



DEPARTMENT OF THE DIRECTOR
OF PUBLIC PROSECUTIONS
ROYAL COURTS OF JUSTICE
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Your Ref: BMcG/BR

Our Ref: 2209/97

25 August 1999

Dear Sirs

I refer to your letter to the Director of 6 July 1999. I will deal with each of the matters which you have raised in turn.

Wayne Lunt

Following receipt of your letter, the decision not to prosecute Wayne Lunt, which was issued to the Chief Constable on 19 November 1997, has been reviewed.

Having regard to the observations of the trial judge in the case of R -v- Hobson, quoted in your letter, the fact that Mr Prunty, A [REDACTED] and Constable Neill gave evidence at that trial, and the fact that the evidence relevant to the decision not to prosecute Mr Lunt has already been discussed, at least to some extent, with the sisters of the deceased, I consider it appropriate to summarise the evidence for your information.

The evidence against Mr Lunt, upon which he was arrested and charged by police, was contained in witness statements made by Mr Prunty and by two police officers, A [REDACTED] and Constable Neill.

In summary, A [REDACTED], with the assistance of Constable Neill, detained Mr Lunt at or about the scene of the murder of Mr Hamill and placed him in the back of a landrover, in order to ascertain his name and address. Neither police officer provided evidence linking Mr Lunt to the attack on Mr Hamill. His detention was as a result of other behaviour. Once A [REDACTED] A [REDACTED] obtained Mr Lunt's name and address, he was allowed to leave the landrover.

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A described Mr Lunt as wearing a red, white and blue scarf wrapped round his face.

After releasing Mr Lunt, A was approached by a man, now known to be Mr Prunty who asked her why she had released Mr Lunt, as 'he was one of the ones that did it'. A took this as a reference to the attack on Mr Hamill and D

In his statement, Mr Prunty said that he saw a police officer grab hold of one of the men who was kicking Mr Hamill. This man was wearing a Rangers scarf, and he was taken away and placed in the back of a landrover.

After 5 or 10 minutes he saw the man with the Rangers scarf being let out of the back of the landrover. He was surprised he had been released and he asked a policewoman if she had got his name. He told her that the man with the scarf was one of the people that had been kicking at Robert Hamill.

The above evidence was reported to the Director by the Chief Constable, and was in the course of consideration, when a decision was reached that the evidence available was insufficient to prosecute three other defendants, Dean Forbes, Allister Hanvey and Rory Robinson. A direction of no prosecution in that regard issued to the Chief Constable on 29 October 1997.

On 3 November 1997, Diana Hamill and [REDACTED], sisters of the deceased, called with Mr Kitson of this office, to ask why charges against the three defendants had been withdrawn. They informed Mr Kitson that Mr Prunty had identified Mr Forbes as being the person he saw kicking at Mr Hamill and who was in the back of the police landrover. Mr Kitson undertook to consider this information.

Mr Kitson immediately requested that a further witness statement be taken from Mr Prunty by police. In a witness statement taken the same day, Mr Prunty said that he had seen a video of a television news report showing the release of three persons charged with the murder of Mr Hamill. He recognised one of those persons, whom his sisters had told him was called Forbes, as the person he had seen in the back of the landrover, and wearing a Rangers scarf.

Following receipt of this statement, a consultation was held with Mr Prunty, during which he confirmed his identification of Mr Forbes, and stated that the man he had seen kicking Mr Hamill, and subsequently in the back of the landrover, was not Mr Lunt.

I can inform you that further enquiries were conducted to ascertain if there was any other evidence to support Mr Prunty's assertion that in fact it had been Mr Forbes who was detained by police, placed in a landrover, and then released. No such evidence was forthcoming.

Following careful consideration of all the above facts and circumstances, and after obtaining and considering the advice of Senior Counsel, it was concluded that the evidence was insufficient to afford a reasonable prospect of convicting Mr Lunt, and a direction of no prosecution of Mr Lunt issued, as I have stated, on 19 November 1997. That decision has now been reviewed. It has been concluded that that decision was correct.

It is regrettable, although completely understandable, that only part of the above evidence was given at the trial of Mr Hobson, leading [REDACTED] to make the remarks quoted in your letter. [REDACTED] was not therefore aware that all the facts had been carefully investigated, that police had connected Mr Prunty's observations with [REDACTED] evidence, but that Mr Prunty had subsequently identified a different person as Mr Hamill's assailant.

Stacey Bridgett

Following receipt of your letter, the decision not to prosecute Stacey Bridgett, which was issued to the Chief Constable on 19 November 1997, has been reviewed.

Having regard to the fact that police had informed your clients that traces of Mr Bridgett's blood were found on Mr Hamill's clothing, I consider it appropriate to summarise the evidence, for your information.

Initially, there was evidence against Mr Bridgett, provided by a civilian witness. This witness subsequently refused to give evidence, and, as a result, that evidence was no longer available. (This matter is dealt with below in more detail in relation to the other defendants.)

Forensic examination indicated that there was one small spot of blood from Mr Bridgett found on the trouser leg of Mr Hamill. This spot of blood was about the size of a one pence coin and was positioned about an inch from the bottom of the trouser leg. No blood from Mr Hamill was found on Mr Bridgett's clothing.

While there was some evidence from police to place Mr Bridgett at or about the scene, and he was observed with a bleeding mouth, there was no evidence of what, if anything, Mr Bridgett had done, or how he had received his injury.

Careful consideration was given to the above evidence, including the content of Mr Bridgett's interviews under caution. The advice of Senior Counsel ~~was~~ also obtained and considered. It was concluded that the available evidence was insufficient to provide a reasonable prospect of convicting Mr Bridgett of any offence, and, as I have stated a direction of no prosecution issued to the Chief Constable on 19 November 1997. That decision has now been reviewed. It has been concluded that it was correct.

Dean Forbes, Allister Hanvey and Rory Robinson

Following receipt of your letter, the decision not to prosecute Dean Forbes, Allister Hanvey and Rory Robinson, which was issued to the Chief Constable on 29 October 1997, has been reviewed.

The evidence against Mr Forbes, Mr Hanvey and Mr Robinson (with the exception of the identification of Mr Forbes by Mr Prunty referred to above), upon which they were arrested and charged by police, was contained in the statements of two civilian witnesses.

One of these witnesses subsequently refused to give evidence. The other witness changed his account during consultation. As a result, the evidence of neither witness was available to the prosecution.

Careful consideration was given to compelling the witness who had refused to give evidence. Careful consideration was also given to the possible use of Article 3 of the Criminal Justice (Evidence, Etc) (Northern Ireland) Order 1988. The advice of Senior Counsel was also obtained and considered.

It was concluded that the available evidence was insufficient to provide a reasonable prospect of convicting Mr Forbes, Mr Hanvey and Mr Robinson of any offence, and, as I have stated, a direction of no prosecution issued to the Chief Constable on 29 October 1997. That decision has now been reviewed. It has been concluded that it was correct.

Following issue of that direction and the release of Mr Forbes, a witness statement was received from Mr Prunty, identifying Mr Forbes as the person he had seen in the back of the police landrover. As I have already stated, no evidence was forthcoming to confirm that Mr Forbes, rather than Mr Lunt, or indeed in addition to Mr Lunt, was in the back of a police landrover, and no further direction was therefore issued in regard to Mr Forbes.

While I understand that the above decisions may be disappointing to the next of kin of Mr Hamill, I know you will appreciate that prosecution can only take place where there is sufficient evidence

to afford a reasonable prospect of conviction. I hope that the information I have been able to provide will assure you that the decisions in this case were reached only after a most careful and exhaustive examination of all the evidence and information reported.

Yours sincerely



Senior Assistant Director

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28 AUG 1999
OFFICE OF DIRECTOR
OF PUBLIC PROSECUTIONS