

Mr McCarey

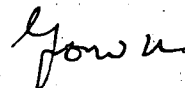
D.P.P.

Re Complaint of Diane Hamill

1. Counsel has previously advised in the above case that on the basis of the evidence then available that the papers disclosed no reasonable prospect of convicting police officers of any criminal offence arising from the death of Robert Hamill.
2. The Department wrote to the Solicitor acting on behalf of the complainant asking if the complainant was aware of any further evidence to be considered before the decision was finalised. After a considerable delay she has forwarded the statements of Vincent McNeill and Colin Hull.
3. Mr McNeill states that the police were doing nothing at a stage when the attack was over, and in fact did not leave the landrover until the ambulance arrived. This statement conflicts with Mr Prunty p.11 who has the police at the scene trying to stop the fight well before the ambulance arrives. P45 p.33, Thornbury p.35, and Magee p.53. In view of this discrepancy it does not in my view further the case against the officers.
4. The statement of Mr Hull is in the same vein. He however not only states the police waited until the ambulance arrived to get out but times it as being a period of over 10 minutes after the fight had finished. This conflicts with not only the witnesses above but also with all the timings that can be established in the case. Again I have to say the statement only increases the conflicts in the evidence and would tend to make a prosecution less likely to succeed for this reason.
5. Having reviewed the new statements I repeat my view contained in para 8 of my

previous opinion with one amendment. Para 8 (c) can no longer stand as it is not on these statements common case that the police in fact intervene. However the effect of the new statements increases the uncertainty as to the evidence and in doing so decreases the prospect of a conviction.

6. I am of course available to discuss this at any time appropriate.



Gordon W Kerr Q.C.