

## STATEMENT OF WITNESS

### STATEMENT OF LAWRENCE BRIAN MARSHALL

DATED THIS 12 DAY OF March 2008

I, LAWRENCE BRIAN MARSHALL, declare that this statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence at the Inquiry I will be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. The Inquiry has disclosed a number of documents to me. Where I make specific reference to a document in my statement I have given the number of the relevant page.
2. In April 1997, I was a reporting officer in the biology section of the Forensic Science Agency of Northern Ireland ("FSANI"). I have a degree in physiology and I went straight to FSANI from university. I was responsible for reading submission forms, specifying the work that needed to be done and issuing directions for that work. During the course of the examinations on a particular case I was responsible for overseeing the work. The latter included for example directing which blood stain to lift off which garment and considering whether to send material out for DNA typing. Once the work was complete, I was responsible for reviewing it and preparing a statement for the police.
3. I have been asked to outline the procedure adopted in 1997 for requests by the RUC to examine materials. Attached to the laboratory was a Submissions Unit staffed by police personnel. If the detectives investigating a case wished to submit material to the FSANI it went firstly to the Submissions Unit and the police personnel employed there would act as a filter and decide which material would be submitted and which would not. The irrelevant material was filtered out at that stage. If the material was considered relevant, it would then go to the Customer Services Unit. The Customer Services Unit then prepared a case file for the relevant department of the FSANI. Once allocated to a department, that

department instituted its own procedure for referral to a reporting officer. In the Robert Hamill, case I was appointed as reporting officer within the Biology Department.

4. When material was submitted to the FSANI it was accompanied by FSANI Forms. Form 'A' contained all the relevant background information on the incident. Form 'B' related to material obtained from the suspect. Form 'C' related to material from the injured party and Form 'D' was other material not related to the suspect or the injured party.
5. I think we had target response times in 1997 but certainly it was understood that if a person was charged and in custody for an alleged offence, that case had to be dealt with more rapidly.
6. In 1997, we did not have provision within the FSANI for a lead officer on a case. The reporting officers did liaise with other departments if they were engaged on different aspects of the case. Now we have lead scientists, one of whom will take overall control of a particular case and pull together all aspects of the case for the investigating police. The lead scientists will play a more or less proactive role depending on the seriousness of the case. For example, on a murder investigation the lead scientist will play a crucial part in the case.
7. In the Robert Hamill case, my recollection is that I dealt primarily with the RUC. The Submission Forms, which appear at page numbers **26746 to 26787** tell me that the investigating officer on the case and the person I therefore would have dealt with was Detective Inspector Michael Irwin. I do not, however, recall having any dealings with DI Irwin. The forms are dated 7 May 1997, which was the date material was submitted to the FSANI. While I do not recall this specifically, I must have been contacted personally by the police at that early stage because I sent DNA off to be tested urgently. I would only have done that in response to a specific request by police. A murder investigation would have been top priority and the agreed turnaround time by the DNA laboratory was, and is, three days. I do not think there was any specific request on the submission forms other than to look for a transfer of bloods between the

suspect and the injured party. I certainly do not recall being asked to consider a particular blood stain. That was not unusual, however, as it was my responsibility to select the most useful stains to send for typing.

8. In my report I refer to DNA typing results. What happens is that a stain is taken from a garment and DNA is extracted from that stain. At that point we measure how much DNA or what concentration of DNA there is in the extract. We then amplify the DNA. In other words we take a sample and use it as a template to "grow" a lot more DNA and then we subject this amplified DNA to a procedure called electrophoresis and this separates the different variants of DNA. To summarise they then come out of the machine as a graph with blips on it and the position of the blips indicates which variant is present.
9. Sometimes the amplification procedure may not have been completely successful for other reasons and the peaks are not high enough for us to actually attribute a variant to it. Therefore there are two places where the process can fail: quantification, where we measure how much DNA is present, and then perhaps in electrophoresis.
10. I refer to tests as STR quadruples. STR is a reference to Short Tandem Repeats. These are regions of DNA which within a population show considerable variability. At the time we were testing four, hence quadruple, and these four things were unrelated.
11. Sometimes, I would request additional material from the police. In this case I remember requesting a reference sample for **D** but it was not received and therefore we were unable to identify him as a potential source of DNA. Because we did not have a reference sample from him, we were unable to make a connection between him and any suspect. A request such as that would have been made verbally. In those days we did not record requests in the same way we do today. Further material was received between 7 May and 22 May 1997.
12. The general practice at the time was to prepare a written report for the police once all of the work had been completed and definite findings had been made.

We would also, however, provide our preliminary views and keep the police informed as and when results came in. There would be ongoing verbal updates during the investigative phase of the inquiry.

13. I produced my report on 24 October 1997. That report is at page numbers **17798 to 17807**. To the report is attached my handwritten notes at page numbers **26493 to 26505**. I see that I received blood samples from Stacey Bridgett and Dean Forbes on 9 May 1997, Allister Hanvey and Wayne Lunt on 12 May, Rory Robinson on 15 May, David Woods and Andrew Allen on 16 May. On 12 May blood samples were also submitted from the scene of the incident. I did not take these and I never saw them in situ.
14. In respect of blood samples taken from Robert Hamill's clothing I see that samples were lifted from the right front and side of the jacket and two areas from the back of the right sleeve. I also note that the collar and back of the jacket was "extensively blood stained". Samples were not, however, lifted from the collar or back of the jacket. The reason was simply limited resources. The samples had to be dealt with on an urgent basis and the urgent nature of the work meant the amount of material had to be limited. It was my understanding that Robert Hamill had suffered head injuries and had been lying on the ground. In light of that, it was my view that samples from the collar were not the most useful stains to lift. The stains were almost certainly Robert Hamill's own blood and therefore would not identify other persons who had come into contact with him. I applied the same reasoning in relation to the stains on the collar of his shirt and t-shirt.
15. At page 5 of my report I also received items from Dean Forbes, Allister Hanvey and Wayne Lunt and none of those items were blood stained.
16. I also lifted a stain from Robert Hamill's jeans. That material was received on 9 May 1997 and on the same day I received material from Stacey Bridgett. Both were sent off for typing on 10 May and a result was received on 12 May. The stain from the jeans showed a possible match with Stacey Bridgett. The test carried out established a 1 in 7300 likelihood that the blood was someone other

than Bridgett. These were the types of figures that we were getting in those days. Given the request from the police that it was dealt with urgently, I would have telephoned them as soon as I got the result. I do not recall being asked to do any further tests on that material after I reported verbally to the police. The blood stain, which showed a match with Stacey Bridgett, was a small spot of blood on the lower right leg.

17. The fact that the blood stain on the jeans was a spot as opposed to an elongated shape which suggested to me that a drop of blood had been projected through the air as opposed to direct contact between two surfaces, which would have resulted in a smear. It is possible that the blood was dropped onto the jeans while Robert Hamill was lying on the ground but I remain unable to give any further opinion on the mechanism for staining. From the note dated 17 November 1997 at pages **18040 to 18041**, I can see that I told the DPP at the time that I could not comment further on the mechanism of staining and cannot do so now. I was not asked to produce my final report within a particular time frame and was not requested to do it as a matter of urgency.
18. The test we carried out in May 1997 was the best available at that time. The samples were upgraded in 2004 using new techniques, which gave us a much better result. I will return to that below. I believe the upgrade was requested as part of a review of the murder investigation.
19. I also note that item 13 in my report, which was weak blood smearing on **D**'s jeans, was not lifted for DNA typing. I do not know why this was not tested because we did not tend to record reasons for not doing something. I can only speculate that I did not lift them because the stains were relatively small and weak. I did lift one stain from **D**'s clothing, which was from the back of the right upper arm and is item 14. I chose to lift only that particular stain because I believed it was part of the same series of staining.
20. Additionally, I noted 'unknown A' and 'unknown B' DNA, which was tested against the other samples. They are on the Northern Ireland database but there have been no hits against either. They were not checked against either the

United Kingdom or Republic of Ireland databases. The 'unknown B' sample had been lifted from D's clothes.

21. I do not recall speaking to the DPP about the contents of my report but I have been shown a note dated 17 November 1997, which suggests that I did and I accept that I must have done so. That note contains page numbers **18040 to 18041**. It is unusual for the FSANI to liaise directly with the DPP. Any request for information from the DPP would usually be sent to us by the police. The RUC were our client and we liaised with them throughout investigations and prosecutions.
22. On 20 November 2002, I received a buccal swab and head hair, which was attributed to Timothy Jameson.
23. In my statement of 6 April 2004 at page numbers **59314 to 59317**, I refer to the improved techniques we used on the original samples. The table at page **59315** notes that the blood on lower right leg of Robert Hamill's jeans was Stacey Bridgett's. We used the SGM+ technique to upgrade the samples and get a much more reliable result. It showed a 1 in 1,000,000,000 chance that the blood was from someone other than Stacey Bridgett. That statement also deals with the result obtained from the samples taken from Timothy Jameson, which was negative.
24. I recall that there was a cold case review of this matter which involved K and J which was when the samples I refer to above were submitted from Timothy Jameson.
25. There has been produced and shown to me my 2 page statement dated 26 July 2001 at page **26742**. In that statement I record that items were submitted in May 2001. I have been asked if the delay could have any affect on the ability to pick up any blood samples from those items. Four years could certainly make a difference, for example items could have been washed. According to the submission forms they were seized in 2001 and it is not as if they had been kept in storage. We carried out a visual examination on the items and we also

screened the surface of the garments using a test called Kastlemeyer or KM as it is known to check for blood. I recorded that a number of items were attributed to Robert Atkinson and that no bloodstains were found on them.

26. I am unable to provide any definite answer as to the delay between November 2002 and April 2004 on the Jameson tests other than I was off work for a considerable time during that period and there were meetings and additional work undertaken in relation to it and that would have taken some time. I was not being pressurised to complete a report on the Jameson samples.

27. I had no further involvement in this matter.

**SIGNED:** Lawrence Marshall  
**LAWRENCE BRIAN MARSHALL**

**DATED:** 12 March 2008