

AT THE CROWN COURT

Order No. T2004/7403

Courts of Justice,

Crown Square,

Manchester.

Wednesday, 26th January 2005

BEFORE:

THE HONOURABLE MR. JUSTICE MCCOMBE

R E G I N A

-V-

GORDON PARK

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MR. A. WEBSTER Q.C. AND MISS K. BLACKWELL appeared on behalf of the  
Crown Prosecution Service

MR. A. EDIS Q.C. AND MR. B. WILLIAMS appeared on behalf of the defendant  
Park

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## S U M M I N G U P

MR. JUSTICE MCCOMBE: Good morning, ladies and gentlemen. The time has now arrived for me to sum up this case, and I thank you first of all for your very careful attention both to the evidence and to Counsels' arguments. I have watched your concentration with admiration, and I am grateful for it. I am sure you are probably anxious to get down to the task of considering your verdicts. There is another voice you are going to have to listen to, and it may be I am afraid probably for at least a day and maybe a little into tomorrow.

It is my task now to give you directions as to how you will go about your job during the course of tomorrow, and first of all I have got to direct you on certain matters that are probably very well known to you already from your general knowledge or experience of life, but please listen carefully to what I have to say, even though some of it may be obvious, and the first matter on which I have to direct you concerns our respective roles as judge and jury in this trial. I am sure you appreciate that our functions in the trial have been and remain quite different. Throughout our close working relationship in the last few weeks, it has been my task to look after the law and procedure in the case, and now I have to give you directions on the law as it applies to the case that you have to consider. When I do that, you must accept those directions and follow them. I am also required to remind you of the prominent features of the evidence as they occur to me. However, it is your task and your responsibility to judge that evidence and decide all the relevant facts. When you come to consider your verdict, you and you alone do that. Do not look to me for an answer or a hint of an answer as to what your verdict should be, there will not be one.

You will not, I suspect, have to decide every small disputed fact that has arisen in this relatively lengthy case. You only have to decide those matters which enable you to say whether or not the charge against this defendant has been proved, and you do that by having regard to the whole of the evidence, including the agreed and the admitted evidence and forming your own judgment about the witnesses and which evidence is reliable and which evidence is not reliable. The defendant, Mr. Park, has chosen to give evidence and to call witnesses, and you must judge that

evidence by precisely the same fair standard as I am sure you will apply to every other part of the evidence in the case. There is no ranking of evidence or witnesses in a court, they are all equal. The prosecution witnesses, police officers, experts, defendants and others are all of equal importance, and of course evaluate the evidence, that is what you are there for. You may find some evidence helpful and reliable and some you may find less reliable and not reliable at all. Those are matters for your assessment.

You must of course decide the case only on the evidence which you have seen and heard in this court, and on your own observations when we visited Coniston and Leece. There will now be no more evidence; that is over. You are, however, entitled to draw inferences. That is, come to common sense conclusions upon the evidence which you accept. You must not speculate about evidence you have not heard or that you wish had been available. You must not be drawn into speculation, and I will have a little bit more to say about that in a moment.

The facts of the case are your responsibility, and I cannot overemphasise that. You will no doubt wish to take into account both the excellent arguments that you heard from Counsel on Friday and yesterday, but you are not obliged to accept them. You may find yourself persuaded by points made by each Counsel and you will take those into account. Equally if in the course of my review of the evidence I appear to express any view on the facts or to emphasise a particular aspect of the evidence, do not adopt those views unless you agree with them. If I do not mention an aspect of the evidence which you think is important or helpful, well, you give that such weight as you think fit. Again if I lay weight or dwell over lengthily on something you think is trivial or unimportant, try and bear with me, because some of your number may find that bit helpful, but it is your judgment in the end that counts. As I said, I shall try to remind you of the salient features of the evidence as they appear to me, but obviously I will not repeat everything, because that would be tedious and useless. I shall try to summarise and put evidence in a chronological

order, grouping each witness's evidence on a particular aspect of the case as best I can, regardless of the different stages of the trial at which you heard the evidence. Of course we hear evidence about particular events of the 17th of July 1976 back in November and we will hear more this year, so I will try and put those sort of aspects together for you.

In conclusion on this aspect of my directions, the important point I have been trying to make perhaps over lengthily is that it is your judgment and your judgment alone on the facts that matters.

Now I turn to two very important points of our criminal law about which you have been already quite correctly and emphatically informed by both Counsel. First, in this case the prosecution must prove that the defendant is guilty. He does not have to prove his innocence. In a criminal trial the burden of proving the defendant's guilt is on the prosecution. Secondly, how does the prosecution succeed in proving the defendant's guilt? The answer is by making you sure of it, and nothing less than that will do. If after considering all the evidence you are sure the defendant is guilty, you must return a verdict of guilty. If you are not sure, your verdict must be not guilty. I add this: the one question you may have been tempted to ask in this case is an impermissible one and must be put out of your minds. That question is if Mr. Park did not kill his wife, who did? That is simply a wrong approach, because it makes Mr. Park prove his innocence, and that most emphatically he does not have to do. The possibility has been raised that John Rapson or some other unknown person may have been the offender, and it follows from that fact that the Crown must prove the case against Mr. Park, but by raising the issue, the defence does not assume the burden of proving that matter. The prosecution must prove to you that it was the defendant and not Rapson or some other individual who is responsible.

Now what is it that the prosecution has to prove to the high standard that I have mentioned in the present case? Mr. Park is charged with murder, and the

prosecution say that he committed that offence by murdering his wife Carol Park on or about the 17th of July of 1976. You see the charge formally set out in the indictment. You can turn it up. I do not think we have hardly looked at it whilst we have been doing this trial, but the indictment is in document one in your blue folder, and there the charge is set out clearly and shortly.

You may think that there is no doubt that someone murdered Mrs. Park; there is no dispute about that. The only question is whether the prosecution have proved so that you are sure of it that Mr. Park was that killer. However, part of your task is to determine formally whether the prosecution have proved that Mrs. Park was murdered, and for that purpose I must direct you as to what the offence of murder is in law.

A person is guilty of murder if he or she unlawfully kills another person and at the time of the killing he or she intends either to kill that person or to cause him or her really serious injury. I use the word unlawfully to exclude cases where the killing may have been entirely accidental or where it is done in self-defence. Neither of those things arises here on the evidence, but I inform you of them so that you fully understand the legal definition that I have given to you.

As I say, you may readily come to the conclusion that someone murdered Carol Park, but it is for you to determine and therefore I have now directed you as to what the offence of murder is in law. The real question in the case is whether the prosecution has made you sure that it was this defendant who murdered her.

I am now going to turn to certain directions of principle, that is directions of law as to how you should approach certain aspects of the evidence in the case and certain other features of the material that has been laid before you. They are not directions as to how you should find the facts, but directions which the law requires me to give you as to how you should approach the matters for decision and matters on which the law requires your attention in these areas.

First, reference has been made from time to time about the nature of the evidence relied upon by the Crown. It is said to be circumstantial in nature. Sometimes, as you will readily appreciate, juries are asked to find the fact proved by direct evidence, for example if there is reliable evidence from a witness who saw a defendant commit a crime. If there is a video recording of an incident which demonstrates guilt or if there is reliable evidence of the defendant having admitted the offence. Those would be good examples of direct evidence. In the present case the Crown say that there are two witnesses who give reliable evidence that Mr. Park admitted this offence. Those witnesses give direct evidence as it is called. However, the defence say that evidence is unreliable and it will be for you to judge it, and I will return to certain points about that in due course.

On the other hand, it is often the case that direct evidence of a crime is not available, and the prosecution relies on what has been called in this case and called in common parlance circumstantial evidence to prove guilt. That simply means that the prosecution was relying on evidence of certain circumstances which they say when taken together will lead you to the sure conclusion that it was the defendant who committed the crime. Circumstantial evidence in the present case includes the state in which Mrs. Park's body was found, packaged in that dreadful parcel, and tied by someone with a degree of knotting expertise, which you may find Mr. Park has. It includes evidence that Mrs. Park was found submerged in a lake. Mr. Park, the Crown say, is an expert sailor with access to boats. Those are circumstances which if you accept them, say the Crown, contribute with other evidence towards a conclusion that Mr. Park committed the offence. The defence submit that you cannot be sure of guilt on the material presented.

Circumstantial evidence can be powerful evidence, but it is important you examine it carefully and consider whether the evidence upon which the Crown relies in proof of its case is reliable, whether it does indeed prove guilt. Furthermore before convicting on circumstantial evidence, you should consider whether it reveals

perhaps other circumstances which may be of sufficient reliability and strength to weaken or destroy the case that is presented.

Finally it is very important for you to distinguish between arriving at conclusions based on reliable evidence that you accept and mere speculation on the other hand. Speculation is just a smart word for guesswork, and that is not a permissible activity in any court of law.

There is another important feature upon which I must direct your attention. Remember what I said only a minute or two ago about the burden of proving guilt always being on the prosecution and that you may only convict if you are sure of guilt. We are of course concerned with events which took place a very long time ago. Mrs. Park died in 1976, over 28 years ago. You must appreciate that there is a real danger of prejudice to a defendant, and the possibility must be in your mind when you decide whether or not the prosecution have made you sure of guilt. You will of course make allowance for the fact that the passage of periods of time even shorter than those with which we are considering, memories can fade. Witnesses, whoever they may be, cannot be expected to remember with crystal clarity events which occurred many many years ago. Sometimes the passage of time plays tricks on the memory. For example, Mr. Shaw who saw the incident with Mrs. Walmsley where Mrs. Park went berserk or lost it. He was inclined to say it was in April of 1976. We all know, Members of the Jury, I suspect that he is wrong about that. It was the year previously. An example of memories tricking, tricks played on the memory with the passage of time.

You must also make allowances for the fact that from the defendant's point of view the longer the time since an alleged incident, the more difficult it may be for him to answer it. For example, has the passage of time deprived him of the chance to account more fully for his movements in those crucial days in mid July of 1976. You will remember that in his 1997 interviews with the police Mr. Park complained that

the statement that he made in 1976 at the time of Mrs. Park's disappearance had gone missing. Could he earlier perhaps have produced to you a radio of the type that Jeremy Park remembered sitting on the back of that car shelf when they went to Blackpool? Could he have shown the admission tickets to the fun fair which could flesh out the account that he gave the police and to you?

Those are only three examples and there may of course be others. Could the 1976 missing person file have given you further details helpful to the defendant which are not there? You have only got to imagine, I suspect, what it would be like to have to answer questions about events which have taken place over 28 years ago in your own lives to appreciate the problems that are faced when so much time has passed, and glancing at your number, I suspect some of you have not had 28 years to experience.

You may think of course that the lapse of time is not surprising, given the circumstances in which Mrs. Park's remains remained hidden for so long. If, however, you decide that because of all the years that have passed that this defendant has been placed at a real disadvantage in putting forward his case, take that into account in his favour in deciding if the prosecution has made you sure of guilt.

Remember also, please, that you are considering the most serious charge that can be levelled against anyone. It is levelled here against a man of hitherto good character who has never faced a criminal charge before, and you may think he is entitled to ask you to give more than usual weight to his good character when deciding whether or not the prosecution has satisfied you of his guilt, and that last matter which I have just mentioned is something that I have got to turn to in a little more detail.

You have heard as I say that Mr. Park is a man of good character, not just in the sense that he has not got criminal convictions, but witnesses have spoken about



his positive qualities. His son Jeremy Park called him a big softie, and he, Mrs. Fisher, Vanessa, and Rachel Garcia, the three children all spoke of his positive qualities as a single parent. Mrs. Walmsley said he had never used violence towards her. The present Mrs. Park, Mrs. Jennifer Park, said the same. Mr. Paul Shaw, his friend of 50 years standing said that he could not countenance the idea that Mr. Park had used that ice axe in the dreadful manner that might be being suggested in this case.

Mr. Ernie Shaw, who saw the one incident of a violent nature. Of course it is not said that Mr. Park was using violence, other than restraining his wife. He said that he had never seen Gordon Park use violence, even when he, Mr. Shaw, perhaps had given him reason and upset him. There are other examples, but they illustrate the point.

Of course good character cannot provide a defence to a criminal charge, but it is evidence which you should take into account in Mr. Park's favour in two ways: in the first place Mr. Park has given evidence, and as with any person of good character, his character supports his credibility. That means it is a factor you should take into account in his favour when deciding whether you believe his evidence. In the second place the fact that he is of good character may mean that he is less likely than otherwise might be the case to have committed any offence, let alone an offence as grave as the one with which he is now charged.

I have said that these are matters to which you should have regard in the defendant's favour. It is for you to decide what weight you give to them in this case. In doing so you are entitled to take into account everything you have heard about Mr. Park, which is quite extensive. He is now 61 years old. He was 32 in 1976 and was and is a qualified school teacher with the positive attributes of which witnesses spoke. Having regard to what you know of Mr. Park both before and after 1976, you

may think he is entitled to ask you to give considerable weight to his good character when deciding whether the prosecution have satisfied you of his guilt of this charge.

I will return a little later to the point arising out of Mr. Park's admission that he did tell a lie in the Middlesborough Magistrates' Court in 1975.

Let us move on to a different subject. Again I am afraid I am still on directions of principle. Experts. Various experts in this case. The first was Dr. Tapp. You had a statement from Caroline Wilkinson, the lady who did the face reconstruction. There was Mr. Philip is it Rideard or Rydeard. I was never quite sure how he pronounced that. Anyway, there it is. Mr. Ide, the gentleman who spoke about ropes, Dr. Pirrie, Dr. Withers the pathologist, who spoke about Mr. Bank's problems. You heard from Miss Rushton who examined the clothes brought up from Coniston, the statement from Mr. Connolley who examined the remains of Mrs. Park's hands, another statement from Miss Brownbill who examined the plastic strapping material found with the body, Mr. Baxter, the defence forensic scientist and Professor Pye, the defence geologist and maybe a few more, but I think I have got most of them.

Expert evidence is permitted in a criminal trial to provide you with scientific or medical information and the like which is within that witness's expertise but is likely to be outside your own experience and knowledge. I am sure you appreciate it is quite common for evidence of this type to be brought, but it is important that you see it in its proper perspective, which is that it is just part of the evidence as a whole which you have to assess on those individual aspects of the case with which each such witness dealt.

Just turning for a moment to two particular witnesses, Mr. Rideard and Mr. Baxter, who talked about the hammer and the lead piping, I just add one important note of guidance. Most of the experts, for example when it comes to mind the geologists probably gave evidence well beyond the experience of any of us, but Mr. Rideard told us about the effect of hammer on lead. He was shown impressions

made by Mr. Baxter, and Mr. Baxter gave evidence about them. It is possible you might form some sort of visual views of your own about such common everyday items such as hammers. However, in the context of this case, with respect, you and I are not experts on this subject and it would be wrong for you to compare impressions taken by the witnesses with any speculation as to the type of marks which you think might be made by this hammer. It would be equally wrong for you to attempt to assimilate tests of your own in any area of expert evidence. It is not for you to go knocking around with the hammers when you get to your jury room, may I put it that way.

However, you are entitled to come to conclusions based on all the evidence which you have heard, and that of course includes the evidence of the experts. Just a few more things to say about experts. A witness called as an expert is entitled to express opinions in respect of his or her findings on matters which are put to him or her by Counsel. You are entitled and would no doubt wish to have regard to the expert evidence and the opinions expressed when you come to your conclusions about the case. However, your hands are not tied by experts. This is a trial by you, trial by jury. It is not a trial by expert. You judge the expert evidence with due respect to the expertise, but it is for you to decide whose evidence and opinions you accept and it is for you to decide on the evidence you have heard. It is only part of the overall picture, and you consider the expert evidence along with all the rest with the same common sense judgment that you apply to all the witnesses.

Let me turn to a different subject, and that is the question of lies which it is alleged Mr. Park has told either to you or to the police. Mr. Park admitted that he told a lie to the Magistrates' Court in 1975. I am going to deal with that separately, because it is an entirely separate matter. However, the Crown allege that Mr. Park lied in other respects in either his dealings with you or with the police. They say that he lied when he said that Carol went to live at the guest house in September 1974 and he did not know where she was. They say that this was to try to persuade the

police that she had disappeared without trace before the events of 1976. Mr. Park told you that he was confused at the time and he had been wrong. He agreed in the end that he had taken his wife to the guest house himself. The Crown say that Mr. Park lied to you about the date of the sale of his 505 dingy. He says that it was sold in June 1976 during his weekend sailing course in Windermere. He had in his own hand, however, entered the sail date in his sailing log as July 1976. Mr. Park says the entry is simply wrong. Again the prosecution put to Mr. Park he was lying when he said to the police in interview what he did about the course of events in 1975, the incident when Carol went berserk. He said in interview that at the time Mrs. Walmsley arrived, Carol had already lost it or was irrational or whatever. Mrs. Walmsley said that the hysteria only began when she absented herself for a few minutes to go to the lavatory. In his evidence, Mr. Park said that he could see the incident in his minds eye and it started as a quiet conversation between himself, Carol and Mrs. Walmsley, and at that stage he also said that it was when Mrs. Walmsley went to the bathroom that Carol flipped. Mr. Webster accused Mr. Park at that stage, you may remember, of boxing and coxing with the evidence.

He said in interview, Mr. Park did, that he had been doing his best at the time. Well, Members of the Jury, you must decide whether the defendant did in fact deliberately tell lies. He denies telling lies, and if you are not sure that he lied on one or more of those matters, well, ignore the alleged lie or lies. If you are sure there was a lie, there is another question to be asked, why did he do so? Of course the mere fact that someone tells a lie is not necessarily evidence of the guilt of the offence charged. The defendant may lie for innocent reasons, in the sense that the lie does not indicate guilt. For example, people sometimes lie to bolster what in fact are true defences. They lie to conceal discreditable conduct of other types, short of commission of the offence of which the court is concerned. They may lie out of distress or panic. In this case Mr. Park said there were not any lies, or if there was inaccuracies in answer to the police it was not deliberate, and either his recollection

has changed or he was doing his best to answer the questions but simply got the facts wrong, or you heard other reliable evidence which made him change his mind. If you think that there is or may be an innocent explanation for any lie that you found he told, do not take any notice of them. It is only if you are sure that he did lie, he did not lie, I am sorry, for an innocent reason that the lie or lies can be regarded as evidence supporting the prosecution case.

Now I am going to turn to the quite separate points about the lie that Mr. Park admitted he told to the Magistrates' in Middlesbrough in 1975 about the nature of his relationship with Mrs. Walmsley. He admits that he lied on that occasion. He said he did so to hide his adultery and so as not to prejudice his case in the custody proceedings. The fact that he lied about that of course, as I am sure you appreciate, does not mean he is lying about the present matter, but it is a matter you are entitled to take into account when you assess his overall credibility.

Another separate topic. Just a point that arises out of evidence we heard on the video link. Do you remember we heard Mrs. Regan the school caretaker from Aston and Mrs. Walmsley over the video link and Mr. Banks. Mrs. Regan and Mrs. Walmsley gave their evidence over the television link from Barrow because their health was such that they could not travel to court. Mr. Bank's evidence was taken from another room in this building because of the learning difficulties that he has. The giving of evidence in that way is perfectly normal these days in circumstances of that kind. In the case of the first two witnesses it is done as a matter of convenience to avoid stresses to their health. In the case of Mr. Banks, it is designed to enable a witness like him to feel more at ease when he is giving his evidence. It is not intended to pre-judge the evidence that the witnesses give. The fact that evidence has been given in that way must not be considered as in any way prejudicial to Mr. Park. You just evaluate the evidence of those three witnesses entirely in the same manner as you consider the other witnesses who paraded into this court on the various days that we are looking at.

Now in a moment I am going to turn to my summary of the evidence, and when I do so I begin to trespass upon your area of responsibility, the facts, but before I do that, I just want to inform you of what is and is not evidence in the case. Evidence is what you heard from people in the witness box or over the video link, the exhibits which have been produced. You have got a list of those in your files, and before you came in we agreed with Counsel that the exhibits would be laid out in your jury room in due course in an orderly fashion so that you can look at them with a health warning in certain cases, but that will be looked at administratively.

The evidence also includes statements that have been read to you in the contents of the documents of the files that you have. There are also the written admissions in the document that is in your jury file. Those admissions are evidence of the facts stated and the evidence of your own eyes when you went to Coniston and Leece. Do not forget the admissions and the statements, although perhaps read in a neutral voice by Counsel doing a fair job, they sometimes contain quite important facts which put the matters into context, so please remember that. It is just as important as a fact that is stated by somebody who you see live in the witness box.

Just before moving to the evidence itself, let me inform you of one piece of evidence which is not material to any issue in this case. It is one matter which no doubt thankfully you can put entirely out of your minds. You recall that during the course of evidence questions were put to Mrs. Park about monies paid to Mr. Park by a newspaper. On reflection whether or not he was paid money is not relevant to any matter in issue in this case. The issue is whether he killed his wife Carol. You should therefore disregard it in coming to your verdicts. If you have any opinions about this kind of conduct one way or the other, you should ignore them and concentrate on what is relevant in the case, which is everything else.

Now what I say in the course of this attempt to help you and what Counsel say is not evidence. We each try to help you in your task of assessing the evidence. If, for example, and you have been reminded of this I think by both Mr. Webster and Mr. Edis and in a sense perhaps some of them, each of them was guilty of it at certain times. They put a suggestion to a witness. That is not evidence. It is only evidence if the witness agrees that that happened. In places where parts of a witness's statement to the police was put to him or her, the extracts are not evidence unless the witness told you that what he or she said to the police in the relevant extract was true. However, previous inconsistencies on the part of a witness between what he or she may have told the police and what he or she said in evidence can be taken into account in assessing the reliability of the witness concerned, even where the witness disavows what he or she said in the previous statement.

In this context, we saw the video of Mr. Bank's interview with the police all the way through. That was like a statement to the police, and indeed a statement was taken in the course of it. It was read over to him and he signed it. The contents of the interview and statement are not evidence of the truth of the contents, except those parts which Mr. Banks told you were true.

Well now, ladies and gentlemen, I trespass on your area of the case, the evidence. As I say, it is my task to summarise the evidence as a whole. Much of what I say you will readily remember, but it has been a longish case. You probably think perhaps too long, but long, and there may be individual items of evidence that my note will have recorded and you may have forgotten. Certainly I can say that as I read through my notes this weekend and on several evenings, there were things that came back to my mind which I had forgotten. So I ask you please to play close attention, even with "I know all that." Some of you may have forgotten it! It may be being helpful to somebody, so I do ask you to concentrate. On the other hand, neither my notes nor my summary will be everything. You have heard everything in

this case, and if I forget something important, for heavens sake do take your view into account and remember that important fact. If I miss something important, you remember it. Again, I may deal with matters as I say, with which you are well familiar and you do not find helpful, but it is my task to summarise the evidence as a whole. Mr. Webster and Mr. Edis in their very able way have the luxury of choosing things that helped or destroyed the other side's case. I am afraid I do not have that luxury, and I have got to remind you of the overall evidence in as balanced a way as I can.

I will take suitable breaks during the process so that we can stretch our legs, and I know how difficult it is to listen to one voice for any length of time. I am going to ask you, I think, to carry on listening to me now for perhaps another three-quarters of an hour or so, and then we will take a break.

Well now, as I say, I am going to try and put everything in a chronological order. I am not going to quite do that, because the first thing I am going to say is that Carol Park was born on the 18th of November, 1945. Mr. Park is a little older than that. I think he was born in the previous year. She was adopted, Mrs. Park was, in 1946 by the Price family and became the sister of Ivor Price, who was our first witness. He told us that the family lived at Leece near Barrow. Ivor himself had been born in 1939, six years older therefore than Carol. There was one further child of the family, Christine, who was born in 1951. She was murdered, as we know, on the 10th of April 1969, in an incident in which their mother had also been attacked. The necessary details are set out in the admissions document before you, and there is a lot about that murder there for you to remember, and I will come to aspects of it in due course. The murderer was John Rapson.

When Christine died at that young age, she already had a child, a daughter called Vanessa, born on the 6th of March 1968. Rapson was sentenced to life imprisonment, but as was the practice in those days, released after about eight



years of his sentence. The matter was in the mind of Mr. Price, because he said he had been working at Vickers, the shipbuilders, and Rapson had been a fitter or apprentice fitter at that company before his offence, and applied for reemployment after his release. Rapson was in hostel accommodation prior to his release. His earliest parole date we were told was the 16th of July 1976, but this was delayed until the 3rd of September of that year. I will come back a little later to his possible whereabouts in the important time in July.

Ivor Price described his sister, Carol, as an excellent student, gifted in languages. She had wanted to go to university, you may remember, but her ambitions were thwarted by a lack of money on her father's death. She went to work in the town hall in Barrow instead, but later qualified as a primary school teacher. She trained at a college at Matlock in Derbyshire, and we heard from one of her friends at that time, Mrs. Farmer, Rosemary Farmer. She told us that she remembered Carol meeting the present defendant in about 1962 or 1963, and she recalled Carol bringing him to a college ball in one of their trainee years. Mrs. Farmer described Carol as levelheaded, cheerful and bubbly. Her hobbies were of the outdoor type. She liked rambling, camping and youth hostelling. I think every witness we heard used that word 'bubbly' about Carol Park; that occurred several times.

She married the defendant on the 28th of August 1967. Mr. Park himself told us about this early period. He was a Barrow boy, in the sense of coming from Barrow. He left school in the first year of the sixth form, when he would have been 17 in 1961. He told us he had been in the Scouts. He had learnt some knotting skills at that time. He had learnt knots such as the reef knot, the bowline, the sheep shank, the eye splice and the round turn and two half hitches. I think that was confirmed by Mr. Rideard, who had also been in the Scouts, that he had learnt similar skills at that stage. Mr. Park told us that the figure of eight stopper knot that we see later in the case he had learnt at a later stage, not in the Scouts. He also

enjoyed camping, fell walking and climbing. In school days he did some basic climbing without climbing equipment. I will return a little later to sailing, which was Mr. Park's other hobby or passion.

He worked in his parents' business when he left school, and it was at this time that he met Carol. She was as he said working in the town hall in about 1962 or 1963, as Mrs. Farmer had told us. There was a period of six months he said before a romantic attachment developed, as he put it in every sense of the word. They fell in love, they were engaged while Carol was at the teacher training college, and they married as I say, in August of 1967. They moved to Bluestones after the marriage. The house was substantially complete Mr. Park told us. As far as its structure was concerned, they had a bedroom, kitchen and bathroom. The decorative work remained to be done. That house was of prefabricated construction, built to a large degree by Mr. Park himself, with assistance from friends and trades people for the more particular jobs.

Mr. Desmond Williams, you may perhaps just remember, one of the witnesses from Leece who had lived there slightly longer than Mr. Park, and said he was aware of Mr. Park doing some plumbing work at that house, but this seemed principally to relate to work for sheathing hot water pipes for insulation; a small point of evidence. I had forgotten that. I picked it out of my notes, I think at the weekend.

Mr. Park described the first two years of their marriage as very good. I think the expression used was loves young dream. They were very happy. They were young and without responsibility, except to each other, and there were no significant difficulties. So far as a family was concerned, they planned to leave that until the house was finished and they were more established, but then all that changed when Christine Price met her tragic end as I have already described, and they decided it would be the right thing and no doubt it is greatly to their credit that they did it, to adopt young Vanessa. Mr. Park told us that this was discussed with all members of

the immediate family. He said that Mr. and Mrs. Price could not adopt; they already had three children, but he and Carol were free and they felt it right to step in. Mr. Park said that all seemed agreed about the matter, but when the matter came to court, they found that Mr. Ivor Price was objecting. Mr. Park said that previously Ivor had indicated his agreement when the matter had been discussed, and that the objection had been entered behind the backs of Carol and himself. Mr. Price put the boot on the other foot. He said that Carol and Gordon had applied to adopt the baby Vanessa, while keeping himself and his mother in the dark. It is probably one of those issues you do not have to decide to resolve the matters, but perhaps you should recall the background dispute about that point.

Well, there was obviously a falling out in the family, was there not, after that, and for some years Carol and Gordon Park being estranged from the Price side of the family. Gordon Park said that Carol would not have anything to do with her brother Ivor after this episode. It was in this period that the young Park couple had their other two children, Jeremy born on the 30th of March 1970, and Rachel born in May of 1971. However, in 1974, there was a reconciliation apparently. It appears to have come from Gordon and Carol's side. Mr. Ivor Price told us that Gordon Park came to invite them for a meal. Mrs. Price said she thought it was Carol who came to invite them, and after that she said life resumed as normal.

Well, let me just turn to the background of Mr. Park's interest in sailing. It seems he was interested in sailing from a relatively early age, and I think he put it that he started when he was about 14, when his father bought a dinghy. Ivor Price told you that he was aware of Gordon Park sailing in dinghies, and he said he had seen dinghies from time to time at Bluestones and he had seen a dinghy and trailer there before Carol had disappeared. He agreed, however, Mr. Price did with Mr. Edis's suggestion that it was unlikely that he had spent time at Bluestones while Carol was separated from Gordon Park in the months up to August 1975, but he was insistent he saw a boat and trailer with a board for the trailer lights at Bluestones

between August 1975 and Carol's disappearance. He said he had been sailing once with Mr. Park himself. That was after Carol's disappearance in about 1977 on Windermere. He was unable to say specifically whether he had been to Bluestones in the Summer of 1976.

Mr. McWilliams, a neighbour I have mentioned already, was initially inclined to think that Mr. Park had built a boat in the garage at Bluestones in the early to mid 1970's rather than the late 1970's. However, he was cross-examined about that and said he could not remember whether the boat building had happened before Carol's disappearance for the last time. He said he did remember that boat being transported on a trailer and being sailed at Coniston and at Rowe Island.

Mrs. Farmer, the college friend of Carol's, also told us a little bit of what she remembered about boats. She said she last saw Carol Park in 1973 or 1974, no doubt before her longish separation from the defendant. She said she had been to Bluestones about four or five times after leaving college and before she last saw Carol. She recalled Mr. Park's sailing hobby and said that she saw a dinghy on Bluestones on a trailer, but she could not remember whether she saw the boat once or more than once.

Kay Gardener, the Price's daughter, told us a little bit about this. She had sailed with her cousins. She said that she had been into the garage at Bluestones. When she was asked what was in the garage, all she could remember was a big chest freezer. She made no mention of a boat being there. As far as the sailing was concerned, she only remembered one boat. She remembered sailing to an island and having picnics. She also remembered going down what appeared to be a narrow river at the end of the lake. Mr. Edis put it to Kay that this was consistent with islands on Windermere and the river effect at the South end of the lake at Newby Bridge, and Mrs. Gardener said well, she knew Newby Bridge, but was unable to say whether or not it was there that they had sailed.

Another neighbour, Mrs. Robinson, said that she remembered Mr. Park being involved with sailing at Rowe Island and then Coniston. She had seen a boat at the house. She was unable to say when it was. There had been no more than one boat as far as she could recall, and she did not remember a trailer. Mr. Edis put to her that there had been no dinghy at Bluestones in July of 1976, and she said she would be unable to say whether that was right or wrong.

Jeremy Park talked about sailing with his father from a young age on boats moored on Windermere. He said first there were small dinghies and then there were the boats called luggers, also on Windermere. Those were heavy boats, said Jeremy Park, capable of carrying up to ten adults. He attributed all this to the period before his mother's disappearance when he was six. Afterwards in the late 1970's as Mr. Park Junior told you, his father had built a boat called the Big O. The boat was built there with the help of family and friends at Bluestones. He himself had helped. The project was as he put it "a village story." He put the date of that project as being about 1978 or 1979, when he was about eight or nine years old. That boat was intended, said Jeremy Park, for sea sailing. The trailer was also built, and the welding had been done at a garage in Leece. Jeremy told you his own interest in sailing continued until he was about 14. He told you himself could tie lots of knots, including bowlines, slip knots and figures of eight. He said the skills were common in the area, where climbing and sailing were popular.

Vanessa Park also spoke of sailing with her father. She sailed with him on both Coniston and Windermere as she recalled. Jeremy and Rachel had gone with them. It was a sailing boat on Coniston, but she did not know whether it was her father's or owned by somebody else. It was a sailing boat bigger than the dingy she said. They used to drive to it. She said she might have been to Windermere as well, and she remembered her father building the boat in the garage and did not recall any boat being kept there before that. She said she remembered going to a boat moored on the lake. She remembered a green boat is what she said. There

had only been one boat before that one that was built in the garage, and she remembered the one that was the home built boat as being the Big O. She was asked whether they had ever driven to a boat called a lugger on Windermere, and she said she could not disagree about that, but she repeated that she had sailed with her father on both of the lakes.

Well, Mr. Park gave detailed evidence about his sailing hobby, which you will also bear in mind, and about the boats that he had and either owned or had available to him over the years. His evidence when questioned initially by Mr. Edis was that he had no boat at Bluestones after May or June of 1976. The boat he had immediately up to that time was the 505. It was a fast sailing dingy. He took it up to Windermere for his course so that he could take the children out on the lake. He said this was a racing craft, it was not suitable for children, and he was proposing to take groups of children out on the lake. That boat said Mr. Park needed two to sail it. Mr. Webster put it to him that the boat was quite capable of being sailed by one person with just the jib sail up, and Mr. Park agreed with that, but said it would be a difficult job. Anyway, Mr. Park told you that he accepted an offer to purchase it from a man by the name of Grant, who was as he said in interview an instructor on the course. It is not, there is no evidence to suggest that for example Mr. Grant himself saw the sailing log book, but he was an instructor on the course it seems. The price that was paid was about £200, said Mr. Park. No documentation was needed to effect the transaction. We did see Mr. Park's sailing log book, as you remember, filled in by him in his own hand, which indicated that he had in fact sold the boat in July of 1976, and you have seen the entry many times. It is in our folders.

Mrs. Jennifer Park was asked about boats when she made a statement to the police in 1997, and she agreed that in that statement she had recalled some conversations with her husband that in his early years of marriage to Carol, he had had a 505 boat at Rowe Island and that he had built a boat in the front bedroom at Bluestones, in addition to the Big O, but in that statement Mrs. Park said that her

husband had told her that both these boats had been sold early in his marriage to Carol. She told you that she could not remember now whether Gordon had indeed told her that or not. After four days of dealing with the police in 1997, she said she wanted to finish and did not really care. She could have been totally confused. She just wanted to finish making her statement, and this passage appeared fairly close to the end. Her recollection was that Mr. Park had told her that the 505 had been kept at Rowe Island.

Just turning for a moment back to the log book, we have looked at the certificate that was issued after whatever the elements were in the course. Perhaps we should just turn up that, if you would, please, ladies and gentlemen. The log book. The last document in the folder. Some of those entries indicate a completion of a substantial part of the course in 1976. If we look at the page with the certificate on it and the little .... there is an endorsement at the bottom, "A and B covered on proficiency instructor's course May/June 1976", and signed probably by John Crisp. There is an indication on the same page that examiners' signatures have been checked in October 1977 it says, initials J.C. We have a signature slightly different from the rest in the A column on that page, and then if it is the same as your copies, on my last page we have an entry for September 1977, which is signed perhaps by Mr. Peters; "Completed three weekend advance proficiency course and examined A2 to complete certificate", seems to be the entry. I think Mr. Park read that to us when he gave evidence. So it may be that Mr. Park did the bulk of his course in the May and June of 1976 and did one module, whatever it may be, in September, getting his certificate in October of 1977.

Mr. Park himself said he was a little confused about the dates of completion of the course. He said that he had however taken children out on the lugger boat, as indeed some of those entries in 1976 and the log book indicate. He told us about the boats he had before and after 1976. He told us that he initially learnt to sail with his father by a teach yourself method. They bought a boat called a GP14

when GP himself was 14 by coincidence. They had the boat for three or so years, sailed it on Coniston and Rowe Island. In 1958 or 1959 Mr. Park told us that his father had acquired a caravan he kept at Coniston, and the boat was kept there with it. After the sale of the GP14, Mr. Park told us that his father acquired another boat at Morecambe, and they sailed it across the bay to Rowe Island, where it was sailed from time to time and kept moored on the mud. It was a power boat, and they sailed up and down the channel and went fishing. He also told us that he crewed for a man called McIntyre in competitive races at Rowe Island. His next boat was a small eight foot pram dinghy which he built for himself at Bluestones in 1970 he said, i.e. about the time the children were arriving. This was a craft, a small type, with a square front rather than a usual rounded bow, and he said he used a trailer to transport that. He used it he said on most of the English lakes. So that would be the period of 1970 to 1974. Perhaps it was therefore that boat and trailer which Mrs. Farmer saw. We do not know perhaps, but it is a possibility. Then he said he bought the 505, the fast racing dinghy from a man who lived at Woking in Surrey. He says he sold that in June of 1976, but we have seen the entry suggesting that in fact it was July. Then he built the Big O. That was 16 foot in length, five foot wide. It was covered and had seats. He also had access to a lugger which was owned by the Cumbria County Council, kept on Windermere, and after the Big O he said he had another dinghy, a Merlin Rocket, which he raced on Coniston. He joined the Coniston sailing club in 1985, between the time when he had sailed on Coniston with his father and had joined the sailing club in 1985. He said he had hardly ever sailed on Coniston. We do have his log book entry, which suggests that he had sailed on Coniston in the earlier period, and it was possible he said he had taken his small self-built craft there and launched it at Mid Thwaite. He said he had taken that boat to Coniston and rode out to Peel Island with the children. It may be of course it is one of those trips that Kay Gardener remembers, when she sailed out to an island, and she could not remember if it was Windermere or Coniston.



The entries in the log book Mr. Park said were in his own hand, completed at the time of his sailing course in 1976. He was referred to the entries marked Summer 1958 and 1970, and he agreed and you can look at them at your own leisure, that this reflected a lot of sailing on Coniston. He said that on the lake he had just sailed up and down it. He had not gone on picnics on the shores. He agreed with Mr. Webster's suggestion of course that he would have to tack across the shores, to the shores if the winds were adverse, but he said he had not previously visited the spot where Carol's body had been found, although he accepted that that site was directly opposite or almost directly opposite where the family had the caravan in his childhood. He said he did not know Bailiffs Wood, and the view across the lake was simply a featureless expanse of water.

Well, that is I think the sailing. I think that is the evidence we have up to the period of Carol Park's disappearance. There may be other bits which you remember, but those are the salient points that I noted from my own notes.

Well, let us turn to Carol Park and her relationship with the defendant. As we heard, the marriage would seem to be happy at first as far as her own family was concerned, and Mr. Park tells you that. We have the birth of the children in 1970 and 1971. Carol was working as a teacher. We heard from a Mrs. Isobelle Weaver, who you may remember, was a colleague between 1967 at the time of Carol's marriage and until 1973. She told you that Carol was a committed teacher who did more than the simple nine to five job. She was musical, she played the piano. Mrs. Weaver told us that Carol was very proud of her new baby Jeremy, who she brought to a school sports day when perhaps she was on maternity leave or something like that. She was described as a good teacher by Mr. Moffatt, her colleague of a bit later, but it is obvious as we all know, that the relationship with Mr. Park gradually declined. Mrs. Farmer told us of becoming aware of the strains in the relationship when she was there on her last visit in 1973 or 1974, although she thought that

perhaps at that stage the fact that the children had all been ill might have played a bit of a part in it.

Mr. Park himself told us that it was after Rachel's birth in 1971 that his relationship with Carol changed. In his view the births of the two children in such a short time took a lot out of her. He recalled the other witnesses who spoke of her sparkle and spontaneity, but he told you that at this time she appeared more tired and withdrawn. She was also taken up by her work. He told you that they shared the household tasks of cooking and caring for the children. He said they got on fine nonetheless, and the children were a lot of fun, as he put it.

He first mentioned to us matrimonial difficulties for the period in the early 1970's, when he became suspicious that Carol might be involved with another man. He thought this was in 1972. He confronted the man concerned, who as Mr. Park put it, made a clean breast of it. The man admitted there had been some kissing and cuddling, but nothing else had happened. He also remembered an incident slightly before that when he had been working outside the house with a friend. He thought it was in September 1969, and of course I think Carol would probably have been pregnant with Jeremy. He had seen Carol pack a bag and go off in a huff, but he could not remember what all this was about and she had come back that same evening.

Then things went further downhill in March of 1974. Mr. Park discovered that his wife was having an affair with a man by the name of Foster. He was someone that his wife had met in the course of her Open University studies. He was a local married man he told us with children, and he said that in discussions with this man's wife when he tried to find out more about what was going on, he discovered that the affair had been going on for some time. There was one occasion he spoke of where Carol had gone off with Mr. Foster, but returned the next day. Thereafter, nonetheless he told us that his wife had stayed. She told him she was contrite, I

think was the word he used, and she recognised she had made a mistake. He said he still loved his wife at that time, and he wanted them to be together and to try to put the Foster incident behind them.

Then again in April 1974 according to Mr. Park, Carol packed a bag and left once more, but came back on the same night. He accepted, however, that on these occasions when Carol had left for more than a few hours, he had known where she had gone, which was different from the final occasion in 1976. He told you that in spite of these comings and goings, he loved Carol. He could not understand what was going on. He was devastated he told us by the discovery of the affair with Mr. Foster. They had a young family and appeared to have everything to live for, as he saw it. He wanted her back and tried to make the marriage work.

Well, we then come to September 1974 to August 1975, and the longer separation. That was when she went to live with David Brierley. She had met him at Keele in the Summer of 1974. The children spoke a bit about this in their evidence, although they were quite young. They remember driving a long way to see their mother, and they spent one holiday with her away from home. Jeremy also remembered seeing his mother at his grandmother's house, Nana Price as he called her. He told you some of the details he remembered about that time; the house with the fields at the back. The man's name Dave and Dave's brown leather jacket. He recalled playing with Dave's son and sisters, and his sisters. He described somewhat graphically the last day of the holiday when his mother was in the kitchen making cakes. He went to a park without her. He said he remembered needing her and feeling homesick, and before leaving he recalled seeing a tear on his mother's face and feeling a sense of rejection. He did not recall on that occasion how he had got back to Barrow.

Vanessa remembered the separation in snapshots too. She remembered her brother winning a goldfish. She said it was a nice trip away. Her mother had been

like any other mum taking her children away on holiday. In contrast to Jeremy, she remembered coming back with Carol to Leece. Gordon Park had come to pick them up, and Carol Park had come back with them. It is possible that is the time Mr. Park talked about, as did Mr. Brierley, when the final separation occurred from Brierley. After that Carol had stayed at home, and at that stage Vanessa and Jeremy would have been seven and five respectively. Vanessa said she did not know the state of her parents' relationship after Carol's return, and she was not aware of any unhappiness she said after she had come back from the North East, and that is what the children said about it.

We know of course a lot more about that period from Mr. Brierley and from Mr. Park. Mr. Brierley told us that he did attend that course in the Summer holidays of 1974. Carol attended. It was an Arts Foundation course for a week, and on Monday the 12th of August it seems Carol wrote the letter in affectionate terms that we have in our folders, and that was the Monday of that week apparently. She reassured Mr. Park as to her affection for him and reminded him in it that she was going to return at the weekend. Of course it was during that week that she met Mr. Brierley. He told us that he qualified as a teacher in the 1960's. He had a short spell in Durham Police and then returned to teaching. He was married but separated from his wife. He had a son called Michael. He met Carol Park at the course. They were attracted to each other and became friendly, although he told us that there was no sexual relationship at that stage. He had been aware that Carol was married, but had understood that her boyfriend was going to visit her whilst she was on the course.

Mr. Park told us what he knew about that week. He recalled of course, he said that Carol had not got a degree, which you did not need for teaching in those days, but she wanted to further her career by getting a degree and that was to that end, and he remembered of course and produced in his evidence the letter that we have got, and he told us expressly that he thought the reassurance in the letter was referring to the affair with Foster that had been found out earlier in the year, but of

course by the end of that week the seeds of the relationship with Mr. Brierley were sown.

Mr. Brierley told us he did not see the other man who was supposed to be coming to see Carol during that week. When he got home he got a letter from her he told us within about a week of leaving Keele University, and he had been told by Carol that she had left home and was staying at a guest house and wanted Mr. Brierley to 'phone.

Well, Mr. Park's evidence about that was that when Carol Park got home, at first nothing happened. She was a bit quiet, but otherwise normal. After about a fortnight she announced she wanted space and time to be alone, and she had decided she announced to move to the High Govern Guest House at Broughton, where she could sort out her thoughts. He told her, I am sorry, she told him where she intended to live, he told us in evidence. Mr. Park now accepts that he took her there at her request, and I have mentioned already that was not what he told the police in 1997. He denied when challenged about this, that he had only changed his version of events because he was trying to give an impression to the police that Carol had a tendency of disappearing without trace.

Anyway, Mr. Park said Carol took with her enough clothes to get by and took the large hair dryer which we have heard mentioned. He said he expected her to take some time on her own and then to return home in due course. She had not told him at that stage that any other man was involved. He said that she did not make any arrangements to see the children; it was simply not mentioned. Then a date which Mr. Park remembered precisely on the 26th of September 1975, he said he received a 'phone call at school from Carol, who said she wanted a divorce. She did not say why and did not say what her plans were, Mr. Park told us. There was no correspondence from lawyers he said at that time. However, during the week before half term, Carol had come to the school and had tried to arrange access during the

half term holiday that was coming up. After that half term Mr. Park said she had access to the children every Saturday at her mother's home. Mr. Park said he was present on all these visits, and this was the sort of matter which you remember the social worker or probation officer looked into at the time of the custody hearing in Middlesborough.

Perhaps we should just have a quick look at that report, produced in March of 1975. It is tab nine in your second series of dividers. It was read during the course of his evidence by Mr. Webster, I think it was, the passage about access in that report, where Mrs. Hollows the author said that undoubtedly there had been a number of problems over access in the past month. "It is difficult to know quite what these were, as both sides have accused the other of being wrong. However, prior to my intervention in January, Mr. Park refused to allow his wife to see the children without his being present. He also refused to allow the children to meet Mr. Brierley, until I pointed out they would have to meet him sooner or later." Mr. Park accepted that that bit was true, but he denied that he had been obstructive about access. He said he did not want the children disturbed from their present arrangements, and he thought it was in their best interests that that should be so, and he was also asked about a passage at page three of the same report, four paragraphs down on page three. The social worker had written "The custody of the children is of paramount importance to him, and he cannot see his own future without them. He is also very resentful towards his wife and is determined to stop her having the children." He said to you that he did not think that fairly reflected his attitude at the time at all. He said to us he was not sure when he had first heard about Mr. Brierley. He thought it was either just before or just after Christmas. He had not been aware that Carol had tendered her resignation from the school where she was teaching. He said he had been over to see her once or twice at the guesthouse and taken clothes for her. He had tried on those occasions to persuade her to return.

Mr. Brierley said that he did go to see Carol from time to time and first met her somewhere in the village. He was aware that she had left her husband, and he said he was scared by the situation that he was becoming involved in, with the breakup of a marriage. He said at first they drove round just killing a few hours. He said he continued to visit her at Broughton in November and December of that year, and on one or two occasions he had stayed a day or two, and it was at that stage they decided they wanted to live together. He also said he had seen Carol occasionally at her parents' house, where she was having access to the children. He had stayed in a rear room while the children visited.

We also had evidence from Mr. and Mrs. Walker, who ran the guest house. Mrs. Walker told us that it was at the end of August, just before the school term, that she had received a call from Carol asking for a room for a few days, and that ties in with Mr. Park's assessment that it was about two weeks after Keele that she said she was leaving home. She asked Mr. Walker if he would transport her to school in the mornings. The Walkers in fact had a child at the school and another was to start in the new term. It was, said the Walkers, Mr. Park who brought her to the guest house, with the three children in the back of the car he said. She brought a suitcase, a vanity case and the hair dryer. Mrs. Walker said she did not realise the problem immediately, but Mrs. Park, Carol, had opened up to her on the following evening, the Sunday. She had told Mrs. Walker that she wanted to find a flat, but realised that that would cost a lot more than staying at the guest house. She told Mrs. Walker about Mr. Brierley, and she said to her that she, Carol, realised it was her only chance to make a break. She asked to stay on after that first week, and the Walkers could accommodate her except for the half term holiday, when they were fully booked. Mrs. Walker said that Carol was unhappy without the children. She consulted solicitors in Broughton about access. However, the children she said never came to the guest house. Mr. Brierley did come to stay she agreed once or twice and brought his little boy. Mrs. Walker described the relationship between

Carol Park and Mr. Brierley. She said Carol seemed happy but miserable at the same time. She had stayed until Christmas. She had been anxious to work out her notice, and then left for the North East. Initially Mrs. Walker said Carol would call her every month or so on the telephone and wrote at intervals. However, after July of the following year she did not hear again until the Christmas, when she got a card with a Barrow postmark, and assumed as it seems right, that by that stage Carol had moved back to Barrow.

Mr. Walker I do not think added to the evidence about this period. His memory was not as good as his wife's, but he did say something about seeing Carol the following Summer, and I will come back to that.

Well, towards the end of 1974, Mr. Brierley said that he and Carol began to look for a house where they could both live. Carol applied for a job in the North East. She was successful and obtained a post at a school for children with learning difficulties. That was a school called Sunningdales, and somewhat later in the evidence we heard from Mr. West, the headmaster. She took up the job after Christmas of 1974, was highly thought of at the school, and Mr. Brierley said that he and Carol found the house they wanted, and this was at Normanby. 21 Scott Road was the address, and Mr. Brierley's son Michael moved in with the two of them. He was seven at the time, and was therefore about a year older than Vanessa and three years older than Jeremy. Mr. Brierley said that Carol was excellent with Michael, who had suffered in the breakup of his own marriage. He told you that they were in love and very happy.

Anyway there was obviously a large cloud in the sky in that relationship in Carol's separation from her children, and it was on I think the 13th of March of 1975 that there was the hearing before the Magistrates to resolve the question of custody. Custody was awarded to Mr. Park, with access arrangements formally arranged for her to see them every alternate week and for half the school holidays. After a little



resistance to the suggestion, Mr. Park told us that he had in fact lied on oath to that court when he had said he had not had an adulterous relationship with Mrs. Walmsley. He accepted he had done that in that case with the object of misleading that court.

Anyway Mr. Brierley told you that as a result of the hearing, Carol was shattered. She took medication for what he described as her nerves, but he did say that after that court hearing the access arrangements from a practical point of view became more settled.

Well, I am about to turn just to the evidence of Mr. West, and there are some documents I think we should look at in relation to his evidence, but that might be a convenient moment to take a short break, about half-way through the association between Carol Park and Mr. Brierley, and we will move on. Shall we say twenty-to-twelve? Thank you, ladies and gentlemen.

(The jury withdrew from court)

(The court adjourned)

(The jury entered court)

MR. JUSTICE MCCOMBE: Ladies and gentlemen, I made a mistake. Mr. Webster has told me that when I was telling you about Mrs. Park's departure from home in 1974, I mentioned the fact that Mr. Park vividly remembered the date when she said she wanted a divorce, and apparently I said it was the 26th of September 1975. Well, obviously it was 1974. I am sure that you did not make the mistake that I did, but I apologise.

Well, we were looking, were we not, just before the break at the time when Carol Park was in the North East of England with Mr. Brierley, and she had got her job at Sunningdales School, and I was going to turn to what we heard from Mr. West, who was the headmaster of that school, about certain aspects of her time there. We dealt with the custody hearing, where Mr. Park had been successful and it had had a devastating effect on Carol, and it seems that at some stage between

that hearing and the 21st of March, being a date when he had written to Mrs. Park, she had tendered her resignation from Sunningdales, and we have got that letter in our file or at least possibly a draft of it which she may have handed over. Perhaps shall we have a quick look at that? The second series of dividers at flag two. I say a draft because of the way it appears. It is the 'YF' at the bottom, which you might think is "Yours faithfully", something she intended to write but perhaps handed over to Mr. West, but it is on his file anyway. She writes 'SS', perhaps Sunningdales School. "Dear Sir, it is with deep regret that I wish to tender my resignation as an assistant teacher at Sunningdales School as from 31st March. I am sorry to give such short notice, but there are extenuating domestic and health circumstances which involve my moving back to Cumbria, perhaps as soon as possible. My future address will be B", Bluestones, one suspects.

Well, she did go back at those Easter holidays, did she not? We have heard about that. Mr. Park told us he had a call from her and she had said she wanted to come back. He ended his relationship with Mrs. Walmsley and Carol came back for perhaps six or seven days. He told us that during that period he and she had talked and talked and talked. There was a full and frank discussion, and nothing he said was left unsaid. He said that Carol had reached a decision in the end calmly and rationally that she did not want to continue to live with him. She decided to go back to Mr. Brierley. Mr. Park said that Carol then rang Mr. Brierley and asked him to come and collect her. In contrast, Mr. Brierley said that after a short time of Carol being away, he got a call from Mr. Park to say that Carol had gone berserk and asking Mr. Brierley to come and collect her. He said he drove to Leece to pick her up. Mr. Park said that he disagreed with the question of who had made the call.

Well, then we heard from Mr. Park himself, Mrs. Walmsley and from Mr. Ernie Shaw about the incident at Bluestones when Carol went berserk. Mr. Park said that of itself Carol's decision caused no crisis. She was rational and calm. She expressed a wish to see Mrs. Walmsley. He did not think this was a particularly

good idea, but she said she wanted to talk to Mrs. Walmsley about the children. Mrs. Walmsley, Julie came, and the three of them went into the lounge. He told us that he could see it in his mind's eye, this incident. They started a quiet conversation. Mrs. Walmsley then left to go to the lavatory, and Carol flipped, as he put it. She became hysterical. She was wound up into a frenzy for no apparent reason. He said he was unable to work out what the cause was. He thought it might have something to do with the powerful tranquillisers that she was on. He seems to have known about that, although does not seem to have known about any medication at a later stage. Anyway, Carol began shouting and waving her arms about. She grabbed objects, hurled them across the room, and Mr. Park himself, he said he had seen nothing like it before or since. She had never thrown things at him before. He decided he had to restrain her. He told hold of her arms and said "For goodness sake stop it." She said "Get off me. You cannot hold on to me." She was kicking and writhing, and he said he pinned her to the floor, holding her wrists and sat astride her across her stomach. Mrs. Walmsley returned from the bathroom, and he shouted to her to call Mr. Shaw, and I have given you the different account he gave in interview and you will bear that in mind no doubt and the points that each Counsel have made about it. I will not dwell on that again.

Mr. Ernie Shaw and Mrs. Walmsley both describe seeing Mr. Park on the floor trying to calm Carol down, and I have mentioned that Mr. Shaw thought that the incident was a year later, but it is obviously 1975 and I am not getting my dates wrong again. If I am, Counsel will tell me, but I do not think I am.

Mrs. Walmsley told you about her relationship with Mr. Park. She said it began in late 1974 during his separation from Carol. She said it lasted until the Spring of 1975, when Carol had wanted to come home. She had returned, and she recounted one evening getting a call from Gordon Park asking her to go to Bluestones because Carol wanted to talk to her. She said that Carol told her she was leaving again and asked her to be kind to the children and to help Gordon with them. She said the

discussion was fine and civilised and everyone was calm. Mrs. Walmsley had the impression that Carol was really planning to go for good on this occasion. However, at some stage she had to go to the bathroom. When she returned she said there was shouting from the lounge. When she walked in, Carol was lying face down on the floor with Mr. Park in effect astride her, holding her hands and trying to restrain her. Gordon had shouted to her to call Ernie and to ask him to come round. Mrs. Walmsley did this, finding his number in the 'phone book by the telephone. She went outside in the drive to wait for Mr. Shaw, and she said she never saw Carol again after that incident.

Mr. Shaw said he arrived. He told you Carol was still on the floor with Gordon astride her. He appeared to be trying to restrain her. He was not being violent and Carol was not injured. She seemed however to have been crying. Mr. Park's father Sidney had also come round later. Mr. Park Senior suggested that Mrs. Walmsley left, and she did. Mr. Shaw said he thought that Carol had gone to bed, but perhaps that did not happen, as we know that she was taken off later to the North East. He said that, Mr. Park Senior, and he had stayed for a while and talked. Mr. Shaw described Mr. Park as being as normally calm and self-controlled, and he had never seen him use violence to anyone, and that was the context in which he gave the evidence I referred to before.

Mr. Brierley said he arrived at Bluestones, was met amicably by Mr. Park. There was chaos in the house with broken glass and compost from plants on the floor. There was a real mess he said. He then took Carol back up to the North East.

Mrs. Walmsley said that after this incident she started going out with Mr. Park again, which continued for a couple of months or so. She said she valued her relationship with Mr. Park, but again it had to be scrapped when Carol returned at the end of the Summer.

Mr. Brierley then told us about the rest of his time with Carol in the Summer of 1975. He said that during that period she became more and more depressed because she could not live without the children. He knew in his heart of hearts he told us that Carol would have to go back in the end. He said there was a feeling of despair in the house. It became impossible for them to stay together. He said he had personally a deep sense of grief that something that had started so wonderfully as he put it was ending. It appears that Carol was seeing a doctor in the North East about her health, and Mr. Brierley recalled her doing that in late July and early August, and we now have the evidence of what was happening at that period from the consultant psychiatrist, Dr. Mosel Hudin, who Carol actually consulted and whose statement was read to you, because he has unfortunately passed away.

The doctor gave a summary of what Carol had told him. He had first seen her on the 31st of July 1975. She made no mention of any violence on the part of her husband or feeling threatened by him. She just said that he was spying on her all the time. He diagnosed she was suffering from the depressive illness precipitated by marital disharmony, and he prescribed an antidepressant. He saw her again on the 7th of August of 1975, and on this occasion she had seemed rather happier. He thought that she had a disordered personality and was unstable in her relationships. Further appointments were made, but she never attended again, and in particular it appears that she had an appointment for the 4th of September which she did not keep, and obviously by that time she had gone back to Barrow.

It was probably at about that time in August when the children were again staying at Normanby, and Mr. Park came over from the Barrow area to pick them up and it was then that Carol decided that she wanted to return to Leece. Mr. Brierley said that he did not think that it was a spontaneous decision. He said he remembered what he considered a rather strange situation of Carol packing her things into the car while Mr. Park was talking to him in a friendly and unemotional

manner, as though nothing had happened. They left, said Mr. Brierley, and he never saw Carol again and never even received a 'phone call from her.

Mr. Park said that he had gone to Normanby to pick up the children after their access with their mother. He found that she had packed her bags and was asking him to take her back to her own mother's house in Barrow. He said it seemed a little churlish not to agree as he was going back in that direction. He said that in the car they talked about what had happened, and they thought it was worth, as he put it having another go, and as a result then she went back to Bluestones at Leece with Mr. Park.

Mr. Brierley said thereafter he and Carol sorted out their joint affairs by way of correspondence. He sent her documents to sign, which were duly returned without difficulty. Carol made over the house which had been in joint names to him and they sold the car that they had bought together, which was a Ford Escort.

Mr. West the headmaster of Sunningdales said that Carol continued to work at the school until the end of the Summer term. On the day following the end of that term she had visited him at home. She had said she was unsure of what she wanted to do. She wanted to go home to the children and seemed not so happy in her relationship any more with Mr. Brierley. She had mentioned perhaps particularly Mr. Brierley's son had been difficult to manage. After that Mr. West said he had no further contact with Carol. She had failed to turn up for duty on the first day of the new term in September. However, shortly after that he received a letter from her which we had read to us, and perhaps we should just look at that if you have still got your folders open at the relevant page. A letter of the 4th of September of 1975, and perhaps we can look at the second paragraph. Mr. West writing to the County Education Officer in Middlesborough, and it says "On the last day of the Summer term Mrs. Brierley failed to arrive at school, and it was later reported by Mr. Brierley that she had been taken to the doctor, who diagnosed severe depression. Mr.

Brierley has been in contact with me during the holiday period, firstly to state that Mrs. Brierley had left the house and her whereabouts was not known, and then later to report that she had returned, and finally on Thursday the 28th of August, to report that she had once again left his home, and he believed she had returned to the Barrow in Furness area. Although he was by no means certain, he believed that she would have gone to live with her mother", and an address is given. "He did not anticipate that Mrs. Brierley would return to his home again, and he made it quite apparent to me that he in fact had no wish to resume the situation with her. Mrs. Brierley has made no contact with me, either during the holiday period or since the opening of the school. No medical note has been forwarded to the school", and he goes on to explain his practical problems.

Mr. Brierley was called back, as you probably remember after Christmas, to deal with the references in the letter to him, and he said that he could not remember whether he had been with her to the doctor on the occasion which was mentioned in the letter. He agreed she had been diagnosed with severe depression. He had no recollection of Carol Park leaving the house and him not knowing where she was. All he remembered was Carol leaving with Gordon Park and the children. He said she had left on only two occasions. Once was at the Easter of 1975, and again at the end of August. He denied having reported her to the police as missing on any occasion. He said that Carol had never walked out, leaving with her whereabouts unknown to him. He insisted there was no third occasion of separation, apart from Easter and the end of August, and he had no recollection of contacts with Mr. West as mentioned in the copy letter. He said that on final parting he knew his relationship with Carol was finished, and there would be no further contact with her. He said it was the end of the nightmare, it was like a visit to the hospital or dentist when it was over. It was a blessed relief.

Mr. Park told us a little bit about that Summer before Carol returned. He said that during the Summer term of 1975 when he thought that Carol was at Normanby

with Mr. Brierley, a uniformed police officer had arrived at his home asking for information about Carol. The officer said that Carol had been reported missing by Mr. Brierley, and he had understood subsequently that she had been traced to her mother's home, so that is the evidence we have about that incident of possible disappearance of Carol in the Summer of 1975.

Perhaps one further matter I should recall to your attention was Mr. Brierley's evidence that when they were together, Carol Park continued to wear her engagement and wedding rings, he said. She tended to take one or both of them off at night, but wore them at all other times during the day. He said that Carol had adopted his surname which she used for work and for other purposes, and they were in effect like a married couple.

While on the subject of rings, Mrs. Park's, Carol Park's colleague Mrs. Weaver recalled the time in the late 1960's and in the early 1970's when they had been together as teachers. She recalled an occasion admiring each other's rings. Carol's engagement ring was larger than her own, she said, and she took it off to show Mrs. Weaver. Otherwise she recalled Carol always wearing her rings.

Well, at the end of the Summer 1975, Carol was back in Leece and Mr. Park told us that it was wonderful. They were picking up the pieces. He and his wife were back together again. He had his wife back and the children had their mother. He said it was a time of great hope. He said they had a circle of friends and neighbours who were loyal and supportive to them both. He said they still loved each other, it was working and they had some good times together. He said Carol did not work in the period up to Christmas, but got a job again at Aston at the primary school. He said she liked her job, it was what she liked doing and she was back being involved with people. He said that after her return and in the period up to July of 1976, he had not been aware of any matrimonial difficulties. He said their arguing was in the past, there was no violence between them and the children were



wonderful. They were all happy again. He said he trusted Carol completely. They had their ordinary social lives together. Carol was free to do as she wished. She had the use of a car and friends of her own. All was well so long as he knew where she was going, and she was free to come and go as she pleased, as he put it, within reason. He told us that Carol socialised with her work colleagues. She had friends of her own and saw her family. He believed when Carol went out and told him where she was going, he believed what she said. He said he was not so sure of that now on reflection. He denied that he had any sexual affairs outside marriage at this time. He explained an earlier incident, I think it was, where there had been some groping, I think he called it with Mr. Foster's wife, but that was all, there was nothing else.

So far as this period was concerned, he told us he had had no contact with John Rapson. Nor was he aware of any such contact by Carol. He agreed that Carol would have been upset at this time to see Rapson. He was asked if he could think of any circumstances in which Rapson would come into contact with Carol as she was eventually found, and he said lots of things could happen. It was put to Mr. Park that Carol in fact had no relationship with Rapson. He said he knew no such thing, but he accepted there was no evidence of that.

So far as Mr. Brierley was concerned after September of 1975, Mr. Park said he thought that Mr. Brierley had been glad to get Carol out of his hair. He was sure that relationship had finished. He said he was not aware of any threats being made to Carol by Mr. Brierley. There had been no aggressive 'phone calls or anything like that from that source, and he said he was unaware of anyone else with whom Carol had fallen out.

Mr. McWilliams, the neighbour and he was also Mr. Park's old school friend, had said that Gordon Park had asked him and his wife to help make sure that Carol felt at home again and not ostracised in the period that she had been away. He

recalled a function, I think it was a round table function that they had gone to together and Mr. Park had duties involved with that organisation. He had gone off to attend to them and kept returning to ensure Carol was not being neglected. Mr. Williams said the relationship appeared to be difficult, but they both appeared to be making an effort.

Well, Carol Park worked at Ascombe for the two terms to July 1976. We heard from Mrs. Regan, the caretaker, and the lady who talked to us first I think over the video link. She had the room next to Carol Park's room at the school. They talked and became friendly. She described Carol Park as a happy and positive person. She said she could not help with evidence about inner troubles because she did not have that sort of relationship.

Mr. Moffatt, another teacher at the school, described her as a committed teacher who enjoyed her job and was good at it.

Mrs. Sabina Dixon, the Park's neighbour at Leece saw Gordon and Carol as she said occasionally in this period. Her son used to play with Jeremy Park. She last saw the two of them together socially in February of 1976, on an occasion when she had gone to fetch her son back from one of these play events. She described Mr. Park on that occasion as being rather patronising about some vacuum cleaner incident which did not work, but she did not give any great detail about that.

I do not think we heard any more about that academic year until the Summer. Just going back to Mr. Walker, the guest house proprietor, he saw Carol apparently at a school athletics event in Ulverston. He found out she was working at Ascombe and that she had been there for a couple of terms. She told Mr. Walker that she had intended to speak to Mrs. Walker for the last six to eight months and still wanted to get in touch. She appeared very friendly but rather guilty about not having been in touch with them since.

Mrs. Maureen Price said she had seen Carol very shortly before the end of the school term at her home, possibly on the last day of term. Carol had brought some money for a Christmas club that Mrs. Price ran. Their daughter Kay had a birthday on the 18th of July, and Carol had said "You have got a birthday soon. I must remember to bring a card", and Mrs. Price said that the card was never brought.

Kay herself gave similar evidence. She was I think coming up to 14 at the time of this visit to her home in 1976. At the same point Mrs. Gardener, Kay Gardener as she now is, recalled Carol Park as a person she said like every other witness that she was bubbly. She did come across Mr. Park, and in her view he was very strict and stern. She recalls meal times at the Park house, when the children were made to eat up everything on the plates, which was more strict than happened at her own home. She also remembered Carol Park's visit to her home shortly before her birthday. She said that Carol had said "I will come on your birthday with your present", and she never did. Mrs. Gardener never saw her again.

Mr. McWilliams also had a birthday very close to that time, the 17th of July was his. He thinks he saw Carol Park on either the 15th or the 16th. On this occasion she had come on her own to Mr. McWilliams's house. She talked about attempts to find her natural parents and said she had been making some progress. She thought her family may have been from the South and that her father may have been an army man. She stayed for about an hour, and they parted on the usual friendly terms and nothing appeared strange to Mr. McWilliams on that occasion.

The Prices, Ivor and Maureen, recall seeing Carol at a childrens event at the civic hall in Barrow. One of them put it as the 15th of July, the Thursday. Mrs. Price I think thought it might have been a little earlier. They had seen Carol at the interval and again after the event. She seemed in Mr. Price's words very depressed. Mrs. Price said she seemed quiet and subdued.

Mrs. Regan, again the caretaker at Ascombe, remembered speaking to Carol she thought on the last day of term. That was one of our agreed facts is that that was Friday the 16th of July, the last day. She had seemed cheerful and had asked Mrs. Regan to visit her during the holidays. She talked of taking the children to Blackpool, she seemed happy about the prospect of a trip.

Mr. Moffatt, a colleague that I have already mentioned, said he had spoken to Carol shortly before the end of term. They had talked about prospects for the new term in September. He had the impression she was looking forward to it and lots of ideas about what to do with the children, and the conversation he said was a short and unremarkable conversation between colleagues. He said he did not know Carol Park particularly well. She seemed happy, but their relationship was not one that would have led Carol to confide in him about any inner troubles she might have had.

We also have the evidence of another possible sighting of Carol Park on that day from Mrs. Baines, whose statement was read to you. She was unable to attend because of her ill-health and had had recent cognitive difficulties, I think was the word. She said that in a 1997 statement that she had known Ivor Price in the 1970's, because he and she had attended the same church. She knew Carol. She and Carol had been in adjacent beds at a hospital before Carol was married. Carol had been kind and helpful to her. After that they tended to meet from time to time in the street and would talk. In one such talk, this must have been before August of 1967, Mrs. Baines heard that Carol was engaged to be married, and she had given Mrs. Baines the impression that she had "made it" because of the marriage into the Park family. Perhaps alone among the witnesses, she talked of Carol being snobbish after her marriage and that Carol had stopped speaking to her, and it was such an incident that Mrs. Baines recalled from the Charnock Richard service area. She told us in the statement that in the Summer of 1976, she and her family were embarking on a caravan holiday. They left home at about four p.m. her husband having finished work at three. They got to the service area at around six. There the

family visited the lavatories, and as she walked to the ladies room, Carol Park was walking towards her. Mrs. Baines said in the statement she was sure that Carol had seen her. She deliberately turned her head away so as to avoid speaking. Mrs. Baines mentioned this to her daughter and again to her husband on return to the car. They then left the area, and Mrs. Baines thought no more about it. She remembered nothing about Carol's clothing, except that she was carrying a leather hunter handbag over her shoulder, as was her custom at the time. I am afraid a hunter handbag meant nothing to me. Maybe it did to the ladies on the jury. Anyway, later she saw a newspaper article reporting Carol Park's disappearance. She thought she had seen it in August or September of 1976. Mrs. Baines got in touch with Ivor Price, whom she knew better, and told him. Mr. Price had asked her to report the matter to the police, which she did and gave a statement. After the discovery of the body in 1997, she learnt that the original police papers had been lost and she was upset about that. She contacted Mr. Park's solicitors, and after that she considered the dates involved. She checked an old diary and found that the 17th of July, the date reported for Carol's disappearance had been a Saturday. On her husband's calendar, he had marked that day as the first day of his holiday. However, she said if he had worked on the Saturday, he would have finished at one p.m. Therefore she deduced that it was not the Saturday when they were travelling down the motorway, they must have set off the previous day, Friday the 16th. That was the day on which she said she saw Carol at Charnock Richard. Mrs. Baines thinks she had not realised this date mix up when she originally reported the matter to the police in 1976, and thought at that time the sighting was on Saturday the 17th of July. I think Counsel both suggest to you that Mrs. Baines must be mistaken about the date of the sighting. Well, you have heard the evidence and you will have to consider whether that is so or not. If it was Friday, did Carol come back to Leece later that night? We do not know.

We also heard from Mrs. Mary Robinson, a neighbour of the Parks at Leece. She had known Gordon and Carol Park since 1967. They were friends and had been involved together in building boundary fences between their respective properties. She described Carol Park as very nice, and we had the word bubbly again. She thought the marriage between Carol and Gordon seemed happy and the children seemed happy. Gordon Park she considered was very pleasant, although he could have his off days, although there was nothing very serious even about those. She spoke of the last time that she had seen Carol Park. It was at the beginning of the school Summer holidays she said. She believed it was a morning, perhaps a Saturday morning, although she was uncertain of the time of day. It was however she was sure daylight hours, and it was at the corner of the front garden of her own house in the bottom of the drive up to Bluestones. Mrs. Robinson said Carol had appeared relieved that the term was over and seemed to be looking forward to going away for a Summer holiday. She was unable to remember whether Carol had said anything about who she was going with or where she was going. She appeared quite relaxed said Mrs. Robinson.

Well, then we had the evidence of the children about that day. We of course heard from Rachel Park, as she was at that time. She was only five of course and did not give evidence about this part of the case. The evidence of the two children you will want to consider very carefully, I am sure, but they are casting their minds back 28 years to a time when they were eight and six years old, so you will want to take that into account as well.

Jeremy Park was confident that the last time on which he saw his mother was on the morning of the family trip to Blackpool. All were supposed to go, he said. His mother said she did not want to go. Jeremy said he tried to persuade her, but she was not keen. He said he felt rejection at that point. He said he recalled going to see her. It was a snap memory, as he described it, of a minute or two. Somewhat later in his evidence he described the visit to Blackpool and the return. He went on

to say more about the morning. He said everyone was there. His mother was in bed lying down. She was on the side of the bed nearest the door. She looked down was the word he used. She had gone into herself and looked pensive. She did not say why she was not going. His father had said nothing. He told you that these were clear memories that had come back to him over the years. He had not been so clear when he spoke to the police about the matter in 1997, only three days or so after the body had been found, when he was distressed and upset. He said he remembered the Blackpool trip. It was one of two trips he recalled from childhood going to Blackpool. The other had been to see the illuminations. On the relevant day, however, it was bright and sunny he said. They travelled by car. He remembered they had taken a portable radio which sat on the back shelf. It needed batteries, and some had been bought especially for the occasion, and he remembered going to the fun fair, he said, and a particular ride called the Wild Mouse. He said the trip had been an uplifting experience. He did not recall the journey back. He remembered arriving home and asking "Where is mummy?" and it was clear that she was not there. He said his father was a bit down. He asked his father whether he ever cried, and the reply apparently was "I am crying now." So that is what Jeremy then aged six says he remembers about that.

Vanessa Park, as she was, gave evidence. She said she did not remember the last time she saw her mother. She had not been aware of unhappiness between her parents. What she remembered of her mother no longer being there was not going to school with her in the Autumn. She had to change schools, and she just remembered her father saying "She's gone." She remembered all her mother's clothes seemed to be there. She could not be certain that every item of clothing was there, but she recalled lots of clothes remaining which were kept for many years, and then sorted into bags and put in the attic. So far as going to Blackpool was concerned, she too remembered a trip through the illuminations. It was only when it was put to her in cross-examination that she recalled a trip with her father and

brother and sister. She remembered it as a coach trip she said. She did not say they had gone by car. She did not mention the radio, about which Jeremy had spoken. She said there was only one such trip, and she repeated it was at that stage again she did not remember the last time she had seen her mother.

Mr. Park of course gave evidence about those days. He said he had no recollection of the end of the Summer term. It was just a normal end of term, nothing particular to call in mind. He said he assumed that the Friday evening had been spent at home. All the family was intending to go to Blackpool. He said Carol did not in fact go. He could not remember why that was. He agreed that the trip to Blackpool was not really his kind of thing, but it was the sort of thing that Carol would have liked. She would be looking forward to it and would have enjoyed seeing the children having a treat. He said everything was planned the night before. The children's clothes were laid out and the like. He said he did not recall the last thing that Carol had said to him before they had left in the morning. He said on that he would defer to the 1976 investigation. He said he is sure he would have known the exact details, but he said the police had conveniently lost the file. He did say that he recalled Carol making some light excuse about going. She was not ill on the face of it. He thought she had said she had a headache or some other women's complaint. He said if Carol did not want to go, that was fine by him. He said he would have known the detail entirely in 1976, and it may have been in the police files. He was reminded I think by Mr. Webster that in interview with the police he had said that Carol had said she was ill. He said in evidence that was just a reference to the complaint he was speaking of to us. He also agreed that he did not know whether he had told Mr. Price in September 1976 that Carol had complained of being ill.

On the morning itself, he said he had no recollection. He would have been surprised if the children had not seen their mother. It would have been unusual for them not to do so, as they often climbed into bed with either or both of them. They were permitted to run freely around the house. There were no locks on the doors to



stop them doing so. Mr. Webster put to Mr. Park that there were locks on the doors at Bluestones. Mr. Park agreed, but he said this was only well after Carol's disappearance during his second marriage to, I think the lady's name was Catherine Sillars.

I should remind you and it is perhaps a convenient moment to do it, that in his final answers to Mr. Edis before cross-examination, Mr. Park told us firmly that he did not kill Carol Park and had never used violence towards her. He denied absolutely putting Carol's body in the lake.

Well, we heard evidence from Sabina Dixon, who lived nearly 30 years at Leece. People seem to live a long time at Leece, do they not? Mr. McWilliams was there 30 years and ..... there a long time, and perhaps it is to be recommended. Anyway, she recalls that on the day that Carol was supposed to have disappeared, she saw a car drive up to Bluestones and stay there for about 15 minutes she said. It was driven by a man who was not Gordon Park. It was a car which she believed she had seen there on one other occasion when Gordon and Carol were together at the house, although she is not 100% certain of that. She told us that a reason she cannot recall is she thinks she knew that the Parks had intended to go to Blackpool that day or perhaps Morecambe, and had thought on seeing the car that there would be no-one there. She said the car was a pale blue or grey Volkswagen Beetle. She said she could see the Bluestones property quite clearly at that time, because the shrubbery that we saw was not there in those days. She thought seeing the car was perhaps in the morning or at the latest lunchtime. She said that after Mrs. Park had disappeared, the police contacted her and asked about the car. They seemed to know about it already, she said, although she had not told them about it previously. That is something which perhaps we will never have cleared up. She was asked about how her recollection of this had been prompted. She said it was when she heard about Carol's disappearance. This must have been after the children had gone back to school in the Summer, after the Summer. She could not remember

what it was that made her recall this as having been the first day of the holiday. However, she said she believed that at the time when the question first arose, it stuck in her mind.

She was asked about a statement she made to the police, where that was in 1997. The passages were put to her. Perhaps I can remind you of what she said to the police in 1997. She said "I live at St. Margaret's, Leece. On the 20th of August 1997 I made a statement to the police regarding my ex-neighbours at Bluestones, Gordon and Carol Park. I would just like to clarify some points. I cannot remember the last time I saw Carol Park alive. The last time I socialised with her was when I had a cup of tea with her in February 1976. I cannot remember whether I knew that Gordon and Carol were going to Blackpool in advance, but I must have known somehow. Perhaps my son Peter had been told by Jeremy; he used to play with him. I do not remember seeing the family leave to go to Blackpool on the 17th of July 1976, and I do not remember them returning. The reason I link the Volkswagen Beetle to Carol going missing is because it would be unusual for nobody to be at Bluestones. I cannot be sure what date it was, but something makes me think it was the day they went to Blackpool. I do not remember how I knew that it was that date", and she said in answer to Mr. Webster that the contents of that statement were still in her view fair.

We have one other witness whose evidence bears upon the events surrounding that morning. That is the former policeman, Mr. Lawson. You remember the large gentleman. We can imagine him being a policeman in Cumbria, can we not? Anyway, he was engaged on enquiries after Mrs. Park's disappearance, after it was reported in September 1976. He spoke to Mr. Park on one occasion he said during those enquiries. He went to Bluestones. As he got out of his car in which he was a passenger, Mr. Park appeared in the driveway. He asked what Mr. Lawson wanted. Mr. Lawson had replied that he wanted to talk to the children about their mother. Gordon Park had asked why. Mr. Lawson said he

wanted to speak about the day they went to Blackpool and whether she had said anything to them before they went on the trip. Mr. Lawson said Mr. Park's response was that the children had not seen their mother before leaving for Blackpool. He had explained they were too excited. They had wanted to see their mother. Mr. Park said he had told them that she was asleep in bed and that they should not disturb her. He told them to go outside and wait in the car, he said to Mr. Lawson. Therefore Mr. Park seems to have said, if that evidence is right, that the children had not seen Carol before the departure. Mr. Lawson said he made no other enquiries of Mr. Park, and that was the last time he had seen him. He was asked about his recollection of this conversation, and when it was first recorded in a statement in 1997, 21 years after the event. Mr. Edis asked him about that, and he said he had recorded it in a pocket book at the time, but that had not survived. He was however confident of his memory. He said it had stuck in his mind, and he even recalled what Mr. Park was wearing. He said it had been either a denim shirt and trousers or a blue all in one boiler suit.

Mr. Park told you that he did not accept Mr. Lawson's evidence about this conversation. Mr. Park himself said he had only one recollection of the Blackpool visit, as to what they had done when they had got there. He said that they went to an exhibition relating to the TV programme 'Dr. Who.' It was a programme which they all watched frequently, a highlight of the week on a Saturday evening, which they tended to watch while eating fish and chips. He said the exhibition was the only reason for going to Blackpool, apart from the funfair, and he remembered that while they were at the exhibition, Rachel then five became afraid of the 'dalek' characters and their trademark expression. I will not try and imitate it! She had run behind Mr. Park to hide from the advancing dalek, so he said.

Anyway, Mr. Park told us that they would have returned from Blackpool either late in the afternoon or early in the evening. When they had got there, there was no one at home. There was nothing untoward about the house, which was in its normal

untidy state, as he put it. There was no blood, no sign of a forced entry and nothing was broken. He told us he had no recollection of his reaction. There was no note saying where she had gone. He said he was puzzled. He did not think that Carol would have gone shopping because he had the car, and if she had gone to the village shop, she would have been back within five minutes. He did find it unusual to find her rings lying by the small dressing table in the bedroom. She had never done this before, although she had in the past occasionally taken off the rings in a fit of pique or in an argument and slammed them on the table. She had however never just left them on view in the house and then gone. He said he was disturbed by that. He said he believed he had just got on with looking after the children. He had to feed them and empty the car, which were his first priorities. He would then have bathed them and read them stories and put them to bed. He then said he had time to think. By then she had gone or at least he was aware that she had been gone for a couple of hours. There had been no note and no telephone call. It occurred to him then that perhaps she was not going to come home. Having regard to the suggestion that she might have been ill, he said it did not occur to him that she might have been more seriously ill than she had expressed in the morning. He felt that if she had been ill and had gone somewhere for that reason, a note would have been left. He told you he did not think of asking the neighbours whether they had seen her or whether an ambulance had called or anything like that. He did not 'phone Carol's brother Ivor or her mother, but then he said Carol was not close to either her brother or her mother. His comment was "If you wait, you find out." He said they were not in the habit of keeping others informed about their spats. He said to you that he may have been guilty of self pity, and he said if he had acted sooner he appreciated now that she might have been safe.

Anyway Carol did not return. Mr. Park said it was a long night when he lay awake waiting for a 'phone call. He assumed that his wife was in bed with another man, which was not good, as he put it. He said that he concluded that Carol had

deserted him. He did not know what to think. He felt very hurt. He felt kicked in the face. As time passed the hurt was less acute, but he felt that his wife had betrayed him.

Mr. Webster asked about each of the previous occasions on which Carol had appeared to leave. There appeared to be about five of them. The September day in 1969 when she had left in a huff for about six hours. The occasion in March of 1974 when she had gone off with Mr. Foster overnight to Newby Bridge. An occasion in April 1974 when she had disappeared to an unknown destination for a day. The time when she went to the High Govern guesthouse, when Mr. Park had taken her there himself. There was the fifth in April 1975, when she was picked up by Mr. Brierley after the incident, witnessed by Mr. Shaw and Mrs. Walmsley, and Mr. Park agreed that on all those occasions when Carol had disappeared for more than a few hours prior to 1976, he had known where she had gone to. He agreed that 1976 was different. He denied absolutely that he had delayed reporting the disappearance to bide time, as Mr. Webster was suggesting he did. He said he was simply waiting for a response from Carol. He said he did not murder his wife and had not chosen the first day of the holidays as giving him the maximum time before the disappearance was noticed. He disputed and contested entirely that this was a deliberate choice of day, and he denied any suggestion that he had used the freezer to keep the body in, and of course there is no evidence that the freezer was so used.

Immediately after those questions, Mr. Park asserted he had no motive for killing Carol. He loved her, she was the mother of his children. He said he wanted his wife back, and it was absurd he said to suggest that he killed her. He accepted that she had hurt him. He denied that in 1976 he had discovered other relationships, although he said he heard that later. In his words, if I have them correctly, he said "If you knew this girl, you could forgive her." He was asked questions by Mr. Webster about the location of the 505 boat. He said it was kept at Tower Wood to the South of Lake Windermere. It took 45 minutes to drive from Leece to Windermere. The

boat was kept there on its trailer, and if he had wanted to move it, it would take about an hour to take the mast down and transport it. He told us the boat was 16 and a half feet long and six and a half feet wide. He said it was not possible to launch the 505 off a beach, and there were only two possible launch sites on the lake at Coniston. One was at a sailing club and another at a place where a vessel called a Gondola had sailed from. Well, that is what he said about the evening of the 17th of July 1976, and a question of what boat he had available at that time.

Just turning as I said I would to Mr. Rapson's whereabouts in July of 1976. Well, you have got the detail in the admissions document. It is probably worth, I would suggest, having a look at that. Not now. I think perhaps when you go to your room, just have a look at it again just to remind yourself of the detail, but in broad terms it seems that Mr. Rapson had been permitted weekend liberty from March of 1976 onwards. Sometimes he came to Barrow, it is said, and sometimes he stayed at Liverpool. It cannot be said with certainty where he was on the weekend with which we have been principally concerned, but you will have to look at it and consider where he might have been on that occasion.

Well, you will have to consider all this evidence about what happened at the time of Carol's disappearance. Was Carol away from home on the evening of the 16th of July? Did she return then or did she never return after that, or was Jeremy Park right about talking to his mother on that morning, or was Mr. Lawson correct and Mr. Park had said that the children had not seen their mother on that day? Did Mrs. Robinson see Mrs. Park on the Saturday? What is to be made of the sighting of the car at Bluestones? You will have to put all those matters in your mind and consider where they take you.

The following day, Sunday the 18th of July 1976. The Shorts said they called unannounced at Bluestones. They saw Gordon Park outside the house. It was late morning. He was busy with his car they said. They asked how Mr. Park was and

how the family was. Mr. Short said that Gordon Park replied Carol had disappeared from the house and had not taken anything with her. Mrs. Short said that Mr. Park mentioned certain items that Carol had left, including her purse and handbag. He did not say whether he had had any warning of her departure. Mr. Park appeared irritated and perhaps even annoyed. He said that they were due to go out for the day, Carol had not felt well, and they had left her at home in bed. They had also been planning to go on a holiday, thought I think Mr. Short. Mr. Short thought it was to be a holiday in France. He thought that he and his wife had been asked into the house, but they had refused because Mr. Park seemed to have enough on his plate. He said he did not see any of the children. He said that Mr. Park seemed hopeful of a 'phone call from anybody about Carol.

In cross-examination he said that Mr. Park did not seem to be trying to get rid of them. That they had taken the initiative in leaving, because they thought that was best. They did not want to disturb the children at home.

Following that evidence, Mr. Webster put to Mr. Park that he would surely have been extremely worried if she had left home without the basic womens' equipment of handbag and purse and therefore without money. Mr. Park's response was that she was capable of looking after herself. She could not farm, but she could attract other men. He presumed rightly or wrongly that she had gone off with another man.

I now turn to the evidence of Mr. and Mrs. Young. You remember the lady and gentlemen from Scotland, who saw something on Coniston. John Young, Mr. Young's first name, and it is Joan Young, the wife. Mrs. Young remembered the hot Summers in the mid 1970's, and particularly the Summer of 1976. They went on holiday in the Lake District in that year. They travelled there in the second week of the Glasgow Fair, she said. The Fair she thought began on about the 17th. She thought they had arrived on or about the 25th of July, and stayed for five or six days in Keswick. They were regular visitors to the Lake District at that time and usually

stayed in Keswick. They could not stay at their usual guesthouse because of demand for accommodation. There was some religious convention going on she said, which had taken up the accommodation. She said that she thought the incident she was to describe for us happened towards the end of their stay, so towards the end of July. She was confident about the year, because Mr. Young had injured his leg and was on crutches. It was also the holiday on which he proposed marriage to her. I think we all had some amusement when Mr. Young did not recall any such matter in the holiday. I remember looking at your faces when he gave that evidence.

Anyway, Mrs. Young told us of a drive to Coniston to the quieter Eastern side of the lake. They parked in the car-park right by the lake side. It was effectively a beach at the side of the lake. Mrs. Young was sitting in the passenger seat and Mr. Young in the driver's seat. He said his injury did not impair his driving, and we know he saw a doctor on the 17th of July. That is pretty clear, so we have got the dates for that right. It was in the late morning. It was possible she thought she was looking through binoculars, but she was not sure of that. She said her attention was drawn to a small white boat. It was the type of boat that many had on Coniston. She thought it might have been of the type with a cabin and a motor. She was not sure whether it had sails. It possibly had a mast. It appeared to be private rather than hired. She did not say why she thought that, but that was her impression. There was a man standing up in the boat. He was wearing a wet suit, a dark colour. He had brownish or auburn hair in the longer styles of the time and possibly a moustache. He was slim faced, but she was unable to see his height because he was standing in the bottom of the boat. Mrs. Young thought he was wearing glasses. She was more than 50% sure of that.

Mr. Park agreed in evidence that the 505 had been white. He accepted he had a full head of auburn hair at the time. He initially told us that he did not wear glasses at this stage when he was outside; he only used them for reading. He was then



shown a photograph dated by somebody the 25th of August 1973, and we have that in your folder showing him wearing glasses outside at the end of the photographs in divider eight in your folders. Mr. Park said that he was surprised to see himself in glasses in those circumstances. He agreed he had a wet suit in 1976. He said, however, that it had been damaged at the sailing course in May or June and it had to be discarded at that time, he told us.

Anyway, going back to the Youngs, Mrs. Young said she saw the man proceed to lift something on to the side of the boat. It appeared to be a big bundle. She had initially thought it might be diving equipment, it seemed heavy. He just toppled the parcel over the side of the boat, and it seemed to sink. She said several things went through her mind. She thought perhaps it was an article he was going to dive to retrieve. She said she wondered whether it was a body, and remarked to her husband to that effect in a semi-joking fashion. However, that suggestion seemed far fetched. She said thereafter she looked in the newspapers to see if there was anything about such an incident. She first became aware of the matter she said in 1998, the present potential for prosecution, when she saw reports about the lady in the lake, but what she heard was that proceedings had come to an end and she thought that a man had been tried and that was it, and so therefore there was nothing else she could do, and she only contacted the police accordingly earlier this year.

Mr. Young's recollection was less vivid. He remembered the incident. He remembered it was the year on which he had been on crutches. However, he could tell us of the incident itself. All it was is he remembers seeing a man drop something over the side of a boat. He remembered a bulky-ish bundle. It looked odd and unusual. Mrs. Young, as I say, contacted the police earlier in January of 2004. She had been alerted to the present proceedings by her sister, who had seen an item about it in the media. She did not think she had been in the Lake District in 1997, because this was a period when they tended to holiday in the North of Scotland with

their children. She thought however she had been in the Lake District in September 1998 and saw an article about the present matter on a hotel wall, and she thought it was all, as she put it, done and dusted.

Well, in June 2004 Mr. and Mrs. Young were taken separately by the police to Coniston to see if they could identify the spot from which they had made the observation in 1976. Mrs. Young concluded the spot was at the place which has now been marked by Mr. Wallace, and we have seen that spot. It is a spot over a mile, as we know, to the North from the area where the body was found. She was satisfied she said that when she had been watching the incident in 1976 the boat had not been as far as a mile away. She was she said 80% sure that the spot she identified was the spot from which they had watched in 1976, although the car-park was no longer there.

Mr. Young went through the same exercise with Mr. Wallace. He was able to identify what he thought was the spot in 1976. It was the same spot as picked out by Mrs. Young, called Machells Coppice. When he looked to his left, he thought he saw traces of a closed off car-park he said, and the word he used was he was confident-ish that it was the right place.

Well, that is what they said. Did they get the spot they saw right or not?

Mr. Wallace gave evidence about that identification of the spot. He told us very little more. He had taken them from Coniston separately to the South and along the East side of the lake, and each of them had stopped him when they had got as far South as Dodgsons Wood. You have that marked on the map. They were both happy that it was not as far South as that, and Mr. Wallace confirmed that it was Mrs. Young who seemed to have the better recollection of the matter, although Mr. Young seemed to have a better recollection of the terrain as he put it. Anyway, I do not think he added any more to it. He just told us what he had done and the Youngs had picked out the spot that we all saw at Coniston.

Just proceeding a little more with the Summer of 1976, we heard from other witnesses about it. Ernie Shaw, who dealt with the incident in April of 1975. He said he recalled being told of Carol's disappearance. It may have been in September or October of 1976, although in his statement to the police he said that Park had let him know about the disappearance three to four weeks later. Later than what of course is the question, and that does not seem to have been said in the statement. He said he had heard about her going before her disappearance had been reported in the local press however. Mr. Park had never asked Mr. Shaw whether he had heard from Carol in the course of the Summer.

Ivor Price and Maureen Price said they had no enquiries from Mr. Park about his missing wife. They had been told about it on the Saturday morning in the September of that year, as he put it, Mr. Price put it, two days before the school was about to restart. Mr. Price gave some detail of the conversation. He said they spoke in the kitchen at the Price home. Mr. Park had said Carol was missing. He was confident, that was the word. He did not say left home. Missing was the word. Mr. Park had told him that she had been missing for six weeks. He had asked whether Mr. Park had told anybody else, and Mr. Park had replied no. He told Mr. Price about agreeing with Carol to take the children to Blackpool. Carol had said "She is not well, but he had decided to take the trip nonetheless. On return Mr. Park told Mr. Price Carol had not been there. He had heard nothing from her. For his own part Mr. Price told us he had heard nothing from Carol. He could not recall, however, whether Mr. Park had asked him whether he had heard. Mr. Price asked Gordon Park whether he had told the police, and Mr. Park responded he had not done so, but he agreed to do so immediately.

Mr. Park also told us about this conversation. He said he had gone around to tell the Prices that Carol was not with him. He thought that Ivor Price ought to know and he might be able to offer insight into her disappearance. He went to the Price house, knocked on the door. He told Ivor that Carol was not there. Ivor had asked

how long had she been away and Gordon Park said that he had told him six weeks. Mr. Price was quite cross. He asked whether Gordon Park had reported the matter. He had replied that he had not, and he said he did that afterwards through Foresters, his solicitors.

Mrs. Farmer, Carol Park's long standing college friend, said she had first heard of the disappearance when she had had a call from the police in Barrow making enquiries about her whereabouts. Mrs. Farmer said she had called Gordon Park that evening. He told her that Carol had disappeared. Mrs. Farmer had the impression she had moved to make a new life somewhere. The conversation had not been long, although Mr. Park had seemed level headed and calm. She had spoken to each of the children. As far as knowing about Carol's whereabouts on other occasions, she said she had not had a change of address notification from her when she had returned back to Barrow after her time in the North East, although she had written to her in the North East in November 1975 to ask her to a party, so she had an address at that stage. It seems that she had known about Carol moving to the North East and she had been able to write to her there.

Mr. McWilliams, then the neighbour from Leece, said he had found out about Carol Park going missing some weeks later. Again, later than what was not identified. He thought that Mr. Park himself had told him. He said this had happened in much the same way as he had been told about Carol's first departure in 1974. He thought he might have been told weeks before the police became involved was his evidence. Gordon had seemed concerned and mystified. He thought that he was angry as well, particularly because of the children's position. Mr. McWilliams said he believed he had asked Mr. Park whether she had gone back to the North East, but he had seemed to rule that out.

We had read to us a statement from Mr. Alexander Miller, a former police officer, who seemed to have taken the report of Mrs. Park's disappearance. He said

he received a 'phone call from a solicitor telling him that a Mr. Park wanted to report his wife missing from her home at Bluestones in Leece. He put this as being in about July of 1976. It does not seem to be in dispute, however, that the report was actually made in early September. Mr. Miller said that he had told his sergeant, and at about two p.m. that day they drove to see Gordon Park at Bluestones. Mr. Miller said that Mr. Park told them that his wife had gone missing three weeks previously, after he had returned from a day out to Blackpool with the children. In accordance with standard practice said Mr. Miller they had searched the house and some outbuildings, but found no trace of Carol Park. Mr. Miller recalled Mr. Park saying that Carol had not taken any money or clothes, but he was not sure what she had taken or may have taken with her. Mr. Miller was unable to say whether the children were at home or not when he visited.

We had of course in our blue folders, tab four, the front sheet of the missing persons form. You can look at that at your leisure. This dates the report as the 4th of September and gives the time at four-fifteen. One of the agreed facts set out in the admissions document in your folders is the Autumn term in 1976 started on the 2nd of September, which was a Thursday. Mr. Park said he had no recollection of the school calling at the beginning of the term to find out where Carol was. He was asked about child care over those first two days of term when Carol had not returned, and he told us that in the previous terms the Prices had helped out with short periods between school ending and them being able to be picked up. He did not know why no arrangements had been made about this new term. He said he had consulted solicitors before making a report to the police because he was not sure what to do and it was habit to take advice, when he was unsure of what he should do in any circumstances.

As far as the missing person form is concerned, he said he was unaware that Carol had received psychiatric treatment. The information on the form about that had not come from him. He said he had not become aware of that until 2004. He

was also unaware in 1976 that she had been taking anti-depressants, and did not know whether she did so in the period after her return from the North East that was. He said there was no sign of medication in the house, and they did not discuss the matter. He was asked about the sections of the form dealing with clothing and jewellery. He said he had become aware of gaps in the wardrobe before he caused the report to be made to the police, but he had no idea what had gone. In retrospect he now thinks he said that she took with her a heart shaped locket, but he had not been aware of that at the time.

Mr. Park told us that shortly after he made the report, the police came around to see him. First of all it was uniformed officers, but it was not long after that that two CID officers called Walker and Williams also came. He said they asked a great many questions over many weeks. They crawled all over his life, as he put it, not unlike 1997. He said he spoke to them extensively, but did not he thinks make the type of statement that we have seen produced in this court. He said he may have done so, but he seemed less sure about it. Of course in his interviews in 1997, he complained about the loss of a statement, but in evidence perhaps he seemed a little less sure about whether he had given a statement or not.

Anyway, Mr. Park said they had looked around the house, in cupboards and drawers and took documents away, but it was not the type of systematic search such as that conducted at his present address when he was arrested in 1997. They told him that it was being treated as a missing persons enquiry and it would be taken seriously, but the police said that if a body was ever found, he, Mr. Park, would be the prime suspect. He told us the enquiry continued until Christmas of 1976. At that stage the police had suggested that he and the children pose in front of a Christmas tree for photographers from the local press, for an item entitled "Mummy come home." He said he had done that. Thereafter he said the enquiry was scaled down, although he did see Mr. Williams the CID officer in the local area occasionally and chatted to him about the incident.

Well, I think that is all we know about 1976 or at least a summary of 1976. We have then got 21 years when the Carol Park story remained dormant, until her body was found by divers in 1997. However, perhaps we should recall the little that we were told about Mr. Park and his family in that period. When Carol Park disappeared in 1976, the children were very young. Vanessa was eight, Jeremy six and Rachel five. 21 years later they were young adults; Vanessa 29, Jeremy 27 and Rachel 26. Their childhood of course had gone without their mother. Jeremy Park spoke affectionately of his father. He described feelings of rejection from his mother. In contrast he said Gordon Park was a big softie, full of fun and affectionate. He was like a mum and dad rolled into one. He had been a very supportive father, including with Jeremy's girlfriends. He had helped him with career choices which would not have been easy, because Jeremy kept changing his mind he said. He told us that Gordon Park had worked throughout as a teacher. He had spent all his time at the weekends with the children. There had also been help from the wider family and from baby-sitters with regard to child care.

Mr. Park told us he continued to look after the children. They lived with him until they grew up and left home. He said he had an excellent relationship with all of them. He did his best as he could for them as a father. He said he was very proud of them all.

Jeremy Park described Leece as a close community in those days. He told you about the village shop which closed in 1977, to which Mr. Park would take the children to buy sweets, and there is a pub and a village hall he described. He said his father had done work on the sewage system for the hall, and he thought he may have been on a committee to do with the hall.

Turning to discipline, Jeremy said they were occasionally smacked. The smacks had been delivered with the flat of the hand only. He acknowledged that his

father had been strict at times, as he had to be, but he said he was easy going and a lot of fun.

Vanessa said on the other hand that she remembered her father being strict. He did not talk much to the children about their mother. The subject was simply never raised. In the home Vanessa said everybody had allocated jobs which were expected to be done according to a rota. There would be punishments. Mr. Park would line the children up and smack them. However, the smacks were not always hard. Mr. Park had used a stick or cane. This had been when they were about nine or ten. He would line them up and they were punished until someone owned up about the misdemeanour in issue. She agreed, however, that Gordon Park had done a pretty good job as a lone parent. The stick punishments were on two or three occasions. It was rare, and she said that her father had been a loving parent.

Rachel Garcia as she now is, the youngest child, said her father was loving, supportive, caring and kind. She described him as a fantastic father. She would discuss any difficult issues she had with him, although he would not discuss his own emotional issues with her. If the children were disciplined, she said it would be by a telling off. If they were very bad they were sent to their rooms and grounded. On rare occasions they might be smacked. She had no recollection she said of a stick being used. She was asked about her statement to the police in 1997, in which she had said this: "Another occasion I remember that involved a family dispute was over the Easter period, when we were questioned by my father about a piece of Easter egg being missing. Cath" - that presumably is Cath Sillars - "had asked all her children if any of them were responsible, but they all denied it. I strongly believe one of them was responsible. Because neither Vanessa or Jeremy owned up, I can remember my father taking us to the garage. He lined us up, began hitting us individually with a belt across the top of our legs. He repeatedly asked before each strike who had taken the chocolate egg. I was hit about six times before I owned up, despite the fact it was not me." In her evidence to you, Mrs. Garcia denied that



strongly. She said it did not happen. She said it got into the statement because she was traumatised at the time and the police had put words into her mouth. She said that when the statement was taken she was asked a multitude of questions. She had the impression the police had an agenda, and if she said anything positive about her father, it was ignored. They only took notice of the negative.

Well, in the same period Mrs. Price spoke of looking after the children regularly for two or three years after Carol's disappearance. This was particularly regular during school terms, although Mr. Park accepted that this did not happen in the period, the short period between the 2nd of September and the 4th of September, when the report was made to the police.

On the 22nd of November 1978, Gordon Park petitioned for a divorce from Carol. We have the affidavit in support of the petition at divider five. It was based on Carol's desertion. The decree absolute, that is the final divorce decree, was granted on the 15th of August 1979. On the 18th of July 1981, Gordon Park married Catherine Sillars. That marriage did not last long. We were told it was some two or three years. So up until about 1983 or 1984.

We had read to us a brief statement from Mr. Keith Harrison, who between 1985 and 1989 had been headmaster of the New Barnes School at Barrow, where Gordon Park was a teacher. He described Mr. Park as being very intense and a focused character. He said he never socialised with Mr. Park out of school hours. He did, however, remember two school trips with him. One was a canoe course at Windermere, and the other was a youth hostel trip to Coniston and Ambleside in about 1985 or 1986. The last trip, the one to Coniston, was with about 30 children and five teachers, you remember walking around Coniston with Gordon Park, and he had said to him it was a beautiful lake. Mr. Park had said "It is really deep, you know." He said he knew Gordon Park was a sailor, but he had never seen his boat.

In December 1991 Mr. Firslan bought Bluestones, and we had his statement read to us. He made that statement in 1997, and said at that stage the house was in a similar state to that in which he had bought it. He had done some levelling work to the rear and some concrete work for keeping dogs which he bred. He had a new kitchen fitted and a heating system. He said that during the period since acquiring the house, he had tidied up the rear and had come across all sorts of scrap metal that was lying around. He said some lead piping was in the garage when he purchased the house. He said in a further statement made in 2004 he had also pointed out to the police a number of items which had been left in the house when he had moved in. The relevant items were a white coloured toilet from the garage, a sail and rigging from the garage, a key for the house with a knotted cord, some step ladders in the garage, a quantity of ropes from the garage and a few in the loft, a black bin bag containing clothing, what appeared to be clothing from the loft, some scrap lead piping in the garage and a bolt from the back bedroom door, being about two inches from the top of the door. That was Mr. Firslan.

In 1993 Mr. Park married his present wife Jennifer. She told us she had known Gordon Park for 45 years. She was aware of Carol's disappearance when she had got married, and I think she told us at what time she had heard about it. She told us that she had a wonderful relationship with Mr. Park. She said he would discuss his problems with her, talked about his feelings. He had never said that he had killed Carol or disposed of her body. She was asked about Mr. Park's time in prison in 1997. She visited him about nine times in the ten to 14 days in which he had been in custody. She said that although Gordon obviously did not like prison, he was calm and coping. She said he had never been violent towards her, and he was not a violent person she told us. She said he was kind and compassionate, and she gave us the example about picking up the spiders rather than killing them. She said "He has a wonderful relationship with all the family. He is no more than a telephone call away from them and will do jobs for them." In cross-examination she said that

she had not spoken to Vanessa since she had given evidence. She denied, however, that Vanessa had been frozen out since she had given evidence in the case. She agreed, however, that she and others in the family had been upset by Vanessa's evidence. On their marriage the two families had meshed together well. She had taken responsibility for her own children and he had taken responsibility for his, and there had not been any chastisement by either of them of the others children.

Well, I am going to turn to the evidence of Mrs. Park's two children, and that is probably a good time to take a break. So perhaps I could ask you to be back here for two o'clock.

(The jury withdrew from court)

(Midday adjournment)

MR. JUSTICE MCCOMBE: Well, ladies and gentlemen, just before lunch I had reminded you of the evidence of Mrs. Park about her marriage to the defendant in 1993 and her evidence that he is a kind and compassionate man not given to violence, and I am now going to proceed to what Mrs. Park's two children told you about him and what they could tell about relevant events.

Jane Marshall, the first of the two children, said that she had met Gordon Park in 1990, when she was about 15 and her parents were splitting up. After the marriage, she had got to know the defendant and his children very well. She agreed with a part of her statement that had been made in 1997, when she said at that time she had only seen Rachel on two occasions when she had been visiting from Switzerland, although she had been over on other occasions when she had not seen her. She said she did not see Vanessa. She said that her relationship with Mr. Park was good, she got on well with him. She had seen him raise his voice only on a couple of occasions. One was in 1997 when the police returned some property, because the police seemed to have some, .... apparently Mr. Park thought some unfortunate smiles on their faces and he was angry about that. She denied that he

had to be restrained in any way. He simply raised his voice apparently, and the other occasion involved him raising his voice in a discussion about her father. Mr. Park got upset. It only lasted about ten minutes and everything else was fine.

Mr. Stuart Marshall, the son of the present Mrs. Park, gave evidence. He told us also about the breakup of the marriage. He said it had been a difficult time. He had stayed with his father at first and his sister Jane had gone to live with their mother. Mr. Park had come on the scene when he, Stuart, was still living with his father. He said the situation which was difficult was made easier because his mother was happy with Mr. Park. He said he had always had a good relationship, that Gordon Park had given him support while he was at college and university. He was always there when he needed him. He was patient and would always listen.

There is one other matter that fits into this time frame, that is part of the evidence of Mr. Paul Shaw. You remember the gentleman who borrowed the ice axe. He said that he had borrowed the axe from Mr. Park between 1991 and 1994 when he had been doing a university course and had been at the mountaineering club, and he said he had come forward because he had read in the newspaper about the present trial and he said that he could not imagine Mr. Park having used that axe to kill his wife and he wanted to tell us about that.

We also heard from the clergyman, Mr. Christopher Jenkin, you remember who gave evidence fairly late in the trial for the defence. He had been rector of St. Paul's Church in Barrow. He had been asked to conduct Mr. Park's mother's funeral in 1993, and had got to know the Park family then. He said they were occasional worshippers at the church, and after Mr. Park's arrest, he had tried to visit him in prison, but because of limited visiting facilities he had not been able to do so. He said Mr. Park was not a close friend, but he did see him from time to time. He found him a gentle friendly person who was amusing and good company. He knew of Mr. Park's DIY skills and he had offered, Mr. Park that is, offered to do some tiling

work for him and had done it at his retirement home in Penrith where he was about to move. He would not apparently accept payment for this job, but had asked him to make a contribution to a charity in which Mr. Park was interested. He had also done some tiling work for Mr. Jenkin's daughter. He said he may have met Mr. Park before the funeral, but he did not know him in 1976. He had had some minor social contact after the funeral, but not very much. Since Mr. Park's arrest, he had seen him on perhaps 20 or 30 occasions since.

So that is the brief picture, the little bits of information we have about the period between 1976 and 1997. They are only snapshots, but I thought I should remind you of what people were saying about the type of person that Mr. Park appeared to be in that period of 20 odd years.

So I am now coming to the time when Carol Park's body was found in Coniston, and as to that, we heard from Mr. Mason, the amateur diver, who had gone out with three others on Saturday the 10th of August 1997, a warm sunny day at about one o'clock. Mr. Mason went into the water. He said the visibility was about five or six metres, and he described the topography of the lake as he remembered it. He said that after about six metres from shore the depth drops to 15 metres or so. There is then a bit of a plateau of 30 to 40 metres in extent, leading to a steep bank which was almost a cliff. Beyond the cliff he said the bed is very silty. On the shore side the bed is more solid. He said they were not looking for anything in particular at all. However, they did tend to find materials from time to time at the bottom of the lake when they dived there. After about 16 minutes from entering the water, they came across a bag near the edge of the cliff. They were not surprised at the find, but were interested in it. It was not particularly unusual they thought, until its contents were revealed. He said that his fellow divers do recover items from the lake as part of their hobby. He noted the depth of some 24 metres or so. Mr. Mason thought initially it was rock. As he got closer to it, it was clear that it was a bag. He thought initially it was a sail bag or possibly a motor, and he could see that

one end of the bag was tied up by a draw cord. It was tightly packed with what seemed to be two ropes. He tried to lift it, but it would not budge. He recorded the depth and time as 24.6 metres and sixteen minutes into the dive.

So on the following Wednesday he went back to Coniston with a view to recovering the package. He and his colleague brought a lift bag, an inflatable bag to lift it off the surface and to pull it away. On searching initially apparently he said they swam past the bag, no doubt due to the visibility, but they found it. He said the package was near a rocky outcrop which he had noticed on the first dive on the previous Sunday. He said the rocks were about two metres or so from the bag. It was quite possible he said to swim past things, even though they might be quite close in that environment. He said he found nothing else in the immediate area apart from the bag. They attached the lifting gear by means of carobena clips, but one they could not get in because the cords were too tight. They returned to shore, surfacing slowly and dragging the bag behind them. They pulled it on to the shore. They did not try to open it without a knife, but decided to cut it just enough to get an idea of what the contents were. He said he cut the outer bag by some 12 inches. Inside there was a black bin liner type of bag which he had cut to no more than six inches, and it was at that stage the awful realisation dawned as to what the contents might be.

The police came. Mr. Mason said he did not touch the body after making that cut. He did add that as he cut the blue cord on top of the package, a weight had dropped off. He said it was lead, but he did not describe it any further.

Then on the 14th, Mr. Mason returned to the scene with police divers. He was asked to indicate where the body was found, and they followed the same exercise, swam out for about sixteen minutes to a depth of 24.6 metres. Mr. Mason indicated what he thought was the approximate position and let the police do the rest. He said it was difficult to say precisely where the body had been, but when he

had indicated the position, the police put a buoy in position to mark the spot. He said he did on that occasion find the rocky outcrop that he had identified on the earlier dive.

The police diver that went with him on that occasion was Mr. McMahon, and he said they had swam out to about 27 metres and then swam South until they came to an indentation in the lake bed. Mr. Mason had not mentioned an indentation to us, I do not think. That indentation was about four feet by two feet in size, and at that point Mr. McMahon had spoken along his communication line to those on the surface and a weight was put on the bed at the spot and a buoy was attached. Mr. McMahon acknowledged that the dive records did not indicate any depth at which the finding was made and the weight was fixed. It merely recorded a dive to a depth of a maximum of 30 metres. He was satisfied however that when he was at the indentation, that he was at about 27 metres. He said no other search process was carried out. You will remember that Mr. McMahon came back to us and spoke about taking the video on the 18th of September, so about a month later, and I will come back to that.

Well, on the 14th of August, Dr. Tapp carried out his first examination of the body, and I am going to turn in a moment to the pathological evidence, but he was shown the photograph number two. I do not think we need to go to that again, but you remember the picture of the body on the lake shore, and it obviously showed the package unwrapped. Dr. Tapp said he had not been at the scene. The body had come to him partly rewrapped, but the packaging was still with the body.

We do have some evidence about how the package was opened at the lake side in the form of statements from a police sergeant, Police Sergeant Griffiths. He said that shortly before nine-thirty p.m. on the 13th of August, he went to the scene at the side of the lake. They were shown the position where the package was by Mr. Mason. He saw the size of it. The outer package he said consisted of a stone

coloured canvass type bag/holdall with a draw string, not dissimilar to a kit bag. Attached to it was a piece of lead pipe, bend up lead piping. The bag was then cut open by another officer using a pair of ordinary scissors. This was at about ten-thirty. When the bag was opened, there was a further packaging consisting of a green coloured bag and two further bin bags covering the body. It was necessary to cut he said the centre of the packaging which was difficult to identify, and as it was removed, it was appreciated that it was indeed a body dressed in apparently some form of dress and tied in a foetal position. The officers secured the scene. A scenes of crime officer took photographs at five-past eleven, and at five-to two in the morning the body was removed by undertakers to the mortuary and locked in a room for examination. Police Sergeant Griffiths said that while opening the package, the rope in which the body was bound was severed. The rope had been tied and bound to the right shoulder blade. It had been wrapped around the body at least three times and was tied with knots. It was similar to climbing or sailing rope and grey in colour, although he was unable to describe the knots.

Well, returning to Dr. Tapp, he described indeed seeing the lead weight which we have got in our photograph bundle and what appeared to be the dark canvass bag. The bag had straps drawn together by the string at the base which we have seen, and he said that when he opened the package, there was loose two pieces of wood and a piece of tubing and there were also some bones from the hands and some teeth. There were also the two pieces of elastic strapping or bandaging which he found. He said he did have to loosen and untie the ropes to some extent to carry out his examination, although he disturbed the ropes as he put it, as little as possible in removing them. There are in the photographs, you may want to look at them, I am going to do it now, a collection of loose bones in the package. He said on opening the parcel the feet had become disconnected from the body. They had been contained in green nylon material, probably the rucksack, with holes running through one edge, as we can see again in the photographs, and this was the first



time that Dr. Tapp described the body condition as being in a state of adipocere, A.D.I.P.O.C.E.R.E. if you are interested in the spelling, a white soapy appearance we see in the pictures. He told us the condition is caused by the breakdown of neutral fats in the body. In a body buried in earth, one may find parts of human remains in this condition, but a body buried in normal conditions would have far more putrefaction than we see in the present case. He described how he had found the body tied in the fetal position. The rope had been passed in front of the shins and around the calves and buttocks. The legs were tied across the front of the body, and there was a knot at hip level. There was also a loose loop of rope that might have passed around the neck, although he could not be certain of this, and he went on to describe the rope tying up the body and he showed I think photographs 14 to 20, which he said was as he found the roping. He was satisfied and he showed us the nightdress in which the body had been dressed, and we have a photograph of it unfolded in the files, photograph 28 if you are interested. I should perhaps remind you that Mr. Park said in evidence that he did not recognise that nightdress.

Dr. Tapp referred again to the elastic material in the bag, and he told us that those items were tested by Miss Sarah Brownville. One of the items was found to be medical dressing, with several eyebrow and eyelash hairs attached to it. She considered, Miss Brownville did, that this together with other features suggested strong support that the plaster had been placed at some stage across Carol Park's eyes. The other two pieces of the exhibit, the rubberised material, had numerous short strands of hair which were similar to those recovered elsewhere from Mrs. Park's body, but Mrs. Brownville was unable to express a conclusion as to where those other items had had contact.

Dr. Tapp examined the brain, but he could not say either way whether there had been brain injury or not. The facial bones had been fractured into several fragments, some of which had teeth attached. There were other fragments and separated teeth found loose in the package, and the two largest fragments were

from the zygomatic bones on the side of the face, which he showed us. You have got the diagrams in the file, and he said that the zygoma, the bone at the side, bore on the left a sharp edge, suggesting a cut rather than simply a fracture with a blunt instrument. He took photographs of the skull which he later reconstructed from the recovered fragments, and we have got those in the folder. You will remember the red areas on those photographs that show the missing parts of the face. He also found fractures to the bones of the left hand. The hands were examined by an expert in anthropology from Liverpool University. That was Mr. Connolley. His statement was read to you, and his view was that the two fractures on the hand were consistent with defensive injuries sustained from a trauma inducing blow, i.e. the person was defending herself he thought from something when those injuries were sustained. The view was expressed that the nature of those injuries excluded such damage having been caused on recovery of the body from the lake.

Dr. Tapp found no signs of organic disease or of pregnancy. In his view the condition of the remains were consistent with death shortly after the time of the reported disappearance in 1976. If however the death was said to be some months different from that either way, he would be unable to say that it was not. The condition of the body was he said in this

adipoceros state such as it would have required to have been excluded from external factors, and he thought that the inside of the package would have been relatively water tight. The upper part of the jaw had been fractured into a large number of fragments. There were fragments in the cheekbones, and in his view it would have required considerable force to cause that injury to the face. There was a minimum of two blows that would have been required, but it was impossible he said to set a maximum number. The blows would have required a heavy instrument, probably with a sharp edge, and in his view it was an axe that usually causes injury of this type. The cause of death in such a case was in his view the inhalation of blood causing a drowning of the lungs from the inhaled blood, and he believed that

that was the most likely cause of death in this terrible case. He said that the injuries were not consistent with having been caused after death.

That is what was discovered about the state of the body and the cause of the death. Dr. Tapp also told us of the effects of rigor mortis, and how this would have affected the ability to tie up the body in the way that has been described. He said it would not have been possible to tie up the body in this way after rigor mortis had set in, which would be within two to four hours of death, and although rigor passes off he said after 48 hours, putrefaction would then begin and therefore the white soapy material effect would not be seen after that. So in his view the tying of this body would have had to have been done within approximately two to three hours of the death. He told us also that there was no point at this distance of time or that distance in time in carrying out toxicology tests so as to try to identify poisons or anything of that sort. Similarly, there was nothing felt to be done in trying to examine hair blood or urine.

He was asked further about the injuries. He said there were four traumatic injuries at least. These were the injuries to each side of the face and the two injuries to the left hand. He could not be certain whether the hand had received one or two blows. There were at least three impacts. He could not be certain whether there were more, but there were arguments favouring the view that there might have been more. So far as the skull was concerned, there could only be some possible bruising which indicated subdural or brain haemorrhage. There was no attempt or any sign of an attempt to dismember the body in any way.

Then we had read to us the statement by Dr. Wilkinson, who carried out the reconstruction of the fragmented skull, and you have got those pictures in your folder if it assists you on anything.

Well, I am going to turn now to knots and ropes. We heard about the tying of the body, and the evidence we had by way of expert evidence on this case came

from Dr. Ide, Dr. Roger Ide. He has a series of formal qualifications, and he said he had been a forensic scientist for some 35 years. He had received information about the finding of the body in August of 1997, and about a week after its recovery, he had examined the ropes and packaging associated with the body. He examined also certain ropes and knotting known to be associated with Mr. Park, either from Bluestones, his present address in Barrow and also from a boat owned by Mr. Park. He gave us a little information about the limits of his expertise. He said he could sometimes tell the manner and sequence of tying knots. He could determine the effects of pressures on knots once they are tied, and sometimes he can identify whether there has been a struggle or not in the victim after tying, but that was not material here. He demonstrated for us, you may think with admirable dexterity, the knots that were involved in the present matter, and one's jaw dropped open when we saw how quickly he did it. He showed us two overhand knots as he called them, the granny knot and the reef knot. You may remember that Mr. Park was shown a rope of his own in which he had identified a knot as a granny knot in the course of his interviews. He said it was not a granny knot but an overhand knot. My recollection is that Mr. Ide considered both reef knots and grannies were overhands, but there it is.

He showed us the bowline, which was a more technical knot creating a secure loop. He said it was a knot taught in the Scout movement, so therefore no doubt a skill which many will possess. He showed us the figure of eight and used as a stopper to prevent fraying or to prevent a rope passing through a loop. He said the figure of eight was less common than some of the other knots, and not many people could tie it. He demonstrated a sheet bend used to join two pieces of rope of unequal thickness, and he said this was not particularly common. Mr. Ide also produced two sample eye splices, i.e. the strong loops created by opening the strands and then threading it back on each other. He said that manuals usually recommended three turns or passes in creating such a splice or turn to take the thing

into a secure position, and one manual he knew of said five passes were recommended for synthetic cordage. You have now also got the additional material produced by the defence, in which you will remember varying degrees of securing ties are shown, going up to seven, eight or nine I think in some cases, but you have got the books and so it is clear that the manuals are not at one as to what the nature of passes are which are needed to secure an eye splice.

Now Mr. Ide produced the photographs which perhaps we should just have a look at, please, in your folder at tab six. These are the ...asics in the first series, I think it is, which are recorded associated with Mrs. Park's body. Shall we just have a quick look at those and remind you of what he told us about them. Photograph three he went to first. Tab six, photograph three, if you would, please, ladies and gentlemen? This was the pinafore dress. The dress had been stitched together at the bottom using two stranded twine, which we see in the lower photograph. 14 stitches pulled tight, he told us, secured by a granny knot, with one additional half knot to make it secure, he said. In Mr. Ide's view that was not a particularly good knot. The ends had been trimmed off neatly, probably with scissors. He concluded that it had been sewn with a, sewing at the bottom of the bag that is, with a heavy duty needle of the type used for carpets, packaging or sail making. He was confident that the holes had been made with a needle and sewing action, rather than any jabbing action, because the needle would have to be .... to separate the threads in the way that he had seen through his microscope.

He took us to photograph eight, which perhaps we could just have a look at, please, which was the rucksack at the bottom of the package. String in the opening passing through the eyelets. He said there was a double overhand loop in the central eyelet, which is 'J' in our picture. At the end of the drawstring was a figure of eight at positions 'K' and 'L' noted. Yes, 'K' and 'L', and in cross-examination he agreed that there were traces of plastic tabs or seals similar to be found on shoe

laces. He thought it was possible that we see they had been tied in the rucksack by the manufacturer to keep the cord in place, and you probably remember that.

In photographs nine and ten, the thin string, this was the creation of a type of noose with a free end. The strands went through another knot at 'P', using a clove hitch. The knot at 'M' which we see, was he considered a very simple manner of fixing a loop; it was quick and easy, and there was the kink he pointed out at 'O', pressure on the string for being in that position for a long time.

Photographs 12 and 13 next, please. That was the sheet bend. Certainly you see that at 'R' and at 'Q', and he said there was an additional overhand knot to prevent slipping of the join you can see in that photograph. This cord had been heat sealed at one end and had an old cut at the other. At position 'T' there was an eye splice passing through a spring clip, shown closer on photograph 13. We can perhaps just have a glance at that. This particular eye splice he said had five touch turns or passes or whatever we call it, securing it. Again he referred to one of the manuals. It was the secure type being recommended in that manual for artificial fibres.

He then moved to photograph 16, and I think 15 too. This was the 20 feet piece of rope principally used for the tying of this body, and he pointed out four knots as marked on our picture at 15. One end had been heat sealed, he said, the other has not, and the knot at 'U' described as a slip knot which could easily be pulled free. His thought about that was that it was not much use as a knot at all, but he commented that it might have been a product simply of untying the rope. 'X' he said was not a recognised knot, which could similarly have been produced by untying. 'V' he described as a simple overhand loop. 'W' was a fixed loop, an associated constricting loop. This could be put around an object and then tightened, and finally from the body exhibits, Mr. Ide moved on to photographs 17 and 18, which is the lead piping and the associated cordage. He said the rope appeared to have been

cut at each side of the lead piping. He tried to reconstruct it in the photograph. He told us a little too about the lead piping itself. It was folded five times. It was 6.3 kilogrammes or about 14 to 15 pounds in weight. There was a figure of eight knot at position I1 on photograph 18. A figure eight, with a bowline at N1. N1 in photograph 19, if we just go over the page, was a figure of eight hard against a bowline knot. Back at 18 again, G1 he told us was an eye splice, and it had been agreed with an expert who was not actually called but was instructed on behalf of the defendant that there were 12 turns or passes in that eye splice, the one at G1. F1, which we see in photograph 20, is either a reef knot said Mr. Ide tied inside out or two clove hitches. N1 and K1 were also from that area of the rope that was connected and folded to the lead pipe.

I think that was the principle evidence from Mr. Ide about the body ropes, if I can call it that. He then moved on to ropes and knotting associated with other locations at which Mr. Park had been present or involved. His house, the boat called Mrs. J. and from Bluestones. He went first to the exhibits from Mr. Park's present home, and we have those in photographs 23 and 24. He told us that number one was a reef knot, two was an eye splice with four turns in this case or turns or passes. Three was another eye splice with six or seven turns in it. Mr. Ide himself thought seven, and the defence expert had said to him he thought it was six, but six or seven. Number four was an example of a bowline. In photograph 24 below we have a sheet bend, he said, with an eye splice to the left in the thicker rope. Photograph 25, over the page, produced were three cords from the boat. Each revealed a correctly tied bowline. Photograph 28 also showed ropes from the boat, two figure of eight knots displayed, so he informed us. Photograph 26 was said Mr. Ide old .... recovered from Bluestones. In that number six is a sheet bend. Number seven is either an inverted knot or simply two half hitches. Photograph 27 is again Bluestones material. Number eight he said was an overhand loop, and nine a

succession of half hitches. So those were, I think, his, that was his evidence about the cordage.

He concluded that the knotting associated with the body demonstrated a skill in knot tying which might be contrasted with a low level of skill where a succession of grannies or overhand knots had been used. The knots were all he thought appropriate for the purpose. In Mr. Ide's opinion on the other knots recovered from locations related to Mr. Park, they also demonstrated knot tying skill and also use appropriate to their purpose. He could not say definitively that the knots were tied by the same person. On the other hand, there was nothing to indicate that they were not.

He was taken back in cross-examination to figure 15, which perhaps I should just remind you of what he said about that, showing the long rope tied around the body. Four different knots were identified. He did agree with Mr. Edis's suggestion that none of the four knots there demonstrated showed any great degree of skill, and indeed showed a degree of improvisation he thought. They may have been tied hastily in his view. The other ropes he thought displayed more sophistication, using bowlines, sheet bends and overhand knots. He agreed that there was some use of granny knots which would not be found in climbing or sailing manuals, and he was shown our exhibit 13, the Royal Yachting Association manual, recommending the use of stoppers. He told us, Mr. Ide himself told us that he had been a sailor and a fireman, and he had learnt some of these knotting skills in each of those activities. So obviously the defence say well, lots of people, fireman, sailors, everybody in the Lake District. It is a common skill. That was the point I think at which he was asked those questions. He also said he had learnt the bowline, the sheet bend, the clove hitch, the reef knot and the eye splice all in the Scouts. He did not think the figure of eight was in the Scout curriculum. That tied in, I think, with what Mr. Park said. He did accept that the figure of eight knot would however be in the Royal Yachting Association manual.



Just one other thing about knots entirely separately. You remember Mr. Douthwaite who was called by the defence very recently. He was the rigger from Barrow. He said he had been in the trade since 1975, and he told us that people in that particular trade had experience of knots, including reef knots and bowlines, and he talked about long splices and short splices. He was also familiar with figure of eight knots, and he was accustomed to stopper knots used to prevent ropes slipping through holes, and he was asked about what would a fitter know about all of this, being the job that Mr. Rapson apparently was being trained for. He was an apprentice fitter is I think the expression used in the admissions, and he said the fitters would be around doing work with him at the same time, although they would be more concerned with hardware materials, spanners and things, rather than work with ropes.

Well, I think that deals with the finding of the body in August of 1997, the materials that were found with the body and the ropes and the knots. What I am going to do now is to turn to the 1997 dives and what was pulled out of the water at what time, and on occasions some dives where nothing was found. We have heard evidence of dives in 1997, 2004 and then most recently dives carried out this year, only a weekend or so ago by Mr. Campbell Curtis and his team. I am going to deal with each of those sets of dives as we come to them in the chronological history, so I am going to deal first with 1997.

Following the recovery of the body from the lake, there was the first dive on the 14th of August which I have already mentioned. Nothing else was recovered at all on that day. Just to set the preliminaries to these searches, on the 18th of August Mr. Foy, you remember the officer gave evidence to us about setting the buoy at Coniston for our view. He had also been there in 1997. He went on the 18th to Coniston with Mr. Cardew, the first sonar surveyor. They met Mr. Mason briefly. He went off to recreate his dive when the body had been recovered and laid a marker buoy, and Mr. Foy used a theodolite and computer to carry out his exercise. The

computer he told us held LS ordinance survey data, and he used the computer to carry out the exercise on which he could plot positions on a plan, and he believed that the plotting gave a sufficiently accurate position of the buoy that Mr. Mason had placed. You have the plan which Mr. Foy produced, tab three in our folders. I do not think we need to particularly look at them, but there they are, tab three, the two folders dated August of 1997 from Mr. Foy.

On the same day, the 18th of August, there was the sonar examination carried out by Mr. Cardew. He told us he did his work from a sailing boat. He sailed up and down the lake between two buoys some 230 metres apart. He produced for us the sonar impressions with annotations which we have in tab 13. Perhaps we could just have a look at those, please. Tab 13 is the first series. As a preliminary he told us that the equipment that he had would pick up an object the size of a Transit van at 200 metres, pick up a small car at 100 to 150 metres and could pick up quite small objects once one got close to them, but he would be surprised he said with his equipment to identify anything as small as a shoe or an item of clothing.

Now if we look at the images produced, on page I think three, he showed us the various points that he had identified. He said the white dot was the date and point that he had been given. T1 was the sight of a significant depression in the lake bed, and he thought the buoy on the surface would be likely to have been within five or ten metres of the spot where the weight had been put down, allowing for the slight North and South current and for some slack between the weight and the buoy. The depression he said in the photograph was about 25 metres away from the data given to him by the police officer. He said there was the indentation that appeared to have been left by something like a heavy package. On pages three and four, we have a closer, on page four we have a closer view of the indentation, and he said that the dark area above that was a rocky outcrop. Going back to page three, he said that T2, 3 and 4 were rocky outcrops, and T5 was another depression,

measuring in that case about 1.5 metres by .5 of a metre, a little to the North of the date and point.

I think it was Mr. Cardew who was first shown the slate, I think then in its pristine form before the accident, and he said that he would have been surprised to identify it on his sonar equipment, and he said nothing of significance had been spotted for the divers to find by his equipment.

Further dives were carried out on the 29th of August and the 1st of September 1997 at sites further South than this scene. Mr. Carruthers, the dive supervisor, told us about this. On the 2nd of September a further dive was carried out. Again searches were done, the object being to do a circular sweep of 360 degrees around the point, with a radius of ten metres. Mr. McMahon was the diver in the water first. He went to the spot he said where Mr. Mason had been two weeks earlier, and he said that he had left a heavy weight at the scene on the 14th of August; it had not been moved. Searches were carried out by two divers for a total of about an hour, as indicated in the dive records. Again Mr. Carruthers was shown the slate and confirmed that in spite of its size, it was not found on the 2nd of September, and indeed nothing of evidential value was found on that date. Mr. Carruthers accepted there was no record of the dives, other than the written manual ones, and no bearing had been taken to fix the exact spot.

On the 4th of September another dive was carried out and thought to be in the immediate area of the body site. Again nothing of interest was found.

The same again on the 9th of September. He said the first occasion on which anything was recovered at all was the 10th, and the diver then was Mr. Brookes; you will probably remember him. He was the poor officer who fainted when he was in court, and you spotted him first. It was not me. I remember I was looking at you, and it was a bit of a shock, but anyway, that was Mr. Brookes, and of course it is him who discovered the famous rock in the end, so he said or he does not say actually.

No, I will have to come back to that. The dive programme on that occasion was supervised by Mr. Pearce. Mr. Brookes told us that on the 10th his brief was to go to the area where the body had been recovered, to search the area and the indentation of the lake, and to return to the shore where the body had been landed. At a depth of about 12 metres he told us he said he found a black ladies shoe, a blue ladies shoe, a ladies leather boot and a small red dress. Those became exhibits PDB1 - 4 in the enquiry records, and of course PDB 5 became the one of which number 19 we have heard so much about. I do not think items one to four were submitted to Miss Rushton, the clothing expert. However, Mr. Brookes said those items on the 10th were picked up by hand, taken by him to the police vehicle and from there went back to the police headquarters at Hutton, where they were dried and handed over on the 16th of September.

On the 18th of September, Mr. McMahon took a video which we all saw. He gave us a running commentary, you will remember. I think we were in a smaller court when this happened, you may remember that. The filming he said showed him descending down a shot line to a weight on the bed. He showed us what he saw to be the indentation, and he marked its borders manually as the film showed. He said he remembered 27 metres showing up on his depth gauge, and he tried to train his camera on the instrument. You will remember he did not quite make it; you have just got a picture of a blurred shot of a watch like instrument. There was a theodolite pole shown in the picture. It looked as though it had been embedded in the lake bed. He said that the pole was within three feet of the depression, and the film showed an area of about 2.5 metres all the way around the pole. He said that one could not see any rocks on the video film, and he said that Mr. Mason, the amateur diver who had found the body, had not pointed out the rocks which he told us about, so whether there was a rocky outcrop or not became a little blurred.

Now the 30th of September, that is the further dive, and it is here that our PDB 5 was picked up, whatever it contained. This was a search at 12 metres, the depth

at which Mr. Brookes had found the four items on the 10th. On that occasion Mr. McMahon and Mr. Brookes told us that they had found a significant number of items. They were items of clothing and cosmetics, and they were ultimately examined by Miss Rushton, the clothing expert, and you have a convenient list of what was found there because they are in the front of the folder with the photographs in, so if you want to remember what was discovered on the 30th, I think they are all those items in that index.

Mr. Brookes was the second in the water on that occasion. They seemed to have dived one at a time. Now Mr. Brookes said he saw clothing, and he started to transfer the clothing he saw into the bag he was carrying. He said that once he started to grab for clothing, the silt came up and he had to feel about to recover the other items. Mr. Brookes said that he would not consciously have gathered a stone. He had no recollection of doing so. He speculated that it must have been wrapped up with the other items that he had recovered, and it was just funnily enough at the moment when he was shown the stone that he fainted, you may remember, but that was just one of those things.

He said he had no recollection of it at all when he looked at it. No recollection of recovering it. Indeed, he said that if he had noticed a rock at all, he probably would have discarded it. Again he had not any recollection of filling in an exhibit label, but the relevant label was shown to him and he said it was his signature, dated the 30th of September of 1997. He said that whatever he had picked up, he had taken the items out of his net bag when he got on shore and put them in another bag with the police vehicle. He agreed that there was nothing on the dive log or on the exhibit label which referred to a rock, and obviously I will return to other evidence in due course about the rock itself.

Mr. McMahon went into the water, and he too collected a large number of items in a net bag, and these were attributed the number KM4 in the list that I have mentioned.

The scenes of crimes officer who was present at the scene gave his evidence. That was Mr. Philip Smith. He told us he had been at Coniston on that day. He had received items from Mr. Brookes and Mr. McMahon. He said the items were emptied into bags of a bin liner type. He personally tied the ends and labelled them. He said he did this in the police van, and care was taken to ensure that items were not put in the bags mistakenly. He identified the label signed by Mr. Brookes. He then took the bags back to Barrow Police Station, where he handed them to Mr. Burns, Detective Constable Nigel Burns the exhibits officer in the case, and we also heard from Mr. Burns. He said that on the 30th of September he was on duty. He was informed that articles from the lake were being brought back to him. He received them from Mr. Smith, and they included the bags KM4 and PDB 5, two black bin bags. Each he said was labelled with a Cumbria police exhibit label. He locked them in the secure store. He said that PDB5 seemed to be a considerable weight, and he commented to a colleague in jest, speculating that there was another body in it.

In cross-examination he agreed with Mr. Edis that wet items are heavier than dry items, but nonetheless he maintained that PDB 5 was appreciably heavier than KM4. He said he did not open the bags at that stage. He noted the items in the register, and there they remained for another five days until the 4th. On that day Mr. Burns handed the bags to another officer, Mr. Thomas, who also gave evidence, for the purpose of opening them up and splitting the items in it. So far as the clothing in the bags was concerned, they had to be dried out. There was a cycle store that was press ganged into service as a store for these items. It had been cleared out, and he said that the bags were still knotted and tied when given to Mr. Thomas for splitting, although Mr. Burns was not present when that was done.

You then heard from Mr. Thomas himself. He received the bags from Mr. Burns who took them to the cycle store, opened them up and divided the items. He photographed them. He said he took the items out one by one from the bag, labelled each and photographed them, noting the times at which each item was split out. According to Mr. Thomas the rock was the last item he removed from that bag, and he timed it at ten-thirty three a.m. in the register. The process had started at about nine o'clock, and he said he had to get them out and write the record and individual label for the split exhibit. The items were then laid out to dry. Mr. Burns came back. He saw the items, including the rock on the floor in the makeshift drying area of the cycle store. Mr. Burns then completed the entries in the exhibits book for each item, and you have a copy of the exhibits register. I do not think we need look at it, divider 14. He said he had done that on the day of the splitting, the 4th of October, and he identified the handwriting in each case as his. He said he had made an error in recording Mr. Braddock as being the person who had recovered the items. He said it was a pure error, and that the exhibit labels in fact spoke for themselves.

I think that concludes the evidence of the dives in 1997. Mrs. Rushton gave evidence about the clothes; you will remember that. She examined those items. They were all in that folder of photographs, and of course the crux of her evidence was that the vast majority of the items she saw dated from the early to the mid 1970's. There was nothing amongst them dating from the mid 1970's onwards. There were certain individual items she could not date at all, and it was clothing for a lady of the size 10 to 12 range, she thought. There were two matching pairs of shoes. I do not think you need to turn them up, but you may want to know numbers 14 and 22 were one pair, 15 and 21 another. There were also individual boots or shoes without their pairs. There were cosmetics dating from the same period, and Mrs. Rushton did accept that some of the dating brackets she gave us were what she called soft around the edges, in that she could not be entirely precise about it.

In respect of manufactured items, she said she had not gone back to the manufacturers to get the dates; she had simply used her expertise.

Mr. Park gave evidence about the clothes. He was asked about them, and he said he did not recognise them. He did accept that Carol Park occasionally made clothes of her own, and might have made trousers similar to the yellow pair that we have in the folder, but otherwise he did not recognise the clothing.

I am now going to turn to hammers. We had about that the evidence of Mr. Rideard and Mr. Baxter, both experienced forensic scientists. Mr. Rideard examined the lead piping. He described it. Unfolded it was 67 inches in length he told us, and about 1.5 inches in diameter before it had been flattened. It appeared to be the sort of pipe that might be used for a high level cistern of a toilet installation. He said it bore a number of round indentations, indicating that it had indeed been flattened by the use of the hammer, a hammer. The diameter of the indentation was about one and an eighth inch, and the sharp appearances of the edges suggested the hammer would have been either new or at least in good condition. The piping that was recovered from Bluestones he said was of a different manufacture from the pipe folded and found with the body. Moreover, there was paint on the Bluestones piping which did not match anything on what I might call the body pipe. Mr. Rideard thought that the pipe that had been attached to the body package could fit the toilet bowl recovered from Bluestones, but he said it did not match paint splashes to be found on that toilet bowl.

Mr. Rideard turned his attention to the hammers recovered from Mr. Park's home and the marks found on the flattened pipe. He thought there was one hammer that could have been used to cause the marks, the Stanley claw hammer. It was more worn than the hammer used on the pipe could have been at the time of use. He accepted that other hammers could equally have caused such marks, and that one had to be a long way from conclusive in thinking that the hammer he saw



had caused the marks. He told us that the hammer taken from Mr. Park's home is of a type produced in large numbers and has been sold for many years and is still available today, and we know it is, because Mr. Baxter had bought one later on.

Mr. Rideard's evidence was that any such Stanley hammer could have made the marks. He agreed that the new hammer that he was shown which Mr. Baxter had brought had a bevelled shoulder sloping away from the strike face as he described. He agreed that there was no such bevel mark detectable on the piping, but in his view whether the bevel would be detectable would depend on the completeness of the marks. He was shown the castings made by Mr. Baxter. He said that some of the marks were good, but he was unable to detect any bevel mark. Mr. Rideard thought that the sharp edges on the new bevelled hammer could produce marks of the type found on the piping, and that was where he diverged from Mr. Baxter. None of the marks he thought were sufficiently deep to reproduce that bevel. In Mr. Rideard's view, the bevelled face, any particular mark would have to be at least three millimetres in depth, and he did not think that the older type hammer that was produced to him, you remember the one with the chip out of it, could have made the marks that were seen. He agreed with Mr. Edis, however, that there was no conclusive connection between the marks on the piping and the hammer taken from Mr. Park's home. The marks could theoretically have been made by any number of hammers, particularly by a bevelled Stanley hammer of a very common type.

I will go on to Mr. Baxter's evidence, if I may, please. He worked with Mr. Rideard for many years. They were colleagues, and he had examined the lead piping. He had unrolled it, he had examined the circular marks, all about an inch in diameter he said, and some were overlaid, one on top of the other. He had therefore concentrated on the deeper and more complete marks. He did not find any appreciable difference in the diameter. He made some plastic casts which we have seen, and he also made test marks with the suspect hammer in wax and lead

and compared the two. In his opinion the marks on the piping had mostly a very sharp untapered edge. The marks made with the hammer were more rounded, the suspect hammer. In his view there was also a size difference, the marks on the pipe were larger. He thought that meant that the instrument causing the marks on the pipe would have been rather larger in face size than the suspect hammer. Again Mr. Baxter said that the suspect hammer had a rounded or convex face, a sort of slope in it, but the marks in the piping seemed rather flatter, and he pointed to the distinctly rounded character of the new hammer which he had bought. There was agreement between these two experts that the suspect hammer in its present state could not have caused the mark upon the pipe, and Mr. Rideard thought on the other hand that the suspect hammer when considerably newer could have done so, although many others of this similar common hammer could have done the same trick.

Mr. Baxter did not think the suspect hammer could have caused these marks at all. In his view the most noticeable difference was the very square edges produced on the pipe, compared with the rounded bevelled edges of the Stanley type hammer, even when relatively new. He said there was no sign of bevelling at all in the marks on the pipe. He was confident that he would have seen the bevelling effect even in shallow marks, and in Mr. Baxter's view a much more likely candidate for the marks on the pipe was indeed the old hammer, our exhibit nine, I think it is, that had originally been owned by his grandfather.

His conclusion, Mr. Baxter's, was that all this gave extremely strong support for the view that the marks on the pipe were not caused by the suspect hammer.

He was asked questions in cross-examination about the newly purchased hammer. The depth of the bevel he said was about 1.5 to two millimetres. He did not have this hammer when he conducted his own examinations and had not made any test impressions with it. His tests were only carried out with the suspect one and the old hammer. He believed that a shallow depth of mark would have been

sufficient to produce signs of the bevelled edge, and that this would be so whether the mark had been created completely flat on or at an angle. One way or the other, the bevel he thought would be seen. He was asked again about the casts he had made from the pipe. He said they were .5 to one millimetre in depth and had sharp edges. He denied the suggestion that they displayed a rounded finish. Further he said his own examination was in a much better lighting condition than we have in this court, and therefore he was able to reach a reasonably firm conclusion about the matter.

He said that the hangers with the bevelled edge had been in production for a very long time and had superseded the older style which had been in production in about the 1940's. An old fashioned hammer would have been around for a long time by 1976, and was quite likely to have sustained the type of damage that was apparently the one that he had got with the chip on it, and that was one of the defects with this type of implement. The hammer however that had made the marks on the pipe was apparently in good condition and had not been damaged in that way.

Well, ladies and gentlemen, I am just about to come to what I think Mr. Edis described yesterday as the heavy material, so perhaps we can do that after a short break. Quarter-past to twenty-past, please.

(The jury withdrew from court)

(The court adjourned)

MR. JUSTICE MCCOMBE: Well, ladies and gentlemen, rocks. The underlying science was remarkably sophisticated, was it not, and an awe inspiring quality of learning to which I am sure none of us aspired to in O level science, whatever we did, but it is of a nature that I have tried to explain to you earlier on. It is expert evidence, and I thought and you may have thought that the scientists reduced it to manageable quality and when we got used to it, the salient points came through quick clearly and we began to understand the differences between what the

scientists were saying. I am going to remind you of some of the prominent features of what they said, and all these expressions that certainly when I looked at the reports which were written and I saw it written, I thought will we ever understand that, but I think as the days have gone by, you must not be shocked by it. So I will do my best to summarise what we all learnt.

The object was pretty simple, was it not? Compare two items, rock and building slate, said by the Crown to have been recovered by investigating officers in 1997 and 2004 respectively from Coniston, near to in a broad sense where the body of Mrs. Park was found, with stone materials from Mr. Park's former home at Bluestones. The rock we have as our exhibit six in the court numbering, PDB 5/19 engraved upon our minds in a sculptured fashion. The slate is exhibit five. I will probably try and call them the rock and the slate or use the exhibit number to which we have become all familiar.

Well, we first heard from Dr. Pirrie and Professor Pye, who are distinguished geologists. Dr. Pirrie frankly admitted that his work as a forensic scientist was in its early years. I think he said he had worked for 18 months in forensic science, and in fact he was giving evidence in court he told us for the first time. In the previous case in which he thought he might give evidence, his evidence had been accepted by the other side, and so he did not have to turn up in court. He was obviously being challenged about that, but he remained adamant that his methods and approach to the case was adopting geological techniques which were well known and accepted in the academic field. He was also challenged on the basis that he had not adopted the standard forensic science type of comparison about whether things were strong support, weak support, extremely strong support, extremely weak support for X, Y and Z, and he frankly again accepted that he had only heard of that sort of approach after August 2004 when his first report was prepared. Again, however, he was insistent that the methods he had used were tried and tested academically, and of course he used a new machine which he told us all about, but you will have to bear

in mind whether his lack of experience is something that makes you think perhaps his evidence is less cogent than Professor Pye's and in other areas where Professor Pye was challenged, but these are matters that are why I said to you earlier on this is trial by jury, not trial by experts, and you assess these extremely distinguished people in the way you assess any other witness.

Well, Dr. Pirrie's evidence about the slate was relatively short. He said it was not a true slate. I am not quite sure what he meant by a true slate, but it was not a true slate in a geological sense, it was possibly slightly raised eyebrows and an expressionless face. It was roofing or flooring material, rather than something more interesting to geologists. He said it did not match slates that he saw at Bailiffs Wood. There were no slates in the dry stone walls there as far as he could see. There were other types of slate in walls further to the North. He said the type of slate that was in issue was widely used for roofs and floors. He agreed with Mr. Edis that it could have come from anywhere where that type of building material was used. It was common in South Cumbria, and he agreed that slate had been worked generally in the Coniston area for hundreds of years. That was the slate really.

The rock, PDB 5/19, was delivered to him in four pieces, and remember rather like the rubric cube, he put it back together again in our presence; it was not very difficult and it all fitted naturally together. The police also gave him two further rocks or stones recovered from the garden wall at the Leece property. He himself visited Leece on the 5th of July 2004. He had met the current owner, and was told about works done to the garden walls over time. He was informed that while both the front and the rear walls had been repaired from time to time, the front walls had simply been repaired using the original materials, and so therefore he used materials from the front walls only. He took five further samples for comparison. On the 6th of July he travelled to Coniston and visited the Eastern shore of the lake. He took some further stone materials from the shore side at the lake known as Bailiffs Wood, at that area. He examined the dry stone walls bordering the minor road. He was

unable to find slate similar to the one in issue, and he also examined a spot about 1.8 kilometres to the North and took one other sample.

He proceeded to analyse the samples. He described the methods by which it was done. There was the original microscopic examination and then a further one after he had received Professor Pye's report, when he used the new rather more sophisticated piece of machinery. Dr. Pirrie described the nature of the equipment used. They were highly technical, and I am not going to go into that, but each involved the use of electro microscopes of a type probably well beyond the experience of any of us. The later tests, however, permitted an even closer example than the earlier tests had permitted, and the new machine he said gave a better idea of the chemical composition of the rocks or stone material being examined.

The essence of Dr. Pirrie's evidence was that our rock and four of the samples recovered from Bluestones contained certain recognisable similar characteristics. In contrast he said the samples recovered from the shores of Coniston were of a different composition. The initial conclusion was that each of the items was a fine grained sandstone or siltstone dominated by quartz, along with a substance which is described as muscovite vita. I do not know whether that is anything to do with Moscow, but it may have been once back in history, and by use of his scanning electron microscope examination he concluded initially that each of the items contained diagenetic monazite. Now we have in tab 15 and perhaps we can just look at that, Dr. Pirrie's helpful glossary. I do not think there is any dispute about these terms, but just to refresh your memories as to what those were, diagenetic contrasts with detrital, and we see those two definitions in the middle of the page. Diagenetic, "This term refers to a mineral which has been precipitated as a crystal from a fluid within a pre-existing rock, i.e. these minerals effectively 'grow' in the rock, rather than being physically transported and deposited." Detrital is the opposite, deposited. The diagenetic monazite which Dr. Pirrie originally identified in the samples he thought post-dated the mineral which was either rutile or anatase,

and those terms are also described, the next definite. "Rutile and anatase are two minerals which have the same chemical composition. Titanium dioxide, TiO<sub>2</sub>."

So that first examination identified monazite. He found the characteristics both in our rock and four from Leece. In Dr. Pirrie's view these did not match the samples recovered from rock types present on the foreshore of Coniston.

Mr. Pirrie's later examination was prompted by Professor Pye's report, and he used the new equipment. This still showed in his view the rutile or anatase at the core, with diagenetic material around it. However, the new equipment indicated to Dr. Pirrie that this was not in fact monazite; he had been wrong about that. The chemical composition was different. He found the crucial element was what he, we got used to the term, was a calcium bearing rare earth element, lacking in phosphorous. Phosphorous is something that is in monazite but not in this. Dr. Pirrie believed that the most likely mineral name for this substance was synchysite, previously reported in the Shap area of Cumbria. We have also got a formal scientific definition in our glossary. He said he could not be categorical in this naming without a further micro... examination, which he had not carried out. However, in comparison Dr. Pirrie examined his two samples recovered from the shore of Coniston. Some true monazite was present in those exhibits after all he had concluded, but that appeared probably to be detrital rather than diagenetic. The calcium rare earth bearing element which he found in the other samples he said was not present. There was not the same textural association of this rare earth element with rutile or anatase.

In cross-examination Dr. Pirrie accepted that it was Professor Pye's report that had prompted the re-examination, and he conceded that without that prompting he would still have been maintaining that exhibit six and certain of the Bluestone samples contained monazite. He agreed that that would be an error. I think it is fair however to him to say that his point was not really related to the naming of the

substance. His conclusion was that he observed the textural association with whatever it was in characteristic in our exhibit rock and the Bluestone samples which he did not see in the Coniston lake. The precise name of the substance was not in Dr. Pirrie's view of the same importance.

In cross-examination he said that monazite was a rare substance, and that the element now identified by the new technology, synchysite as he thought, was even rarer. He did accept, however, that no studies had been carried out as to the incidence of this particular substance in the Lake District. He was taken to the photographs that we have in our folders. Tab 15, please, ladies and gentlemen. I think we have just got that open. I think behind the glossary we have the photographs that we took. Photograph one, the first one at the top of the page, we had the PDB 5/19 sample. He said that the characteristic of the association, textural association of those materials would not necessarily be seen in every single section in the rock, but it was in his view a significant phase as he called it. He would be surprised if the features were not found in the rock mass as a whole. If other experiments suggested this was not the case, he thought that he would have seen it already. He told us that the dark area in the middle of that top photograph was the rutile or anatase, and the lighter material around it was the calcium rare earth bearing element. He told us that this rare earth bearing element was in his view diagenetic.

Below that we have DM34, a police exhibit from Bluestones, and the third photograph is a stone taken from Bluestones by Dr. Pirrie himself. Again he identified rutile as the dark elements in the photographs, with the lighter rare earth element around it. It was put to Dr. Pirrie that the first photograph looked different to the untrained eye, but he was clear, however, that from the expert viewpoint the differences were only slight. He went on to express the view that once this calcium rare earth element is seen, the decision as to whether it is diagenetic or detrital is perhaps less important. Mr. Edis put to him that that is a considerable shift in



emphasis from his earlier observation of diagenetic monazite. He said no, he remained of the opinion that in fact this rare earth bearing element was diagenetic in character. He said he had not seen it before, but acknowledged that he may perhaps have seen it, but because of its rarity had not been aware of what in fact he had been seeing. He agreed that he had not seen any published work which had been carried out to determine the spread of this material in the Lake District or elsewhere, and he agreed with Mr. Edis that in this area, as in other aspects of geology, there are limits to the scientific knowledge available. He agreed that it could exist in other places. Although he had not seen it, he was confident that it was not to be seen in the samples recovered from the Coniston lake shore.

Mr. Edis embarked upon a series of questions which produced an acknowledgment from Dr. Pirrie that the ingredients of this particular rock, the make up or the recipe were available in the Coniston area, and so that he could not dismiss the possibility that those ingredients might have formed elsewhere to form that textural association. If so, if that was right, there could be quite a lot of rocks bearing this vital characteristic.

He was then asked questions about the provenance of the rocks from Bluestones. He considered that those bore marks suggesting they had been scratched or disturbed perhaps by ploughing, implying perhaps a fairly local source. He accepted, however, there was nothing to associate any of the rocks that we have been looking at with the bedrock of the Barrow or Leece area.

Mr. Edis asked Dr. Pirrie a series of questions about distinctions that there might be between our rock and the exhibits recovered from Coniston and Bluestones. He agreed there was a difference in grain size. The stone from Bluestones was slightly more coarsely grained, but he considered what he called the sorting. It was fairly similar in both. He agreed that there was no sign of concrete or render from a wall on the rock from the lake, but there was little anyway he said on

the Bluestones sample, no signs of, particularly strong signs of mortar or the like. He could not derive any association with Bluestones from any soil adhering to the rock that we have to consider, and he said of course the rock may have been in the lake for a long time and the soil would have been lost from it. Again he recognised that the rocks taken from Bluestones or at least some of them had paint on them. The lake rock or the rock we are considering had no paint on it at all. He confirmed that his association of our exhibited rock, the suspect rock with those recovered from Bluestones, was based entirely on mineralogical and chemical construction and not from the other potential associating factors like paint or mortar or render or anything of that nature.

Now Dr. Pirrie produced the photographs made by his new machine, which we also have in I think divider 15. We have had a bit of trouble getting decent copies of it, but we got them in the end. I think those follow on. They are labelled with subtitles. I hope you have got them, ladies and gentlemen. "Ca-REE bright phase enclosing euhedral rutile/anatase and the like." Do you have those? Let me just hold them up. It looks a bit like that. Have you got those? Yes, thank you. At page one we had two photographs of PDB 5/19, the suspect rock. On page two, there are two photographs. On page two and three we had three photographs of DM34 from Bluestones, and on page four we have got Mr. Pirrie's sample five from Bluestones. On the last two pages we have photographs of the Coniston samples recovered by Dr. Pirrie and Professor Pye. Dr. Pirrie identified the calcium bearing rare earth element, now named by him as synchysite in PDB 5/19 and in the Bluestones rocks, but not in the Coniston rocks, again by the new technique. In the Coniston photographs, Dr. Pirrie identified a rare earth element in each case without calcium. Two contained phosphorous and one had neither calcium nor phosphorous. His photograph of DP2004/7, a Coniston sample, could he thought show diagenetic rutile with post-dated monazite in association with each other. As Mr. Edis pointed out, that is precisely what he had said had not existed in the Coniston samples in the

original tests. He said however there was in this case a phosphorous bearing rare earth phase, whereas neither PDB 5/19 or the Bluestone sample showed that characteristic. They were calcium bearing rare earth elements.

Dr. Pirrie did not accept the suggestion that his sampling from Coniston was, as Mr. Edis put to him, pathetically small. He said he had selected those samples which were closest in type to the suspect rock. He had spent ten to 11 hours on each, and in his view on academic criteria the samples were adequate to found his conclusions, and that conclusion was that the calcium rare earth phase is present in all the sandstone and siltstone samples analysed from Bluestones and in the crucial rock, and that the texture that he sees is not seen in any of the samples recovered from the Eastern shore of Coniston.

He was also shown the photographs produced by Professor Pye, to which I will come in Professor Pye's evidence, but I do not think he said there was anything in those that disturbed his conclusions. He was asked about the known geology of the bed of Lake Coniston. He said he was not aware of any specific studies at all on the subject. He was able to state that the lake constituted part of a glacial valley carved out in the last two million years. He agreed that one effect of glaciers is to deposit rocks, possibly quite large rocks originating in one area into another. He was unable to tell positively or not whether the important rock could have been transported at some stage by a glacier. It was possible it had been so transferred. He could not say positively the rock had not been sitting on the bottom of the lake for a long time. However, in re-examination he thought it perhaps would not have been deposited by a glacier in its present spot, because if it had been resting on top of silt, the silt would have formed a long time after any glacial deposits.

It was put to Dr. Pirrie that the samples were simply from the Windermere Supergroup, Dr. Pye's distinguishing characteristic. Dr. Pirrie agreed, but he said the supergroup was an extremely wide categorisation which contained many sub-

groups. He agreed that all could come from the same sub-group, but he still found it strange that this association of calcium rare bearing and earth bearing, calcium bearing rare earth element found in the lake rock and in Bluestones was not seen elsewhere in the samples. In Dr. Pirrie's view, the identification of an origin from within a supergroup was not of any help at all in the present exercise because of the sheer size of the group and the number of groups of which a supergroup is composed. He said that a supergroup in technical terms is the largest mapping unit made up of packages of rocks divided into beds or members, and he said that identifying a rock as coming from a supergroup like this was of no assistance at all in the present exercise. He apologised of course for having been so dogmatic about the name monazite. He agreed he had not been right about that. However, he maintained the association of this rare earth element with rutile or anatase in the lake rocks was distinctive, whatever name it was that one applied to it. He said that at each location he had endeavoured to choose samples that were as closely as possible similar to the suspect rock. Dissimilar rocks he had rejected, and Professor Pye told us he had done something rather similar. He too had rejected rocks that were no good for this purpose. Dr. Pirrie considered that both experts had gathered samples that seemed broadly similar to the rock in issue, and he thought that the samples chosen were fair for the comparison that was in hand.

He was asked a lot of questions about the difference between his old machine and his new machine, and the answers I noted was that he said that the jump in technology was huge. He was asked about Professor Pye's three testing methodologies, chemistry, colour and mineralogy testing. He expressed concerns about each. He considered that bulk mineralogy was a useful tool initially, but it could not go further than that. It was not very good at identifying the sort of trace elements, which were the fingerprint that he was examining in this case, and so far as the bulk chemical examination was concerned, Dr. Pirrie was concerned about the sample size used by Professor Pye, and Professor Pye was asked a lot of

questions about that and there was the dispute about the size of sampling with Professor Rawlings, and I will come to that a little bit later.

Professor Pye told us about that academic dispute, that he simply did not accept that his sample size was too small, and Dr. Rawlings was not really conducting the same sort of science and it was not valuable to compare the two theories in his particular type of work.

I will move now to Professor Pye's own evidence. The professor had a distinguished list of qualifications, just like Dr. Pirrie, and Mr. Edis took him through them. He said he had been doing forensic work for 25 years, and it had been a major part of his practice for ten years. He said in past cases he has been instructed roughly 75% for the Crown and 25% by the defence. His initial instruction in the present case had been simply to comment upon Dr. Pirrie's August 2004 report. He too had visited Bluestones and Coniston. He took samples from the police and collected his own. He examined the samples visually initially with a conventional microscope. He took samples of surface what he called detritus or waste on the top of the rocks by using sticky tape lifts. Just simply putting tape on the top and lifting the material. He then performed chemical, mineralogical and quantitative colour tests he said. The chemical test was a test for concentration of elements such as silicone and aluminium, and the mineralogical test for compounds having a regular crystalline form. In the colour test he developed a range of colours which he was able to put into categories.

He too was asked about the slate, and he put that very shortly. He said he thought it bore the closest resemblance amongst the samples to a slate he had found from one of the walls at Coniston. There were other similar slates at Bluestones. It could have come from either or indeed from anywhere else. It was probably a roofing slate, although it had no signs of actually having been so used because there were no nail holes and no signs of overlapping as if it had been on a

roof with other slates overlapping it in place. He said that there was some signs of that type of overlapping on the slates from Bluestones. In Professor Pye's view there was no evidence to support the view that this slate had come from Bluestones.

Moving on to the rock, he too described this as a siltstone or fine grain sandstone; there is no disagreement about that. Greyish in colour with some orange discolouration at one end, owing to weathering by rain and moisture. The reason for the weathering was not explored. There was little adhering to it by way of mud. He said neither was there any algae or moss that one might find from a stone on a wall.

Then we got into the diatom debate. He said that diatoms were commonly found on rocks recovered from lakes or rivers. He said he had looked for them on both the rock and the slate. There was one broken fragment of diatom on the rock and there was none on the slate. He said on recovery of such items from a lake, that was surprising. If recovered and examined immediately, one would expect a number of diatoms to be found. It would have needed some sort of abrasion he said to remove them. He thought this was indicative of three possibilities; one, the rock had been in the lake and protected in some way. Two, it did not come from the lake but from the shore where the diatoms had been destroyed, or three, it had come from somewhere else entirely. He said the surface of the rock alone and from that surface there was no meaningful evidence to show that it had been in the lake. He did not think it had been embedded in sediment for any period. He said one would expect that in such a case there would be lake mud on the surface, and that from microscopic examination there is debris to be seen, but the amount was surprising. He would have expected more yellowish brown mud.

He moved on to the question of the colour of the rock, but it was while he was doing so that one of you asked the question about the effect of clothing as a protector from diatoms and mud. Professor Pye answered that fine grained mud could penetrate the fabric, but whole diatoms could not. A lot would depend in his

view on how well the rock had been wrapped. Little would get through if it had been wrapped in a jacket. He agreed in cross-examination that doubts as to the circumstances of the recovery of the stone had the effect of weakening the connection with Bluestones. He had been told however before he had done his report that rock had been recovered in association with clothing. He said his information was that the stone was not recovered from clothing or a bag, but from silt or otherwise from the lake bed. He had simply been asked to comment on Dr. Pirrie's work, and he had taken the factual background from the report, rather than other matters. He did realise however that it was alleged that the rock had been recovered in close proximity to clothing. He was asked directly by Mr. Webster whether he was aware of the suggestion that the rock had been used to weight the clothing down, and if so, why is it not considered in his report or in evidence. He said it was not of particular significance. He said that some of the material may have been washed or scrubbed off, and there was no record available to him as to the provenance of the stone or its handling after recovery. He said his reports had not sought to make any use of diatoms or surface material. I have however tried to give you as closely as I can my note of what Professor Pye said in answer to Mr. Edis about this subject prior to your asking the question. You will have to consider the significance that Professor Pye was attaching to this subject in his initial evidence.

He said in re-examination that he had been told by Barrow CID that the body had been discovered by chance by divers, and that underwater searches had been made in the area. He was told some time later that a quantity of clothing had been recovered, and he was told that the slate had been found in 2004. He told you that he had asked for statements dealing with where the rock was found, and he was told there were none. He was also told that nothing had been done to the rock prior to it being sent to Dr. Pirrie. He said that he took that as being an indication that there was no information relating to the clothing. He said that no-one told him that the rock had been found wrapped in clothing.

Before leaving the subject of diatoms, I should just conclude what Professor Pye had to say about the absence of diatoms on the slate. He said that only one small targeted portion had been examined where there had been a possibility of soil residue. He had just seen one little bit where it might be worth taking some soil. He said he only took one tape lift from the area. That was a sufficient sample to be representative of that area in order to examine the debris. He said he had not been looking for diatoms. He referred to his working notes, which suggested that five lifts had been taken. He agreed there had in fact been five, although his original belief in evidence was there was only one. He said he considered the slate to be of little evidence, and that is why he had forgotten how many lifts had been taken from the slate. He said that he did not think that Dr. Pirrie was attaching much weight to the slate any more, and therefore he had given little attention to it since Christmas. He reminded us in the written report he had made no reference to diatoms. They had not had any bearing he said on his conclusions in the matter.

After dealing with that question, Professor Pye moved on to the question of colour of the various samples. He said that in colour the most similar sample to PDB 5/19 was one of his own samples taken from Coniston. Two Bluestone samples were broadly similar but not as closely similar to KP11, which is his Coniston sample. Some rocks from Bluestones he said were hugely different in colour from the rock that we have to assess. In his view his method of assessing rock colour is precise. He said that rock samples found in nature can vary very widely in colour within two to three feet of each other, and there was a range of colour at Bluestones. PDB 5/19 could be within that range. He said it could also fall within the Coniston range of colours too, and there was nothing from colour alone in his view that either postulated source was likely.

So far as his bulk chemical analysis was concerned, he concluded that there was a high degree of similarity between PDB 5/19 and three of the samples from Coniston, and there was a similarity with two stones from Bluestones. There were



six chemically similar rocks; PDB 5/19, three from Coniston and two from Bluestones. They were all equally likely to come from either source. He simply concluded he said that they all came from the Windermere supergroup. He showed us his ice plan, which showed the historical flow of glaciers in this area. He explained that at one stage there was ice over this area, thousands of metres in thickness. The ice flow had moved to what is now the Irish sea, and in the process the glacier could deposit rocks from higher regions, and PDB 5/19 was of a range to have been derived from the ice age.

Now Professor Pye showed us his two tables, which you might wish to consider. If we just have a brief look at those, please. We had his dendogram. That is a word that causes a wiggly line on the word on your computer, so perhaps 'Microsoft' do not think it exists, but we have got it. He said this tries to demonstrate in simple diagrammatic form the chemical similarity or dissimilarity of the various samples. Then there was table one, which is the table with a lot of figures in it. He said it is designed to show the rare earth elements of each of the samples taken. In this respect he told us that the shaded areas on those figures is designed to represent those samples which had the contents of each of the elements tabulated within ten per cent, plus or minus from our rock. He said ,if we just go back to the dendogram, that if we look at PDB 5/19, he said there were three samples that were chemically indistinguishable from PDB 5/19. These were KP10A, 11A and DP/2004/06, all Coniston samples. He accepted in cross-examination that the similarity between ten and 11 was in the lighter and most frequently occurring rare earth elements, but there was not a substantial similarity between those two and PDB 5/19 overall in this respect. He also considered that PD2A and 12A were broadly similar. One was from Coniston and one from Bluestones. KP5A was slightly different from this group, and 9A different still.

Looking at this table, he said at the bottom we find the comparisons of slates, and at the top we have the comparisons of rocks, and he then took us to table one,

and we can perhaps have a quick look at that again. He said there were a group of 15 typical trace elements closely linked in the periodical table. This table displays 13 of those. I do not think we were told where the missing two were. He explained that the table listed the various samples and the grey shaded areas, as I say, were having contents within 10% of PDB 5/19, and so the chemical similarity is represented by a large number of shaded elements on the relevant line, and he expressed the view that KP10A and IIA had significantly similar contents of the lighter rare earth element, i.e. the ones on the left of the chart.

The second of the two tables on that page he said was an extrapolation of figures worked by two writers who we have got named in the table relating to the Windermere Supergroup, and in his view this table supported the view that PDB 5/19 came from either the Birk Riggs Formation, you have got those in the middle of that table, and the Kirkley Bank formation, the last but one in the list, and he showed us on his coloured geological map and you have got those in the folders, where those are, and there is a key on the right-hand side. You can see clearly where those two formations occur. He considered that when looked at from a combined colour and chemical viewpoint, the samples listed most closely on the dendrogram were DP/2004/06, KP10A, 11A, 4A and PDB 5/19. Again that means that one Bluestone sample and three Coniston samples fell within the same grouping. He considered that KP4A from Bluestones and PDB 5/19 did not have a particular good match in colour. The best colour match was KP11A, a Coniston sample.

So far as bulk mineralogy was concerned, he considered that the bulk properties were similar. He was unable to distinguish the Bluestones samples from the Coniston samples.

He then took us to the various photographs which he had taken, which are right at the beginning I think of our clip there. He looked first at our rock, which is at page one of his series, where we have four photographs of that rock. He showed us

the white rare earth element. I think he took us first to the one in the bottom right, the white rare earth element with the grey smudge in the middle being rutile or anatase. He told us that rutile or anatase is a very common trace constituent, and that rare earth elements are common as being found in almost every rock. He commented that the photographs we see here are of tiny samples about 30 microns thick, a micron being a hundredth of a millimetre. So very small indeed. He said that the four phases shown here from the same rock, PDB 5/19, each showed a lot of variation from the others. He went to the photograph at the top left of the page. He said that this showed a calcium rich rare earth element, for example, synchysite. He said that the rare earth element was shown on the left of the picture. He told us that these could have grown either one before the other or simultaneously. He told us that you have to have the calcium rare earth element, plus titanium and oxygen to form this particular association. Calcium and potassium are widespread, and calcium is one of the most common elements. Then looking at the top right, again he identified calcium in the top right and calcium and phosphorous on the left. Phosphorous he says is a constituent of monazite, but not of synchysite.

Before moving on to the photographs of the Coniston samples, Professor Pye told us there is little published materials about these minerals and no information about their incidence in the Windermere Supergroup. Page two was the Coniston samples. The top left and bottom right were Machells Coppice samples. The top right and bottom left were Bailiffs Wood. On the top left he identified a cerium rich rare earth element with some large crystals of itrium and phosphorous, but no rutile or anatase. He thought, however, that rutile probably did exist somewhere in this sample. This would indicate he thought that rutile or anatase was there, but not in close association with the rare earth element. The sample examined he said was only one thousandth of one per cent of the whole. He thought that one might find a phase similar to our rock, PDB 5/19, somewhere in it. In the top right photograph Dr. Pye identified a phosphorous rich rare earth element, more like monazite than

synchysite. This was more like he said the photograph on the bottom left of the previous page, i.e. our rock, and he identified in this particular sample anatase at the top, texturally similar to PDB 5/19, i.e. similar to the rock we are concerned with. In the bottom right Professor Pye saw a rare earth phase containing cerium, calcium, phosphorous and titanium. He said there was no anatase in that picture, although he asserted there would be in the sample. On the bottom left photograph was a rare earth phase containing phosphorous, but no calcium. This was monazite next to rutile and anatase. He said that PDB 5/19 was different. In PDB 5/19 the rutile is central with the rare earth element around it, and in this particular photograph the rare earth element abuts the rutile, but does not surround it.

Then we have the final page of photographs showing two samples from Bluestones. On the left he said there was a calcium rich phase next to rutile or anatase, similar in composition to 2004/07 which we have just looked at on the previous page. He said there was no difference in the textural arrangement between the two. There was however a difference of chemical composition, the same difference as identified by Dr. Pirrie, namely that in DM34 from various calcium, but in the Coniston sample there was no calcium. As again we have noted, Dr. Pirrie identified some calcium in KP10, which we had back over the page. It is a little white blob I think at the top, and he said the local compositions can vary in the rocks within very short distances indeed. On the right-hand side of the page Professor Pye said he could see, that is the last page, he could see calcium rich rare earth adjacent to rutile and anatase. The component parts he said were very similar to PDB 5/19.

Well, I have taken you through what Professor Pye said about the various photographs. The fundamental difference that lies between those two distinguished gentlemen is that Dr. Pirrie says that the association, the textural association described only exists in the samples tested in PDB 5/19 and the Bluestone samples. Dr. Pirrie says it exists in all the Bluestone samples seen. Professor Pye accepts

that that association exists in DP/2004/05 and DM 34. He considers, however, there are doubts about the Bluestone samples. He also thinks that there are possible occurrences of this association in the other samples from Bluestones, but it is not significant or could be ambiguous in those others. Dr. Pirrie goes on to say that the textural association is absent from the Coniston samples. Professor Pye agrees that the association cannot be seen in what he told us were five sections of two centimetres by two centimetres of Coniston sample, but he considers there is a significant possibility that that textural association or arrangement does occur in the Coniston samples and would be found if more sections were examined. Professor Pye says that all the geology shows is that the stones from Coniston and Bluestones come from the same general source. That is beds of the Windermere Supergroup, especially near the Northern end of Coniston. Dr. Pirrie concludes that the calcium rare earth phase is diagenetic in origin. It occurs in association with rutile and anatase in exhibit PDB 5/19, and also in all the exhibits recovered from Bluestones. However, in Pirrie's view this textural and mineralogical association is not seen in the exhibits recovered from Coniston. The trace mineral evidence he says allows a differentiation between the samples, whereas in terms of bulk mineralogy, all the exhibits are comparable. Professor Pye agreed that the textural association in PDB 5/19 and the Bluestone samples had been identified in Pirrie's first tests with his old equipment. It was not found in the Coniston samples. He agreed the new equipment had enabled samples to be more targeted, and the results were confirmed by the second test. However, you must bear in mind that Dr. Pirrie agreed he had been wrong in his first report to identify monazite at all.

Finally Professor Pye told us what he saw from the eight rocks that were recovered in the current month. You will remember the ones that Mr. Campbell Curtis and his colleague got. He said he examined these only visually. He had not done bulk chemistry, colour or mineralogical tests as he had with the earlier samples. There are differences he said between all of them and PDB 5/19.

Professor Pye compared these rocks with the samples that he had collected from Coniston when first instructed. In that exercise, the first one, he had selected six samples that visually resembled the suspect rock. He said that of the eight most recent samples taken from the lake, only two, those shown in photographs one and two of the recent series and we have got those at the back of our tab, would have passed that preliminary selection test. We have got those bright coloured photographs towards the back, and one and two he said were the only ones that would have made the cut, as it were, of his original sampling. As far as number one was concerned, he said it was a large block of siltstone or fine sandstone, not dissimilar from PDB 5/19, but there was more mud and staining on it, and number two he just said was broadly similar to number one, bearing much the same characteristics.

Well, ladies and gentlemen, Dr. Pirrie's evidence is this textural association, that is what he hinges his hypothesis on. He says it exists in PDB 5/19 and the Bluestone samples. Professor Pye sees that association in those samples, but he says if you look through the Coniston samples, you will probably find it as well. He says there just has not been enough done, and moreover, that one just does not know the incidence of this type of association in rocks you could find all over Coniston. So therefore you have to assess how that expert evidence helps you to decide whether or not as Mr. Webster put it to you, it is a strange coincidence that rocks with this association were found at Bluestones and apparently in the one recovered from the lake, but not in the Coniston samples.

There it is. That is geology, I think, and that is probably enough for today. I am afraid I have not finished this summing up, which I should be able to conclude during the course of the morning, ladies and gentlemen. So perhaps if we could start again at ten tomorrow morning, please.

(The jury withdrew from court)

(The court adjourned)

AT THE CROWN COURT

Order No. T2004/7403

Courts of Justice,

Crown Square,

Manchester.

Thursday, 27th January 2005

BEFORE:

THE HONOURABLE MR. JUSTICE MCCOMBE

R E G I N A

-V-

GORDON PARK

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MR. A. WEBSTER Q.C. AND MISS K. BLACKWELL appeared on behalf of the Crown Prosecution Service

MR. A. EDIS Q.C. AND MR. B. WILLIAMS appeared on behalf of the defendant Park

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(The jury entered court)

SUMMING UP CONTINUED

MR. JUSTICE MCCOMBE: Members of the Jury, yesterday I dealt with everything in the chronological sequence up to August 1997, when Mrs. Park's body was found, the recovery of the body, what was found or said to have been found with or near the body in that year, and the evidence about it. I will have a little bit more to say about the later diving explorations, but those are in 2004 and 2005, and I will come to that in due course, but I am now moving on to Mr. Park's arrest in 1997 and what happened thereafter. We know that it was the 13th of August of 1997 that the body was recovered from the lake. Mr. Park and his wife Jennifer were on holiday in France, you will remember. Jeremy Park told us that it was he who had broken the news of the finding of the body to his father. He told us that his father sounded sad and upset and said "Oh dear, oh dear." I do not think he told us anything more about that conversation, but that was the words that came out in evidence. Mr. Park said he did not himself recall what he had said to Jeremy, but his reaction had been one of immense shock when the news was broken. He said it was bad enough that someone he knew had been murdered, and the fact that it was Carol was he said awful. Carol he told us had been someone he had lived with and who he had loved, and he said it was very hard hearing the news from Jeremy when he recalled that he was talking about his mother.

He agreed that he did not make any attempts to contact the police at that stage, although either he or his wife as he accepted had taken contact numbers for the police. He told us that he had asked Jeremy whether the police wanted to speak to him, and Jeremy had told him that they did not. He also said he did not contact Ivor Price, Carol's brother. He did not feel any need to do so. He said he had not communicated much with Ivor anyway and was unable to remember the last time he



had spoken to him prior to 1997. He told us that the end of the holiday was approaching, accommodation had been booked for their journey back from France and a ferry reservation had been made. They did not change those plans. He was not sure he would be able to, and he was not confident he would get a ferry booking any earlier than had already been booked. They did return home, but they dispensed with the visit to relatives in the South of England that had apparently been planned, and when they got back to Barrow, Jeremy and Mr. Shaw helped, Mr. Paul Shaw, helped them to get back into the house without too much attention from the press. He told us that he was then arrested the following morning, and that was the 25th of August of 1997, and we were told in the admissions document that his immediate reaction was "I am innocent of this charge."

Detective Sergeant Marshall as he now is had been involved in the case since 1997. He told us that Mr. Park was interviewed by the police for over two days on the 24th and 25th of August. Now you have the transcripts of those interviews, and I am not going to dwell at any great length on those. Mr. Park was released on bail after a short time in prison between the end of August and the 9th of September. In 1998 the prosecution was discontinued, although Mr. Marshall told us that the investigation was kept open with rather reduced resources, and as I say, I will come back to the question of Mr. Park's time in prison in a little while.

At some stage around the time of Mr. Park's custody, either he or his wife Jennifer asked Mr. Shaw to hold that paperwork, or as Mr. Shaw I think initially described it, but it eventually turned out it was the box. I think it is our exhibit 27. I may have got it wrong, I think it is 27, which in fact held some tapes rather than papers. Mr. Shaw said that the package he remembered initially was A4 in size and about six inches deep. He had understood that the papers were something to do with a religious institute in Ulverston. There was no reason for the request from the

Parks had been given. He complied with it and kept the package for some months until he was asked by one or other of the Parks to return it, when he did so.

Mr. Edis asked questions about it. Mr. Shaw was unable to place precisely the sequence of events in August and September when he had had this request. He repeated the recollection that it was Mr. Park rather than Mrs. Park who had given it to him. It was suggested to him in fact that it was Mrs. Park who had given him the papers when Mr. Park had been in prison in Preston, and eventually he said he did not disagree with that, but he had no precise memory.

Mr. Park's own evidence about this small episode was that it was in fact his wife who had given the package to the Shaws. He told us that it was he who had asked his wife to remove the package from the house. It was a box containing some tapes of lectures about Buddhism, and he agreed that he had in fact done this after the police began to ask some questions of him about his interest in Buddhism. He said he was concerned that the police would take the tapes and he might lose some of them in the process, as they had taken a lot of his property already and he had not had it back, and he said that loss of one tape would be a compromise to his ability to understand what was in any event a rather difficult subject as he found it. He agreed that the police's suggestion about all this was that his interest in Buddhism was arising out of guilt from Carol's death, and Mr. Park's reaction to that was that it was a fatuous suggestion is the word I noted. He doubted they took it seriously. They were grasping at straws. It was pathetic I think was the way he put that. He told us that the box of tapes had been left in the loft while he was in France. The police had searched and had not taken any interest in the items then.

Mrs. Park told us about that. She said she had indeed taken the parcel to the Shaws. It was her husband's idea. She was not able to say whether it had occurred

when he was in police custody or when he was on bail and living in Manchester. She did not consider that she was in any way hiding material from the police. She told us there had been a raid on the house and they were concerned about their property and worried whether they would get materials back. She did not think that Mr. Park had in fact told her that the police had been asking about his interest in Buddhism, and she said she did not see anything wrong with the request that was made.

One small bit of evidence from Jane Marshall. You remember Mrs. Park's daughter. She was living at the house at the time. She did not remember this box or anything about it. She said she did not go into the loft where apparently it had been kept because she said it was too cold a place and she did not frequent it.

Well now, as I say, Mr. Park was arrested on about the 25th of August, the 24th/25th of August, and he gave those interviews. I will remind you of a few features of the interviews, but you have got the records. You may think that in essence Mr. Park told the same account throughout the interviews about what he could remember. The details in interview were different in areas and from what he said in evidence, and those were explored with him in evidence and Mr. Webster has made arguments about those discrepancies and Mr. Edis countered them, and you will have to take them into account as to whether they give you any assistance on assessing Mr. Park's credibility, but I am not going to dwell in any great detail on the interviews, except one or two points. Perhaps it is right in the light of the submission made by Mr. Edis that his account has been consistent, just to remind you of what Mr. Park immediately said when he was questioned in interview. We can start really right at the beginning if I could, please, at the 1997 set of documents.

You remember what I said to you about when I was directing you about the law, about potential prejudice to a defendant who is asked 28 years later about what happened a very long time ago, and Mr. Park made a fairly immediate complaint about that at page three of the interview, right at the top. He said "I made a statement then." He was talking then to 1976, "After having been interviewed several times, made a detailed statement to I think it was Mr. Williams. I do not know what his rank was", etc. "And if you could find that, that is your best, that is your most accurate bit of reference to what happened then", so he was protesting fairly early on that he had told his story many years before. As I mentioned, in evidence he seemed rather unsure whether he had actually made a physical statement or not, but there it is. He thought he had at that stage apparently.

And then we get at the bottom of the page really the gist of what he was telling the police and what he told us. At the bottom of the page he is saying "Okay, we, end of term, and we had agreed that we would take the children to Blackpool, a treat for them. This was probably the Saturday." "It would be the Saturday, would it not?", the officer asked. "It was a Saturday. Come the morning of the planned expedition to Blackpool, Carol decides she does not want to go. So the children were expecting to go. So I took the children to Blackpool and we went to the funfair at Blackpool Playhouse" -some words are missed - "and spent the day there and came home, and Carol was not there. So then I had three children, and they had to be fed and bathed and put to bed and so on and tucked up, and eventually I would be left on my own again with the kids. Well, that is my day." Well, with amplification that is really what he was saying throughout, and it is up to you to assess whether the discrepancies in detail that were explored in evidence have any bearing in your minds about it. That is entirely a matter for you; I am not going to help you with it.

There is just one point, I think it is two more matters that I want to mention to you in this series of interviews. It is a small matter, but you may remember that Jeremy Park's credibility was challenged by Mr. Webster about what he remembered really about that morning in July of 1976, and it was this I think everybody accepts. The question of his credibility is touched upon by his account of discipline rendered by his father, and the fact is Mr. Edis then suggested that there might have been some 1976 type children chastisement is perhaps no reflection of what one might expect in rather more correct times, but Mr. Webster asked you to remember what Mr. Park had said about this matter of discipline. At page ....

MISS BLACKWELL: I think, my Lord, it is page 114.

MR. JUSTICE MCCOMBE: I am obliged. Yes, I made a mis-note. I put 104. Thank you very much, Miss Blackwell. Yes, it is at page 113 it starts. I am afraid I put 103 down in my note, so I was ten pages out, forgive me. The officer asked "How did you punish them when they were bad?" "If they were really bad, tell them off or I would shout was normally sufficient. I think I know what you are getting at, because it was brought against me in the Middlesborough case. I did at one time have a stick. I think it was probably half an inch .... and I would threaten." "That was in the Middlesborough case when you were with Carol?" "Yes, yes." "Who brought that up?" "Who brought that up?" "The stick?" "That was brought up against me making out that I was a bad person in the Middlesborough case." "By who?" "Carol's solicitors", and so on, and then he goes on over the top of the page, "I have used the stick on very few occasions when the children were little. It was a deterrent, not something to be used." "You have had to use it?" He said "I am not a sadomasochist. I do not enjoy beating up children." "But you have had to use it?" "I have. It has been used, yes. Ask Jeremy." "Can you remember in what context?", so he was inviting the police to ask Jeremy and we have heard what his evidence

was about that, and then just a little towards the bottom, the next but one answer to the end from Mr. Park, "You know this was when I was with Cath when I lined my children up. I lined my children up in the garage." Anyway, that is what he said about it in that interview.

Perhaps the last thing to remember is what he said right at the end of the interview, summarising it all, what he thought might have happened to his wife. Page 119, please, ladies and gentlemen. One of the officers asked him just above half-way, "You have obviously wondered over the years what fate befell Carol. What is in your mind. What do you think could have happened to her?", and he answered "Every possible speculation until I wore myself out speculating and decided this was pointless. I would stop and get on with my life, and I suppose there were other people who would say "What a callous bastard that is", and the officer says "Because the disappearance had it been a disappearance this time was totally different to any other disappearance. She had never failed to contact in the past one way or another, fairly regularly as well." Mr. Park said "I repeat, every possible speculation." "Did you consider the possibility, well, you obviously did that she had been murdered?" "Every possible speculation, every scenario, every infinite little thread of everything. Anything, everything, until you finally wear yourself out and say stop. I would like to know who put her there. You have sat there and flown your flag. You have also looked me in the eye and you say I have killed Carol. Fair enough. Thank you for the honesty. At least we know where we stand, but I look you in the eye and I say also I did not kill my wife. I do not know what happened."

Well, that is the interviews with the other bits that you might want to go through, but it is all there for you and I think each side has delved into it in their arguments as they want to and you will remember those points.

Well, Mr. Park was remanded in custody and was held at Preston, as I say, until the 9th of September. He told us that he was first in the hospital wing about four days, so as he was told by the authorities that an eye could be kept upon him as a new prisoner. He was then transferred to F wing which was the accommodation for protected prisoners who might be vulnerable from other inmates. He told us that before he went to prison he was advised by his solicitor to "keep his head down" and to stay out of trouble. He told you his solicitor had told him not to discuss his case with anyone, and he said to you emphatically he did not say one word to anyone in prison. He said that his solicitor's advice had been to do that and it seemed sound, and it was not in any event his nature to go around with a big mouth, I think he put it, pouring out his troubles to all and sundry, and Mr. Graham's statement was read to you which confirmed that he had given such advice.

Mrs. Park told you that although her husband was obviously not happy about being in prison, he seemed to be coping. We did I think hear one example of something slightly different from Mr. Park himself in interview, where he was asked a little bit about his time in prison and he was being asked questions about people he had got to know, and he mentioned one person with whom he had formed some sort of rapport and had even written to that man after he had left prison, and the passage is at page 175 of the interviews, if you would not mind just turning those up, please. He is asked towards the bottom of the page about writing to a man called Steve, and at the top of page 175 Officer DC852, I am afraid I do not remember which one that was, said "Is there any particular reason why you struck up a good friendship with him and not anybody else there?" Mr. Park said "Yeah, I was. I got a letter from Stuart, my wife's son amongst some other letters, and I was sitting at a table, one table all by myself in the middle of the ward. The post came and I got right chocked up and burst into tears, and it was Steve that came round the other side of the table

and just sat there quietly, asked me if I was all right and reassured me that it would be okay, that kind of thing. So that's why I thought he was a decent sort of bloke. I have no idea what he has done, but I did not expect to find human kindness in a place like that." So that is a small indication perhaps of some vulnerability, but it is a matter for you to address.

Well, I am going to turn now to the evidence given by Mr. Wainwright and Mr. Banks, the two people who said they met or knew Mr. Park in prison, and each said in one way or another that Mr. Park made admissions to them in that period. Of course you know that Mr. Park acknowledged that he knew Banks. He said he had not seen Wainwright as far as he could remember until he walked through the door of the court. Now I am going to deal with his evidence in a little detail, but before I do so, perhaps I could just give you some guidance that as a matter of law you should take into account. I do it now rather than with my other legal directions, so you have it firmly in your mind when you are assessing this evidence. You have got to decide did Mr. Park make the admission alleged to either of these witnesses, and in considering those questions you must bear in mind the circumstances in which it is alleged that the admissions were made and consider carefully the character and characteristics of both of the witnesses who spoke to us. Both have got criminal convictions, we know that. Banks has convictions for dishonesty, and you will no doubt take that into account in considering whether or not you believe what they say. In Banks's case you have also heard evidence about the impairment of his learning capacity, and I will remind you in due course of the essence of the evidence from Dr. Withers, whose statement was read to you about what that means in medical terms. However, I should remind you immediately that Dr. Withers's view is that Mr. Banks is more prone to suggestibility by questioners and more prone to acquiesce. Some of his weaknesses in this area it is said may be masked by his life experience to



date, although of low intellect and comprehension, he has the life experience of an adult, said Dr. Withers. So in each case you have to exercise great caution, extreme caution before acting upon evidence of witnesses of that type, but in the end you have to assess them just like you do any other witness. There is no evidence of malevolent motive on the part of the witnesses, nor was there evidence of any potential gain to them by making these statements and giving the evidence they did. Sometimes there is such evidence that prisoners have got something to gain by giving evidence of that type. In Mr. Banks's case, however, there is expert evidence of a potential desire to acquiesce in what he may perceive to be the wishes of the people he is dealing with.

Of course you will also bear in mind features which indicate that the evidence may be unreliable. In particular a person in custody like Mr. Park was and against whom evidence of this type is given, is always at some disadvantage. He is afforded none of the protections that are usual and are designed to protect against inaccurate recollection of words used, and for example you have heard that when questioned by the police when sometimes you get confessions made, people are given cautions. You have got tape recordings and you have got solicitors present and the like. Well, other admissions of wrongdoing do not have those protections for those who make them, and that is true of conversations with cell companions just as it is with others, and of course you must remember it may be difficult for someone in these sort of circumstances to obtain all the necessary material to expose fully the character of the person who is giving the evidence against them. You must also remember of course in the case of Mr. Banks the areas in which his evidence obviously could not be true. For example, that he shared a cell with Mr. Park for some months was his first suggestion. His evidence of the victim falling overboard from a boat. The wedding anniversary celebration and the boat trip across water to

Blackpool are all things that you may think are obviously unsound. So those are all matters which you should consider very carefully before you act on the evidence of either of these men.

Well, that said, I turn back to your area of the case, the facts of the matter and what these two men said. First, Mr. Wainwright. In February 1997 Mr. Wainwright appeared before the Justices at Ormskirk in respect of an offence of assault on his stepson. He was put on probation, but broke the terms of his order. He was brought back to court later in the year for that and was resentenced in respect of the assault to a term of six months imprisonment. He was sent to Preston Prison. He said that because he had been convicted of an offence against a child, he was considered to be at risk and therefore he was held initially on an area called the block, while the Governor assessed whether he ought to be put on the vulnerable prisoners wing. He said he was held there for a week or possibly two and then went to F wing where the vulnerable prisoners were housed. He told us about meeting another prisoner that he called Banksy, you may think obviously Glen Banks. He heard from Banks that he was sharing a cell with Gordon Park. Wainwright said that he had not met Park in any way before going to prison and had not read any publicity about him. He said he remembered taking exercise in the prison courtyard. He heard prisoners shouting names at Mr. Park, and one of the names that he remembered was bin bags. He said he did not understand that reference at that stage, and Mr. Park seemed to be getting upset and worked up. Wainwright then said he walked around into a corner, saw Park mumbling to himself and he said he approached him and he heard him mumble "She deserved it." Mr. Wainwright then told you that he had asked Park what he meant by that. Mr. Park did not respond. However, he said on another occasion Gordon Park approached him and asked if he could confide in him. Mr. Wainwright said he could not remember when this was,

although a little later he said that it happened on another occasion in the yard. He said that Mr. Park seemed uneasy and asked Wainwright if he could confide in him, because he had something he needed to get off his chest. He started to tell Mr. Wainwright what had happened to his wife. According to Mr. Wainwright, Mr. Park had said that he did kill his wife, she deserved it as she should have been reliable to him and not to others. He said it was an exact quotation. He went on to say that Mr. Park had told him he had put his hands around her neck until she passed out. He said Mr. Park told him he had used an axe implement with a black handle and a metal shaft and an axe shape at one end and a pick at the other. Mr. Wainwright said he understood Mr. Park to mean an ice axe, just as one would use it for the rock climbing. Wainwright said he had done some rock climbing himself.

He also said, did Wainwright, that Mr. Park had said that he started to hack up his wife's body to dismember it, but had stopped and wrapped her up. He agreed later with Mr. Edis that the account of attempting to dismember the body had not appeared in any of his statements to the police, including the statement that was made on the very morning that he gave evidence to you. According to Mr. Wainwright Mr. Park had then said he put the body into the car, taken it to Lake Coniston where he had gone out in his boat. Mr. Wainwright was asked about other details of the conversation, and he said that Mr. Park had told him that he had found Carol his wife in bed with another man. He had gone to hit that other person, and he gave us no more details of the conversation, but he mentioned one other short conversation with Mr. Park which had not been on this subject. It was about helping him with a politics course, where Mr. Park I think had said according to Mr. Wainwright that he could not help because he had not got the qualification.

Then as Mr. Wainwright remembered it, Mr. Park had gone off to court for a remand hearing and had not returned. He said in cross-examination that he had not

come forward because he feared that Mr. Park might get someone to threaten him, although he accepted that Mr. Park had not threatened him in prison.

Well, after all that, Mr. Wainwright said that he had gone to the police after seeing a television documentary about unsolved lake murders. That was several years later in September of 2000. The programme had brought memories back to him and he could not sleep, and he then made a statement to the police in October of 2000. He acknowledged that he was a regular cannabis user, using up to 15 cannabis joints a day, and had been dependent on it for 14 years. He said he had had treatment for his mental state, and he said that he had treatment because when he was not on cannabis, he could become violent. He also said he had difficulties in remembering things, although later on he also said he had a good memory.

Well, Mr. Edis put to him fairly and squarely that he was simply an attention seeker and was giving his evidence as a chance for fame. He denied that suggestion. He did accept that he had occasionally gone to the doctors, saying if he was not sent to hospital he would kill himself, and he agreed that the doctors had generally not believed him, and low and behold, he is still with us today. He told you he had made three statements to the police about the case. The first was in October 2000 after the television programme. The second was on the 16th of July 2004, and the final one was on the 30th of November, when he gave evidence to you. He agreed that it was only in that last statement that he said Park had mentioned finding his wife in bed with another man. He said he had remembered this detail about a fortnight before coming to court, and he said he had omitted it because he had other issues to deal with. He said he was constantly looking over his shoulder for fear of his life, because of the offence he had committed in 1997 against his step-son. He said he had tried to kill the step-son. He accepted he had only received a sentence of probation which is perhaps a little surprising for an

offence of that sort. He said he had tried to kill the child as a cry for help. He had put a pillow over the child's face, but had been restrained by his girlfriend, and it was put to him that this was just another example of overdramatising events, of which his evidence was simply characteristic, and he denied that.

He also said that he had failed to comply with the first probation order which he had got at the Ormskirk Magistrates' before of threats made to kill him if he went to the probation office, and again however he acknowledged that the probation service had not agreed with that explanation either. Well, Mr. Edis then asked whether Mr. Wainwright had told you everything he had to say about the case. He said he had, and so he was then asked about his statement of July 2004 and he went on to say that Mr. Park had told him that he had buried the axe near a boat house near Lake Coniston. After pressing him on that subject by Mr. Edis, he said Mr. Park had told him that the axe had been buried near the North end of the lake, near Coniston village. He said from what he could remember of the area, there was a boat house there. He said he had tried to explain to the police where the boat house was. It was put to him that the statement recorded by the police that he could not recall anything else specific about it. Mr. Park had buried the axe on the shore of the lake between the boat house and the water. He said his recollection about the axe came to him suddenly in June 2004 and not in 2000 when he had originally gone to the police.

He then went to his final statement of the 30th of November, and he agreed then that he had said that Mr. Park had told him about coming home and finding his wife in bed with another man. He said that he had tried to hit the man but this man had run out of the house, and the statement went on to say that he had gone back and hit his wife with an axe which he had used for mountain climbing. He had made reference to going up some stairs or steps in the house, said Mr. Wainwright. Well,

Mr. Wainwright acknowledged that this account was different than the original account of strangulation which had been put in the first statement and so on.

Well, the question of the timings of when he was in prison was also explored. It was put to him that if he had been sent to prison on the 27th of August 1997, he would be one night in a police station and gone to Preston on the 28th. He agreed with that. It was suggested he had been in solitary confinement on the block for a week or possibly two, as he had said in answer to questions from Mr. Webster. At this stage he said he had been on the block "For a long time." A little later in cross-examination, Mr. Edis read to Mr. Wainwright a statement of October 2000, where he said a few days after his arrival he had been introduced to someone called Banksy. In evidence he agreed this meant that within a few days of arriving on F Wing, after his time on the block. Of course the ramifications of this timescale is obvious, you may think. If Mr. Park was released on the 9th of September, 12 days after

Mr. Wainwright's arrival, there is not really much time for them to have met at all. Anyway, at this stage of his evidence Mr. Wainwright said he had approached Mr. Park, told him that his own cell mate, Park's cell mate Banksy, had heard Mr. Park talking in his sleep. He agreed he had not told the police about this. He denied he had invented it because he was being pressed to account for Mr. Park's willingness to confess to someone like him. He denied that he had got everything from the television programme. He said he had not seen newspaper accounts of the finding of the body in 1997. He also denied that he got the idea of the axe from an interview given by Dr. Tapp which was recorded on the television programme, or that he had failed to tell the police about dismemberment in October 2000, because Dr. Tapp had not said anything about it on the programme, and it was put to him really that it was just another later fabrication.

Mr. Wainwright was asked about his medical history. He was asked about his mental state in the period before he approached the police in September of 2000, and as to that he agreed he had consulted doctors on various occasions with various mental problems. The doctors had tended not to believe him. However, in the period running up to his first approach to the police, he does seem to have complained about hearing voices. There were voices telling him to hurt and kill people. He said he heard the voice of a dead friend calling him to join him. He said, however, that the voices were nothing to do with what he was telling you about Mr. Park. He denied the suggestion that was made to him that he was giving his evidence in the hope of some sort of reward. He said he was simply giving his evidence to get the matter off his chest, so that he could have peace of mind and so that he could live the rest of his life and get a decent sleep.

He accepted that he had never in his long medical history told any doctor about what Mr. Park was said to have confessed.

Well, that is Mr. Wainwright. I am going to turn now to Mr. Banks. You will remember how Mr. Marshall, the police officer, told us that Banks came to the attention of investigators. His name had been got from Mr. Wainwright. The name Banksy was given and investigations were made, and Mr. Banks was traced to Blackburn, and it was found that he was living in some sort of supervised accommodation. Mr. Marshall went there with another officer. They saw Banks briefly in the company of two staff. There was only a brief conversation with Banks. Mr. Marshall said he realised fairly quickly that it would not be appropriate to talk to him in that sort of circumstance, and formal arrangements would have to be made for an interview to be held.

He was asked about the entry in his pocket book about that matter. Perhaps I will just remind you of what Mr. Marshall wrote there. The time 17.45, the 12th of June. "Speak to Glen Banks in presence of head of care, Sue Tetlow and house manager. Brief conversation about Banks's time in prison with Park. Banks only asked to recollect his time in prison. Stated he put her down with bricks and a pipe. Due to the fact that Banks has learning difficulties, the conversation was curtailed in order to avoid leading questions and for proper interview to take place. Return to Barrow." That is what Mr. Marshall noted at the time.

He did confirm in his evidence that he saw Banks on that day, the 12th of June 2001, in the presence of Sue Tetlow, and she gave evidence to us. She is now Susan Carr, and she told us she was married to the other person now who had been present at that interview, but that gentleman could not remember anything about it. He said that Banks was asked whether he recalled being in prison with Mr. Park, and his response had been "He put her down with bricks and a pipe." He said that was the only thing Banks had said, and he agreed that at that stage Mr. Banks had not told him actually that Mr. Park had confessed anything. The only words that were used were when the subject was raised, "He put her down with bricks and a pipe." Mr. Edis was suggesting oh well, he was only telling you something about what he knew, not saying it was necessarily for Mr. Park. Anyway, Mr. Marshall said it was a short conversation, and he told you again as his note confirmed, that he had halted the discussion because of the learning difficulties that he appreciated.

He was asked whether he had used the word of subpoena. You might remember that. That it was being suggested perhaps that some compulsion was being suggested to Mr. Banks, and Mr. Marshall said it was not a word he used



anyway, and witness summons was more the word he was accustomed to. Anyway, Mr. Marshall said that the first evidence of confession, actual confession that was given was by Mr. Banks in the interview on the 4th of April. Mr. Wallace, I think the other officer who was present, thought that he had got the clear impression at that meeting in June 2001 that Mr. Banks was saying what he did because of what he knew from Mr. Park himself, but there we are.

Well, Mr. Banks gave the interview, and you have seen it in full. Mrs. Quinn, the social worker, was there to look after Mr. Banks's interests, and the interview was conducted principally by Mr. Dick. You saw him give evidence. He was a trained officer dealing with that type of vulnerable witnesses, principally children but also people of this type, and he had not been involved he said in any way in the investigation.

In court or effectively in court over the video link, Mr. Banks said he remembered being in prison in Preston. He was not aware of the date. He said he believed he was on A Wing, you may remember, and he told us about televisions and so on. Some doubt of course was cast upon that by Mr. Marshall, who had seen the prison records, which showed clearly that Mr. Banks had been on F Wing. That is of course the vulnerable prisoners wing. Banks told us that he shared a cell with a man called Terry Swallow, who was a friend of his. He had shared with Swallow for a few months. Swallow was then moved, and a new cell mate whom he did not know was moved in. The man was tall and slim, about six foot tall and 50 years old. Mr. Banks said he introduced himself, and the new man also introduced himself. It was Gordon Park. He said that Mr. Park helped him, him Banks that is with letters, with reading and writing, and he then told us that Mr. Park had said to him "I should not have done it." Banks said he had asked what it was that Mr. Park had done, and in evidence Mr. Banks's response was "He had killed his Mrs." He

said he would not forget what Park had said. Banks said Mr. Park had told him he had gone on a boat with his wife. He had killed her on the boat and dumped her body. He had used black bags with weights or bricks. He had said that he had gone on a boat and gone with his wife to Blackpool. He kept walking up and down the cell Mr. Banks said, saying "I should not have done it." Mr. Banks said he understood that the family had children, although he did not remember when he spoke to us how many. He repeated in questioning by Mr. Webster that Mr. Park said he had taken his wife to, his Mrs. as he referred to her, to Blackpool in a boat and killed his wife on the boat. He said he was unaware as to why Mr. Park had eventually left prison. He had not seen him or spoken to him about it further, and Mr. Banks said that he had not seen anything about Mr. Park on the television.

Well, he was cross-examined. He said he remembered officers coming to see him at home and asking him questions. He recalled them writing things down. He could not however remember the year in which it happened. He remembered, as he put it, the special place where the video could be made. He said he went to that place and told the police on that occasion what Mr. Park had told him in prison. Mr. Banks confirmed that Mrs. Quinn, the social worker, had been present. He agreed he had probably spoken to Mrs. Quinn about what Mr. Park had said to him. He said he believed he had talked to Dr. Withers about Mr. Park, but could not remember whether he had told other psychologists about him. In particular he did not remember whether he had spoken to his previous psychologist Clare Lee Jones, who was Clare Regan. You will remember she is referred to in the interview about possibly something nice happening in the afternoon, but he said he did not think he had talked to Clare about it.

He told you that what Mr. Park had told him was doing his head in. He said he had to tell somebody about it. He said he had just told the police, the CID's as he

called them, and he said he had told them the truth. He told us that the officers did not tell him about conversations with other people about Mr. Park. He just told it as you have heard it. He was not told about discussions with Mr. Wainwright. He said that when Mr. Park had told him about the killing, he had been awake. It was not a question of talking in his sleep. He could not remember whether Mr. Park talked in his sleep at all.

At this stage as you probably remember, he said many times he was telling the truth. He was trying to tell the truth and trying to help. He said he was genuinely not proud about being in prison and kept himself to himself, and this was not the normal sort of thing he did. He was asked about exercise in the prison yard. He did not remember Mr. Park being taunted by other prisoners, but he remembered the nickname that Mr. Park had in prison, namely the Lady in the Lake. He said loads of people called Mr. Park that name, but it meant nothing to him. He digressed about conditions on A Wing as he thought it was. He said other prisoners watched television, he did not. He did not like watching anything about murders because of the things in his past, and he said he was not on special protection himself, and special protection was given to people who were grafters.

He went on to say that he had been sentenced to prison for three years and had served 18 months. It was put to him that in fact he had been in prison for going equipped for theft, taking a car and burglary. He did not respond directly to that, but you may recall that he said he could not drive and he had not got a licence, and he told you in emphatic terms that he had not been in trouble now for five and a half years. Well, we have got details of Mr. Banks's confessions, and it looks as though he probably was mistaken or confused about what he was in Preston Prison for at the time, but you will have to consider whether that is important or not.

Mr. Banks was then reminded by Mr. Edis that he had told the police at the beginning of the interview that Mr. Park had been in the cell with him for a few months. Mr. Banks agreed there had been breaks in the interview. He said he remembered a ten minute break. He said he was trying to get his head around what Mr. Park had said. He agreed he had talked to his social worker. He repeated he was telling the truth, and he knew what Mr. Park had said to him. It brought back memories to him, and it took ages to clear his head.

Mr. Edis tried to take him expressly to that break in the 2002 interview, and Banks said that all he could remember was what Mr. Park had told him in prison. He said "I should not have done it." He said he had done it on a boat, when he was taking her on the boat to Blackpool. He said he would never forget it, Mr. Banks did. He denied that anyone else had put things into his mind, and he stated firmly that he would not in these words "fit somebody up", particularly for murder. Of course Mr. Park said in his own evidence to us that he thought Mr. Banks was simply a professional grass. I think he used that expression twice, and it was at that stage in the evidence Mr. Banks repeated what he had said in his interview, namely some reference to white powder. He said that Mr. Park had told him that he had put white powder into his wife's drink so that it was untraceable. He said he had told the police about that, and then he went on to talk about Mr. Park saying that he was a teacher.

He was questioned about why they had gone to Blackpool at all, and the answer was he understood they were going for a holiday. Mr. Edis asked him about telling the police that he understood the trip was for the fiftieth wedding anniversary. He agreed he might have said that. He did not recall talking to the police about an argument on the boat. He was asked whether the argument might have been about leaving the children without baby sitters. He agreed he might have said that. Mr.

Banks went on to say that Mr. Park told him he had put bricks or weights in a bag to weigh the body down.

He was asked about his witness statement. He said that the social worker had read it to him on the morning on which he had given evidence, as he was not a good reader, and he remembered the statement being read to him at the time of the interview, but he told us he had not actually seen that interview since it had been done. He had never seen a recording of what he had done, he had just had the statement read to him. He went on to say that Mr. Park had not said anything about hitting his wife in the face with an axe. He could not remember whether Mr. Park had said that he had tied the body up with knots. Then the question of a boating lake was brought up, which he had mentioned in the interview. Again he said he could not remember it. Mr. Edis returned to the question of the time in which he had been in prison with Mr. Park, and the use of the word he had been there for months, and he was questioned about the use of the word 'bollocking' that he had used to Mr. Marshall, and he was asked whether the police had given him a bollocking in that ten minute break, and he denied that. He said there was not a bollocking, which he understood what that meant. Well, he understood it, but Microsoft Word does not understand it!

You remember that Mr. Marshall, the police officer who had been in the neighbouring room, said he went through the room during that break, and there was nothing like that going on. No-one was getting cross with anyone, and there was a perfectly ordinary break in the proceedings. Of course this is a classic example of matters being put to a witness that something had happened and the witness denies it and you have not any evidence that it did happen, so the defence say well, there was a change in story between the version before the break and after the break and

how did it happen, but there is no direct evidence at all that anything untoward occurred.

Well, after that questioning, we reached the end of the day's proceedings, and on the following morning, the recording of the interview was played to Mr. Banks and to us, and so he was seeing it as we were for the first time. Mr. Banks saw the moment where there was a break in the interview. He again denied that the police had given him any bollocking for saying what he had done. He was pressed about it, but he responded that Mr. Park had told him what he had done and that he, Banks, had told the police officers. He resisted any suggestion that it was owing to anything that was said during the break. He added to his account to include the weights and references to the boating lake.

He was asked about the offence that he was supposed to have committed which we have seen in the convictions about the armed robbery offence. He told us that he had a starting pistol with him when he committed that offence. He told us he had not lied to the police in interview when he was arrested for that matter. He had pleaded guilty and was sentenced to three years imprisonment, and he said that he had tried to forget about it and start a new life. He says he now tries to keep out of trouble, and he had promised himself that he will not go to prison again.

Well, you will have to consider when you are looking at his truthfulness that is what he said, did he mean it? Was he telling you the truth? Did he understand how important it was to be accurate? He had been dishonest in the past, but he told us that now he was trying to keep out of trouble.

At the end of the questioning he was reminded it was nearly three years since he had had his interview. He was asked whether his memory was better then of these events than it was now, and he said yes, he said it was better at the time of

the interview, but he said at the end of the day he knew what Mr. Park had said to him in prison. He would never forget it. His statement to the police had been true and what he had said to the CID, as he called them, was true. So you have therefore Mr. Banks's evidence in the box, effectively in the witness box that what he had said in his interview and his statement were true.

I think in the end Mr. Edis's suggestion to you was not that Mr. Banks was consciously lying, but perhaps because of his experiences, as Mr. Edis put it to you, silly things had got into his head, either from the police or social workers or what prisoners had said to him. Well, that is something you have got to assess. You will assess his evidence just like everybody else's, but there is one bit more that we must add to the picture, because we have some help about what sort of cognitive ability Mr. Banks has, and that comes from Dr. Withers.

He told us he had been working with Mr. Banks since 2003. He had seen him on more than 20 occasions. In Dr. Withers's view, Mr. Banks was currently reasonably stable in mental health. He was prone to low mood, but had no signs of clinical depression. He could become anxious, and he had certainly been anxious about these court proceedings, but he thought the anxiety would not exceed that which one would expect from anyone else who had to turn up in court. He reported that of course Mr. Banks does have learning difficulties. He is in the lowest two per cent of the population in terms of intelligence. He considered that Mr. Banks was fully capable of understanding and answering questions, so long as he is presented with simple jargon free language. He said questions should avoid being lengthy or complex, and although Banks can provide lengthy and detailed answers if he wants to, he might perhaps be more brief in court, owing to anxiety. He said it was common with people with difficulties of that sort of an elevated risk of suggestibility. This would be more likely in questions of opinion than in questions relating to

specific events or narrative. He said that the suggestions would be likely to be more effective or powerful on Mr. Banks if he felt the interviewer was himself powerful and credible, and leading questions of any sort would enhance suggestibility. He thought the tendency could be demonstrated if he thought he could gain personally from presenting a specific version of events. It may be the defence would want you to remember there the little aside we heard from Mrs. Rayon about something nice happening during the interview. I do not think Mr. Edis raised it specifically, but maybe the defence would like you to consider that when Dr. Withers mentioned a treat, that might be something that Mr. Banks would find would lead to his increased suggestibility.

Dr. Withers went on to tell us that problems with memory function are a central feature of learning disability. Conceptually complex material was particularly unlikely to be retained, but simple personally relevant information would be retained. He said that Mr. Banks could normally recall events and narratives which he perceives being of importance.

Well, I hope I have summarised what Dr. Withers told us, but please remember that you judge all witnesses by the same standard, as I said to you earlier on. Mr. Banks is no different in this respect; he is just another witness to assess, but in doing so you have got that extra tool of Dr. Withers's assessment of him so you can put him in context, so you know what sort of person he is and what his problems are.

Well, I probably should just remind you of what other witnesses said about how we got to, how Mr. Banks got to the interview, because the defence were obviously anxious for you to see the dangers of possible suggestibility, and we heard from everybody who was involved in that process. Mr. Marshall was asked about it, that is the police officer, the senior police officer of the two I think who went to try and



trace Mr. Banks. He was asked about the interview passage where Banks had said he had been in prison with Mr. Park for months, and Mr. Marshall said he knew at the time it was inaccurate. It was right that Mr. Banks had later said that the period was only about four days, and he repeated what Mr. Banks himself had said, there had been no bollocking to him and there was no telling off or anything of that sort. He said as far as turning the tape off was concerned, Mr. Dick handled that. There was no particular reason why the tape should be turned off, but in fact it was. He was referred back to his notebook, which I have read to you this morning, for the June 2001 matter, and then the question arose about whether Mr. Banks had mentioned any confession at that brief meeting in June 2001, and Mr. Marshall as far as he could recall said there was no express confession at that stage, simply what he had recorded about Mr. Park having put down his wife with bricks and a pipe. Mr. Marshall said that Mr. Dick had been specifically chosen as a trained officer. He had no experience of the investigation. As far as the break was concerned, the ten minute break, Mr. Marshall said that he had not listened to what was going on then. He went to the toilet and had a cup of coffee, and Mr. Banks had his social worker with him, and as far as he could remember nothing untoward occurred. He said he had had no conversation at all with Banks in that period, although he might have crossed from the neighbouring room where he was to reach the lavatory. He denied that Mr. Banks had been told he had not been doing well in the interview, and he pointed out that as he remembered it, it was Mr. Banks who asked for the break. He categorically denied that anything by way of prompting had occurred. He said he would not have allowed that to happen. He said they had gone to a lot of trouble to arrange the video, so as to get the matter straight at the outset.

At the end of the evidence Mr. Marshall indicated, as we saw, that Banks had seemed concerned that he might be got at for something that was said in the interview. He was reassured there was no danger of that, and we have seen all those exchanges on the tape. He said he did not speak to Banks in the break and saw no other officer speak to him at the time. Indeed, they had been briefed not to speak to him. The whole object had been not to lead him in his answers. There had been no intention to influence Banks, and he said he told us in evidence that he found it offensive that such a suggestion should be made, and of course there is no direct evidence that it did.

Mrs. Quinn, she gave evidence of background, the accommodation where Mr. Banks was living and her own role in the interview. She told us about the three officers who were involved in the interview. She said she had never met any of them before. She explained that her role had been to assist Banks to understand the questions, and if necessary to ensure questions were put fairly. She said she would have intervened if there was anything that she thought was unfair or wrong going on. She said she had an understanding of how Mr. Banks functioned and would have intervened if anything was going on which would be unfair to him, having regard to his abilities. She said that prior to the interview Mr. Banks had told her that someone had wanted to interview him. He was anxious because he thought he might be in some sort of trouble, and Mrs. Quinn said she had advised him he should think carefully about whether he wanted to do the interview. She told him she would support him whatever his decision was on the subject, and she did not discuss the context of the interview in any length. She mentioned that Banks may have had a letter from the police which may have been on the file asking for an interview. She said she did not have any of the facts at her fingertips or known to her at the time. She did not know about Banks sharing a cell with anyone, and was

not at all clear about what the interview was about before it happened. She said Banks had not mentioned this matter to her before, even though she had in the past been involved in assessing the level of his support needs. She said her real role in looking after Mr. Banks was finding out what he needed by way of care and attention, rather than his psychological state, which was for others to deal with. She said she would not have expected Mr. Banks to talk to her about his prison experiences, which as a whole tended to trouble him, and he had not mentioned previously to her that anyone had confessed to murder in his presence. She told us that as the time for the interview approached, Mr. Banks became anxious. She thought he might have mentioned the confession to her at some stage, but she had no record of it. She did not regard it as desirable to enter into any detail about the matter before the interview. She said that if anything had occurred, she would have referred it to the professional people like the psychologists.

At the interview Mrs. Quinn said Banks was nervous and afraid. It was difficult to persuade him he was not in trouble. She too was asked about the ten minute break. She said she was sure she would have talked to him in that break, although she had not been with him the whole time. She had gone to the kitchen to make tea, and we saw Mr. Banks having his cup of tea, I think. She did not recall the content of the conversation she had. Mr. Banks had had a cigarette, and her only function was simply to provide reassurance. She was asked about her own intervention at one stage of the interview, when she told the police that Mr. Banks did have some problems about remembering time spans. She agreed that really was not her role, because that was a psychologist's matter. She absolutely denied that there had been any bollocking in the break. She also denied that there was any question of Mr. Banks trying to earn compliments from her by performing well in the interview. She was simply trying to reassure what she regarded as a vulnerable

witness, as she does on many such occasions. She said her role was to look after Mr. Banks and not to persuade him to say anything. She did not put words into his mouth. She said it would have been inappropriate to do so, and she could not have gained anything by it. Banks she said was anxious to be believed, and he was concerned that people might not be believing. He did have a tendency to repeat himself. She did not consider that any inappropriate suggestions had been made in interview. If that had happened she said she would have intervened, and if at any stage he did not want to say any more, she would have stopped and made sure that no more was said.

Well, we heard from Mr. Dick too. He said he knew nothing about the investigation. He had Mr. Wallace there as one of the investigating officers to explain anything that may come up which he had not understood. He said that he had had no discussion in the break about the evidence. It was not the way it worked. He said he was not personally aware of any timescales that Banks and Mr. Park had been in prison. He had not been told about that. He was not conscious of any inconsistencies of Mr. Banks in interview, because he said he just did not know anything about the case. He took down what he was told in the statement, and he thought it reflected what Mr. Banks had been saying throughout.

The final person who gave evidence about the interview, Mr. Wallace, he said that there would be no untoward discussion during the break. He did not actually see the distinction between the two versions that Mr. Banks was seen to say and at interview, before the break and after it. He just did not see it. Of course it is a matter for you to decide whether there was one. He said he had had no conversation with Banks in the break at all. When he went back to the conversation before the interview was set up, you will remember that Mr. Marshall thought there had been no hint of a confession, although as I have already said, Mr. Wallace

thought and understood that whatever information they had at that brief conversation in Blackburn, that Banks was telling him there had been some sort of confession, but there was a distinction of recollection between the two officers about that.

Well, as I say, he denied that he had used any improper conduct during the break in the interview. He was asked about his own intervention during the interview, because he was the officer who was actually present, and he was asked about the passage which you may remember, where Mr. Banks was asked about a boat that had been, as Mr. Banks put it, had been pounded, and Mr. Wallace had corrected him with the word impounded. He denied that he had given any coaching to Mr. Banks about that. It was simply a correcting of what Mr. Banks had volunteered himself.

Well, we have got one final witness I think to deal with about this process, and that was Mrs. Carr, formerly Susan Tetlow, and she spoke about the meeting on the 12th of June when Banks was first approached. She told us about how it came to be that she was there, that there was no conversation she said with Mr. Banks at which anyone else had been present, other than herself, her now husband I think it was Mr. Nigel Carr and the two officers, so there were the five of them there. The conversation had lasted a shortish time. I think she said about 15 minutes. She said the officers were only there for about 20 to 30 minutes in all. They had asked her first whether Banks could be seen, and she had asked Banks whether he minded seeing the officers and he had said it was fine, and then they had the short conversation that she said occurred. She actually said that her recollection of the meeting was quite good. She was pushed that the record of it, the official records was brief indeed, but she said that what she had written was simply an aide memoir for staff so that they could know that the meeting had happened if anything arose, and she actually remembered it quite well. The conversation was very short. She

had written her note a little bit later in the afternoon after the officers had gone. She had to do so after dealing with some client who had a problem with medication, but she said nothing had been suggested to Banks during that conversation. It was a short discussion, and that was all there was to it.

I think that deals with Mr. Banks and Mr. Wainwright. That is the end of that little piece of evidence and the matters associated with it. It is obvious both those witnesses are very important, because the Crown say that that is direct evidence upon which you can rely, i.e. direct evidence of confessions, but all the unreliabilities Mr. Edis has pointed out to you and I have endeavoured to suggest areas where you must be careful, but those are the two witnesses who dealt with those matters.

Well, I have just a few things to say about Mr. Park's interviews with the police after his second arrest. At the start of that second series he said that the account he had given in 1997 he had read and it was broadly accurate. He had corrected himself about two matters right at the outset about having said he had never been camping with Carol, but he thought he had done so. He had seen the statements from Mr. and Mrs. Walker by this stage, which made him think that he may have visited the Broughton guesthouse while Carol was there. He still maintained at that stage that he thought it was unlikely that he had actually taken her there at the start of her stay, and perhaps for your notes that was at page 123 of the interview records, and of course he changed that in evidence before you, but Mr. Edis suggests to you well, that is just developing memory, as first of all he thought he had not done so and he saw statements that made him question his recollection, and now having heard the Walkers, he accepts that they had probably got that right and there is nothing consciously untruthful about what was said.

Perhaps the only thing I need remind you of at this stage and of course there were clearly other matters that you will want to bear in mind, but if I could just ask you to look at the final summary really of what Mr. Park had to say to the police right at the end, page 285, please, if you would, Members of the Jury. There are two short passages I would just like to read to you. Page 285 near the top after the first block of capital letters, an officer asks "How do you feel actually talking about Carol?" Mr. Park said "I do not like to." "Why?" "I just don't." "Was it your relationship at the end? Was it the manner of how she died?" He said "It's a painful experience, there's mystery surrounding it, there's mistrust surrounding it, a lot of bad things happened." "Where is the mistrust?" the officer asked. "The mistrust came in the first time I was interviewed by Mr. Williams." "Was it?" "And his colleague, what's he called, Wilkinson, who pointed out as I realised, I would be the number one suspect." "Did you realise that?" "When they told me, I realised, yes, but then once you have been told that, then you realise that other folks must be thinking that they all are. These things you have to live with." "Have you got your own suspects?" He says "I haven't a clue. I have again speculated infinitely. I have asked myself all sorts of questions and go round and round in circles. I think something like this is in the 1997 documents, so you come to a point where you just have to leave it alone or you would go quietly around the bend."

And then at page 300, just after the large block of small letters, lower case type, he is asked this: "So you and your children have been deprived of a loving mother and wife?" Mr. Park answered "Yes." "By somebody?" Mr. Park said "In one sense, yes. In another sense she left of her own volition, so that in that sense she chose not to be either a loving mother or a loving wife, but certainly somebody's done something they shouldn't have done." "What are your feelings towards that person then?" Mr. Park said "I would like to know who he is." "Is it something that

you have got to live with on a day to day basis?" He says "It comes and goes." "So you do not think about it all the time?" "Not all the time." "It must have been very painful in 1976?" "When I believed she had left me again, yes." "And very painful for the children and probably still is, am I right?" "You would have to ask them, but I would think so, yes." "So in some respects to finally find the person who murdered Carol would actually perhaps give you, you're innocent that is?" "It would be a very good thing, yes." "And your children some relief?" "A very good thing, yes."

As I say, I will not dwell on that. The parties have shown you the bits of the interviews that they wish you to focus on, and I am sure you will remember those. Well, I have not very much further to go, but I think it might be a good idea if we just have a short break now before I reach towards the end of the matter. I think I might be another half an hour or so after we have had our break. So perhaps we could have a break until twenty-to twelve, ladies and gentlemen?

(The jury withdrew from court)

(The court adjourned)

MR. JUSTICE MCCOMBE: Ladies and gentlemen, all I have now got left to do is to remind you of a little bit about the evidence of underwater explorations in 2004 and 2005. Then hopefully without doing an injustice to the excellent speeches you heard from Counsel, to remind you of one or two of the salient points that they made, and then I think it is being proposed that we provide another room to you where you can wait until the exhibits are put up in your room, I will bring you back into court and then formally send you out. So that is what is left for me to do, so if you will bear with me for a little bit longer.

As you will remember, I have dealt with the 1997 dives yesterday and what had been found. I am just going to turn to 2004 now. You will remember that we had some evidence before Christmas from the second sonar surveyor who carried



out work for the Crown, that was Mr. Smith, who had had rather more sophisticated equipment than was available to Mr. Cardew in 1997. Mr. Smith told us, you remember, a little detail that he had found poor Donald Campbell's body many years ago in Coniston. He said he had considerable experience of the lake and had done 46 dives himself in the process, including dives to the deepest part of the lake, up to 56 metres. He had worked on this matter for the first time in February 2004. He was given a start point for his survey work by Mr. Carruthers, and I have already given you a summary about what Mr. Carruthers said about the 1997 diving. The point that was used as the centre of the search was a precise latitude and longitude reference taken from the GPS. There was a little confusion about whether Mr. Smith defined the date and point by reference to one of the earlier items that he had actually recovered from the lake bed or whether this was in fact supplied by the police, but I think later it was clarified that it was supplied by Mr. Carruthers.

Mr. Carruthers said that he had visited the scene before Mr. Smith did his survey. He found the bay relatively easily. He recognised the points and headlands which were very distinctive, and then Mr. Smith told us that by use of the echo sounder, he detected the 27 metre depth contour and he was satisfied in the end that he was within ten metres or so of the original position that had been fixed by use of the GPS that Mr. Carruthers had had. Anyway, Mr. Smith described the bed of the lake as shelving gradually to a depth of 20 to 25 metres rolling off a ledge, down to 52 or 53 metres, just beyond the relevant point. They worked some 150 to 200 metres from the shoreline at the depth that he mentioned. He said that he had a very sensitive surveying machine, and I think both he and Mr. Gallagher had something similar there, a little mobile vehicle that they could detect to put things into the water and detect what was there.

They worked on the 1st, 2nd, 9th, 10th, 15th and 16th and 27th of February. On the 16th of February the team identified and recovered a shoe and a small bead from the bed. They also recovered a piece of wood which they thought was a tool handle or something of that sort. On the 27th of February on another dive the team recovered a piece of dark cloth like material and the slate. That was the 27th of February. Mr. Snowden who picked up the sail said he had found it at a depth of 17 metres, although he agreed that the item is not recorded on the dive log, where only the recovery of the piece of cloth material was noted. He said that the cloth itself had been recovered by Police Constable Brookes.

Well, I think that is all I wanted to mention to you about 2004. I go on to January 2005, where the defence surveyor and divers went down, but first a preliminary to that. The view was arranged so that we could go and look at the scene, and we heard from Mr. Foy about how they had positioned the buoy that we saw on the lake at Bailiffs Wood, and Mr. Foy said that on Sunday the 9th of January, two days before we went there, he and Mr. Carruthers had gone back to the scene and they had been there to fix the buoy. Again Mr. Carruthers said that he and Mr. Foy, I am sorry, Mr. Foy said he had drove to a spot which he had remembered from 1997. He remembered the distinctive dip in the mountain and so on, on the far side. He had the original ordinance survey reference that he had taken before. Mr. Carruthers then put that into his GPS, which was set to an ordinance survey datum. A boat was then taken to this spot in the lake. Mr. Foy then re-positioned his theodolite. He said that the lake was a lot higher than it had been in 1997 in view of the weather, but he located the buoy as positioned by Mr. Carruthers and he said it was very close to the position plotted in 1997, but up to about ten metres South/South West of the position that they had found in 1997.

Well, at the end of last year Mr. Gallagher made a survey on behalf of the defence. He was endeavouring to identify positions in the lake where various items had been recovered. He had first surveyed the area on the 22nd of December, and he revisited with the divers on the 14th and 15th of this month. He took his information from witness statements, including that of Mr. Mason who had found the body, and from Mr. Cardew and Mr. Smith and their data, and he has produced those three plans which you have in your folder. You will remember they are there. He positions the various spots. Just let me remind you what they are. There is the spot marked police, which he said he had taken from Police Constable Carruther's GPS reference, and to boat. That was where Mr. Smith's boat he thought had been put, and the two points, shoe and cloth, were meant to represent the position where those items were recovered, and of course it is near those that Mr. Snowden says he recovered the slate. He did not have, Mr. Gallagher did not have any points of specific reference for recovery of the slate. Mr. Gallagher said that he noted during the survey work the lake had varied some 83 centimetres in all during his surveys, and he understood that the variation can be up to 1.5 metres as dependent on the weather and season. According to his map on the depth contours, we have got those on our second plan too of Mr. Gallagher's, that the position Police, where possibly the body was thought to have been recovered in 1997, he has as 28.5 metres. Police B, the second one, was 19.7 metres, a discrepancy. The cloth and the shoe were 14.8 and 15 metres respectively, and then the final plan which we had from Mr. Gallagher shows, which you can look at at leisure, the positions from which the divers had recovered their samples. You have got all the samples that they recovered. You remember of course that Professor Pye thought that it was only samples one and two that were of materiality for this particular exercise from a geology point of view, but one and two are quite close to the spots you will see on

the plan, where the cloth and shoe and possibly the slate were recovered, and not far away from the 12 metre contour. We cannot be quite precise about that, I do not think.

Mr. Gallagher told us that he had been able to ascertain from his work the characteristics of the lake bed at certain points. He said at Police B, the bed was silty, soft and smooth, with leaf litter and broken rocks, and the same was true at the point Police. At the point marked boat shoe and cloth, where the rocks one and two were found, he said this was an area of broken stones. Along the 12 metre contour to the South, the terrain was rather more silty and sandy with broken stones, but to the North of the 12 metre contour, along that contour there were more stones and rocks up to 30 and 40 centimetres in dimension, and then as one moved shallower towards the shore it became more rocky.

In cross-examination Mr. Gallagher agreed that because of the varying water level, of course the 12 metre depth contour would also vary in position across the lateral plain. He accepted that, and he also agreed that if the evidence indicated that clothing was recovered from a silty bed, his survey information would not contradict that, because the divers themselves had the best view of the position as and when they each dived. Mr. Gallagher was asked about the gradient of the lake bed. He said that at this point there was initially a shallow gradient of about one in 12 from the shore edge. In the Northern part it becomes even steeper. At the 18 metre contour it drops to a gradient of one in eight, and at the 24 metre contour it becomes much steeper, one in three, down to a depth of about 40 metres. He was asked about rocky outcrops in relation to positions points Police and Police B. As far as Police was concerned, he thought that on his plan that is marked, those little blue patches, you remember, hatched blue patches, that the rock to the inshore of Police was about 55 metres away from it. At the inner edge of the rock next to Police B

would be about 18 metres, and you remember Mr. Mason in fact said, I think, that there was only about two metres difference from the rocky outcrop he saw in August 1997 and the spot where the body was, so that is something you will have to bear in mind as to the accuracy or otherwise of all this material we have been told about precisely where things are in the lake. You may decide it does not matter too much what the precise positions were, but bear that in mind that there are discrepancies, and precisely where things were picked up may not be as pinpoint accurate as some of this remarkably sophisticated material might suggest, that is a matter for you, but do please bear it in mind. Mr. Edis says of course, as you recall, that the police surveying was a shambles. Well, you have got the material. I am not going to go through it again, but please bear it in mind. He says that their work was not of a quality that one might otherwise expect.

Mr. Campbell Curtis I just want to mention. He was the commercial diver. I think this is the last witness to whom I am going to refer. He collected some of the stones that were recovered in the current month. Perhaps the most important evidence, bearing in mind of course what Mr. Gallagher said of the individual diver's recollection of conditions are perhaps the most important, but he said that the nature of the lake bed of the 12 metre contour when he dived was that the bed ran off to a 45 degree angle. At the points at which he dived on the days in question it was exceptionally rocky. There was little difference noticed by him on the two days he dived at that depth. There were lots of stones, with a light covering of silt. There were all manner of rocks varying from huge to small in size. He said when he dived at Police A and, I am sorry, Police and Police B, he had difficulties in finding rocks at all, but here he said there were rocks aplenty in his use of the word. He had visibility of five metres he said with a torch, but without a torch he could see nothing. The nature of the terrain he said was pretty similar along the whole length of his 40 metre

swim at the 12 metre depth, and he said there was not a great deal of silt there at the time. He agreed that the nature of the lake bed between the 12 metres and the two police points obviously varied at some point. He could not be exact as to where that variation occurred, because he had not done the swim between the two points. I think the impression we got is he dropped off at Police and Police B, and came back and was dropped off again at the 12 metre contour, so he did not know precisely where the nature of the terrain shifted. Then you have Mr. Gallagher's evidence that each diver is perhaps the best judge of where he, of the nature of the conditions in which he dived.

Well, that is my summary of the evidence. I have done my best to give you an overview of everything you have heard, and you will remember other things, as I have mentioned. Some things I have mentioned you will find unimportant, but there it is, that is a summary of the evidence.

Just let me remind you, as I say, about the principle arguments on each side of the case. Mr. Webster for the Crown reminded you of that moment of untruthfulness by Mr. Park which he admitted before the Magistrates, and he had done it as he accepted, to mislead a different court. He also asked you to question the credibility of Jeremy Park and Rachel Garcia. He said that their truthfulness might have been overborne by affection for their father. He turned then to the evidence of Mr. Wainwright and Mr. Banks. He asked you to remember those parts of his evidence which were supported by the common sense, the insults traded in prison and then the evidence that Wainwright had given about assistance with a politics course. Why should that not be truthful? Wainwright had referred to an ice axe, which no reference had been made to an ice axe as such on television. Mr. Webster submitted that Banks gave direct and reliable evidence, whatever his personal recollection and difficulties, learning difficulties, and he specifically mentioned in this

context his use of that word 'pounded', which he could not have got from anyone else, says Mr. Webster.

He turned then to the circumstantial evidence. He said that there were really only three possibilities; this defendant, an intruder or some mystery lover, and he says that you can exclude the options other than the defendant. As far as an intruder was concerned, there was no sign of disturbance in the house, no blood. The unfortunate victim was in her nightdress. Why should an intruder go to the elaborate lengths of cleaning the body? Why should he remove rings and so on? He invites you to exclude Rapson as the potential killer, in a similar way. He said it is inconceivable that Carol Park would have gone off voluntarily with him, and he says that you can exclude him as an intruder for the same reasons as any other person, because whether it is Rapson or someone else, it really is not an intruder as a possibility. He also submits that Rapson's possible interest in strange sexual activities is far removed from what we see in this case. So far as the mystery lover theory is concerned, he asks you to reject that too. He said that this would simply be yet another person who failed to report Carol Park's disappearance. He asked you to remember the evidence that Mrs. Park was looking forward to going to Blackpool with her children on that Saturday, that she had been looking forward to the new term, according to a colleague. She was devoted to her children. It was inconceivable that she would voluntarily disappear without trace, even if she was concerned about separation from her children. He asks you to remember the evidence from the Prices about the Christmas club donation and the promise to bring a card and present for her niece on the Sunday. He asked you to remember the evidence from the Shorts about Carol Park leaving without anything, not even the slightest visible means of support and how was that really likely, that any woman leaving with a mystery lover would do that? He asks you to remember the finding of

the clothes associated with the rock, and of course the rock depends on your assessment of the heavy side of the evidence, but he says that you can see that reliable feature that Dr. Pirrie identifies, and it is not there in the Coniston samples. He asks you to prefer where necessary Dr. Pirrie to Professor Pye, and he points in this respect to what he says was prevarication by Professor Pye in answer to your own question about the diatoms, and he says that is really a matter that you can weigh just like with any other witness. Does that help you with his reliability? He submitted that Mr. Park fitted the template for the killer. Mr. Edis says well, lots of other people would, but I will come to that in a minute. I will not go through that again, but he says the various features that are common with Mr. Park and whoever committed this awful killing. He reminded you of the Youngs' evidence, and was it really possible that somebody so close to that time should have seen such an event without it being this body being put over into the lake, and that the Youngs can be forgiven for getting the spot wrong from where they saw this observation, and he called to mind the description that Mrs. Young gave of the man that she saw on that day.

Mr. Webster argued in the end this was a strong case, in which the alternatives raised by the defence do not bear serious examination. Well, that is advocacy for you, because Mr. Edis said precisely the opposite, it is a thin case, and that is of course a matter for you and not for them.

Mr. Edis's first word of caution was to resist a desire to answer every point, and his argument was that with the passage of time the answering of every point is impossible, and therefore in accordance with my warning, that you should not speculate. He recalled what little evidence we actually have as to how the death occurred, and he submitted that the pathologist's evidence about death through the inhalation of blood is all we know about precisely what caused the death, apart from



that resulting in itself from blows with perhaps a heavy sharp implement. He asked you to remember that throughout his interviews Mr. Park gave essentially the same account. It varied in some details from what he said in evidence, but those were the developing of memory rather than any conscious attempts to lie or mislead you. He said that all the children spoke of him being a loving parent and of a non-violent disposition, and reminded you of the positive good character evidence that was given. He said that apart from the prison confessions alleged to have been made by Mr. Park, all the evidence was circumstantial and thin. There was nothing like blood or a clothes specimen or a hair specimen on Mr. Park to tie him into these events. None of the ropes found with the body according to the evidence were associated with any ropes found in Mr. Park's possession, 20 odd years later, including the ones that survived from Bluestones. He says that if you came to the conclusion that there was some mystery lover on the scene, as Mr. Webster had put to Mr. Park in cross-examination, then that opened up a whole series of possibilities, and as he put it, the defence were then seriously in business, because anything could have happened to Carol Park, either after having been taken away by a mystery man or at the hands of somebody else after that, and he says the problem for the defence is that all right she was not seen after that weekend, but after all this time people may have forgotten seeing Carol Park. No-one had come forward, but they may have forgotten some important but insignificant incident to them. People may have died in the interim who could have seen her in the meantime, and he asks you to bear in mind what I said and that you must question carefully whether there has been any serious prejudice to the defence by all that time that has passed. In contrast to Mrs. Park's apparent optimism spoken to by some of the witnesses at the end of that term, he asks you to remember other evidence from the Prices who thought she was depressed or low at that concert or dance display or whatever it was at Barrow civic

hall in the week preceding her disappearance and death, and he asks you to remember Mrs. Dixon saying that she was low in mood earlier in the year when she last saw her socially. Mr. Edis also asks you to remember the bits and pieces we do have in evidence of the Saturday morning. Mrs. Robinson, the neighbour, who thought she probably saw her on that Saturday morning. Mrs. Dixon's sighting of the Volkswagen car and thinking it was that morning, and the evidence of Mrs. Baines, who saw Carol she thought on Sunday, at or about that weekend. He says that the prosecution case ignores those strands of evidence. Well, you will have to think about that. Mr. Edis turned to the suggestion that Rapson might be the killer, and that the prosecution had not excluded that possibility. He asks you to remember that his precise movements are a little unclear. He may have been at liberty and visiting Barrow, and he recognised the difficulty perhaps of that with the dumping of the clothes and why should he have done that and perhaps the absence of connection with Coniston, but he submitted that it was an extraordinary coincidence that both of these poor sisters have been killed by different men. He dealt with the suggestion that Carol Park would not have left the home knowing that she was going to lose custody of her children; Mr. Webster made that point. Mr. Edis said well, she was prepared to do that in April 1975 with that possibly calm decision before she went berserk, that she was going to go back to Middlesbrough.

He turned to the geology evidence and he asked you to question seriously whether this rock, the one that the prosecution rely on, was really recovered from the lake at all. Was it just scooped up at the side of the lake, because of the poor recording of the police of the recovery of that exhibit. Even if you are satisfied he says that the rock was recovered with the clothing, well, he invites you to recall that the Crown accepts that it cannot be proved positively by science alone that the rock did come from Bluestones. The Crown are pointing to a remarkable coincidence,

even if conclusive proof cannot be advanced, but says Mr. Edis, that is a matter that you should question and gives rise to a substantial doubt in your minds. He asks you to remember that the knot tying skills displayed by whoever wrapped up that awful parcel were nothing particularly special, and particularly in the Lake District. On the direct evidence, such as it is, he invited you to reject Mr. Wainwright's evidence as being, in Mr. Edis's words, that of a self-confessed attention seeking liar, and he says that the prosecution have effectively dumped Wainwright. Mr. Edis submitted that Mr. Banks was simply a suggestible man with severe learning difficulties, who has got silly ideas into his head from somewhere. He asks you when you consider the question about Mr. Park's admitted lie on oath previously, that that was a very different scenario. Mr. Edis submits you should not get it out of proportion. It was a very different event, and his lie was told because he desperately wanted his children and he wanted his wife.

Well, I hope I have not lessened the force of what were two no doubt you found very impressive arguments which you will want to consider, but I think those were the main points made by each side. Now in a moment I am going to ask you to go out with one direction of law that I do have to give you, but what seems to be a sensible idea is that the facilities should be arranged for all those exhibits into your jury room and I think you have asked for a flip chart, which will be provided. What I am going to do is ask you to retire with the staff now just to another room whilst that is set up, and then I will bring you back. I will give you one more direction, a very small one of law and then ask you to retire to consider your verdicts. So if you would not mind bearing with us for five minutes or so whilst that is done.

(The jury withdrew from court)

(The court adjourned)

(The jury entered court)

MR. JUSTICE MCCOMBE: Ladies and gentlemen, I thanked you for listening to the evidence and for listening to Counsel, and thank you for listening to me. The exhibits have been arranged in your jury room, save for three matters. The tape and transcript of the video interview of Mr. Banks and 17 in your list, the underwater video, if you want to see any of the videos you will have to come back into court for that to be done, if you want to see that again. There is not on your list in fact because it was an administrative oversight, the rucksack that was found with the body. That is going to be exhibit 29 to be added to your list, and that is the one item that you should not handle because of potential health risks. So if you want to look at it, by all means do, but please wear gloves if you decide to open the bag. The relevant gloves are going to be put in your room for you. All right?

Now obviously you will all realise, as Mr. Edis said, this is serious business. So take your time. You have got all the time in the world.

The final direction of law. You must reach, if you can, a unanimous verdict on this matter. As you may know from your general knowledge, there are certain circumstances in which the law allows me to accept a verdict which is not the verdict of you all. Those circumstances have not arisen in this case, so when you retire, I ask you to reach a verdict on which each one of you is agreed. Should, however, the time come when I can accept a majority verdict, I shall call you back into court and give you a further direction.

So with those last words, I am going to ask the jury bailiffs to take the oath to keep you un-interfered with.

(The jury bailiffs were sworn in)

MR. JUSTICE MCCOMBE: Ladies and gentlemen, would you go with the ushers, and they will take you to your room.

(The jury retired at 12.30 p.m.)

(The court adjourned)

(The jury returned at 12.40 p.m.)

MR. JUSTICE MCCOMBE: An apology, ladies and gentlemen. You are not supposed to have with you copies of the interviews of Mr. Banks. I will tell you why in a minute. Perhaps you would be so kind as to pass them to the ushers, and they can be taken off you.

There is nothing mysterious about it. That was effectively Mr. Banks's witness statement. Lots of other witnesses in this case have made statements. They have not had the pleasure of having their written document before you, and Mr. Banks should not be treated in any other way. That is the simple reason, and I am sorry I disturbed your deliberations so quickly, but it was only realised just after you had gone out that that error had been made.

Thank you very much. Would you please retire to consider your verdict.

(The jury retired at 12.42 p.m.)

(Midday adjournment)

(The jury returned at 2.33 p.m.)

MR. JUSTICE MCCOMBE: Ladies and gentlemen, thank you for your question. I hope we have not kept you waiting too long. Just for the record, I will read it back. "How far back was the shoreline of the lake from the viewpoint at Machell Coppice in July 1976?" The answer in short is we have no direct evidence on the point, and you will remember I told you the time for evidence is now over, so we have to deal with what we have got. Counsel have helped me, but I can tell you this: the water level can fluctuate by up to 1.5 metres. 1976 was a very hot and dry Summer. The configuration of the car-parks and shore was different in 1976 from the time of our view this month, and finally Joan Young said that when she visited the site, she

could drive directly on to the shore side. I am afraid that is all I can help you with. That is the evidence, and that is as close as I can go to answer your question.

Thank you. Can you retire again, please?

(The jury retired at 2.35 p.m.)

(The court adjourned)

(The jury returned at 4.18 p.m.)

MR. JUSTICE MCCOMBE: Thank you for your work this afternoon, ladies and gentlemen. I am not going to require you to carry on this afternoon, I am going to let you go home now, but it is important that after you leave the court, you should not discuss the case with anyone else or allow anyone else to speak to you, just the same way as I have told you many times before. I have tried to instil in you and I am sure you understand it is the essence of what you are doing that the decisions which are reached are your's and your's alone, and you should only base your decisions on what you have done, seen and heard in court. So once you have left court, do not try and deal with this case in any way at all looking for further evidence or trying to contact each other to discuss it. Just go home, enjoy a quiet evening and come back refreshed and ready for work tomorrow again, please. When you do get back, please just go straight to your assembly area in the usual way. Do not discuss the case amongst yourselves even until we bring you back into court, formally put the jury bailiffs in charge of you again and then you will have to start once more, please.

Those are the directions for you tonight. Just go home and relax, and I hope that we will all do. So you can leave now, and we will see you perhaps tomorrow, please, at ten o'clock? Yes, thank you very much.

(The jury withdrew from court)

(The court adjourned)

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AT THE CROWN COURT

Order No. T2004/7403

Courts of Justice,

Crown Square,

Manchester.

Friday, 28th January 2005

BEFORE:

THE HONOURABLE MR. JUSTICE MCCOMBE

R E G I N A

-V-

GORDON PARK

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MR. A. WEBSTER Q.C. AND MISS K. BLACKWELL appeared on behalf of the  
Crown Prosecution Service

MR. A. EDIS Q.C. AND MR. B. WILLIAMS appeared on behalf of the defendant  
Park

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MR. JUSTICE MCCOMBE: Good morning, ladies and gentlemen. I will just ask the jury bailiffs to take the oath again, and then ask you to go and continue your deliberations, please.

(The jury bailiffs were sworn in)

MR. JUSTICE MCCOMBE: Thank you, ladies and gentlemen. Please go back to your room.

(The jury retired at 10.06 a.m.)

(The court adjourned)

(The jury returned at 2.18 p.m.)

MR. JUSTICE MCCOMBE: Thank you for your questions, ladies and gentlemen. You asked two questions, one of which we can now deal with. The other, I am afraid, we are still working on for you. The question that we can answer deals with the wooden tool handle. I will read out that question. "Where in the evidence we heard was mention made of the 'wooden tool handle' found at the bottom of the lake, as indicated in the Judge's summary of the case?" The answer is that I was in error at what I told you, and Miss Blackwell has got an agreed version of the notes which she will read to you.

MISS BLACKWELL: Ladies and gentlemen, the Crown's note of the evidence from William Smith is as follows: He said "We recovered a piece of wood, and a handle question mark. It stuck up from the lake bed. In fact it was a naturally occurring stick", and the defence note of the same evidence was Question: "You recovered a piece of wood?" Answer: "I was asked to look for something like a handle. It stuck up from the mud. It was a naturally occurring stick."

MR. JUSTICE MCCOMBE: Yes, thank you, ladies and gentlemen. That is one question answered. We are working on the other, and we will give you an answer as soon as we can. Would you like to retire again, please.

(The jury retired at 2.20 p.m.)



(The court adjourned)  
(The jury returned at 3.30 p.m.)

MR. JUSTICE MCCOMBE: Ladies and gentlemen, your second question is in these terms: "Somebody, we think Mr. Edis, made a statement that hair in hairbrush was not Carol's. Has this been proved?" The time has been taken to find where in the evidence that was given, and the answer was it was not and you are very astute to notice it, but it was meant to be read. Both sides intended that you should hear it, and Mr. Edis is going to read you the relevant passage upon the relevant statement. We apologise that it was your astuteness and not our's that led to the matter being properly corrected.

Yes, Mr. Edis?

MR. EDIS: Thank you, my Lord. It is a statement of Sarah Elizabeth Brownhill dated the 18th of February 1998, which contains the following passage: "Several hairs were recovered from the hairbrush KM4/15", of which you have a photograph, "and the brush PDB5/7", which you do not have a photograph of. "These hairs do not match any of the hairs in the control sample, ET25, relating to Carol Park, and hence they are unlikely to have originated from her. Two very small fragments of what appeared to be hair were recovered from the comb, KM4/13", of which you also have a photograph. "These are too small for comparison purposes", and that is the end of the statement.

MR. JUSTICE MCCOMBE: Thank you, ladies and gentlemen. I am sorry for the delay. Would you please retire and continue your work. Thank you.

(The jury retired at 3.34 p.m.)

(The court adjourned)

MR. JUSTICE MCCOMBE: For the benefit of all in court, I ask that when the verdict is delivered, that everybody behaves with dignity and observes complete silence. It is a difficult moment for very many people, and also when the verdict is delivered, I shall pause for a short while to allow anybody who wishes to leave the court to do so, before dealing with any consequential matters, but thereafter I would ask people to stay either in their seats or not try to come into court thereafter, please. So be it. Thank you. The jury, please.

(The jury returned at 3.45 p.m.)

THE CLERK: Will the foreman please stand? Madam Foreman, will you please answer my first question yes or no. Have the jury reached a verdict upon which you are all agreed?

THE FOREMAN: Yes.

THE CLERK: Do you find the defendant, Gordon Park, guilty or not guilty of murder?

THE FOREMAN: Guilty.

THE CLERK: You find the defendant guilty, and that is the verdict of you all?

THE FOREMAN: Yes.

THE CLERK: Thank you. Sit down, please. Sit down, Mr. Park.

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