against us, and if a policeman can be neutralised or put out of action, that is no small victory. Mr Perry is a criminal and a liar and not a single word that he said in this court can be given any credence whatsoever.

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Now, what do the Muncaton Officers say? "Oh," they say, "well before we released Mr Perry he told us that he had been tipped off to say nothing and therefore, as we had no evidence against him, we had to release him. Of course we were all horrified by this, something outside our experience and we realised it was hopeless and decided to release him." Well, of course, this is nonsense as well. Mr Perry said nothing all along. He said nothing in Camberwell Police Station and he would have said nothing. You saw him in the box. He is a criminal but he is not a stupid one; he is quite clever in some ways, and by looking at his record, which you should have before you, he has had plenty of experience in how to behave when under arrest or under questioning, and as he said himself in the box "I wouldn't have said anything anyway."

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So why did this bit come up then about Mr Perry said he had been tipped off? Well, the evidence is that Mr Perry said he had been tipped off on that day, the 25th, and that is why they released him, and the evidence of Mr James was that everyone in the police station knew about this 'horrifying thing' I believe his words were, from the Chief Superintendent down to the youngest recruit or cadet. Untrue, members of the jury, because everyone in that police station was interviewed and they all said that they never heard any such allegation and particularly the people interviewed were the people who had anything to do with Mr Perry either during his confinement or during his release.

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Mr Perry said in his statement to police, and again in evidence, that when he was being released Sergeant James told the Sergeant what had been said. Well, that was Sergeant Wilkinson. He remembers nothing about it. Neither he, nor any of the other uniform officers, not one at Muncaton and a number of the CID Officers heard no such thing that Mr Perry had been tipped off to say nothing and that is why he had been released.

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A So how does this come to light then, this damaging allegation, "I have been tipped off to say nothing by someone in the Met." It is damaging and it is against the Metropolitan Police, so we go a bit further and then we find, you will notice, the reluctance of the people concerned in this matter. We find that when Mr Perry was in Nuneaton he was offering a bribe to the officers there. Well, one of the officers denied it completely which you may find rather suspicious; the other officer says, "It is true, he did offer us a bribe, £25." You will remember I asked him, "Was it to both of you, could the other officer have heard it?" He said, "Yes." Who was the second officer? DC Wilson. You might find that of interest, members of the jury, because the allegation is Mr Perry had been tipped off by someone, a Metropolitan Police Officer, to say nothing; there was no evidence against him, or whatever. Why should he offer a bribe? Why offer a bribe if he had been told to say nothing, or there was no evidence against him? It does not make sense, does it? Either you have been told to say nothing because there is no evidence and you are keeping your mouth shut very tight and you are sitting there hoping for the best, or you are struggling with your little cunning criminal mind to look for a way out, and one possible way out is "Maybe these officers will accept some money to let me off." That, members of the jury, is a very important point, Perry offering a bribe, because it does not make sense.

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D So here we have two very serious things in any Police Station in this country, I suggest. If we are to believe the evidence that has been put before this court in respect of what happened at Nuneaton on the 25th. The first serious thing is that here is the London criminal who has been arrested at no inconsiderable expense and trouble, a team of four officers wandering around London for two or three days, brought all the way back to Nuneaton, and if you believe Mr Perry's evidence at Nuneaton he confesses he has been told by Sergeant Symonds, or the officer who came in his cell, to say nothing - or if you believe the Nuneaton Officers' evidence, he has been told by a Metropolitan Police Officer to say nothing.

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F Well, surely that is worth a bit of paper, isn't it, some sort of report to the Superintendent or whatever, because this is a very serious allegation. A lot of time and money and trouble has been spent and everything has been legated by a Metropolitan officer. Was such a report made? Oh now, there is no report in existence anywhere of any complaint by any Nuneaton Officer about this alleged happening, about Mr Perry's alleged words, and when does it first go on to paper? It goes on to paper, members of the jury, when half a dozen Nuneaton CID officers are being grilled by a large number of senior officers from the Metropolitan Police and elsewhere in respect of their suspected involvement because when you heard Prosecuting counsel taking Mr Price through the questionnaire the original allegation was, as it must be, that there was a conspiracy, because otherwise it does not make sense, does it?

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H How, going on from there to the demand - I will come back to that when I talk about the demand, which is the second part. What else happened on the 25th? Why, Mr Perry was offering bribes around Nuneaton Police Station, or I should say perhaps a bribe. Well, isn't that something that would be reported or some note is taken? Not a word, members of the jury. There is no report anywhere in existence and the senior officers, when interviewed, said they had never heard of it. The first time anything about this bribe-offering went down on paper was once again when the Nuneaton Officers were being interviewed later.

I will tell you what happened, members of the jury. Mr Perry was taken to Nuneaton Police Station, a very experienced criminal, put in the cell - so what? - he probably laid down and went to sleep. After a time, probably towards the end of the twenty-four hours, he was taken out to have his photograph and fingerprints taken and that is the time when he allegedly offered this bribe.

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Shortly after that Mr Perry is released. Shortly after that Mr Perry goes along to Mr O'Rourke's house and tells Mr O'Rourke that he had got out, he had kept his mouth shut but it had cost him. Do you remember one of the statements that was read out on Thursday morning? Do you remember the vital words that I wanted 'It had cost him' and that is the information that came to me some days later from Nuneaton. The information that came to me - and it was not through Hannis, it was through another officer - is that after leaving Nuneaton Police Station Mr Perry had gone along to see the informant and had told him that he had kept his mouth shut, had got out of it, but it had cost him, and now you know why I was so interested in all these bits of paper about how much money Mr Perry had on him when he was arrested and taken to Camberwell and how much money he had on him when he was searched on arrival at Nuneaton and how much money he had on him when he left Nuneaton Police Station because if what Mr Perry had told the informant was true, if it had any truth in it, then some money must have been paid out at some time either on the 24th or the 25th.

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Now, according to the records, Mr Perry had something like £18.3 pence - I forget the exact amount - when he was arrested and taken to Camberwell and he had £18.3 when he left Camberwell. He also had £18.3 when he arrived at Nuneaton and when he left Nuneaton. Now, if he saw that informant the same day, when did he pay the money? It certainly was not in the London area, I would suggest to you, because he still had his full amount of money on him when he left Nuneaton Police Station, and why did it take two or three months before information came to light about the offer of a bribe, and why did one of the officers deny that Mr Perry offered a bribe, and why was Mr Perry suddenly released from Nuneaton when, according to official records and according to the evidence of nearly all the other Nuneaton officers, he was not questioned at all; no-one went to his cell. You heard the statements being read out: "I didn't see anyone else when I went there. I went every hour", etc. etc. etc. That is something to think about, members of the jury.

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What was the favour? Was Mr Perry told to keep quiet? If so, by whom? and is it likely that I told him, having first begged permission twice from a junior officer from another force, to go and see him in order to tell him this and to tell him moreover that two officers from that force were waiting outside the cell door and listening to what was said? Where is the favour? This came up during the trial, members of the jury. I brought it out deliberately because I still want to know what the favour is, or is supposed to be. I believe the Prosecution intimated at that stage that the alleged favour was and is and remains that I told Mr Perry, "I don't think they have got a lot on you, but if they have a fingerprint plead guilty to section 1 because you only get twelve months for that." But of course that is nonsense.

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First of all, I absolutely deny that I said to Mr Perry, or ever would say, "I don't think they have got a lot on you." That doesn't make sense anyway. Why tell him that and then tell him they have got a fingerprint and to plead guilty to section 1? What sort of favour is that?

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The Prosecution say that is incorrect, that I told Perry they had a fingerprint. I told him 'If they had a fingerprint'. This is an attempt to weaken the whole thing and possibly allow a glimmer of possibility into the matter.

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I remind you, members of the jury, that Mr Perry's typewritten statement says "They have a fingerprint", and when I was questioned by Mr Moody two years later nearly it was still 'They have a fingerprint'. You heard all the fuss about this. By the time it comes before you it is 'If they have a fingerprint.' The 'If' has been put in later. This is agreed and obvious and it is said that it was put in on the same day or whatever.

JUDGE STROYAN: You may say it is obvious, it certainly is not agreed.

A MR SYMONDS: What I mean, your Honour, is put in later the same day probably or perhaps and initialled by Mr Perry. I would suggest, knowing the care that is taken, and you heard, from Mr Lambert how it is done, the statement is read over many times, it is checked one against the other during the course of being typed. Such an important word, such a vital word would not be missed, particularly one that had been put in later that day and initialled.

B You heard me suggest to Mr Moody that he had something to do with altering documents and statements as well as the taperecordings. If you look at the original piece of paper, if, when you come to retire and consider this case you ask specifically to look again at the original sheet where this word 'if' has been later added, perhaps you should ask for the whole statement and hold it up to the light, members of the jury. When you get hold of this original paper you will see it appears there has been some sort of rubbing out there because the light comes through more clearly behind the word 'if' than elsewhere. That may suggest to you this was not quite such a simple addition.

C JUDGE STROYAN: No evidence about that at all. You must confine yourself to talking about the matters which have been in evidence.

MR SYMONDS: I would like you to compare that 'if' and those initials with pages 21 and 55.

D We also heard at some stage during the evidence that Mr Perry was told to 'play it by ear'. You may have noticed that several times during his evidence he used that expression himself, 'play it by ear', which would appear to be one of his own expressions. Maybe that is what he is alleging he was told and took to mean to say nothing.

Anyway, members of the jury, that is the evidence before you about the favour which is common to all three charges, to all three counts, and it is an important element in each. What was the favour and if so does it make sense. Members of the jury, it does not.

E Following on from that we have evidence of the demand which is the second part of this count, 'corruptly accepted or obtained for himself.' The evidence is that I met Perry at some date after he had returned from Nuneaton and I demanded a sum of money from him and then it becomes foggy again. Did I demand this sum of money from him for getting him off the charge? Did I say I would get him off the charge?

F JUDGE STROYAN: Mr Symonds, I think I should remind you that there is nothing, if you look at the indictment, about a demand. It is quite unnecessary for the Prosecution to prove one.

MR SYMONDS: Corruptly accepted or obtained.

JUDGE STROYAN: Yes.

G MR SYMONDS: The Prosecution have said there was a demand made.

JUDGE STROYAN: There is nothing about a demand in the indictment, nor is it necessary for the Prosecution to prove a demand and I shall direct the jury in these terms.

H MR SYMONDS: Evidence was brought in by the Prosecution, your Honour, of a meeting in a car.

JUDGE STROYAN: Yes, on you go.

MR SIMONDS: Well, I suggest, members of the jury, that the evidence brought before you about a conversation with Mr Perry at some stage, in between his arrest and the alleged meetings, although it may not have, in effect, been the count before you.

A Now, it certainly had an effect upon the Nuneaton Officers when the newspaper published its story because the allegation then, and as considered by the investigating officers, was that if a favour had been done, or a demand had been made, there must, there simply must be a Nuneaton Officer involved because otherwise that did not make sense either. If I had offered Perry the chance to escape from the charge at Nuneaton in respect of the breaking at the Co-op, then a Nuneaton Officer must be involved because I was not in a position at Camberwell to have any effect whatsoever upon what happened at Nuneaton.

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C When Mr Perry was bailed he was bailed, I believe, under a section of the Magistrates' Courts Act 38 (2), which he would have to return to Nuneaton Police Station at a later date to answer the bail and if he was going to be charged with the offence one would assume he would have been charged then. Why Mr Perry was released under this section was that the Nuneaton Officers hoped, or said they hoped, to secure further evidence, to make further enquiries and maybe pick up something with which they could substantiate the charge against Mr Perry.

D What enquiries did they make? Well, we have heard nothing about that in any evidence. Why did Nuneaton, at some stage before the bail expired under the Magistrates' Courts Act, why did they send him a letter telling him he need not return to answer his bail? I suggest, members of the jury, it is understandable that the enquiry officers found this suspicious because if there was any truth in Mr Perry's allegation, a Nuneaton Officer must be involved. It seemed that he had been released rather tamely and quietly from Nuneaton Police Station and that very little, if anything, had been done to gather more evidence, and then after a couple of weeks, or whatever, Mr Perry is sent a letter telling him he need not return, and I suggest it was with this in mind that the investigating officers, Mr Lambert and others, went to Nuneaton and started questioning the officers there involved and, as Mr James said, he thought that the investigating officers were looking for a scapegoat up there and the Nuneaton Officers up there resented rather much what was happening to him and it was at this stage during the investigation that the allegation suddenly appeared that Mr Perry had not told - it was now changed - Mr Perry had not told the informant, on leaving Nuneaton Police station, that he had got out of it by keeping quiet and paying a bribe, it had cost him. It now became different. The allegation now was that Mr Perry had been released because he had confessed to them that he had been told to keep quiet by a Metropolitan Police Officer, and that is the first time that allegation saw the light of day.

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F Who made it? Why, only four or five CID Officers, the ones immediately involved, who had either come into London or involved in some other way at Nuneaton, and who supported this allegation? Why, no-one at all, not one uniform officer and neither did some of the other CID Officers.

G There we have a problem, you see, because we have heard a lot throughout this trial about hearsay evidence and conversations within Nuneaton Police Station are not something that can be brought out in court if proceedings are to follow, but there is a way in which you can bring out such hearsay conversations in court and that is if someone suddenly remembers that he might have made a telephone call to the man under suspension, the main suspect, and during this telephone call he may have said words to the effect of reporting this allegation or conversation. In this way this can come out in evidence.

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out in evidence.

A Now, who was one of the officers who was under suspicion at this time? Detective Constable Hannas, now brand new, two weeks old Detective Sergeant Hannas, on probation, and it was Sergeant Hannas who suddenly remembered that he had 'phoned me up and told me that Mr Perry had said that he had been told to say nothing, the same man who so stoutly barred me from going into my own cell block in my own police station, and what did I say when Mr Hannas told me in a very forthright manner about this allegation? I said, "Oh, please don't tell Inspector Robson." Total rubbish, members of the jury, absolute nonsense.

B What sort of Prosecution case is this? No wonder the Prosecution summing-up speech was a bit defensive. The whole thing is nonsense. So here we have the evidence being put before you, saying "Look, a man in the dock, 45 years old, soldier, policeman, etc, convict him, convict him, send him to his grave with a criminal conviction; put him number three million and one on the unemployed list; go and look for a job, who are you? Oh, I used to be a policeman, I have been convicted of corruption. Support your children on that." On what evidence? It is tripe.

C So that is the Prosecution evidence of the favour, members of the jury. I am not sure that I have made it any clearer, but it was never clear in the first place because I suggest the Prosecution don't know what the favour was, but in order to convict me there has got to be one somewhere because that is in the indictment.

D What is the next bit? The money. The evidence that counts in this case is the evidence as to money. Now, originally, when the taperecordings were first transcribed by the expert stenographers and what not of the Times, there is very little evidence about money. Certainly nothing as regards count 1 on tape 2. On count 2 there are some mumbled words, either "Get a bit more dough" or "Get a bit more dough" or "Get a little bit of dough" if anyone can make any sense out of it, just apparently mumbled into a microphone as someone is approaching the car and getting in; and there was very little on count 3, something to the effect of: "I've got another fifty", once again mysteriously right at the very beginning. That is what we have got to worry about, members of the jury, the evidence as to money.

E Now, what have you heard? You have heard hours and hours and days and days of evidence as to silly talk on the tapes, "Did he tell you to poke it away?" and things like that. Nothing to do with this case. I am charged with accepting three sums of money on three different occasions from Mr Perry. I am not charged with conspiring with Mr Perry to go out and break into shops. I am not charged with giving him advice on how to improve his criminal career or how to avoid arrest, although you might think that if anyone believed in it there should be some sort of charge like that if this is true. "I will come out with you. We'll go shopbreaking together. We'll all be so happy. We'll become the kings of crime in South London," bla, bla, bla, but no charge about this. Why not?

G Well, there was a massive enquiry, members of the jury; a large number of police officers enquiring over a period of two-and-a-half years could not find one other single member of my gang, my firm. So would it appear to be a gang of one, perhaps? No, members of the jury. When any officer of experience, any practical police officer read this, there must have been parts where he had to grin a bit because it is such obvious total nonsense. It is such a con. "I wouldn't think anything of you if you gave me information." Rubbish.

H Members of the jury, you are not so naive as to believe that all these

things were said seriously perhaps, everything was meant, and no-one else believed it either and no-one ever would believe it. If you take your hidden microphone down any levers' lane any evening, poke it in a car window, you will hear any young man offering any young lady the moon, the stars, the earth, anything you like; then what, next morning arrest him for trying to obtain something by false pretences or fraud? Nonsense.

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The only things to worry about are the bits about money which weren't on the original transcripts, but which suddenly appear on later transcripts and that is very strange, isn't it? You heard the police order read out many times; the taperecordings you heard. There are lots of places which were called 'garbled'. Some were very poor quality. Some of them are practically impossible to make any sense out of whatsoever, and in September 1969 the receiver of the Metropolitan Police had set up a special laboratory for just such taperecordings and for transcribing such taperecordings. Mr Banner and Mr Ealie who came here are from that laboratory. That laboratory was in existence in September 1969. Why, in December 1969 and January 1970 did Mr Moody decide that he would rather transcribe these taperecordings himself, which is what he did decide? Why?

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And then how come such conveniently suspicious words appear out of the jumble of words which had previously been marked 'Garbled' and 'totally indecipherable', and then how come that some of these words can now be heard fairly clearly you might think? That is another point I will come back to later, members of the jury.

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Going back to the taperecordings, or what is said on the tapes, why does Perry say so little about money? We have heard evidence that he had informed the reporters that he was meeting police officers to give them money. We have heard evidence that the reporters were saying to him, "Speak clearly, wait for the police officer to ask for it. When you hand it over fan it out so that our photographers can take a picture." Not once, many times.

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What happened on the first occasion? Not a single word about that. What happened on the second occasion? As I am getting into the car, the mumble about "Some more dough." On the third meeting, once again as I am approaching or getting into the car, "I've got another fifty."

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Why didn't Mr Perry say something during the meeting for example about the favour? "Oh, here's another £50. Thank you very much for that favour for getting me off at Mumeaten", or whatever, because weren't they trying to gather evidence to destroy me? Wasn't that the whole object of the exercise? Not one word or one reference to the favour in any of the tapes. What would a normal person have done in Perry's position?

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What about the discrepancies? We must not forget those. What he alleges he said and what the tapes apparently say. I am talking about the tapes, I am falling into the trap here, members of the jury, because - let's put this case down into half a dozen words if we can, basically. The Prosecution case: "Listen to these dreadful, horrible taperecordings; now listen again; now listen again; now hear them again; now let's go through the transcript word by word; now play the tapes again; go through the transcripts again", as if they are trying to brainwash you, members of the jury.

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What is the defence case as far as that is concerned? Don't listen to the tapes at all. Why not? Because they are obviously not original and authentic, and before you go away at some time during the next couple of days to make up your minds as to whether you are going to find me guilty or not, you, members of the jury, have got to decide one point first, and that is, "Are we going to pay any attention to these tapes or not? Are we going to believe them?" If you say not, then do not pay a single word of

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attention to anything in these transcripts and you must try to put out of your mind everything you have heard over the past four weeks on the taperecordings. If you say you are going to accept them, then the only things you have got to worry about on these taperecordings, members of the jury, are the few words to do with money, to do with the charges.

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I did tell you once before that when you are dealing with taperecordings you have got to be very very careful and if you remember I pointed out to you that there are rules and laws to do with these. I have not got it here, but from memory, it is roughly that as it is the burden upon the Prosecution to prove my guilt to you - I don't have to prove my innocence as such; they have to prove my guilt - and it is just as much a burden on the Prosecution particularly in a case like this, they must prove the originality and the authenticity of the taperecordings, and they know that, and that is why the case started off with people going into the witness box, "Is that your handwriting, is that your signature, is that your tape, did you write on it, when, how, what did you do with the tape after it was recorded?" etc, etc, etc. That was the attempt of the Prosecution to carry out that responsibility to the court.

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Members of the jury, they have not done it. They have failed completely. They have to prove the tapes under two main headings, or two channels, (1) scientifically and (2) the continuity of handling, and that is because tapes are so easily interfered with; it is such a simple matter to take out a word or two, or a sentence, or a whole block of speech, without any trace whatsoever, and as you may know, by taking one word out of a conversation you can change the entire meaning of that conversation. With tape editing it is just as simple to put a word in, or a sentence or a block, and just one word can completely change the whole meaning of that recording, and that is why everyone is so worried about continuity of handling because the Prosecution must try to show to you that there was no possibility whatsoever of these tapes being interfered with. That is why the reporters came along and said, "Yes, I am a reporter; when we took these tapes I took them straight to the Times; I put them in a steel safe to which there was only one key which I kept safely; whenever they were taken out of the safe either myself or Mr Mounter was there; no-one could have touched them; if any senior members of the staff listened to them we were there standing guard", because that evidence was vital to the Prosecution so they could say "Look, you must accept these taperecordings as genuine because there was never a chance to interfere with them." It was vital to the Prosecution that that evidence remained unshaken in any way whatsoever.

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Now, it has been said somewhere that the evidence of the continuity of the tapes is just as good or as strong as the person who produces them. What did we find after some questions of the reporters? You find that it is not quite true, is it, that the tapes were always immediately taken back to the Times and locked in a safe specially provided for that purpose. We find on questioning that in fact some tapes were given out to typists to be transcribed and there was no-one present. All right, you may say, members of the jury, well that is not important. "We did hear something said about no allegations being made against typists of the Times", and it is true, I am not saying any of the Times' typists interfered with these, not at all, but what I am saying is that the reporters originally said they were present at all times, and that is the importance of that evidence, not that there is any allegation about the typists having edited these tapes, the important thing is that the reporters did attempt to say that they had always been present and then the typists then said later, "No, we had the tapes without being supervised."

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Miss Weere in particular, I believe - you heard her conversation being read out. I believe she said something about seven to ten days she had the tapes. Then you had the evidence of the reporters of just one key which was guarded.

A Then Miss Moore says "no, there were two keys, I had one," and so on, and so the reporters' evidence then begins to look a big shaky, and so we go into the custody of particular tapes. You may remember all the business about fourteen copy tapes handed over to the police on the first day, and make no mistake, members of the jury, there would have been no mistake there, not with that article in the paper and all the chiefs of Scotland Yard running around in all directions, people being called from their homes, you can rest assured that that evidence handed over on that day was checked very very thoroughly and it was done very very carefully, and what do we have? We have a statement about the handing over of fourteen taperecordings. Fourteen. We went through them and counted them with more than one witness, but we have fifteen taperecordings before the court. So what happened? So we looked closely at the taperecordings, and the first taperecording, tape number 1 on the list of copy tapes handed over, is shown, to my recollection, on one side the telephencalls on the morning of the 28th, on the other side the meeting at The Rose public house on the afternoon of the 28th.

C Now, in some mysterious way that double-sided tape that is taperecorded on both tracks has now become two taperecordings, tapes 1 and 2, exhibits 1 and 2, and to borrow Prosecuting counsel's expression "surprise, surprise" because both these tapes have a lot of suspicious things about them which might indicate to you that they are copies. On tape 1 we heard scientific evidence which could indicate that tape 1 had undergone some sort of copying process. You may remember the fifteen herz and the cyclic hump and it was explained - I hope that some of you are technically minded and understood all - it was explained that the cyclic hump came in some way from two lots of humps which combined in some way to make a cyclic effect, and it was said that one hump could be there naturally because recording took place in a house off a telephone system, but it was suggested, I believe, that the other hump came on there, or could not have come on there, innocently, and the suggestion is that this may have come on during a copying process. Well, that would fit wouldn't it, members of the jury? If originally on the 28th - and we did hear evidence that when Mr Hawkie went to Perry's house he took with him a telephone recording device and a new reel of five-inch tape, and that is the only tape which will fit on that machine.

F Then we heard evidence that they recorded telephone calls in the morning, and then we heard evidence that they decided to tape up the car and they fitted in a microphone and a Nagra machine and that the Nagra machine and additional equipment was brought out to them at the house, and then we heard evidence that the equipment that was brought out was in fact a seven-inch tape. Then we heard evidence that the lead going from the microphone to the boot had a Nagra connection on it; it was a Nagra lead to plug into a Nagra machine. Then we saw Mr Mounter's notebook in which he talked about the Uher(?) put into the car, or whatever, so it would appear that the mobile was a Uher which would only use five-inch tape, and eventually Mr Lloyd and Mr Hawkie both said that it was quite possible that the meeting on the afternoon was recorded on the second track of the five-inch tape, which fits perfectly with Mr Mounter's list of copy tapes handed over to Scotland Yard.

G So how did this original tape showing telephone calls in the morning and the meeting in the afternoon, how did it get split up into two copies? It is a mystery, isn't it, but it is a mystery only until you look at Mr Lloyd's notebook which I believe is an exhibit in this case, and when you look at Mr Lloyd's notebook, members of the jury - I forget the page, perhaps it is page 35 or something - anyway it is to do with the copying process on the 11th - what do we see? Words to the effect, "This tape was recorded on both sides but copied on to two tapes." That's the answer. That's the answer. So therefore I would suggest to you that both tapes 1 and

A 2 cannot be the originals; they are copies; it has come out during the trial, and copy taperecordings are not allowed in a court of law as evidence unless we hear evidence as to what happened with the originals, which we have not. So immediately that puts tapes 1 and 2 under deep, deep suspicion just on continuity, apart from the scientific evidence, which I will come back to, and what does tape 2 refer to? Well, tape 2 is about the total evidence in respect of count 1, which is nothing, and you may find it interesting to remember, members of the jury, that on that day, the 28th, Mr Perry had a perfectly good Nagra taperecording machine in the boot of his car, presumably in working condition, and he had a radio microphone round his neck with some sort of transmitter device in his pocket which he was in a position to switch on and off, I submit.

B Now, why didn't Mr Perry want to have the first meeting in the car with the Nagra machine? Well, It's obvious, members of the jury, because he didn't know what was going to happen. He did not know what the conversation was going to be about because this was an entirely speculative adventure on Mr Perry's part. He had complained to his friend Mr Brennan, who was a local receiver of stolen property, and he was having a lot of pressure put on him to name the receiver and give him over.

C Mr Brennan arranged, through an acquaintance of his at the Times newspaper, for Mr Lloyd to come on to this business and start this whole enquiry going. We heard that the first day, the 28th, they were sitting in Perry's house waiting for a 'phone call to come from Mr Robson and the 'phone call never came. We heard that at this time, according to the reporters, they were slightly sceptical, they say, and it would appear that Mr Perry was anxious to prove to them that he in fact knew some police officers. There were police officers he could 'phone up and ask to meet. Who were these police officers? Well, any police officers that had arrested him in the past or had had anything to do with him in any way, because Mr Perry must have known, as everybody knows, that any policeman is always only too happy to receive information which is the lifeblood of police work and detective work. Without information very few people would be arrested at all. Everything hinges on information.

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E Mr Perry had no idea what was going to happen when he went to meet me on the 28th. That is why he made haste to jump out of his car and into mine because he was in a position to control what was recorded.

Your Honour, I wonder if I can ask for a five-minute break?

JUDGE STROYAN: Yes.

F THE COURT ADJOURNS

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H MR SIMONDS: The evidence of the reporters, members of the jury, and the first question is why, what was their motive, why did they get themselves involved in this job? If an allegation of a crime had been made to them why didn't they report it to the police? Why did they decide to get in with this criminal and to fit him up with taperecording devices and to encourage him to make telephone calls, encourage him to meet policemen, advise him on how to behave, what to say, how to say it, how to get the policeman into his car, sit there reading a paper. Why? Why did they do all this? Is it their public duty? Do they feel as citizens that they had a public duty to do this, or was it because they were reporters and they wanted to write a story? It is quite obvious, members of the jury. They were after a story, and the more scandalous the better, the more papers they could sell on the strength of this story the better. Make themselves well known, come out of the pool of dozens of little reporters running around, and become known as

the two reporters who did this or that, and it has worked out very well for them; they have built careers on this episode of 1969.

You heard the questions to Mr Mounter about writing a book. That was also in mind, it would make a nice book.

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You also heard some intimation or excuses about why they did not report it to the police. Oh, they didn't trust the police. Well, why not? "Well, several reasons. Well, Mr Perry was telling us such things about the police, we thought they weren't to be trusted." What sort of basis is that for if there is a crime being committed hiding it from the proper authorities, the police, and doing more than that, actively encouraging it?

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You heard evidence from the two photographers, Simms and Grevitt, about the reporters producing money and giving it to Mr Perry.

JUDGE STROYAN: That was not the evidence and you know it.

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MR SYMONDS: Mr Grevitt in cross-examination was led into saying it is quite possible that Mr Perry may have supplied the money to the reporters before he came on the scene, but both the evidence of Simms and Grevitt, on oath at Wells Street Magistrates Court, according to their depositions, and later here on oath - although of course the Prosecution had to pull out all the stops to try and weaken it in some way - their evidence was that the reporters provided the money.

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Then when we look further at the money we see they are brand new; the notes are consecutive, there are numbers 321, 322, 323, 324 - where did Mr Perry get this money from if it is his? Oh, he is a second-hand car dealer. "When did you last sell a car?" "Some weeks before." "Where had you kept this money?" "Underneath the flower pot in my mother's house." "How long had it been there?" "Oh, about three weeks." But, you see, members of the jury, that money had only been printed and issued by the Bank of England, as you heard, I believe some ten days or two weeks before.

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You also heard evidence that Mr Perry suggested he should pay larger sums. Wouldn't it be a good idea to pay a hundred pounds? Why should Mr Perry suggest that? I suggest to you, members of the jury, that Mr Perry was finding it rather profitable to tell the reporters he was going to pay the police fifty pounds and take a bunch of five pound notes off the reporters, brand new notes fresh off the press, go away and have a meeting, come back a little later and say, "Well, I've handed that over."

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I suggest Mr Perry has thought at some stage, "Wouldn't it be better if in fact I could gain £100 a time instead of fifty", so we heard evidence that Mr Perry suggested, "Well, why don't I pay a hundred?" It certainly wasn't because of his generosity to the police officers. I suggest it was his own idea to profit even more from these meetings.

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Then you heard evidence as to the reporters' reply. "Oh, no, no, no, don't do that. It's much better to hand over this money in small sums because then we have more opportunities of taperecording the meetings."

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What is one result of that? One result is three charges with the possibility of six years imprisonment, for example.

JUDGE STROYAN: Mr Symonds, this will not do for reasons you know.

MR SYMONDS: What the possibility?

JUDGE STROYAN: Yes, it just will not do. Now, I would like you to withdraw that.

MR SYMONDS: I withdraw that.

A JUDGE STROYAN: Yes. The reason that has been withdrawn, members of the jury, is that I have already expressed the view, and I tell it to you now, that this is a case for a concurrent sentence and not consecutive sentences. I have already expressed that to the defendant and he knows it perfectly well. He has withdrawn that about six years.

B MR SYMONDS: Your Honour, what I was getting at was when Mr Moody was here, for example, and his criminal record was read out it showed he had been sentenced to eighteen years imprisonment which is a horrific thing to say about a man, but the fact that three of the sentences were concurrent, as far as his criminal record is concerned and as far as his life and future is concerned, he was a man who got sentenced to eighteen years imprisonment as reported in the newspapers.

C JUDGE STROYAN: The effective sentence, as you know quite well, is not eighteen years. Mr Symonds, you must try to stick to the evidence in the case when you are making your address at this stage. It will not do to put before the jury things which were not evidence, nor misrepresent things which were.

MR SYMONDS: Very well. I suggest, members of the jury, that the motives of the reporters are nothing more than what they could gain for themselves out of this and that is some form of advancement in their careers, a scandalous story with their names underneath it, the possibility of a book, and no more than that.

D They were asked why the reporters should suspect the police, or fail to inform the police of this allegation when they first heard of it, and apart from Mr Perry's allegations to them we hear they had good cause not to trust the police. What was that? Well, it appears that Mr Lloyd had at some stage earlier been engaged on a similar investigation which had been stopped in some way which was unclear and I suggested to Mr Lloyd that perhaps he had something against police in general and I would now remind you of the demeanour of the reporters, particularly Mr Lloyd, when giving evidence. E Did Mr Lloyd strike you as a dispassionate, neutral observer who had been carrying out his citizen's duty of dispassionately observing his meetings between Perry and Police Officers and calmly reporting the facts as they were or was he in some way more involved, and I would suggest to you that from the demeanour of Mr Lloyd in the witness box there is something there which is not quite right for a man who has apparently not come into contact with police in any way previously apart from this investigation. How has he suddenly come to have such a bitter and almost compulsive, it would seem, F dislike of police officers. What drives him?

The question also came up of agent provocateur. Agent provocateur roughly is a man who encourages another man to commit a crime. Did you see any of that, members of the jury, any encouragement involved?

G We have heard evidence of reporters suggesting that Perry should (end of sentence inaudible). Perry's statement was read out to you. The reporters suggested Perry should (end of sentence inaudible). It was the reporters' suggestion.

You heard Miss Millard about the reporters. One of them was sensible and one not quite so sensible according to her recollection, slightly imbalanced perhaps.

H Did you think the evidence of the reporters was unbiased in any way, shit, bastard, entirely fitting epithets, Mr Symonds, etc, etc, etc. On what at that stage? This was the second meeting. All they had had at that stage on

which to base these epithets was what is described as 'scattered, unintelligible bits and pieces of conversation' on tape two, exhibit two. Unbiased? I don't think so.

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Now, during the trial, members of the jury, you heard a lot about fifty herz humps and thirty herz humps and marks on the tapes and lack of continuity etc, etc. This, members of the jury, is the truly vital and important evidence in this case, not, as the Prosecution submit to you, what is said on the taperecordings. Anybody can do anything with a bit of magnetic tape. All you need it a pair of scissors and a bit of scletape, or if you are more professional perhaps a demagnetized razor blade or whatever. That is all you need, and this is known. Everybody knows this, that taperecordings are the most dodgy form of evidence that you can imagine. To put a man on trial and just about the only evidence you have got to offer are strips of magnetic tape in which a conversation appears to take place is a very risky thing because that conversation can be altered out of all sense very simply, and so, as I said before, this is why the continuity of the handling is so important and so there was never opportunity to make such alterations, that is the point of that; and the second point is the scientific evidence, where you get experts to look at the evidence and see if they can find anything wrong with it.

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Now, when this enquiry first started, quite rightly Mr Lambert and his seniors decided one of the first things to do was to get hold of the original recordings - if you remember there was a bit of a dispute about that; they were given the copies in the first place - but they insisted on having the originals. Why? Because it is the originals that must be sent for scientific examination. Now, where better to send taperecordings than to their manufacturers, EMI, and that is what they did. They sent off these taperecordings to the manufacturers, EMI, and EMI put their tape scientist on to studying them. That was Mr Taylor who was at that stage the chief Prosecution witness against me if he found these tapes to be original and authentic; he would have been the number one witness for the Prosecution; they would have based their case on him more or less to support their evidence.

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Not only do the tapes go, but sensibly and naturally there must be the history of the tapes to go with them because, as we have heard, scientists who are going to examine taperecordings must know how they are alleged to have been made. Were they made on a battery-operated machine or on a mains-operated machine? Why is this important, you may ask and I may ask. Well now, we hear it is very very important because if, for example, a taperecording is made in a room and the recording machine is plugged into the mains, you might find a certain hum coming on the tape which would be the fifty herz hum we have heard about which plagues the life of professional sound recorders and such.

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Also the scientists would want to know something about the tapes. Are they alleged to be brand new, virgin tapes, or are they alleged to be rotten or second-hand tapes or what? They must know these things in order to make a full scientific opinion, and so the original, or the alleged original tapes, plus their alleged histories went off to EMI, to Mr Taylor.

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Now, their alleged histories at that time were that - you have heard the statements, you have heard me taking all the witnesses through their original statements - were that on each and every occasion brand new virgin tapes were used. That was the original evidence, and further than that: "I was present when the plastic wrapping was unwrapped and the tape was unsealed and I watched it being placed on the recorder; I was present when the taperecorder was switched on, and on some occasions I locked the beet and later on I unlocked the beet and I was present when they were taken off, and in most cases, or nearly all cases, the taperecordings were signed as they

A were taken off; in some cases, even further than that, they were signed before they were put on, and then after removing these taperecordings, playing them back once in the presence of Mr Perry or whatever", which I will come to later, "they were taken off the the Times building and locked in a Times safe specially provided for this purpose, to which there was only one key" etc,etc, etc, what you might call cast-iron evidence.

Cast iron because if that was true, if these tapes were virgin tapes, brand new, that had been employed in that fashion and had been kept in that form of security, that is continuity of handling as per detective training school, London. Perfect. Couldn't ask for better.

B Very well, off they go with this history. When Mr Taylor looks at these tapes he is looking for, as he described to us, something called 'continuity'. Is the recording continuous or not? What does he mean by that? He means when you take a brand new taperecording and you unwrap it out of its plastic bag, rip the bag open and pull it off, virgin or factory-fresh tape, there should be a noise on that tape which complies with its history, ie a virgin or a factory-fresh noise which is a very low noise level, then you should hear the sound of the recorder being switched on; then there should be a continuous recording, the sound of the car driving off, the sound of the car stopping, maybe some music playing, the sound of the other person arriving, the sound of the conversation, the sound of the other person departing, maybe the radio switched on, the car started up, maybe a little driving, and the sound of the recorder being switched off; then following on from that you should have once again virgin tape noise, factory-fresh tape noise.

C Now, according to Mr Taylor, that is a continuous recording. It need not be recording throughout the full length. That is his idea of a continuous recording.

D Now, if he finds anything odd in these recordings, such as unexplained breaks, unexplained drops or rises in background noise, unexplained clicks - and a click, members of the jury, is symptomatic of editing, or editing incompetently; if you don't edit at 45° with a demagnetizer or whatever, you might get a slight click noise as it passes over the head. Anything like that is going to raise Mr Taylor's suspicions, and on these tapes he found on nearly all of them things, phenomena shall we call it, which raised his suspicions, because taking the phenomena he found - and he didn't find these hums at that stage I believe - because he found enough of other phenomena on various tapes, for instance breaks in transmission and such, which caused him to come to the conclusion that these tapes did not accord with their histories. They were (a) not continuous recordings, and (b) not authentic.

E F Mr Taylor spent nearly, as we have heard, nearly two years on and off with these taperecordings, examining some, being sent others, being sent some back, and eventually, as we have heard, Mr Taylor refused to sign a statement sent to him by the director of public prosecutions to say that in his opinion these taperecordings were authentic. This was a serious blow, members of the jury, to the prosecution because they are basing everything on taperecordings; they have been sent to EMI and the EMI expert has come out against them. Amongst the phenomena he found on tapes were some which could indicate some form of editing.

G H So what do the Prosecution do now? Well, by now you must remember, members of the Jury, Mr Lambert had left the enquiry and had handed over to Mr Moody. What did Mr Moody do about this? Mr Moody, it would appear, decided to look for another expert who might perhaps be of a different opinion to Mr Taylor. Now, I don't know the names of the companies, but I should imagine there are companies similar to EMI, with a similar set-up, but perhaps under different ownership or management. Did he get one of these companies, HMV

er whatever, or Sony? No. He went to the Home Office employee in fact, a scientific officer working in the Home Office Speech Research Laboratory and asked him to look at them, but, you see, Mr Hide, for that is who it was, was not apparently told the alleged history of the taperecordings.

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JUDGE STROYAN: Do you think you can deal with Mr Hide's evidence after the adjournment?

MR SIMONDS: Very well, your Honour.

JUDGE STROYAN: I take it you will be able to conclude your address today?

MR SIMONDS: Yes, your honour.

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I certify that I took shorthand notes in part of the trial R -v- SIMONDS and that pages numbered 1 - 19 are a complete and accurate transcript of my shorthand notes to the best of my skill and ability.

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R. Jayla.....

Defendants Closing Speech Continued.

A HIS HON. JUDGE STROYAN: Yes.

B MR. SYMONDS, DEFENDANT: Members of the jury just coming on to the subject
of Mr. Hyde who is called as an expert by the Prosecution after the main
expert EMI scientist Mr. Taylor who is obviously going to become an expert
C witness for the Defence, bringing to your notice the importance of
providing a scientist/expert with the full background alleged history of
the tape recordings he is going to examine. He will want to know whether
they were new virgin tapes, or second-hand, or whether they had been
D recorded on before, or whatever in order to make out a thorough
examination - and why is this? Well we heard from the experts that as
far as they are concerned (these are the experts in magnetic tape-
E recordings) recordings must be examined as an entity, it is vitally
important to study the whole recording and that is not just the speech
section in the middle or wherever, but it is important to examine the
recorded sections before and after the speech sections. It is particularly
important also to examine the unrecorded sections and that was why Mr.
Lambert insisted that the Times handed over the alleged originals to the
F police. If you recall they started by handing over copies. Now Mr. Taylor
examined the recordings and decided that in his opinion they were not
authentic - he could not say they were authentic recordings. And so the
police you might think might leave it at that because if the tape
recordings weren't authentic then the bulk of their evidence if not all
their evidence so far as the Prosecution is concerned is finished.
But they decided to send the recordings to another expert - Mr. Hyde.
Mr. Hyde is not and did not pretend to be an expert on magnetic recordings
he is an expert of speech. And we heard from Mr. Hyde that he did not
G receive the history of the tapes and in fact he did not receive the
original tapes. If you remember, his evidence was that he was brought
copies and he made his own copies from copies. He later made copies from
the originals we understand. And then he proceeded to listen to the copy
he had made of a copy, listening very carefully to the speech content to
see if he could find obvious signs of editing. The examples he gave were
truncated words or such things as that - where a word has been cut in
H half by bad editing in fact. But we have heard from the experts that in
fact it is a very simple matter to edit tapes. An ordinary person, not
a skilled engineer - an ordinary person can edit tapes using a little
bit of commonsense and a modicum of expertise which is available in any

taperecording magazine.

A HIS HON. JUDGE STROYAN: Mr. Symonds you should be a little careful. The evidence of Mr. Hyde was that he had examined the original tapes and copies he made himself.

B MR. SYMONDS: I am talking about the beginning Your Honour, he said he listened to copies, he made copies. Later on he examined originals, jumping ahead, when the defence experts had pointed out to him he had found phenomena. But in the beginning Your Honour and this was up to 1971 he examined as I understand him to say he listened very carefully to the copies he had made.

C And we have heard it is impossible to discover whether a tape has been edited or not by simply listening to a conversation recorded. The experts do it, as we have heard by examining the tape as an entity and looking for various forms of phenomena which should not be on that recording for example. If for example the recording is made upon virgin factory fresh tape. Now the Defence obtained experts Mr. Ford and Mr. Killock who you may think to be very skilled and very qualified in two directions and that is in experience and scientific qualifications. And on examining the tape recordings these experts found that they contained phenomena which was not possible if it was true that those tapes, those recordings had been made on virgin factory fresh tapes. Now I am talking about the 50 htz. hum, the 30 htz. hum and also they found marks upon the tapes. Now as we have heard the 50 htz. hum is the sort of thing that comes on a tape if it is made by a mains power supply or if it is copied for example by a mains power supply or near a mains power supply. And the evidence given in this case by the Reporters is that with the exception of tape number one which was recording the telephone calls, all these tapes were made on battery operated machines literally out in the open air - in car parks for example. And yet there was found upon these tapes a noise which could only come if that tape had been made plugged into a mains - or if in fact that tape was in fact a copy.

G Now why is the matter of copying so important? Well it is important because if a tape recording is made and is edited it must be mutilated. It must be physically and actually mutilated - that is bits cut off or bits stuck into it. Or it is mutilated from the continuity point of view and that is by means of erasure. Now the evidence of the Reporters

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A to the Police had been that all these tapes had been factory fresh virgin tapes. And straight away of course it was realised when tape 3 was looked at that that was a tape that had been used on at least two occasions. It was put to Mr. Hawkey and I believe he said at the time it must have been a mistake but apart from that all the tapes were virgin factory fresh tapes and all made on battery operated recorders.

B So how could this hum have come on to these tapes under those conditions? The answer is it's impossible, they could not have come on under those conditions.

C Now we have had a theory put up by the Prosecution that in one case the hum came onto the tape via the television transmission tower, and the fact Mr. Perry when giving evidence remembered he happened to drive under a television tower on his way back to Peckinham, and the proposition was maybe the hum came from there. But I think that proposition was totally flattened to your satisfaction members of the jury. I suggest that was just a wild shot in the dark, it was clutching at straws. And the fact that the prosecution would put up such a theory shows the importance to their case of those hums. Because the Prosecution realise, as well as everybody else, that the fact these hums and such are found on these tapes casts serious doubts of their originality and their authenticity. And if serious doubts are cast upon their originality and authenticity, if you have any doubts whatsoever members of the jury that something isn't quite right and these things should not have happened then you must put the tapes out of your mind when you come to decide this case.

F So this phenomena was brought to the notice of the Prosecution and the Prosecution experts. And apart from the theory of the television tower what have they offered to account for this phenomena, for the marks? What do the Prosecution say about the marks? Well, nothing really. It was suggested I believe by Mr. Lloyd that the marks might have been put on when the tapes were in Police custody at some stage. But I don't think the Prosecution are seriously relying on that or relying on you to believe that. What excuse have the Prosecution for the 50 htz. hum and the 30 htz. hum on the other tapes in this case apart from tape 13 - nothing at all members of the jury. Northing at all. None of their scientists have stood up and said anything about it coming from television towers. The nearest we've got to it is that the Prosecutor says that he accepts the

A tapes 3 and 5 were not new tapes. Well he accepts that but his witnesses don't. His witnesses say and have always said that tape 5 ... Hawkéy says it was a new tape. And they say well if you accept that we accept it wasn't a new tape, so a Prosecutor is saying my witnesses are telling lies, is he? Then how does that effect the hums and the pauses? Well it doesn't. It doesn't effect it at all because the idea being if tape five wasn't a new tape and had been used before how does that account for the phenomena found upon it. It doesn't account for it at all because B if it had been used before and the back end of the conversation recorded, which you see on your transcripts, made according to the evidence in the 'normal way' on a battery operated machine in the back of a car, then if it was used again in my case and made in the 'normal way' on a battery C operated machine in a car there is no excuse at all for the phenomena that is found upon the tape - the mark or the phenomena.

And if these tapes or any one of these tapes doesn't come up to absolute scratch members of the jury then you must have doubts about all of them. D Because as we heard quite clearly from the witnesses it is very difficult if not impossible to find evidence of editing on a tape which has been even competently edited but by use of very complicated machines and what not it may be possible to find something suspicious such as 30 or 50 htz. hum which is evidence of the fact that that tape is not as described - it cannot be a virgin tape, factory fresh, unwrapped, recorded upon and kept E in a safe place. And if you think only one of these tapes is just too suspicious to be able to put a shred of belief or reliance upon it then you must also suspect all the other tapes members of the jury. Because the evidence is the same for the lot of them - they were all brand new tapes used in this fashion, kept in this safe place (in this safe).

F The other important thing of course so far as the tape recordings are concerned is the continuity of handling. As I have described before, this is important particularly to show to the Court that there was no G chance of editing these tapes in the way I mentioned before - that is where we had all the rignarole identifying writing on spools and boxes. But as I have pointed out the writing on the boxes means nothing at all. The Prosecution have identified the spools and boxes but not the tapes. Then we have the wrong tape in the wrong box, the tapes with unmarked leaders. We find boxes turning up with things crossed out on them which H indicates they may have been used for another purpose at sometime.

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Then we heard evidence that copying procedures/rules were followed where brand new tapes were withdrawn from the spools, the boxes opened, the spool put on a machine and the spool put back in their boxes. Now what is this, is it incompetence or is there something else connected with it members of the jury? But certainly it doesn't show the careful, meticulous, scrupulous attention that the Reporters in their evidence in chief claim to have paid to these tape recordings, to have cared for them in fact like bullion. How can they have opened new tapes, recorded them, guarded them in such a fashion and how can they come before this Court in such a fashion - mixed up, suspicious things upon them which show signs of copying. That's why it's so important the continuity of handling members of the jury. And as I said before once we find the continuity of handling we find all sorts of gaps - we find it is not quite true they were kept in a steel safe. We find that Mr. Lloyd may even have been in the habit of taking tapes home with him. We have heard Mr. Lloyd may have made a film and there was a sound track on the film. That has only come out in the last few weeks that revelation. - It's always been from day one they were kept in conditions like Fort Knox. So there we have in the case of the first couple of tapes the possibility to edit and that is very important. Members of the Jury, Mr. Lloyd has taken the tapes home he has had the possibility to edit, to snip out any embarrassing words here or there. Continuity of handling accounts for the evidence we've had of copying. On the one occasion, evidence in chief, Mr. Lloyd went there and carefully took notes of seven tape recordings. On another occasion the other seven were copied. Well that's interesting isn't it. Two occasions of copying - seven the first time and seven on the second. Seven and seven is fourteen. But we have fifteen tapes here. But fourteen tapes were handed to the Police and when they handed fourteen tapes to the Police they handed evidence to show how fourteen were copied. When was number fifteen copied? When and how?

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Well members of the jury remember Miss Millard and what she had to say. She took part in these series of observations but was not called by the Prosecution. You may think one of the main reasons why Miss Millard was not called by the Prosecution was that throughout, from the time she made her statement to the Police she has said that on every day after we made tape recordings we went back to Location Sound Facilities and copied them and you may recall that this was supported by Mr. Hales.

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So what facilities did you have at Location Sound Facilities? Well, you

A have sound proof cutting rooms, ten of them where editing was going on
all day. You had Mr. Hawkey who is capable of editing. I am asked to
say who do you accuse, who do you accuse. I wasn't there, I wasn't looking
over their shoulders. I am just saying there were people about who were
B capable of editing. They were in sound proof cutting rooms with all the
equipment and facilities - although all that is needed is a razor blade
and a bit of selotape, let's face it. Now why didn't the Reporters tell
us in the first place after making the recording during the day they used
to go back to Sound Location Facilities and copy them. It is only common-
sense if you think about it, if you take a tape recording that you think
is very important and you are going to transcribe it, after all it's only
commonsense to go and get a copy straight away you may think. But no, they
C decided to leave that bit out. Why? Because members of the jury that
gives them the time, the place and the opportunity to edit if they are so
minded. That is why they never mentioned this business of going to
Location Sound Facilities overnight/every night to make copies. That is
why this story was cooked up, in my submission, about only copies made on
D two occasions under strict security precautions.

And then we heard about the safe at the Times. Where was this safe? -
It turns out to have been a filing cabinet in the main news room which
is described as a huge news room full of busy people no doubt. And that
is where the tape recordings were kept and that is where they were
E transcribed apparently. But the original evidence was that there was
one key and they were kept more or less directly under the control of the
two Reporters. It later comes out that Miss Whoore for example has
another key and has more or less control of them for seven to ten days
or so.

F Alright, that's the custody of the tapes till they are handed over to
the police. Then we have a period of years in which they have been in
the custody of the Police. And in respect of this we hear evidence from
Mr. Osborne and others, Mr. Collins, as to the cautions they took and the
G fact that there was only one key kept by Mr. Osborne or Mr. Collins or
Mr. Vernol not exactly around their neck but handed from one to the other.
And if any senior officer wanted to see these tapes he had to go to
Mr. Osborne or Mr. Collins who would produce them from this cupboard and
stand guard over them. Well that is all very commendable if that is
H what happened. But then we hear later on, not one key - there were two

A keys. Who had the other key? Well the Officer in charge of the case. Who was that - Mr. Lambert. And who had it after him, - the officer who took over after him who was Mr. Moody. Where were these tapes kept - in a cabinet, in Scotland Yard, something like that. What colour was it - green says one - grey says another. What sort of cabinet was it - any old cabinet.

B So there's two keys, one in the possession of Mr. Osborne for example and one in the possession of Mr. Moody. Because you must remember Mr. Lambert went off this case in rather strange circumstances after just a few months. Do you remember the question of whether there was an argument or not came up. I suggest there was an argument and I suggest C it was about this case. So the custody of the tapes then is handed over to Chief Superintendent Alfred William Moody and that is from about four months from the opening of this case in November for the following two years or so. That is one man who had the custody of these tapes and as you've heard he was later sentenced to a total of eighteen years D imprisonment.

HIS HON. JUDGE STROYAN: Mr. Symonds I think even your own experts have commented about these tapes, Mr. Taylor had them examined in January 1970 and I think one of your other experts said he saw them first in December, 1969.

E MR. SYMONDS: Your Honour the words which have come up in the intervening years have magically appeared out of what used to be called garble and indecipherable and some have appeared from tapes which were described as not recorded. This has been pointed out to the Jury and there is also the fact Mr. Moody decided to do the transcripts himself. We then hear from Mr. Osborne and others about how they took the tape recordings everyday to E,I and took them away at lunchtime and back to their safe place at Scotland Yard overnight. So they are in a filing cabinet in Scotland Yard everynight, and Mr. Moody has a key.

F But Mr. Moody says no my recollection is different, my recollection is they were taken to EMI and left there for three or four days ... months. Implying that he had no chance to get at them because they were at EMI, so which is the truth. Has Mr. Osborne, Mr. Collins and Mr. Vernol made up their evidence or is Mr. Moody's memory incorrect. And if it is G incorrect, why? Why did Mr. Moody suddenly think the tapes had gone to EMI and stayed there for three months or so.

H Perhaps the police were being a bit too keen. We heard evidence from Mr. Collins about how tapes had never left the office over a long period

A I am just saying the fact is that perhaps these tapes were not being looked after in such a cast iron fashion as the Prosecution would have you believe.

B Members of the Jury you must be absolutely sure when you think about these tapes that before you accept them you have got to be absolutely sure in your own mind that they can only be the true authentic, original tape recordings and to be sure of that you must be sure of their history, the fact that they were or should have been guarded like bullion from day one. And the tape recordings are just as reliable as the people who produce them. And apart from may I say the lies that we got out of C the Reporters, I would suggest that reliability also hangs on other matters. Reliability hangs upon care and preciseness in dealing with matters. So then the Reporters say, yes before Mr. Perry handed over D money we wrote down the numbers on this bank book all the bank note numbers and any money that Mr. Perry had left over was written down in my pocket book. Then we look at the numbers of this money and we find that Lloyd and Mounter have both recorded the same numbers. Lloyd says E I'm right, this was the money kept by me. Mounter says, no Lloyd must be mistaken/wrong this was the money that was handed over. What sort of precision is that members of the jury. What sort of exactness is that.

F Then we have the business of the note books. They came here allegedly contemporaneous notes made at the time etc. And a very brief cross-examination shows quite clearly that they are not contemporaneous notes made at the time. So where are the contemporaneous notes made at the G time. Mr. Hawkey scrapped his and Mr. Mounter has lost his. What sort of preciseness is that when they stated that they had in mind at all times the importance of making marks upon these tapes and they were being very careful and they knew they would have to give evidence and such. Mr. Lloyd insists the note book he produced is the contemporaneous original note H book but when you look at that note you can see it couldn't be. And it was as I put to Mr. Lloyd concocted at some later date. Because I suggest to you members of the jury that at some stage during this enquiry someone with some legal knowledge, someone with knowledge of what a Court would want to know about advised these reporters. I suggest they were advised along the lines of what they should have done was to have searched

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searched Mr. Perry immediately before and immediately afterwards and should have made contemporaneous notes at the time. They should have asked Mr. Perry about what was said before playing the tape recordings back to him. They should have recorded the numbers of the Bank Notes. I suggest these Reporters received advice to that effect at some time during the enquiry.

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HIS HON. JUDGE STROYAN: Mr. Symonds there is no evidence of that at all. You know as well as everybody else it is quite wrong to address the Jury on that basis.

MR. SYMONDS: It was put to the Reporters.

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HIS HON. JUDGE STROYAN: It was not accepted and that means there is no evidence about it.

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MR. SYMONDS: I would suggest that the evidence is plentiful. There is evidence of the muck-up over the Bank Notes numbers including Bank Notes only just issued a few days before, both the Reporters showing the numbers. There is evidence of Mr. Lloyd's note book itself which is quite obviously not contemporaneous. Comparing the note books to the statements to the Times it is quite obvious the note books were made in Mr. Lloyd's case after the statements to the Times because the note book contains important things, words and sentences of vital importance which do not appear in the statements to the Times and the statement to the Times is alleged to have been made up by using the note book as a reference. I would suggest it is the other way around. And looking at the dates on the statements to the Times you can see they were made in fact quite late in the enquiry and there is no way those statements were made on the day as stated by the Reporters. It all goes to show members of the jury that there is something very fishy about the whole business. Something stinks, it's not quite right.

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You heard a lot of talk about cover ups and all the rest of it. Yes, there is a cover up going on here and you are not allowed to know about it. I suggest this could lead to a miscarriage of justice. I have tried hard enough, as you know, to get out certain facts which I consider relevant. Alright, I have been stopped so I say it's a cover up. I say it is relevant for example Mr. Thompson's criminal record is relevant - I'm not allowed to bring it up, I'm not allowed to prove it and so on.

HIS HON. JUDGE STROYAN: I have no idea who you are talking about but there is no evidence about anyone called Thompson.

MR. SYMONDS: (inaudible)

HIS HON. JUDGE STROYAN: I've told you there is no evidence about that.

MR. SYMONDS: Your Honour you know I applied to you as a practice direction and whenever I mentioned Thompsons name I was jumped on and told it was not relevant.

HIS HON. JUDGE STROYAN: And a number of other things.

MR. SYMONDS: I made an allegation to Mr. Moody that he had concocted this case against me in return for a bribe from Lord Thompson and that is exactly what happened because I was clear of this at one stage and suddenly the case was reopened under Mr. Moody and it is decided that I am to be convicted. Why? That is what the row was about and much else members of the jury. If I am convicted having been refused permission to defend myself fully and properly I shall spend the rest of my life having a conviction against my name and fighting the conviction, standing outside the High Court to try and take out actions and reopen the case. But I think members of the jury that it may not be necessary because you see, there is no way in which you can accept, truthfully, looking in your hearts, there is no way you can accept these tape recordings as unblemished, true original, authentic recordings. No way at all. And if you cannot accept the tapes as true original authentic recordings you must ignore everything that is said upon them - rubbish talk. The one or two references to money which has mysteriously in the main appeared after the Times had handed them over. You must put them all out of your minds members of the jury and you must consider the other evidence, which is what? - Mr. Perry was searched before he went to a meeting and the numbers of bank notes were taken. Mr. Lloyd and Mr. Mounter joining on some occasions and after that Mr. Perry sat in his car for twenty minutes down the road and they all went off to a public house and had some drinks. And some time later Mr. Perry was taken and searched. And that is offered as evidence, the search taking place after the first meeting for example. And the evidence of the search taking place after the third meeting for example as Mr. Perry sets off in his car and disappears for half an hour and he eventually turns up in an address in Beckinham. Whether or not he is searched then, no one knows but if he was after turning up at the address in Beckinham the evidence in this case about searching is totally worthless.

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What other evidence at the end? Only the word of Mr. Perry himself, which members of the jury is not worth a light. The Prosecution say you must have corroboration. The Prosecution struggle. At one stage to say there is corroboration on the next tape Mr. Perry says I've got another fifty pounds of whatever or another 50. Well that of course cannot be corroboration. So what do the Prosecution do then, they fall back desperately clutching at straws and say well we no longer say Mr. Perry is saying I've got another 50 as corroboration but Mr. Symonds says "Yes" which is accepting in some way that Mr. Perry says there's another 50 and therefore Mr. Symonds is in fact corroborating.

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It is very weak members of the jury. What other evidence is there? Well that's it isn't it, nothing at all. Evidence of the favour, what Mr. Perry says and that is about it members of the jury without those taperecordings there's no evidence left in this case I think no one would argue with that. And the tape recordings you cannot accept. You cannot accept because of the scientific evidence on them which the Prosecution have not succeeded in accounting for in any way. Fifty htz. hum, that means when that tape recording was made there was the recorder plugged into the mains supply or sitting under a heavy duty cable or whatever. The evidence is when the recordings were made they were made on battery operated recorders out in the open air. 30 htz. means that tape was not a brand new virgin tape recorded under those conditions as far as I can see it. I'm hoping some of you see a bit clearer what 30 htz. means. I'm by no means technical. The marks means that someone has been making marks upon these tapes - it is simple as that. Who? Why? If they were brand new virgin factory fresh tapes taken off the machine and locked in the safe at the time how did the marks get on? The experts explain the marks are editing marks - they came at places where if you were going to for instance make those tapes a little bit better for example on two of the tapes we have heard evidence that they are not, obviously not, factory fresh virgin tapes because one of them is following on from another recording made on a different day and the other one is followed on from the remains of a recording made on a different day. And those marks are made just where someone would make a mark if they were going to move either the first or second part of the recording. What would they do with the remains? Well we've heard a 30 htz. comes onto a tape recording if you are cleaning it in a special way with a spacer (inaudible) mechanically you get left with a higher noise level that you

A would have or should have on a virgin tape. But if you turn the tape inside out or put a spacer in you then clean the tape but it could pass as a virgin tape to someone listening to that tape. But fortunately for us, fortunately for me, unfortunately for whoever was tampering with this tape, it would seem that this person did not know about this tell tale 30 htz. hum or tone bursts which is left on a tape which is cleaned in this way.

B So therefore I suggest that these tones have come on to these tapes because parts of them have been wiped out and it has been hoped the parts that have been cleaned will pass as factory fresh noise.

C Your Honour, could I ask for five minutes here to see if I have forgotten anything.

HIS HON. JUDGE STROYAN: Yes.

(BREAK)

D MR. SYMONDS: Members of the jury I'll only occupy your attention for two or three minutes. There are a couple of points I had forgotten and I would like to remind you of. The matter of tape three and the mysterious way in which tape three has a recording of a telephone conversation on the 30th on one side and then recording on a meeting either on the 30th or E 31st on the other side occupying the first half of the second track and then the recording of this meeting (or alleged recording of this meeting) occupying the second half of the second track. I would like you to ponder as to how this could have happened, how this tape could come into F existence if the Reporters original evidence was true. Their evidence was of carefully marking tape recordings and taking them away to a safe place immediately they had been recorded. Following on from that I would like you to wonder why, if they were supported by the facilities at G Location Sound and they could get whatever they wanted at any time, how did it come to pass that the recording of a meeting of unknown length should have been set up on the second half of the second or last track of a tape. As this tape also has indications of copying on it I would suggest that there is a very easy possible explanation and that is if you have got say twenty minutes of tape time left you know, for example on H the last half of the last track of tape and you've already recorded elsewhere a conversation lasting for ten minutes and you want to copy it

A I would suggest that then it would not be so unusual to put a recording
of that meeting on the remaining bit of tape knowing full well you have
enough tape to cover it. In which case you must wonder what happened
to the original tape and you must remember tapes three and five were
the ones taken when the photographer walked past in front of the car
with the camera round his neck and what I alleged to Mr. Perry there was
conversation about this photographer which does not now appear on any
B tape recording.

C Tape two is also interesting members of the jury. Here you have a five
inch tape set at a speed of $7\frac{1}{2}$ i.p.s. which will apparently run and
record for a period of sixteen minutes and the evidence is this tape is
switched on sometime after five o'clock whilst going to attend a meeting
due to start at half past five. Well if that is true, a true original
recording, that is just sheer crazyness, surely, because any sound
D engineer should know that tape is going to run out probably even before
the meeting even starts. And tape two of course is the other half, I
submit, of the missing original tape that had the telephone call on one
side and the conversation on the other.

E Tape five members of the jury is another interesting tape. This is the
tape which was supposed to have been a new one - virgin factory fresh, etc.
according to Mr. Hawkey. A new one according to Mounter. I believe Lloyd
said he was not present on the setting up on this day. According to
Miss Millard new tapes were always used. Now why should tape five be
recorded on a tape which has the remains of an old recording on the end.
That does not make sense either. All I suggest to you is that that
F recording was made that morning, allegedly, judging by the conversation
which follows on the end and given back to Mr. Hawkey and taken back to
Location Sound Facilities to be put through the bulk eraser and cleaned.
And we know about the mix up with boxes and what not. I propose a theory
to you and it is only a theory because I wasn't there which seems to make
sense. Possibly the original tape 5 may have been copied on what was
G thought to be a new tape which was in the laboratory at Location Sound
Facilities which may well have turned out to be not a new tape but one
which already had a recording on it and hadn't been cleaned. That would
account for the present condition before the Court of tape 5 exhibit 3.
And it may well account for the mark on the back when somebody eventually
H realised what had happened.

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So members of the jury covering the first meeting, that's tape two, - a very strange tape. A five inch tape set at 7½ to run for 16 minutes. Very strange. And there's nothing of interest or of use on there anyway - that's the evidence for Count One.

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The evidence for Count two - tapes 3.b and 5 both very very suspicious, very strange, neither tape makes sense. And tape 3.b. Why does it start just there? Mr. Hawkey said it was an accident. Accident! - that's a very serious accident. Any accident which might lead to such things I would say is very serious, because accidentally the beginning of my conversation erases the end of the conversation of the Robson and Harris case which on their back up or matching tape, tape 4, contained the most suspicious set of things on the whole set of tape recordings. In other words Mr. Taylors words "an obvious edit sticks out like a sore thumb" - that's very strange I would suggest that my tape 3.b. should start off in such a way - no switch on or switch off noise. We've heard evidence of how they must have done it, putting the tape on and winding it back by hand to a point just before the suspicious point used to exist if tape 3.a was a true copy. What do we find there members of the jury? A mark. And this doesn't fit in at all with the Prosecution evidence what they would like to have you believe about these meticulous young men, meticulously opening brand new tapes etc. etc.

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Then we come to the last meeting. Now this was the one with the tapes 13, 14 and 15. And 15 we are told is too bad to be examined in an expert fashion. The recordings are in too bad a condition. Unfortunately for me they are both tapes which record throughout the length of the taperecording. What does this mean? It means it is switched on at the beginning and the tape is continuous right to the other end. This is very unfortunate for the defence experts because it leaves them no where to look to see the suspicious things they have found in other tapes. You see the suspicious things they have found they have found by examining the tape as an entity and found it on the alleged virgin part of the tape before or after the recording. So on tape 14 they could find nothing wrong with it because there was no where to look for anything wrong anywhere. And as we've heard many times over anybody even or a moron level with just the slightest education in tapes can learn to edit and be sure of it never being discovered, providing a copy is made of course. So the experts could find nothing on tape 14 because they had nowhere to look. And they

A should have found nothing on tape 13 either because that's recorded throughout its length. But unfortunately for the Prosecution there were some breaks in transmission or breaks in tape 13 where for some minutes the transmitter hadn't been transmitting or something like that. And then lo and behold what do the experts find in these breaks on tape 13? Hum. 50 htz. hum which comes on when copies are made.

B Now you saw the efforts the Prosecution have made to repair the facts about that one. I won't go on to them, but the other thing about the 21st November the last meeting, is the mysterious piece of tape 'X', the business about that. We heard that four recorders were set up, two in the car, one on Mr. Perry and one on what was called the mobile Nagra that was in the car of Mr. Hawkey and Miss Millard. We heard evidence C from Mr. Hawkey that he monitored that conversation and that means he sat in his car listening to the conversation through headphones as it was being recorded on to the tape recorder. Now that tape had been in existence it would have been the most important one for the Prosecution because it would have been the only case apart from the telephone call D where someone said they listened in and heard what Mr. Perry was saying. That would have been the only occasion when independent people, and I do say Mr. Hawkey and Miss Millard are independent in this case. Lloyd was after writing a story and Perry was after getting any policeman into trouble (inaudible). But Mr. Hawkey was there as a sound engineer just getting his weekly pay of whatever it was. There was nothing in it for E him, neither a story nor getting rid of local policemen if they were getting too close. What happened to that tape members of the jury? It's never been explained. Mr. Hawkey said it recorded. One of the Reporters in one of their statements said it was broken up in some way. And even under re-examination or cross-examination Mr. Hawkey was still F standing by that - that tape had recorded, he had listened to it. And when bits on the end of tape 13 was put to him about switching something off or switching something on - no, he was quite sure that tape recorded.

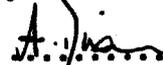
G I suggest that tape did record. Why because we find the box of it. Do you remember copy tape one now an exhibit in this case. I would like you to look at that box members of the jury when you retire. You will find those words about the Grove, November 21st mobile nagra, master. Why 'master'? Maybe it was a copy as well, who knows, that tape does not exist now. Why should that tape disappear, surely not because it was H

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broken up because there is other tapes in as evidence which are broken up - tape two is broken up, broken up to become unintelligible. There is no sense whatsoever in it. It is a mystery members of the jury but it is the sort of thing that should not happen and must worry you. Where is that tape, why is it not produced before the Court? Is it because Mr. Hawkey or Miss Millard might turn around and say what happened to that bit, or I don't remember that bit. If the tape is missing there is no chance of that, is there - that's something to think of members of the jury.

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There has not been proper care taken over these tape recordings, they have not been handled in the proper fashion to satisfy this Court or any Court in this land to the strict rules of continuity of handling. These tapes have been edited, words have been cut out, words have been added. The Prosecution hoped to show that this could not be so because the tapes had been so heavily guarded and kept in such a strict fashion that there was never any chance of doing this. Well members of the jury there was plenty of chances of doing that either by the Reporters or Superintendent Moody or both. There were plenty of chances of doing so, so the continuity of handling has failed. On top of that the scientific proof of originality and authenticity has failed members of the jury. You must, on consideration, reject these tapes as evidence to consider even and having done that members of the jury there is not much left, not much worth considering anyway.

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Members of the jury I would like to apologise to you and to apologise to everyone in this Court in fact if my behaviour has been in any way obnoxious or rambling or boring or whatever but I am not a trained lawyer and I'm trying to defend myself the best I can under conditions of great difficulty and I have been in ill health which has meant I have been in a state of more or less constant exhaustion. I apologise anyway.
Thank you.

I certify that I took the shorthand notes in the case of R. .v. Symonds on 13th April (late afternoon) and the pages numbered 20 to 35 is a complete, true and accurate transcript of the said shorthand notes according to the best of my skill and ability.


A. Dixon

21st Oct. 1984