

Appendix 2

Summary of material relevant to Eric Samuel's accounts of who shot Mr Hoondle

No.	Date	Summary	Source	Comment
1	4/12/90	Eric arrested at HMP Wormwood Scrubs. En route to Hackney PS he asked how police came to see him. He was told because police enquiries led to him. He asked "what enquiries?" Officer A said "let's just say Oliver Campbell". Shown a copy of the Sun newspaper of 3/12 he was told "read that". He did so and paused for about three minutes "visibly shaken". He then said: "I'm no murderer . . . I couldn't believe it when he shot him. I didn't even know he had a gun. I never went in the shop, it was him who went inside. I was outside when he shot him. I couldn't fucking believe it....."	Police	Eric appeared to implicate Oliver but did not name gunman. But, why the long pause?
2	5/12/90 + 6/12/90	Eric interviewed and repeatedly urged to implicate Oliver and say that he did not know about gun. Made no significant reply	Police	.
3	7/12/90	Eric wrote to D. Supt. E asking for another interview in presence of a solicitor asap.	Police	
4	12/12/90	Mooney of Prison security messaged police that Eric wanted to see them urgently	Police	
5	14/1/90	Officers B and A visited Eric. He said he wanted to make their job easier and asked if he should see a solicitor. They suggested he should.	Police	
6	15/12/90	"Harvey admissions" Eric said he wanted to tell Officer D about the murder. "I wanted to tell you before but the solicitor told me not to..... Oliver wasn't there...it was someone else". D suggested he should start at the beginning. He said there were "four of us to start with". He met Oliver up the West End. Eric saw a friend whom he knew by face. He was with another man he had never seen before, called Harvey. Harvey said he "wanted to do a rob". Eric said "what you got to do it with" and he showed Eric a gun that he had in a pouch by his groin. They started driving around Oxford Street looking for somewhere to rob. Eric said it was stupid to do it round there. Harvey	Police	Eric's first known exoneration of Oliver. The only detailed account Eric ever gave police. NB admissions against his own interest in bold. Account of escape route consistent

		<p>asked if he knew of anywhere to rob. He (Eric) had suggested Hackney. They went to Hackney. Starting in Cambridge Heath he had gone into a lot of off licences “on the way up to the one we did”. That was near Hackney Road. “We went in and did it and he fucking shot him”. He said that Harvey, who was “a bad man, crazy man” had shot Hoondle.</p> <p>He described the escape route. They went via the West End to Lambeth where Harvey sold the gun.</p> <p>“When we was up West this Harvey taxed Ollies hat and he couldn’t do nothing about it so he just went off. That’s how Ollie’s hat got used”</p>		with what witnesses at and near the scene saw.
7	21/12/90	Eric interview. He did not want to sign D’s notes. His solicitor after a private interview, said that he had advised him not to answer	Police	
8	4/1/1991	At a remand hearing Eric’s counsel was rather vague, but indicated his client had made statements to police that could be challenged as they were obtained in breach of PACE. He said that “insofar as his client had said anything to the police he was saying that Oliver was not involved and had never been involved in any part of the murder”.	Mullinger Banks	Ambiguous? It may not be clear what Eric’s instructions were at that time.
9	11/2/1991	At a remand hearing Eric’s solicitor was reluctant to discuss his detailed instructions. He gave the impression he would say another person fired the shot, and he gave police information about who that person was. The solicitor doubted whether the police would take any action on this but “Samuels said our client was not involved at all”.	Mullinger Banks	Eric’s Second known exoneration of Oliver. Reported by his solicitor.
10	2/11/91	Dr Bowden, Consultant Forensic Psychiatrist reported that Eric was “unwilling to discuss the circumstances surrounding the alleged offence with me”	Court records	
11	25/11/91	<p>Eric pleaded guilty to a “closed conspiracy” to rob with Oliver as the only other conspirator¹.</p> <p>At the severance application Farrington QC said that Eric’s case was that Oliver was the shooter.</p>	Court records	<p>To his counsel and by his plea Eric implicated Oliver as gunman.</p> <p>But, how did he come to change the account to his lawyers in 9 above?</p>
12	????	“X” (perhaps a member of prison staff?) writes	Mullinger Banks	Eric’s third known

¹ It is presumed that the pleas were taken at the start of the day’s proceedings, but this is not clear.

	After 2/9/91	<p>“This is to whom it may concern I have absolutely nothing to do with your client’s case., but I wish to express an opinion as an outsider after having talked to him and knowing him in a short time in prison. were he to go down on the very serious charges he is up against. I believe it would be a grave miscarriage of justice were he to do down on the very serious charges he’s up against. I believe that he has been set up by his co – defendant. I say this because of the evidence against him. Firstly, he has pleaded guilty to the robbery charge against him / them meaning that he was on the scene of the crime. Secondly he was with Oliver the day he (Oliver) lost his hat. It is of (<i>sic</i>) my opinion that that was planned in advance, it stands to reason why the cap was found on the scene in other words it was planted there. The last thing any “sensible” criminal would do would be to leave something as distinctive as that cap behind even if you had to run for it. According to Oliver forensic test on the cap prove he was not the wearer of it at the time of crime. His co defendant refuses to go in the dock because that would leave him open to cross examination, which will also give him no choice but to reveal who his actual partner in crime is. He has admitted to us that he was not with Oliver when the crime took place but refuses to go in the dock to say that because in truth he is afraid of what could happen to him if he did reveal the person whom he was with. I do know that Oliver had made certain confessions to the police but that at the end of the day amounts to nothing if if (<i>sic</i>) you know his mental capacity, and finally I wish to do this as a “black brother” I do not wish to see another brother go down for something like he did not do rightly or wrongly. Were Oliver to go down you as a lawyer do not deserve to be in the profession</p> <p>PPs Oliver’s Co defendant has admitted to us that Oliver was not there when it happened”</p>	<p>Found by MB in their files in Spring 2023</p> <p>Written on back of a letter to Oliver from his solicitors Dated 2/9/91</p>	<p>exoneration of Oliver</p> <p>Given the formal style of the passages quoted in bold and the use of the term “co – defendant” it may be the writer was a prison employee.</p>
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Appeal

13	18/5/94	Officer B visited Eric at HMP Highpoint (at the request of CPS for the appeal). Eric was unco-operative and	Police Records	
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		denied knowing “Harvey”. After some conversation about the gun, ES got up and walked out. ²		
14	10/06/94	Sanderson statement for appeal. Whilst on remand in Brixton Prison he had met Samuels who told him that his co – defendant was innocent. He said the “other guy” got involved because of a hat which had been taken from him in Leicester Square. He explained that the police had “exploited the guy for being so simple”. Samuels had repeated this at the Old Bailey when they were being tried at the same time.	Appeal Records	Eric’s fourth known exoneration of Oliver

BBC Investigation

15	2001	BBC discovered that Eric was a patient at Homerton Hospital. Attempts to see him were unsuccessful (only family allowed access). BBC instructed solicitor PB to represent Eric. He made a statement to PB. He refused to sign it. His family, PB and his psychiatrist all indicated that Eric was prepared to help Oliver but on his own terms. A suggestion that Eric might be paid was firmly refused.	BBC	
16	8/5/01	BBC reporter interviewed Sanderson on tape. He gave a detailed account of Eric’s exoneration but said that it first occurred after he (Eric) had been acquitted. Sanderson indicated he wanted to help Oliver because he believed he was innocent.	BBC	A more detailed account than in his appeal statement. But Sanderson now gave a different timescale
17	???	Sanderson, having expressed concern that he had been identified as a murderer serving a sentence at HMP Wakefield (a “sex offender’s prison”), wrote an undated letter. He had been thinking about his own position. He wanted to help Oliver, but did not want to make “long lasting problems for myself”. He did not want his statement to be used in a BBC programme. “I have to say that I can no longer be certain whether Eric did in fact say what I thought he had said.”	BBC	Sanderson claimed to be uncertain of what Eric said. But could he have invented an account so similar to those of others?
18	25 + 26 6/01	Eric had made a statement to solicitor B, a solicitor instructed by the BBC to advise Eric. After Eric refused to authorise its disclosure to the BBC, solicitor PB wrote two letters to the reporter saying that Eric was frightened of comebacks from the “perpetrator” and that there was nothing detrimental to Oliver in the statement.	BBC	Fifth known exoneration.

² It is clear from the papers not copied for the appeal that the Crown had notice that Sanderson would make a statement of what Eric had told him, but that it took some time for the new solicitors (Birnbergs) to get a formal signed statement. Hence that statement (serial 14) postdated this interview. We note that in an advice dated 11/5/94 Crown counsel had advised that Samuels be interviewed by police.

19	22/10/01	<p>Eric wrote to Oliver</p> <p>“It’s a long time since we last met. I am now on a Section 37/41 of the Mental Health Act (sic) and am in the final stages of a rehabilitation programme. I hope to be out of hospital in the next year if things go well. So far I have been in here for 3 years. Rough Justice contacted me this year asking me to give a statement on your behalf. Before I give this statement I would like you to phone me on 0208 535 8320. However I am willing to give the statement if it will help you out.”</p> <p>On legal advice Oliver declines.</p>	BBC	
20	28/10/01	<p>Covert video recording of Eric speaking to a BBC journalist. Confirms Oliver’s was not there and that his hat was stolen from him and gives details of conversations with Oliver after the robbery.</p> <p>"It's not doing my case any good saying that I knew about the gunman and all that. And if that was played to the jury, I'd get convicted an all. I told him the truth in the beginning but after a while I shut up, cos it wasn't If I didn't shut up I would get convicted an all - of murder."</p>	BBC	<p>Sixth known exoneration.</p> <p>This passage explains why Eric did not testify.</p> <p>Not clear who “him” is.</p>

First CCRC Investigation

21	12 /02 – 3 / 03	<p>CCRC instructed SMHS to represent Eric who was at that time sectioned under the Mental Health Act. Two psychiatrists had indicated that Eric would like to assist. SMHS suggested that the CCRC arrange an immunity from prosecution for Eric. Ms. J of the CCRC asked for an indication of what he would say. Eric decided not to give a statement, waive privilege or give evidence.</p>	CCRC	
22	24/02/03	<p>SMHS noted</p> <p>“Long discussion with CCRCwithout disclosing at any point client’s instructions.</p> <p>Reiterated concerns about Criminal Justice Bill and loss of autrefois acquit ³. Talked in general terms about possible concern of witness about disclosing evidence against actual killer (as opposed to person convicted). Would CCRC offer any protection? It would be helpful in deciding whether or not to make statements, waive confidentiality etc. to have confirmation of the CCRC’s position”</p>	SMHS	<p>Once again the inference is that Samuels would implicate another person if he made a statement but was afraid to do so</p> <p>(c.f. serial 18 above re B)</p>

³ Part 10 of the Criminal Justice Act 2003 reformed the law relating to double jeopardy where new and compelling evidence had become available.

Later attempts to obtain Evidence from or relating to Eric

23	March 2012	GM (as Oliver's solicitor) met Eric and urged him seek independent legal advice. It is believed that he did so, but from a specialist in divorce work, who advised him not to get involved. GM received no reply to later correspondence.	GM	
24	August 2016	Enquiries of solicitor PB revealed that the file relating to Eric had been destroyed. Hence the statement he made to B was no longer available.	GM	

Michael Birnbaum KC