

2 December 1994

Police Interview Transcripts with Analysis: No. 1

PLEASE NOTE: *Prior to the following recorded interview, at the start of questioning for a further voluntary witness statement in relation to the Papdale woods incident, DI Chisholm asked Michael's father to leave the room. In the absence of his father, Michael admitted that it had been him in Papdale Woods acting suspiciously on 19 May 1994. At this point, a decision was made to proceed with a recorded interview under caution for a possible breach of the peace.*

NAME OF SUSPECT: MICHAEL ALEXANDER ROSS

DATE OF INTERVIEW: 02/12/94

POLICE OFFICE: KIRKWALL

INTERVIEW COMMENCED: Start: 1404 HOURS
Finish: 1447 HOURS

INTERVIEWING OFFICERS: DI Angus Alexander Chisholm
DS Alan MacKenzie

DI The time is 1404 on the second of December 1994 (021294). I am Detective Inspector Angus Alexander Chisholm of the Criminal Investigation Department of the Northern Constabulary. At this time we are within the interview room at Kirkwall Police Station. The following further persons are also present in this room.

DS I am Detective Sergeant Alan MacKenzie of Northern Constabulary CID, based in Inverness.

DI Could I ask you Michael to tell us your name for the tape.

MR My name is Michael Alexander Ross.

DI Okay. And you father is also present in the room. Your name please?

ER Edmund Andrew Ross.

DI Okay. Right. Will you confirm eh, Michael that you've seen me break the seal of two new cassette tapes, complete the label on each cassette with is numbered K026/94 and insert them in the tape recorder.

MR Yes I have.

DI You're going to be asked questions here Michael about an incident which occurred in Papdale Woods back in May of this year (000594). Eh, you're not bound to answer, but if you do your answers will be tape recorded and may be noted and may be used in evidence. Do you understand that Michael?

MR Yes.

DI That's fine. Okay, if I could just go over, we spoke to you some time back on the 24th September (240994) in fact, ehm, regarding a sighting of somebody in the woods up at Papdale and at that time you have given us a statement. We've since checked out various things you've told us in that statement, ehm, and certain things do not match up. You've come in here today, along with your father, ehm, in order to be interviewed further in connection with incident in Papdale Woods, ehm, and what we'll do is just basically go over your movements again that time and you can tell us what exactly happened on that day. Eh, while we're doing it I'll actually note a statement on forms, ehm, the statement, I've completed the header at the moment eh, and it begins with, "I Michael Alexander Ross have been cautioned by Detective inspector Chisholm that I am not bound to make any statement, and that any statement that I make will be noted and may be used in evidence." If I could just ask you again just to sign there under that caution just to say that you've been cautioned, right.

(PAUSE)

DI Right. Okay, before I start writing everything down now, would you like to go over this again and tell us what happened that day. I think the date we're talking about is 19th May this year (190594).

MR (Cough)

DI Could you tell us what was going on that day. What were you doing?

MR Eh, (cough) well I was up in the woods, eh, waiting for a boy called [REDACTED], ehm, I was waiting there because, eh, he had been beating up one of my ex-girlfriends who I still fancied and eh, I was going to give him a fright to eh, stop him from hurting her again. (Coughs) That's why I was there anyway.

DI When you say you were going to give him a fright, what was your intention to do if you came across [REDACTED] that day?

MR Eh, I was eh, going to pin him up a, pin him up, hold him by the throat, maybe, maybe give him a punch or two but then just go away.

DI Right, and this was over a, an ex-girlfriend of yours that he was now going out with was it?

MR Yeah.

DI Okay. Did [REDACTED] come out that day?

MR No he didn't.

DI What happened?

MR Eh well I realised that eh, eh, he hadn't come out so I went off home again.

DI Right. So you weren't in school I take it that day?

MR No I was eh, on study leave for exams.

DI Right.

MR I was off for several weeks.

DI Okay. So what time of day did this happen?

MR It was eh, maybe just after half past three (15.30) or a bit before that.

DI And where did you change into the clothing you were wearing for that?

MR Eh, just in the woods I think.

DI How would you come from home?

MR Eh, I cycled in on my bike and eh,

DI Where did you leave it?

MR Eh, I left my bike at me granny's then eh, I walked up to the woods.

DI So where about exactly did you change?

MR Eh, just in the woods behind a tree.

DI Behind a tree? And what were you carrying your clothing in?

MR A green bag.

DI Green Bag. And what was it you wore that day then?

MR (Clears throat) I was wearing eh, black combat boots, eh, blue jeans, a white top with blue and red stripes and a blue tracksuit top with a hood.

DI Anything else?

MR Oh, I also had a balaclava with me.

DI Were you wearing that?

MR Yes I was

DI What colour was it?

MR It was black and it had three eyes, eh three holes in it.

DI Two for the eyes and one for the mouth was it?

MR Yeah.

DI Where did you get the balaclava?

MR (Coughs) I bought it when I was down south on eh, with cadets.

DI You bought it?

MR Yeah.

DI Last time I spoke to you I think you said you had access to some balaclavas your dad had.

MR Yeah I did.

DI Was this one of them, no?

MR No, This is a different one that I had bought.

DI You had bought.

MR Yeah.

DI Right. And where is that balaclava now?

MR Eh, I got rid of it. I put a stone in it and threw it into the water in Scapa.

DI Why was that?

MR (Coughs) because eh, I had taken it to school with me one day to show one of me friends, [REDACTED], cause eh, he was wanting to have a look at it and then eh the day I'd taken it in to him to have a look he wasn't at school that day, he wasn't at school that day so eh I, when I got home, eh, me mum found it in me bag and eh, I got a row from my dad so I decided to throw it away in case I got into any more trouble with it.

DI How? What would be the problem with having a balaclava in your bag?

MR Eh, eh, because a murder happening, eh, there supposed to be a lot of kids and that going about eh, frightening folk with them.

Within a few days of the murder, one of the younger local army cadets was reported to the children's panel for jumping out from the end of a lane in front of one of the children from the Mumutaz restaurant. He had been wearing a cadet balaclava. He had been with a friend, who gave the following account in a statement:

"On the Saturday I was down the street in Kirkwall with [REDACTED], everyone was talking about the murder and [REDACTED] had a balaclava with him and two torches. He was wearing the balaclava and pointing the torches as a gun just being silly and fooling about. One of the Indian boys and a white friend were coming down Willow Road and we were walking up. As they passed [REDACTED] put the balaclava on and shouted 'Bang'. We didn't mean anything by it was just foolishly in fun."

There were several statements given to police highlighting sightings of other individuals wearing balaclavas after the murder, including a car being driven by a man wearing a balaclava in Stromness on 3 June, the day after the murder. There were also reports of discarded balaclavas being found; one in Deerness, 12 miles east of Kirkwall and one in Stromness, 15 miles west of Kirkwall.

DI So it was after the murder happened that you disposed of your one was it?

MR Yes.

DI How long after?

(SLIGHT PAUSE)

MR Eh, I don't remember exactly but eh, it might have been about maybe a week, a week and a half.

DI So how many balaclavas do you have access to?

MR Eh, oh I've got access to one which is my dad's, but eh I threw the other two away.

DI So you threw two away?

MR Yeah.

DI When did you throw the second one away?

MR Just a couple of days after that. After...

DI Why did you throw it away?

MR Eh, oh I never used it all that much either so I just got rid of it as well.

DI And did your folks get onto you about that one?

MR No.

DI So what would be the reason for throwing it away?

MR Just didn't really like the look of it or the shape of it and eh. I never wore it that much anyway, so I just got rid of it.

DI And where did it come from?

MR Eh, I found it behind the Co-op with one of my friends [REDACTED].

DI What colour was it?

MR It was brown and it only had one...

DI It was a full face?

MR Yeah.

DI Open face?

MR Yeah

DI Okay. So did you tell us last time that your father had two balaclavas?

MR Eh, yes.

DI I think you did actually. So are they still in existence?

MR Eh, I think so.

DI So you had two. One that you bought, one that you found and there's another two that your father had?

MR Yeah.

DI Okay. Right. Okay, we'll try and start noting that Michael, eh. So do you, do you know where it was, I've quoted dates from other things that I have here, but do you remember when it was that this thing happened in the woods.

MR Well I can remember it was on a Thursday, but I, you said it was the 19th, but I don't remember the exact date, so.

DI No, no. Do you remember if it was May (000594)?

MR Eh yes I do.

DI Yeah. So it was on a Thursday afternoon in May (000594), you'd been off school for study leave was it?

MR Yeah.

(PAUSE)

(Coughing)

DI So one Thursday while you had been on study leave (pause) you decided, what to cycle into town and wait outside the school, was [REDACTED] in school that day?

MR Eh. I don't remember, eh I never seen him at school when I went past it, but eh I was pretty sure that he was going to come out.

DI You assumed that he was going to be there, that's why you were there eh?

MR Yeah.

(PAUSE)

DI So you left your bike at your gran's eh?

MR Yeah.

DI Where's that?

MR Eh, [REDACTED]

DI [REDACTED]?

MR Yeah.

DI Hmm. Where did you go then?

MR I then walked up to the, walked up past the school to the woods.

DI It's called Papdale Woods, is that the ones, eh?

MR Yeah.

DI And your intention?

MR I was, eh, going to scare [REDACTED].

Di Where's he from?

MR I think he's fae Flotta.

DI Eh?

MR I think he's fae Flotta/

DI From Flotta?

MR Yeah.

Di You don't know his address?

MR No.

DI So he's from Flotta.

MR Well I think so.

DI Aha.

MR I don't know exactly.

(PAUSE)

DI Eh. Did you used to go out with, what's her name?

MR [REDACTED].

DI [REDACTED], from?

MR Eh, I don't know her address but it's eh, at eh, in the road from us a bit, eh at St. Ola, somewhere.

(PAUSE)

DI So when had you finished going out with her? How long had you been going with her?

MR I'd been going with her for, eh, a month and maybe three weeks or so.

DI For about seven weeks in all, was it?

MR Yeah.

DI And when had you finished in relation to the day you were waiting in the woods?

MR Eh, maybe, maybe two or three weeks or so.

(PAUSE)

DI And who finished it, her or you?

MR Eh, she did.

DI You were still quite keen on her were you?

MR Yeah.

DI So after you'd split up she had gone with [REDACTED] had she?

MR Yeah, I think so.

DI Is that right, aye?

MR Well she was eh, she wasn't going with anybody for ah, I think it might have been a week.

DI Right.

MR And then eh, I heard about her going with [REDACTED].

DI Mmhm. And what had happened between them?

MR Eh. What's that mean?

DI Did he beat her up did you say, or what happened?

MR Eh, um, one day, maybe, one day he had given her a good beating up and she had bruises on her ribs and her legs and stuff.

DI How do you know this?

MR Eh, well I seen her at school one day and I heard it from one of her friends.

DI Did she tell you?

MR Eh, yeah.

DI She told you as well, [REDACTED]?

MR Yeah. And eh showed me some bruises that were on her ribs at the back and (pause)

DI Do you know what that was over?

MR Eh, no I don't.

(PAUSE)

DI But [REDACTED] told you about it and showed you some of the bruises.

MR Yeah.

(PAUSE)

DI Mmhm. What did you decide to do about that then?

MR I, eh, started to get, eh, mad with this [REDACTED] fella and decided that I was going to gie him a, eh, seeing to.

(PAUSE)

DI So how long between being told by [REDACTED] that this had happened and the day you went to the woods?

MR Mm, (pause) I don't remember but eh I, it might have been maybe two weeks or a week or something like. I don't remember exactly.

DI Okay.

(PAUSE)

DI Right, so on the day you went to the woods, what time would you have arrived there or have I got that already, no?

MR Eh, I think I arrived at eh quarter past three (1515) or so.

(PAUSE)

DI Mmhm. What did you do then?

MR Eh, I changed into a, I put a balaclava on and I put a blue tracksuit top on with a hood.

DI And where did you do this?

MR Eh, in the woods, behind a tree.

DI Near the wall, or near the back?

MR Eh, near the wall.

DI The wall's at the side nearest the road, yeah? There's a path goes up and a wall, and then there's trees and then it goes all the way back to a big wall.

MR Yeah, at the big wall.

DI The big wall. So it's towards the back.

MR Mmhm.

(PAUSE)

DI So you carried your gear in a...?

MR A green bag, rucksack.

(PAUSE)

DI Why did you take a change of clothing?

MR Eh, (slight pause) I don't know, just, eh, so he wouldn't know that I had done it.

DI Why take a change of trousers and stuff like that?

MR Eh, I didn't take a change of trousers.

DI You didn't. It was just a top you changed was it?

MR Yeah.

(PAUSE)

DI So you went behind a tree to change eh?

MR Yeah.

(PAUSE)

DI So you put on, what?

MR Eh, a black balaclava.

DI So when you walked up, was it the white tee-shirt you were wearing?

MR Yeah, the, eh white, eh sweatshirt.

DI That would have been all you were wearing when you walked into the woods...

MR Yeah.

DI ...to change.

(PAUSE)

DI White tee-shirt with what, blue and red stripes?

MR Yeah.

(PAUSE)

DI That's the one you took in for us to photograph last time, right?

MR Yeah.

(PAUSE)

DI Right, and on your bottom half.

MR Eh, I was wearing blue jeans and eh.

DI Dark blue, light blue?

MR Eh, just sort of a bit lighter than...

DI Right. Blue jeans, combat boots is it?

MR Yeah.

DI Brown or black?

MR Black

(PAUSE)

DI So you put the following on, on top. So what did you put on right next to the tee-shirt?

MR Eh, it was eh, blue tracksuit top with hood.

DI Dark blue or light blue?

MR Eh, sort of darkish.

(PAUSE)

DI With a hood?

MR Yeah.

DI Mmhm.

MR Eh, then I put, also put on a black balaclava with three holes.

(PAUSE)

DI For the eyes and mouth, or nose is it?

MR It's eyes and mouth, I think.

(PAUSE)

DI And this, this balaclava had come from where?

MR Eh, I had bought it when I was eh, down south with cadets.

DI When?

MR Eh (pause) I think (pause) it was with one of the tactical competitions.

DI What this year or a few years ago?

MR Eh, it was the first one I had gone down with. That was last year.

(PAUSE)

DI Okay. Is that all you put on or is there more?

MR Mmn, that was it.

DI Right. What about your hood – down or up?

MR Eh, I had me hood up.

(PAUSE)

DI Mmhm. So once you, where did you leave your bag?

MR Eh. I just put it on under the tracksuit.

DI So it was on your back was it?

MR Yeah.

DI Was it a rucksack, or just a bag?

MR It's a rucksack.

(PAUSE)

DI Mmhm. So once you were dressed what did you do?

MR Eh, I waited for ah several minutes and that was until about maybe quarter to four (1545) or so and then, eh, he never came so I just left there and...

DI Okay, so once you did get changed you're at the back of the woods, did you come to the front or what?

MR Yeah, I came to the front.

DI Just walk up to the front, or how did you come?

MR I think I just eh, dropped doon a bit sort of.

DI Mm?

MR Dropped doon, hunched me back.

DI You dropped down, hunched your back. Did you go from tree to tree or did you walk straight?

MR Eh, sort of much of both, just from tree to tree and that.

(PAUSE)

DI `till you were near the path eh?

MR Yeah.

DI So is that sort of, em, what, is that sort of army style you would do that, was that the way you were trained or is it just?

MR Em, no we're not really trained like that but I was just, eh, wasn't really wanting to get me jeans dirty so I just, eh, eh, went fae tree to tree and....and that.

DI Mmhm. Okay, so when you got to the front what did you do then?

MR Eh, I just, eh, sat and eh, watched a bit to see if I could see him coming.

DI Were you behind the wall or behind a tree or were you in plain view to everybody?

MR I was, eh, between a tree and the wall.

DI Kind of hiding, or in the open?

MR Yeah, sort of hiding.

(PAUSE)

DI Were you tucked down or standing?

MR I was, eh, sitting, eh, crouched up in a ball, on my feet though.

(PAUSE)

DI You waited there for how long?

MR Oh, eh, approximately half an hour or so.

DI Waiting for [REDACTED] was it?

MR Yeah.

DI So when he comes out would he go up that path?

MR Eh, well that's the way most of the, eh, ones that go to the hostel go, so I was just expecting him to come that way.

DI So he would come out of the school and walk to the hostel, eh?

MR Yeah.

(PAUSE)

DI So he stayed there during the week, in the hostel?

MR Yeah. I think so, aye.

(PAUSE)

DI So did you wait 'till everybody had come out and once there was nobody else coming you decided to go, was it?

MR Yeah.

(PAUSE)

DI And how did you go back? Did you go back to change or did you change there?

MR Yeah, I went back to where I changed to start with.

DI Back the same way was it?

MR Yeah.

(PAUSE)

DI So was it at the same tree you changed back?

MR Yeah.

(PAUSE)

DI So you took off what?

MR Eh, the balaclava and the blue tracksuit top.

DI What did you do with them?

MR I put them in the green bag and then walked off.

(PAUSE)

DI Which way did you walk off?

MR I, eh, went doon onto the path and walked off past the hostel.

(PAUSE)

DI Back to your gran's was it?

MR Yeah.

(PAUSE)

DI To collect your bike, eh?

MR Mmhm.

DI Straight home then was it?

MR Yeah.

(PAUSE)

DI Okay. So you didn't get to see [REDACTED] that day. Have you ever seen him since and sorted it out?

MR Eh, no I haven't bothered.

DI Why not?

MR Eh, I just decided, eh, not to bother myself daeing, doing anything to him.

DI So have you ever spoken to him about it?

MR No.

(PAUSE)

DI Does he know you were looking for him?

MR Eh, no I don't think so.

(PAUSE)

DI I take it you told [REDACTED] about this, did you?

MR I told her a couple of weeks afterwards, when I was speaking to her one day.

DI And what did she say?

MR Oh good God, give him a good hiding or something like that.

(PAUSE)

DI So she would have known that you were hanging about in woods, in the woods at that time wearing that, yeah?

MR No, I didn't tell her that I was in the woods waiting for him I told her that I was planning on going to, eh, give him a hiding.

DI So did anybody know you were waiting in the woods?

MR No, I don't think so.

DI Didn't tell anybody?

MR No.

(PAUSE)

DI So have you got back with [REDACTED] since, or?

MR Nuh.

DI Has he?

MR Eh, I don't think so.

DI No.

(PAUSE)

DI So did you have any weapons on you that day or were you, what were you going to do to him if you got a hold of him?

MR I was, eh, just going to punch him, I didn't have any weapons on me at all.

(PAUSE)

DI So have you ever done anything like that, since that, no?

MR Nuh.

DI That's the only time you've been in the woods is it?

MR Yeah.

(PAUSE)

DI Have you ever worn that clothes anywhere else at any time since, the balaclava and hood?

MR I've worn the jeans and the white top...

DI Right, okay.

MR ...Before but not the balaclava and the hood.

DI So you've never worn them since that day?

MR Nuh.

(PAUSE)

DI Where is the top now?

MR Eh, I don't know, eh, my mam put it to a jumble sale in Finstown. It must have just gotten sold there.

(PAUSE)

DI When was that?

(PAUSE)

MR Mm, (pause) maybe a couple of weeks after I was in the woods.

(PAUSE)

DI Okay, and the balaclava?

MR Eh, I threw both of them away, when, eh, after I got a row, well the day after I got a row for having one to school with me.

DI So you took the balaclava, two balaclavas or one?

MR I took one down one day, and I, threw it away and I came back up to the hoose and, eh, and I couldn't find the other one and, eh, then I found it and threw it away the, mm, a couple of days after I threw the first one away.

DI So the one, the one you threw away first, was it this one?

MR Yeah.

DI And when was that?

MR (Clears throat) Um, it' eh, the day after I got a row from me dad for having it to school.

DI Right, so when was it you took it to school?

MR Eh, I don't remember, eh, I think, I think I had an exam on the day that I teen it in but I can't remember exactly.

DI Was it before or after the murder at the restaurant?

MR Eh, it was after, I think.

DI Long after or sort of...?

MR Eh, a week and a half or so.

(PAUSE) (Rustling of papers and indistinct mumblings)

DS This blue file or so. There we go.

DI Cheers.

(Rustling of papers) (indistinct)

DS Tape's got six minutes.

DI Mhm. (Indistinct) just a couple to go (indistinct). I took my... Why had you taken it to school?

MR To show my friend, [REDACTED], eh, what it looked like.

DI So this was the one you'd bought down south, or the one you'd been wearing in the woods anyway?

MR Yeah.

(PAUSE)

DI What, had he asked to see it or what?

MR No, I, I told him about it and then he asked to have a look at it.

(PAUSE)

DI But he told you to take it into school to show him?

MR Mm.

DI Mmhm. So you took it into school and what happened?

MR Eh, well the day I took it in to show him, eh, he was off.

(PAUSE)

DI So you left it in your school bag mmhm?

MR Mm. And it was found the night, that night that I came home.

DI Who found it?

MR Me mum.

(PAUSE)

DI Mmhm, and what happened?

MR Eh, I got a row from me dad.

DI Right. And why do you think that was?

MR Eh, because, eh, eh, just 'cos eh, 'cos of the murder and I had it into school and might have gotten caught with it or gotten, eh, scaring folk with it and something like that.

(PAUSE)

DI So what did you do with it?

MR Eh, I just got rid of it the day after I got, got a row for taking it in.

DI How did you get rid of it?

MR I put a stone in it and threw it off the cliffs at Scapa.

(PAUSE)

DI Mmhm. What about the second one, did you say you threw another one away?

MR Yeah, I just did the same with the other one, except a couple of days after.

DI And this is the one that you'd found?

MR Yeah.

DI Mm.

(PAUSE) (Cough)

DI And where had this one come from?

MR I found it behind the Co-op.

DI At Pickaquoy was it?

MR Yeah.

(PAUSE)

DI Who was there when you found it?

MR [REDACTED].

DI [REDACTED]?

MR [REDACTED].

(PAUSE)

DI And it was what colour?

MR Eh, it was brown and it only had one big hole.

(PAUSE)

DI And what did you do with it?

MR I threw it away.

DI Same place or what?

MR Yeah, just roughly the same place.

DI Stone inside it as well?

MR Yeah.

(PAUSE)

DS Last two minutes on your tape.

DI Okay, thanks.

(PAUSE)

DI Okay Michael, we're almost there. Because that's a warning the tape's about to run out, we'll, eh, conclude that one if I can find the right... (rustling). Fine.

DS A time check?

(Speaking clock on tape- DECEMBER 2 1994 1447)

DI Right the time is now, eh, just after quarter to three, ehm this is Detective Inspector Chisholm concluding this part of interview meantime, in order that we can change the tape, eh, we'll just go straight on, change the tape and come back on and we'll read this statement over to you on tape, okay.

DS Okay, Michael all I'm going to do is switch the tapes off, okay.

MR Yeah.