

NOTE FOR FILE

R v LUNT AND OTHERS

1. I refer to my note for file dated 28 October 1997. I had referred the matter of the position regarding Witness A and Witness B to D/Inspector Michael Irwin of RUC Portadown. I had raised with D/Inspector Irwin the possibility of summoning to court Witness A. I asked D/Inspector Irwin to consider overnight and consult, if appropriate, with his superiors on the issue as to whether if summoned there was a reasonable prospect of Witness A giving evidence.
2. At 12.30 pm I telephoned to D/Inspector Irwin. I asked had he considered the matter overnight and if so what were his views. D/Inspector Irwin told me that he had spoken to P39 who in fact had had previous dealings with the family of Witness A and who was probably closest to the family and to Witness A. It was both P39 opinion and the view of D/Inspector Irwin that there was no reasonable prospect, no matter what sanction was applied to Witness A, of Witness A giving evidence in court.
3. I indicated to D/Inspector Irwin that I had already spoken to D/Superintendent Cooke on this issue. D/Inspector Cooke had attended at the consultation with Witness A. It was D/Superintendent Cooke's view also that there was little or any prospect of Witness A giving evidence.
4. I indicated to D/Inspector Irwin that in these circumstances I was not prepared to delay a decision in the case any longer. On the basis that there was no other evidence that was likely to become available (which was confirmed to me by D/Inspector Irwin) the absence of Witness A's evidence meant that there was no case against Dean Forbes, Allister Hanvey and Rory Randolph Arthur Robinson. Accordingly, I intend to do a direction of No Prosecution as soon as possible. I was conscious of the fact that these three persons were in custody and I would have to make arrangements to have the charges withdrawn against them as soon as possible. This would entail making bring forward applications etc.
5. I informed D/Inspector Irwin that I was also conscious of the fact that there was the relatives and family of the victims to be considered. I was concerned that the withdrawal of the charges against the three persons was not made known to them

by way of hearing it in the media or reading it in a newspaper. I did not think this was desirable. I would therefore when the direction was ready to issue inform D/Inspector Irwin so that appropriate steps could be taken by police to let the relatives of the deceased know what the position was.

6. In relation to the other remaining accused the position was as follows:-

Wayne Lunt

Colin Prunty had yet to be seen by Mr Kerr. I had written a letter to [REDACTED] who was representing, apparently, Mr Prunty. I had tried to impress upon [REDACTED] the necessity for her to make a quick and expeditious contact with Mr Prunty to arrange a consultation with police and Senior Counsel and members of this office. No decisions as yet could be taken against Mr Lunt. However, if Mr Prunty was not made available for consultation within the near future I would have to take a further decision as to whether it would be proper to apply for further remands in the custody court of Lunt.

Mark Hobson

A decision in respect of Hobson would now pend receipt of the pathologist's report. There was some evidence to implicate him in the kicking of the deceased. I would do a further direction in respect of Hobson when I had considered all available facts and information including the report of the pathologist.

Stacey Bridgett

Again further consideration would be given to his case. I had got the forensic evidence but as far as I was concerned I did not think this was sufficient to support proceedings against him. However counsel was advising in relation to Bridgett, Hobson and after consultation with Prunty in relation to Lunt.

7. I would keep in contact with D/Inspector Irwin.

RAK

R A KITSON

28 October 1997

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