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The Robert Hamill Inquiry
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Your Ref:

Our Ref: CFA-000010/AD

Date: 26th November 2009

FAO JUDI KEMISH / SOLICITOR TO THE INQUIRY

Dear Madam

RE: ROBERT HAMILL INQUIRY – CLOSING SUBMISSIONS
OUR CLIENT: MR LAWRENCE MARSHALL

Thank you for your correspondence of 12 November 2009. We note that the consolidated submissions have been sent to us as a matter of courtesy only and that you are not inviting submissions from the FSNi in relation to the matters contained within it. There is, however, one small matter which, out of an abundance of caution, we wish to draw to your attention.

We note that British Irish Rights Watch have made reference in their final submissions (p687) to a matter which was never put to Mr Marshall when he gave evidence and in respect of which he has had no opportunity to reply. This is the evidence of Mr Irwin (Chapter 10, Page 684 at para 25.23) that;

"Although the forensic scientist, Lawrence Marshall, initially thought there was heavy bloodstaining on Robert Hamill's clothing, he later confirmed that the vast majority of this was, in fact, wine stains."

We make the following points:

- (a) The piece of evidence upon which British and Irish Rights Watch rely was given by Mr Irwin after Mr Marshall had given evidence. It was never suggested to Mr Marshall by any party when he gave his evidence that he had made this remark. He was further given no prior notice of the evidence of Mr Irwin such as to enable him to challenge that evidence when it was given. We make no criticism of the Inquiry in this respect whatsoever but simply make the obvious point that, since he has had no opportunity to respond to this evidence, it would be grossly unfair to conclude that he had made any such remark.
- (b) For the record, the position is that Mr Marshall has no recollection whatsoever of making this remark and is entirely confident that he did not do so. Indeed Mr Marshall finds the suggestion that he made this comment bizarre because it would be entirely inconsistent with his own examination notes.