

NOTE FOR FILE**DEATH OF ROBERT HAMILL**

On 18 November 1997 at 9.45 am I held a consultation with Senior Counsel, Mr Gordon Kerr QC. Also present was Mr Davison the Directing Officer in this case.

The purpose of the consultation was to consider the case in the light of Mr Kerr's written advices which had been received on 13 November and which I had considered with Mr Davison.

Lunt

Mr Kerr had nothing to add to his opinion. The case against Lunt was considered in the light of the difficulties presented by the evidence now from Mr Prunty. It was agreed finally that the position as it now stood was that, as against Lunt, the evidence of Mr Prunty could not be relied upon. There was evidence available from Constable ^A [redacted] that she observed Lunt carrying a bottle and running at a crowd at the junction of Thomas Street. However, neither Constable ^A [redacted] nor any other witness could place Lunt as being one of the people kicking at the man (Hamill) lying on the ground. It was agreed by all that in the absence of other evidence implicating Lunt in the attack on Mr Hamill and without Prunty's evidence there was no

reasonable prospect of a conviction of Lunt for any offence relating to the death of Mr Hamill. The question of an offence of affray was considered. There was the evidence of Constable ^A [redacted]. However, with that evidence only it was concluded that a charge of affray might be extremely difficult to sustain. The situation was very confused with a lot of people running about. There is nobody to actually say what Lunt was doing and when he was doing it. The only indications as to his behaviour were that as stated by Constable ^A [redacted] and his presence at and around the scene which led to him being arrested by Constable ^A [redacted]. Constable ^A [redacted] evidence was really only to the effect that she saw him at and around the crowd and as she took hold of his arm he began kicking out with his feet. It is noted that she didn't actually arrest Mr Lunt for any offence. There was no evidence available as to what Lunt was actually doing and how much he participated in any disturbance. It was concluded that the evidence was insufficient to prosecute Mr Lunt for an offence of affray. Minor offences of disorderly behaviour and even resisting a police officer were considered but rejected on the basis that, even if there was evidence of such offences, Lunt had been in custody for 6 months.

Bridgett

The forensic evidence (blood) in relation to this person was considered. The evidence from the forensic scientist was that this was confined to one spot of blood the size of a one pence piece on the right jeans leg of the deceased. Another spot of blood was close to this spot but this had not been analysed.

Mr Davison previously consulted with the forensic scientist and

a full note of his conversations with the scientist is attached to the file. Mr Kerr considered that the evidence available was not sufficient to sustain a prosecution of Bridgett. The most that could be proved was that at some stage he was sufficiently close to Hamill that his blood had dropped directly onto Hamill. There was no evidence to show what he had been doing or what he had done. The fact that he had lied during interview was in Mr Kerr's opinion not sufficient to inculcate Bridgett.

Mr Kerr argued that given the circumstances where he was being interviewed by police about the murder and his possible involvement in it, a lie in those circumstances as to his presence close to the deceased would not in a Court's view be very compelling. Mr Kerr also said that in relation to a charge of affray it was doubtful whether there was sufficient evidence to sustain such a charge. Again the real difficulty was that it could not be proved or shown exactly what he had done or had been doing at and around the time of the incident.

Hobson

Mr Kerr stated that he wished to consider the pathologists report more carefully. He also wished to have available to him further clarification from police as to whether Constable Neill saw a kick or an attempted kick by Hobson on Hamill. This is presently being undertaken by police.

R A Kitson

R A KITSON
Assistant Director

20 November 1997