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Mr Simon J Hall
A7678AC
HMP Hollesley Bay Colony
Hollesley
Woodbridge
Suffolk
IP12 3JW

Your ref:
Our ref: 00879/2011

19 April 2013

Dear Mr Hall,

Re: Your application to the Commission

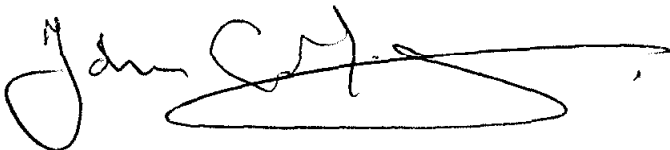
Further to your meeting with Charles and Celia, I enclose a typed summary of the discussion held on 4 April 2013.

I also include a pre-paid envelope for any further comments you may have.

As I have indicated to Stephanie, we shall aim to write with an update on the review towards the end of next week together with information concerning the timescales (26 April 2013).

I hope that you feel the enclosed summary fairly represents your account but please let us know if there are any matters arising from it.

Yours sincerely



John Curtis
Case Review Manager

Note of meeting with Simon Hall at HMP Hollesley Bay on 4/4/13

Meeting commenced 11.10pm
Lunch break 12 noon to 1.00pm
Meeting concluded 1.50pm

Persons present:

- Celia Sohpal (Case Review Manager) - CS
- Charles Moffat (Investigations Adviser) - CM
- Simon Hall (Applicant) - SH

CS introduced us, and outlined the role of the Commission and its responsibilities. She explained the need to find new evidence which has not been raised before at trial or on appeal, and which is significant enough for the Commission to conclude that there is a 'real possibility' the Court of Appeal would quash the conviction were it to be referred to them.

CS outlined the structure and purpose of the meeting. CS went on to explain that the focus of the meeting would be to obtain SH's account of a burglary at Zenith Windows and to explain the police response that the Police and CPS had indicated to us that it would not be in the public interest to prosecute him in relation to this burglary.

CS discussed representation with SH and he indicated his agreement to proceed without such.

SH acknowledged his understanding and was reassured to ask any necessary questions.

SH's description of the burglary

I was with Jamie and we had been drinking. We were at Majors Corner at around 5 am. I made a phone call on my mobile at 5.01. We hung around there; don't know for how long. We set off towards the Woolpack (from the Old Rep) and passed Zenith Windows. We were milling around outside Zenith Windows for a short time. In the alleyway/road one of the windows was open. I think it was a sash window. Jamie Barker commented that he used to work at Zenith Windows. I think Jamie lifted the window and went in first. I followed him in. We were in there for a giggle having a snoop about. I picked up a few things and took them. I didn't want them or have a need for them. For whatever reason, I picked up 2 CD players and a locker (about a metre high). Jamie did the same and got 2 CD players (they were about 9 inches long). I'm not sure how long we were in there. Maybe 10 minutes. We went out by the same window as we went in. Neither of us wore gloves. I carried the locker and the CD players away and he carried his one in each hand. We headed towards the Woolpack.

CS: How much time was left?

I don't know how long we were at the benches [at Majors Corner] before we went to Zenith Windows.

CS: Then straight to the Woolpack afterwards.

SH: Yes.

CS: Whose idea was it?

SH: I am 99% sure that Jamie opened the window of Zenith Windows. I wouldn't do that sort of thing. Nor him; but he had knowledge. I don't know what made him do it. We weren't thinking straight. We had been out drinking since 7.30 the night before.

CS: Did either of you say anything?

SH; I remember Jamie complaining about Zenith Windows, saying he had worked there. He called the bosses 'wankers'. That could have been the inspiration.

CS: Do you remember what the window opened into?

SH: The window we went in by was to a telesales office. It was the main room as you go into Zenith Windows off the street.

CS: Who did what?

SH: I think we kind of split up inside the office and had a look around, looking in drawers and that.

CS: Independently?

SH: Yes there was no chit chat. We just grabbed and picked things up in there independently.

CS: Do you remember the locker?

SH: It was about a metre tall. I remember shaking the locker and thinking there was something in it. It was locked away so I thought it could be something good.

CS: What happened to the locker?

SH: We went to the Woolpack. After this I put everything (all 4 CD players and the locker) in the back of my car. Jamie had none of it. I parked up my car. We had a family meal on the Sunday and I don't think I took the stuff out until Monday. I had been to work to ask for time off to look after my Mom because she was in bed poorly; upset (about the murder). I took it out of the car and went to the garage for tools to open the locker. To my surprise, when I got it open there was nothing in it, just a bit of metal inside doing all the banging. It was just a grey locker with nothing distinctive on it.

CS: How long were you in Zenith Windows again?

SH: We were only in Zenith Windows for 10 minutes at the most.

CS: Had you been in Zenith Windows before?

SH: No. Jamie worked there. I didn't have any other connection with Zenith Windows (apart from Jamie). I had no reason to go there. My girlfriend Phoebe worked at Zenith at some stage but I'm not sure when that was. I had no reason to go there.

CS: Had you done anything like this before?

SH: Not me. I had no need to do it. I had previous for fighting, not theft.

CS: How did you feel when you were in there?

SH: I remember it was a little bit exciting when we went into Zenith. It was scary at times as well. Like when you know you are doing something wrong. I don't remember any conversation with Jamie about it. I had never done anything like this before.

CS: What happened to the locker?

SH: I disposed of the locker in a skip in the works car park - States Chemicals. I threw the pieces of the locker in there.

CS: And the CD players?

SH: I offered the CD players to Stephanie Bon and her brother.

CS: What did they say?

SH: They wanted to know where they came from. I'm not sure what I said; probably said that they fell off the back of a lorry. They took the CD players.

CS: Did they pay you for them?

SH: No. I gave them to them. I didn't want or need them and they didn't give me any money.

CM: In the timeline what time did you leave the Old Rep?

SH: 4.10. I know times. I'm always conscious of time. I don't remember if I looked at my watch but there is a clock by the fruit machines in the Old Rep.

Comparison of map to show route. SH produced his own map from the police material.

CM: So you leave the Old Rep at 4.10. What happens till 5.01?

SH: We were just wandering around-ambling.

CM: Are you happy with the time of 5.01 for the phone call?

SH: Yes it makes sense to me. I had an arrangement with my Mom that I would phone and leave a message however late it was so she would know where I was.

CM: So you're on the bench for a bit longer. Show me how it works (on the map)?

SH: Zenith is right by Majors Corner. It was just me & Jamie. We were milling around.

CM: 10 minutes inside Zenith but you just wandered around picking things up at random?

SH: If there was anything in the desk drawers I looked in I would have taken it. I thought the locker might be a cash box.

CM: Any further discussion about stealing?

SH: I don't remember anything like let's look for this or that. I just thought there could be something worth taking.

CM: You didn't find cash?

SH: No

CM: Did you have a locker each?

SH: I only remember 1 locker. We each had 2 CD players. When we went back to the Woolpack the gate to the car park at the back was shut. I hid the CD players and locker round the side of the pub so Scott (the landlord) wouldn't see them. This was at about 6. Scott was angry when he came down to us. I think I remember him saying "what are you doing? Its 6 o'clock".

CM: This timeline is important so we are trying to get it accurate. Was Scott asked about this?

SH: Yes he said it was between 5 & 6.

CM: Anything you can think of to help prove these events?

SH: Not sure. The timing is confusing. I know the account at trial is wrong. It was not 6.28 till I sat down with Mom.

CM: The 5-6 window?

SH: I don't believe so. I got the car and drove to Jamie's house. Takes 5 minutes then I headed home. Then it was 20 minutes to go home from Jamie's. When Mom got up she said it was 6 by the clock and the video which is set by radio frequency. She went downstairs and put the kettle on to boil. When it boiled I was back. I think I was home at 6.10 going by my Mom's clock. The clock and the video were showing the same time. I'm not sure about the time I woke Scott. 6.28 is the time I was going to bed not the time I got home.

I got sucked into the 6.28 thing. I thought it must be right. I didn't tell my lawyers anything other than the time on the microwave could have been wrong.

CM: So what has prompted you to tell us about the burglary now?

SH: Stephanie prompted me to tell about the burglary. She was angry with me for not telling her till last November. I said the burglary and the murder weren't linked. She said you must tell someone.

CM: Have you ever discussed this with you legal representatives at trial, at your appeal or the members of the Innocence project who helped you?

SH: I didn't tell my legal representatives about the burglary. I have not told anyone in the legal team at any stage.

CM: Have you told anyone?

SH: The only people I told was when I was on a visit with Mom Dad and Phoebe - and it might have been Shaun. I can't remember what I said but told them we went into Zenith and took a few things. Mom was upset. We all agreed it wouldn't help to tell anyone. I thought anything that happened before 5.30 wouldn't help or influence things.

I had put this to the back of my mind. I had kind of forgotten about it. It had gone. I'm only raising it now because Steph said it could help.

CM: Have you ever told another prisoner?

At the time, I did gauge other prisoner's opinions about whether it could help me. But they all said keep your mouth shut.

He marked the various articles as he agreed them - CM has these.

CM allowed SH to read the website material attributed to him. SH agreed with the content and signed copies.

Break for Lunch

CM: Did anyone see you dispose of the locker?

SH: I don't think so. It was in a car park but I don't believe anyone saw.

CS: What did you want to tell us (before lunch)?

SH: About Angela & Jamie Barker's statements.

Jamie didn't mention anything about the burglary. In his first statement (11/3/02) he says I dropped him between 5.45 and 6 at home. In his second statement (August) he says we arrived at his house about 5.30. But he then said 5.45 to 6 again in his evidence at trial. Jamie is not telling the truth about the timings to distance himself from the burglary.

Angela made 2 statements on 25/7/02 and I believe Jamie must have made one that day too because that is when I was arrested. In the first she said she couldn't recall anything but thought Jamie was ill. But in her second statement having spoken to Jamie she can recall it well. I believe Jamie told his Mum about the burglary, so she has said we'll say 5.30 and stick to our guns. I think Jamie gave a totally different route on his map and I believe he did this on 25/7/02 because it was presented to me when I drew my route for that night.

The maps referred to are AJP9 & AJP 10.

After some discussion, SH agreed that AJP9 was his route going from the Old Rep to the Woolpack by car and leaving the car there for the night. AJP10 is SH's route walking back to the Old Rep from the Woolpack after parking the car.

After looking at the maps and discussing them, SH said he did not think there was any dispute between him & Jamie about the routes they took that night.

SH: Angela Barker says in her first statement on 25/7 that she can't remember (timings) then says she recalls that weekend well. I believe Jamie would have told

her that he had done the burglary and so they must have agreed that 5.30 was the appropriate time by which he was home.

CS Asked about the website content:-

SH: Some of it is ranting. It's like pulling teeth. Before I didn't see the full picture, but now I do. Steph posts the material. I don't agree with all that has been published [headline in Ipswich Star 30 Jan 2013 was the only specific phrase pointed out]. I wanted to get some feelings out there but not in the way it's been done. I believe it is pretty much my words she has put on the website. She talked me into telling about the burglary. She said this can get you out. She says there are things she knows that I don't know and she can't tell me but this will help.

CS: How did Steph find out about the burglary?

SH: Steph's ex-boyfriend told her. He knows people round town. His name is Vin or Vincent. I think he knew about it. On reflection, I'm not sure it was him that told her. She was very angry with me. She accused me of lying to her. It caused a row between us. She couldn't see my point of view. I had convinced myself that it couldn't help. She felt it could help and said "you've got nothing to lose by telling someone about it". I had put the burglary to the back of my mind so I didn't even tell her.

CS: How long ago was this?

SH: November. I was in the 'doghouse' and had rows with Stephanie. She explained the bigger picture and said 'You need to trust me'. We were both stressed. She said 'I had nothing to lose'. I thought it was not in the public interest to prosecute me for a shop burglary when I've served all this time.

CS: So the accounts were effectively dictated?

SH: Yes I dictated it to Stephanie (although the prison doesn't allow that actual process) and she reproduced what he said.

CS: Do you consider that this now affects the safety of your conviction?

SH: Yes. I do feel it affects the safety of my conviction.

CM: Did you consider whether the burglary could have affected Jamie's credibility as a prosecution witness?

SH: I didn't think about it because my concern was my own credibility.

Other issues SH wishes to raise:-

Police said I was forensically aware and streetwise. This is not true.

In March, when Jamie was first interviewed, he asked me afterwards, "What time did you say we left the Old Rep?" He said he had said 5. The difference in timings was obvious. We could have changed our stories. I said it didn't matter. I thought I had nothing to worry about.

CCTV is a major issue. I was in town all night with Gareth & Jamie but apparently was not picked up at all on CCTV. The police say I wasn't shown. There was CCTV

on Myrtle Road at the 24/7. This might have shown me dropping off Jamie or at least the car going past.

Scott - Landlord of the Woolpack - Scott's first statement (11/3/02) says he was woken between 5 & 6. He was woken by his mom who said someone is throwing stones at the window. In his second statement he refers to an alarm at the Woolpack which he had to switch off to answer us. This alarm could be audited to check what time it was switched off. Was this information obtained?

Angela Barker's statement again. I think the police told her that the murder was at about 6 so that is why she said Jamie got home at 5.30.

Parking the car. There was no investigation of where or when I parked the car (home or the murder scene).

I feel I was badly defended.

CS: Have you had any recent communication with Michael Naughton?

SH: No.