275. In my view the conflicting and confused state of the evidence renders it impossible to prove beyond reasonable doubt that police observed the attack on Mr Hamill and D and did nothing to assist.

276. Similarly the evidence in my view dos not demonstrate that prior to Constable Neill being pulled through the landrover door police were aware that any conflict was taking place behind their vehicle or that there was an immediate risk of a conflict of such a serious nature taking place. Their evidence in relation to persons walking up Market Street/High Stret from the direction of "Boss Hoggs" is that they were in groups perhaps 4 or 5 and were well behaved if somewhat noisy, but not threatening.

277. This is not inconsistent with the sudden and unexpected nature of the assault as described by the Thomas Street party

277a. Although with the benefit of hindsight it may will have been more effective for the police officers to deploy their resources in a different way, having been spoken to by Mr Mallon, I do not consider that the evidence demonstrates a wilful neglect on the part of any police officer to perform a duty which is calculated to injure the public interest so as to call for condemnation and punishment.

278. For the reasons set out, therefore, I do not consider that the evidence warrants prosecution of any police officer in relation to these incidents.

279. Similarly in relation to the allegation by witness A that Reserve Constable Atkinson may have been in touch with Allister Hanvey in order to tell him to get rid of the clothes which he had been wearing on this occasion and that he had been keeping him informed of developments in the police investigation, I do not consider that the evidence is sufficient to warrant prosecution.

280. It might be thought highly suspicious that there was a telephone call from Atkinson's phone to Hanvey's home at 8.37 am on 27 April, the day of these incidents, and a further such call on 2 May 1997.

281. Witness statements have however been recorded from Mr and Mrs McKee and from Mrs Atkinson which give an innocent explanation for these telephone calls.

282. There is no other evidence in relation to these matters.