

**6 December 1994**

**Michael's Police Interview Transcripts with Analysis: No. 1**

DATE OF INTERVIEW: 06/12/94

POLICE OFFICE: KIRKWALL

INTERVIEW COMMENCED: Start: 1410 HOURS  
Finished: 1452 HOURS

INTERVIEWING OFFICERS: DI Angus Alexander Chisholm  
DS Alan MacKenzie

DI Time is now 1410 on Tuesday, 6<sup>th</sup> of December 1994 (061294). 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, also of Northern Constabulary, Criminal Investigation Department

MR I am Michael Alexander Ross

DI Your address Michael

MR Tjorn, St Ola, Orkney

DI Now Michael, will you confirm that you have seen me break the seal of two new cassette tapes, complete the label on each cassette which is number K027B of 94 and insert them in the tape recorder

MR Yes I have.

DI Right you're going to be asked questions here about the murder at the Mumutaz Indian Restaurant at 9 Bridge Street, Kirkwall, which occurred on the 2<sup>nd</sup> June 1994 (020694). You are 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 Right, well, we are speaking to you now for the third, or perhaps fourth time, Michael, in connection with various incidents. Em, you gave us an account the last time we spoke of your movements on the night of this murder on 2<sup>nd</sup> June (020694), is that right?

MR Yes

DI You told us you were up in Papdale East where you had been speak to various people, is that right?

MR Yes

DI Well, we have spoken to these people, [REDACTED] and [REDACTED], is it? And they are in no doubt, whatsoever, that you were not up there that night and did not speak to them, they didn't see you there that night

MR Well, I don't know, they've either forgotten, or maybe it wasn't that night or something

DI You are quite clear on that the last time we spoke?

MR Yes, I still am but.

DI You still are, you've told me this on two occasions now so we've gone to speak to these people on two occasions, after you told us the first time and after you told us this time. They remember that night, most folk remember that night, what with the murder of the waiter, so everybody remembers where they were and what they were doing and they are quite insistent that they did not speak to you that night.

MR Well, I am pretty certain that I did. I mean I wasn't very long so they might not remember.

DI Mhm. Right they're certainly in no doubt whatsoever about that. Obviously it's a very important point so we took some time going over it with them and they're in no doubt, whatsoever, that they didn't speak to you up there that night. I mean you are never really up in that scheme accordingly to them. Is that right?

MR Yeah, not usually but,

**After the previous recorded interview on 2<sup>nd</sup> December (4 days ago), police spoke to the alibi witnesses again. The girl witness said:**

*"As I have previously said I was baby sitting for my younger sister as my father was out playing golf. Most of the time I was in the house but I remember I went down to [REDACTED] to collect a computer game, that would have been some time round about 7 pm (1900) or 7.30 pm (1930). When I went down to [REDACTED] he was in the house. I think his mother was also there. I was only there a couple of minutes, borrowed a computer game, then returned straight home. I was in the house all night after that. At no time did I see Michael ROSS in the scheme that night. In fact I have only seen Michael ROSS up in this area on one occasion and that was sometime after the summer holidays. He was walking up a path near [REDACTED] house. He was walking with a girl. I think her name is [REDACTED], who stays somewhere round about Linklet, Papdale East. That's the only time I have seen Michael ROSS up here. I did not have a conversation with him on the night of 2 June 1994 (020694)."*

**She is now saying that she did see the other alibi witness that evening, although her initial statement said that she hadn't seen either Michael or the other boy that evening.**

**The boy witness said:**

*"I never saw Michael ROSS in the scheme that night and did not have a conversation with him. I think I have only seen Michael ROSS up in this area once. That was a couple of months before the murder. He was walking up the main road past my house. I just said hello and did not stop for a conversation. The only time I am really in Michael's company is at army cadets."*

*"As I have previously said I did not see Michael ROSS on the evening of Thursday, 2 June 1994 (020694)."*

**He also remembered that he'd been cutting grass that evening, despite saying that he couldn't remember what he'd been doing when his initial statement was taken on 24 September:**

*"I remember on the night of the murder I was cutting grass with one of my mates [REDACTED] who stays at [REDACTED]. That would have been sometime before my tea. After tea, round about 6 pm (1800), I went back up to [REDACTED] house."*

**Here, he states he'd been cutting grass "on the night" of the murder, but then states he had completed all of the grass cutting before tea-time, which would be afternoon, not "night".**

**Police also interviewed the woman from the house where Michael states that he spoke to the two alibi witnesses. She provided the following account:**

*"I live on my own at the above address. I am no longer able to get about and I get one of the [REDACTED] boys from along the road to cut my grass for me. My memory is not as good as it used to be but I do keep notes on my calendar of the dates that the [REDACTED] boy cuts the grass. I have now checked my calendar for the 2nd June, 1994 (020694) and see that I have marked it to the effect that the [REDACTED] boy did cut my grass on that day. I don't remember him doing it for me on that date. I know that the [REDACTED] boy from along the road often helps the [REDACTED] boy but I don't know whether he helped him that day. I have no idea what time the grass was cut on that day. I have handed the police the page of my calendar relative to the 2<sup>nd</sup> June, 1994 (020694)."*

PRODUCTION NO      PAGE OF CALENDER  
RELATING TO JUNE 1994 (000694)

**This witness is referring to the boy in the camouflage jacket as the person that sees to her grass cutting and the boy that helps him is the alibi witness.**

DI      No. So why would you go up there that night?

MR      I don't know, just for a cycle.

DI      Where was your brother that night?

MR      He was at the pictures, I think.

DI      You were invited to go there as well

MR      No, I don't know I can't remember now.

DI      So why didn't you go along with them to the pictures, why go for a cycle run instead?

MR      I don't know, I didn't feel like going to the pictures, whatever was on, I couldn't have liked it or something.

DI      Right, you also said to us I think that sometime after the murder you were speaking to [REDACTED] in school and he asked you to take a balaclava in.

MR      Yeah

DI      That also is not his memory of it. He certainly has never asked you to take a balaclava into school.

MR May be it was me that asked him if he wanted to see it.

DI Why would you do that?

MR I don't know, just to see if it looks, cause we were talking about it.

DI Right. What was it you were talking about, eh, with [REDACTED], according to you, on the night of the murder?

MR Eh, it was about, eh, Wednesday night when I had punched [REDACTED].

DI Yeah.

MR And eh, she told me that [REDACTED] had 'phoned her and said, eh, eh, that he's not going to grass on me to [REDACTED] this time for punching him, but if I do it again he will.

DI He said that to you but it wasn't there, it was in school she said that to you.

MR No, I am pretty certain that it was then.

DI Not according to her then. What was the reason for punching [REDACTED]? Let's clarify that now.

**The girl alibi witness provided the following account of the incident at cadets:**

*"I am aware of the incident at the army cadets between Michael ROSS and [REDACTED]. Our cadets meet on a Wednesday night. I don't know what the fall out was over but after cadets finished we were all outside. Michael just punched [REDACTED] on the face then walked back towards the hall. [REDACTED] just walked off. He had a cut lip and I remember I walked up the road with him. I can't recall exactly when this incident took place and I am unable to say if it was round about the time of the murder or not. I remember speaking to Michael about punching [REDACTED]. I told Michael that [REDACTED] had told me that his mum's boyfriend would be after him if he punched [REDACTED] again. I think this conversation took place in school but it was definitely not up in the scheme."*

**This witness is denying that Michael spoke to her about the incident at the scheme and insists he spoke to her about it at school. In her previous initial statement she said "Michael is a couple of classes higher than me in school and I only ever say 'hello' to him when we pass in the school corridors"**

MR I never really liked him he was always a pest at cadets.

DI Yes, and what was the reason you punched him that night?

MR Eh, well, he was disobeying me, so.

DI That's what you said to us, yes, but that's not the true reason is it? Was it not something to do with your brother and [REDACTED]?

**Police had information from cadet statements that the boy that Michael punched had "got off with" Michael's brother's girlfriend.**

MR No. He was going to punch him himself but I never seen, I was told by [REDACTED] that eh, he had tried to punch him but he had blocked it or something.

DI Mmhm. So you had?

MR Well, yeah, I had but it wasn't for my brother, like, it was for myself, cause I didn't really like him.

DI But why punch him that night?

MR I don't know.

DI It was about disobeying orders, it was all to do with this matter over [REDACTED] and [REDACTED], wasn't it?

MR No.

DI Well, that's what all your friends say. We have spoken to everybody that was about there that time.

MR Yeah, but I have not liked him for a long time and

DI I can accept that, yes. But he wasn't disobeying orders that night, it was over this dispute over [REDACTED].

MR I never punched him cause of that, Colin was going to, I never.

DI That was the same time though.

MR Yeah.

DI You also didn't know why you were going to punch, you didn't know you were going to do it til you were right up at him, is that right? Not tell a friend that?

MR Yeah.

DI Who did you tell that to?

MR It was either [REDACTED] or someone.

DI Mmhm. So, what do you mean by that, that you.

MR I hadn't decided to punch him that night and it was only a couple of minutes and I was coming near to him and it was, I hate this fellow, so I punched him.

DI Mmhm, yeah.

DS So what do you hate him over, you've just said you hate the boy, what over?

MR Just a, on about drugs and stuff like that and, dead annoying and just stuff like that.

DI You also said [REDACTED] asked to see your knuckles that night when you were up in the scheme.

MR Yeah.

DI That's not the case either.

MR I don't know, but I sat and showed him my knuckles anyway, I don't know if he asked or if I showed him, or

DI He didn't say that, he never saw your knuckles at all.

MR Well, I certainly showed him that night anyway.

DS I think it's the sort of thing he'd remember, you know. If someone showed you bruised knuckles, you're bound to remember it.

MR I don't know, I suppose you would, but, I don't know why.

DS He says he never saw them.

DI I mean, we've spoken to him twice I mean, it's not something that we've skimmed over, it's a very important piece and you have told us this on two different occasions, so we've gone back to him on the two different occasions, and he is in no doubt, he is quite clear that you weren't there that night, you didn't show him your knuckles.

**The boy alibi witness gave the following account of the punching incident:**

*"I am aware of an incident that happened one Wednesday night at cadets between Michael ROSS and [REDACTED]. I don't know what it was over and did not see what happened but somebody told me that Michael had punched [REDACTED] on the face. As far as I recall this incident took place a couple of months before the murder. At no time have I been involved in a conversation with Michael ROSS regarding this incident and I have never asked him to show me any injury he may have sustained to his hand or knuckles."*

**This incident didn't happen months before the murder. The boy whom Michael had punched gave the following account:**

*"As I was leaving the centre to go home Michael was already outside and walking back towards the building. As he passed me I said Hello and he just punched me in the mouth and walked past without saying anything."*

*"As a result of Michael punching me I had a cut on both my lips. As far as I remember this incident took place when we returned from camp although I could be mistaken and it may have happened the following Wednesday night at cadets. It was definitely just after the camp at Binsgarth. That's the only hassle I have ever had with Michael or [REDACTED] ROSS."*

**One of the cadet instructors confirmed the dates of the camp:**

*"I have also been asked about the dates for our weekend training camp at Binsgarth Woods. It took place the weekend 28/29 May 1994 (280594/290594)."*

**The following Wednesday was the 1<sup>st</sup> June, the day before the murder. One of the cadets provided the following account when questioned:**

*"After the cadets on the 1st (010694) I am aware that Michael ROSS punched [REDACTED] on the mouth. I know that Michael ROSS does not like [REDACTED] but I do not know whether it was because of his brother's disagreement or just because he did not like him that he did it."*

MR I was definitely there, I am certain.

DI So, where's the problem then, why are they not saying they were there then?

MR I don't know, I mean I wasn't, I was hardly there for very long at all, it's several minutes, might not have remembered.

**Chisholm doesn't tell Michael that they had been able to confirm that the grass had been cut on 2<sup>nd</sup> June, the date in question, at the house Michael pointed out on the map drawn by police. He**

**also declines to tell him that he had been right about the two persons cutting the grass; the alibi witness and the boy with the camouflage jacket. At this point, they could have taken the line of questioning in a different direction to fully clarify the timing of the grass cutting. They did not do this.**

DI Don't they like you? Are they trying to get you into bother, don't they like you?

MR Oh, I don't know, not absolutely the best of mates, but I don't think they would do something like that.

DI Well, that's what they are saying there. [REDACTED], is he not your best pal?

MR Yeah.

DI He's not agreeing with you either, that's your best pal.

MR (phew)

DI So where does that leave us?

MR I don't know.

DI Someone is telling lies, aren't they?

MR Well, I was definitely there, up, that, eh, Eastabist, that night

DI Why would you go up there that night when you're never up there really?

MR Just, just, cycling about and

DI So where did you cycle about to before you went up there then?

MR Eh, I was just in town, like, the route I showed you.

DI So, you appear to have gone straight up there.

MR Yeah, I suppose.

DI You weren't cycling about the town according to the route you showed us, you went straight from your home, in up Nicolson Street, and then straight up to Papdale. So why go straight up to Papdale when you never go there normally?

MR Just for a bit of exercise. See what's happening about the town and that.

DI But you weren't in the town you told us.

MR Aye, but I meant out of the town and eh, Eastabist.

DI Well, nothing much happens in Eastabist really, does it?

MR No, but it's like, about there

DI Eh?

MR Just like cycling about there and that.

DI Have you got friends up there?

MR Well, my cousin used to live there and

DI Did you call and see him?

MR No, he's moved away from there now.

DI Right, so you had no real reason to go there would you?

MR No, not really, just a bit of exercise.

DI Mmhm. But then you saw these people who you claim to have seen, but they definitely didn't see you and weren't speaking to you.

MR I definitely seen them and I definitely had a stop and talk to them for a few minutes.

DI When we spoke to you the first time, the very first time, you weren't able to tell us any of the conversation you had with them but yet you were the second time, how's that?

MR I don't know, I can't remember, or you never asked, or just.

DI I certainly asked, I can assure you I did ask cause I know the relevant importance of this, it's very, very important, that we know where you were at that time so I most certainly asked you but you didn't tell me.

MR Maybe I didn't just want to tell you why I had been down on that Wednesday night.

DI Why?

MR I don't know, just so that me dad wouldn't find out, or whatever.

DI Presumably, he would know anyway.

MR No.

DI Cause it was done at the cadets, wasn't it?

MR Yeah, but he didn't know. That was out of cadet time and now I've told him about it since last interview.

DI Well, we certainly have a problem there in reconciling your version of events with everybody else you've mentioned, including your best mate, [REDACTED], [REDACTED], even he doesn't agree that he was speaking to you that night.

MR Yeah, I never said I was speaking to him that night, though.

DI No, sorry. About the balaclava, then.

MR Mhm.

DI Even he doesn't agree with that, why would your best mate.

MR I don't know, maybe he's just forgotten or,

**When his statement had been taken in September 1994, Michael's "best mate" referred to was also a child of 16, having to recall an alleged brief conversation from 3 months previously.**

DI I don't think so, he doesn't seem to think he's forgotten, he's quite clear there and I mean we did press the point with him as well cause we it's so important.

DS Do you not find it a bit strange Michael, that all three of them seem to have forgotten?

MR I don't know, I suppose.

DS No?

DI So are you still insisting that that is exactly what you did that night?

MR Yeah, I'm well, I'm, pretty certain o' it.

DI What's pretty certain mean?

MR Well, I was definitely there.

DI You were definitely there?

MR Yeah.

DI Mmhm. Have you ever punched anyone else before? Are you in the habit of punching folk? I mean you have already told us about punching.

DS [REDACTED].

DI [REDACTED]. Did you punch anyone else?

MR No.

DI Never?

MR Well, only my brother, that was only play fighting

DI Mmhm. So you never punched anyone else?

MR No.

DI Mmhm. What was your argument with [REDACTED]?

MR I didn't have an argument, I was just, cause he was beating up Nicola

**On 3 December 1994, the victim of the assault confirmed that she'd told Michael about the incident as can be seen from this statement extract:**

*"On 14 February 1994 (140294) I started going out with [REDACTED] from Flotta. I went out with him until the end of June 1994 (000694). Whilst I went out with [REDACTED] he beat me up on numerous occasions. A short time before the murder [REDACTED] beat me up in school. I had bruises on my neck, arm and legs. The police were involved and warned [REDACTED] off. The day after it happened I was speaking to Michael ROSS and his then girlfriend, [REDACTED]. I was telling them about the beating up that [REDACTED] had given me. I showed them both the bruises I had. Michael did not say anything he just had a disgusted look on his face. I did mention what [REDACTED] had done to me while I was at cadets. Michael would probably have been there. A few of the lassies said they were going to batter [REDACTED] for me.*

DI Mmhm. So you say that's why you were waiting in Papdale Woods that time?

MR Yeah.

DI But that was no-where near the time he beat her up

**Michael was in the woods awaiting this boy on 19<sup>th</sup> May and the incident of the assault on the girl happened on 19<sup>th</sup> April, 4 weeks earlier:**

*"I have also checked the school records to establish a date for an incident that involved one of our former pupils - [REDACTED]. The incident took place within the school grounds and involved [REDACTED] assaulting his then girlfriend [REDACTED]. At this time [REDACTED] had left the school having been expelled from a further education catering course which he last attended on 1 April, 1994 (010494). From our records I can say that the assault on [REDACTED] took place on 19 April, 1994 (190494)."*

MR Yeah, I know but, I was just waiting for him

DI But he wasn't even in school then, he left school

MR Yeah, I know, but he was at this F.E. thing, or F.E. catering.

DI He wasn't even there, he left there to.

**As can be seen from the statement extract above: "At this time [REDACTED] had left the school having been expelled from a further education catering course which he last attended on 1 April 1994", just under 3 weeks before the assault took place on 19 April.**

MR I never knew that, I thought he was.

DI He wasn't staying in the hostel either.

MR I thought he was, eh, staying at the hostel.

DI Why would you wait all these weeks after [REDACTED] been beaten up to sort him out. Why, why wait all that time?

MR I don't know, its just, I don't know really, its just.

DI No answer to that one, have you?

MR No I don't really know why I waited.

DI I can't quite figure it out myself, it was a pretty drastic move to take wasn't it.

MR Yeah, I suppose.

DI So why, what prompted you to do that, after all that length of time? I could see if you had maybe told the night before you'd be mad and upset and go sort him out, but why wait three or four weeks and then go and do something like this?

MR I don't know, I just tried to calm myself doon and not dae it.

DI For three weeks?

MR I don't know.

DI And then you failed to calm yourself down.

MR Yeah.

DI I find that very hard to believe, Michael, very hard to believe. When you were in that woods hanging about waiting for him, what did you have in the wooden box?

MR A box?

DI Mhm.

MR I never had a wooden box with me.

DI Yeah.

MR No I didn't, I never had any wooden box

DI Mmhm. There was a wooden box

MR No, I never had one of them.

DI The person in Papdale Woods was seen to have a wooden box, you have already told me that you're the person that was in there.

**There were several witnesses to Michael's suspicious behaviour in the woods, but none mentioned a wooden box when they gave their initial statements. Two witnesses were re-interviewed on 18 August 1994; an 11 year old boy and a 10 year old boy. The 10 year old said in his second statement that he'd seen a wooden box inside a carrier bag at the feet of the person in the woods. No-one else gave this account. There is no indication as to why these child witnesses were asked to give second statements on that date in August.**

MR Yeah, I was in there, but I never had a wooden box.

DI So there was two people in that woods then, eh?

MR Well, I don't know, I certainly didn't have a wooden box anyway.

DI If [REDACTED] had come out that day, what were you going to do to him?

MR I was just going to threaten him, tell him to leave [REDACTED] alone and maybe punch him.

DI And why couldn't you have done that in school or wherever he was working?

MR I never seen him in school.

DI But why dressed up like that to threaten him.

MR Just so he wouldn't recognise me and

DI But if you were just going to threaten him what would that matter?

MR Well he might tell the Police and I might get in trouble cause of it.

DI A bit drastic to go and get dressed like that.

MR Yeah, I know, but.

DI Eh.

MR I don't know, I was just thinking funny.

DI So what made you do that then?

MR Just being mad with him.

DI Being mad with him.

MR Yeah.

DI But it took you an awful long time being mad with him before you went and did it. You must have been very, very mad with him?

MR I suppose.

DI He wasn't at school, he wasn't at F.E. and he didn't live in the hostel. So there was no hope of him passing there, was there?

MR I didn't know that at that time.

DI Are you sure, was it not somebody else you were waiting for?

MR No, it was [REDACTED] I was waiting for.

DI Did you tell anybody you were waiting for him?

MR No, I just kept it to myself until the last interview.

DI Mhm.

MR Nobody knows apart from the wife that seen me, in the house.

DI A few people saw you though, didn't they?

MR Yeah.

DI See, my problem is Michael, that out of all the interviews I've had with you, anything that you've told me I can check up on has been lies, it hasn't panned out.

MR It's not lies, me being up at Eastabist, or

DI Well, all these people, the two people you've named as seeing you up there, they don't say you were up there.

MR I was, but I don't know how they're, or why they're not saying I am, or

DI But they've no reason to tell lies to get you into trouble, have they?

MR I don't think so.

DI I wouldn't have thought so, no.

MR I was definitely there though.

DI But they're not, they're not in doubt either like, I mean, it's not as if you're all saying, ah I think, you're all quite sure, you're saying your quite sure you were there and they are saying they're quite sure you weren't there, there's no doubt on either side, so somebody is telling lies, either it's the two of them or its you.

MR It's not me as I was definitely there, absolutely sure of it.

DI So why aren't they saying that then?

MR I don't know. Maybe they've forgotten, or, I wouldn't have thought that either, but,

DI I wouldn't have thought so either, not that particular night, they might forget sometime else but not that night. Can you understand why we have got you're here asking you these questions again?

MR Yeah

DI Quite obvious really, isn't it? What you've told us doesn't pan out and that is the night of the murder, about the time of the murder you were speaking to these people according to you, not according to them.

**Chisholm still neglects to tell Michael that he'd been absolutely right about the grass being cut at the location in Eastabist on the 2<sup>nd</sup> June. Michael is not told that the timing of the grass cutting is in dispute or given an opportunity to prove that he couldn't have been at Eastabist between 3:30 and 5:00 that day.**

MR Well, I was there, that's all I can say, I was there talking to them.

DI But it is not very satisfactory really for us. Is there anybody else who can say where you were on that night?

MR [REDACTED]'s big brother was in the garden with him I think and a couple of other folk that they ken.

DI Did they see you?

MR They might have done but I wasn't sure, cause I really, wasn't looking at them.

DI What is the couple of other folks and who are they?

MR I don't know, I don't ken who they are but

DI Then they won't know who you are either then.

MR No, probably not, but, eh, one was definitely [REDACTED]'s big brother and was eh, there was a lass there, eh, she used to go to cadets, but, eh, just when I joined that she left, so I don't ken who she is and

DI You don't know her name?

MR No, no, she used to go to cadets and that's all I really ken about her and there's this other fellow there that was wearing a, eh, a combat jacket but I don't ken him either. I think he does building or something cause I've seen him about the toon before, working.

DI So how will I find out who these people are?

MR I don't know, I don't know their names, but I could see if I could find out or something.

DI But the two that do know you, [REDACTED] and [REDACTED], are really the best chance of remembering cause you even spoke to them.

MR Yeah.

DI And you can tell us what you spoke to them about, they don't remember that.

MR Well, I definitely did speak to them but I don't know if any of the other ones that was in the garden with [REDACTED] said, eh, remember me.

DI Right, go through your movements all of that day again. I know you've done it before, let's start that morning and go through all that again.

MR Right, eh, me dad had the minibus, fae cadets, cause he was taking in the Dounby ones, and eh, he was putting it into the town in the morning, and me and Colin, eh, got on and got a lift into town. When we were going in, eh, [REDACTED], [REDACTED], eh, was walking up the road, so, we stopped and picked them up and eh, we went into town and then, eh, got dropped off at the T.A. centre and then went down the street and,

DI What time would this be then?

MR Eh, that what?

DI That you got dropped off at the T.A. centre?

MR Maybe 10 or half 10 or something and eh, eh, went down the street then and had a look about the shops and, eh, just kept going about the shops until about 12 or so and we went to Cummings & Spences for a, eh, for a roll for my tea

DI What sort of roll did you have?

MR I don't know, probably cheese and pickle roll, that's what I usually have and then we just went round about the streets, just looking in the shops and stuff and then about 3 or 4 or so I wanted to go home and left the three of them in and phoned me dad and he was speaking to one of his friends in Woolies, I think and I just waited outside for him.

DI So you phoned your dad, did you say?

MR Yes.

DI Or you found your dad, so he was in Woolies?

MR Yeah, and eh, he was talking to one of his mates and,

DI Who was that?

MR Eh, [REDACTED]

DI Which one is he?

MR Eh, [REDACTED]

DI Do you know who he is, what does he do?

MR Eh, I don't know what he does, but he's always going about in a boiler-suit.

**Here, Michael gives Chisholm the name of a man who was a friend of his dad and whom his dad had been speaking to when Michael went to meet him for a lift home at 4:00 on the day of the murder. This man was questioned four times by police because he was a member of the gun club; however, there is no indication whatsoever that police asked him if he had seen Michael at the crucial time of 4pm, at which time the boy alibi witness implied that the grass had been cut.**

**In his statements, the man confirmed that he had not been working on the 2 June and confirmed his movements from 5:00 pm onwards, but was never asked if he'd spoken to Eddy Ross in the presence of Michael at 4:00pm.**

DI Right

MR Mmmh, I waited for him to finish talking to him and dad came out and got a lift home with him

DI Did Colin go home with you?

MR No, he stayed with [REDACTED] and that

DI So, why did you go home early?

MR I couldn't be bothered down the street and that

DI So how wasn't Colin in school that day?

MR I don't know, must have been holidays or something, I don't know

DI So when you went home, what happened then?

MR I just watched TV and had me dinner about 5 or so, eh, Colin came home, sometime around 5 or I don't know

**Michael's dad gave a statement confirming that Michael was at home for his tea at 5:00pm on 2<sup>nd</sup> June 1994. He is recalling an event 6 months earlier without knowing the significance of how Michael arrived home that day:**

*"I assume the boys arrived home by the school bus and I know they were home for tea which is 5 pm (1700) sharp. This is a strict rule in our house that they are there for tea at 5 o'clock (1700) and it's not often they're not there."*

**Eddy Ross states that he assumes that Michael and Colin had arrived home on the school bus on 2<sup>nd</sup> June; however, neither of them had been at school as Michael was on study leave and Colin was on a school activity day.**

**Colin gave an account of the tea-time period on 2<sup>nd</sup> June:**

*"I don't remember how I got home or whether Michael came with me. I was definitely at home for my tea at 5pm (1700), Michael was also here for his tea but I don't remember when he got home either. Just after tea [REDACTED] [REDACTED] phoned to ask me if Michael and I wanted to go to the pictures. Michael did not want to go but I decided to go."*

DI Do you know how he got home?

MR I don't know. I think he just walked or something and eh, eh, he got home and he left, it must have been before 6 or something and met up with [REDACTED] and [REDACTED] to go to the pictures and eh, then at half six or so I left the hoose on me bike to.

DI So, why didn't you come in with Colin?

MR I don't know, just, I think he might have got a lift in, I don't remember really, but, eh, I cycled in anyway and, cause was doing a lot of fitness type stuff then.

DI You were.

MR Yeah.

DI So, who was staying out there, who are at the house when you left?

MR Eh, Dad, me dad and me sister and I left about half past six or so.

DI So where did you tell them you were going?

MR Eh, I just told them I was going down the street for a cycle and eh, I went into town.

DI What did you take with you?

MR Eh, I had, eh, me green rucksack with a coat in it.

DI You never told us that the first time we spoke to you, did you?

MR I don't know, don't know.

DI Nuh, so why did you take a rucksack with a coat in it? It was a beautiful night.

MR I don't know, there must a been a grey cloud about or something.

DI Sorry?

MR There must have been a grey cloud about or I thought.

DI It was a beautiful night, that 2<sup>nd</sup> June (020694), everybody remembers what that night was like.

MR Yeah.

DI It was a beautiful night.

MR Yeah, I just thought it might have rained and had a coat with me.

DI Do you usually carry a rucksack with you?

MR Well not usually, but I do if I think it's going to rain or that and I just take a jacket.

DI That's the green rucksack, was it?

MR Yeah.

DI With the white trim? What jacket did you have in it?

MR I had, eh, the black/blue and orange one in it.

DI Mmhm. So when you come into town what did you do?

MR I just, eh, cycled about and went to, eh, Eastabist, and, eh, there and stopped there and spoke to [REDACTED] and [REDACTED].

DI So explain to me where they were again?

MR Well, [REDACTED] was in the garden with his brother and that two other folk.

DI Which garden was he in?

MR Eh, this house aside [REDACTED]'s, I think.

DI [REDACTED]'s is the end house, isn't it?

MR Yeah, and there is a garden in front of her house and to the side of it and, eh, he was in there, well I don't know if it was [REDACTED]'s garden like but, he was in there with his brother and that two other folk I said and there might have been a couple of other folk there but I don't remember them.

DI What were they doing?

MR Eh, they were all working, eh, a lawn mower and eh, shears and stuff for cutting grass and stuff.

DI So were they all cutting the grass or what?

MR I can't remember but they were all working with all that sort of gardening stuff and when I stopped and said hello to [REDACTED] I heard a door being opened and here's [REDACTED] coming running doon and she heard that conversation and I just said goodbye to them and headed off home

**At this point, interviewing officers were well aware that Michael was correct about these boys cutting grass at Eastabist on the day in question.**

DI So when you finished speaking to them when did you think you were speaking to them?

MR It was about maybe 10 past 7 or about that time.

DI Which is obviously just at the right time for the murder, isn't it, it's just before the murder, isn't it?

MR I suppose it is.

DI Yeah, so when you cycled out of the scheme, which way did you go?

MR I went up the road a bit from [REDACTED]'s house and turned into the, into the, eh, a big wooden fence and there's a path there now, and eh, I went through that and along the path and up the Meadows a bit and just went back home and then and.

DI And which way did you cycle back home, straight?

MR Just.

DI The Orphir road?

MR Aye, just the same way as I came in.

DI Did you meet anyone on the road?

MR Eh, well, there was lots of cars and that going in and out, but I never recognised anybody.

DI Nobody walking on the road?

MR No.

DI Nobody else you met in the town before you went out the Orphir road?

MR No, nobody that I know anyway I might have seen some other folk, just walking about, but I didn't know then, I didn't stop to speak

DI Did you go to your granny's house that night?

MR Eh, well, no not that night, I don't think. I went past it but,

DI Are you sure you weren't in it?

MR No, I was definitely not in it, I don't think

DI Mmhm.

MR Then I just headed home.

DI Are you in the habit of leaving your, eh, bike there sometimes?

MR Yes, I leave it there now and again if I'm going doon the street a wander.

DI Why not take it down the street?

MR Just, if I'm wanting to go down into the shops and that save it being left lying outside and,

DI Mmhm. So when you got home what did you do?

MR Eh, when I got home, eh, there's nobody there, so eh, the dogs looked like they were needing out so I put their leads on and took them up the field for a walk and eh, I must have been out for about half an hour or so and when I got back my mum was home and got in and asked her, eh, where dad was and she said eh, some fellow had been shot in town and he's away to help with enquiries or something like that.

DI So when you came home at first she wasn't there was she?

MR Yeah, she wasn't there.

DI And at what time would she have come home at?

MR Em, about half past eight (2030) or little after that.

DI And when you do you think you got home?

MR About eh maybe eight (2000) or so or a bit after that.

DI So, you took the dogs out?

MR Yeah.

DI Where did you go with them?

MR Eh, went up a field, opposite the garage and past a little old building.

DI So, how long were you out with them?

MR Not really, maybe only about 50 metres or so away from them.

DI So, do you remember if you did need to wear the anorak that night then?

MR No, I didn't.

DI So, you just carried it on your back the whole way.

MR Yeah.

DI A bit unnecessary that eh?

MR Yeah, I just took it in case it was going to rain, but thankfully it didn't so I never wore it.

DI Mmhm, well.

DS So what like was the weather when you were out then Michael?

MR Eh, it was sunny and,

DS Really hot?

MR Not really hot but it was sunny and,

DS A good night?

MR Yeah.

DS So what made you take your jacket?

MR Eh, I thought it might be rain later on so.

DS But it was a lovely day though, wasn't it, there wasn't a cloud in sight.

MR I must have seen them or something but,

DS Did you have anything else in your rucksack?

MR No just my jacket.

DS Do you quite often take your rucksack just with a jacket in it?

MR Yeah.

DS Is it the same rucksack you had in Papdale?

MR Yeah.

DI Is that your normal rucksack, is that the one you take to school or that, no?

MR No, I only use it to, eh, take a kit and stuff to cadet weekends and if I'm just going out for a wander in the hills.

DI So it's sort of your cadet one, is it?

MR Yeah.

DI Is it cadet issue?

MR No, I got it off me dad a while ago.

DI Mmhm.

DI This balaclava that we were on about, the one you found in Pickaquoy Road, what colour was that?

MR It was brown.

DI Not according to [REDACTED]. Could he had been mistaken about the colour?

MR I don't know, it was brown, the one that I found anyway.

DI Was it full face or open face or?

MR No, it was open face.

DI Right. You threw that one over the cliffs as well, did you?

MR Yeah.

DI Why was that?

MR Em, I didn't like it so I just got rid of it.

DI That was after the murder, wasn't it?

MR Yeah.

DI See this, em, hooded top that you were wearing in Papdale.

MR Erm.

DI Where is it now?

MR I don't know, my mum put it to a jumble sale.

DI Where did you get that, how long have you had it?

MR I don't know, I don't remember, eh a month or two I had it

DI Have you worn it much?

MR Not really, I wore it that once in the woods and that's about it and never really wore it much, so my mum put it to the eh, jumble sale.

DI So why did you decided to wear that one in the woods that day?

MR I don't know, I never usually wear that much and didn't want folks seeing me in it.

DI Mmhm. Do you have gloves?

MR Yeah, I've got gloves at home.

DI What colour are they?

MR I've got black gloves, I've got big green mits for winter weather and this's it I think.

DI Did you get them from cadets or?

MR No, I got it for Christmas.

DI I think the last time I was speaking to you, you were saying you bought a balaclava.

MR Yeah,

DI Is that right? Where was that?

MR Eh, it was down south somewhere I can't remember.

DI Why did you buy that?

MR Eh, I just thought they'd be good for keeping your head warm when I was out o exercise.

DI But you have cadet balaclavas, don't you?

MR No, me dad had ones, but,

DI Aye, but do the cadets not give balaclavas?

MR Well, they give these head over things but they're not all that great.

DI So they one you bought was that the one with the eye holes?

MR Yeah

DI And do you remember where you bought it?

MR Well, it was first, eh, cadet tactical competition, that I was on so I don't remember exactly where it was I bought it as we were travelling the whole time and we got stops and go out and get a can of coke and buy some stuff from the shops and stuff.

DI Was it expensive?

MR No really, it was about, eh, £7 or £8.

DI And was this the one you were meant to take in and show [REDACTED]?

MR Yeah.

DS So how did that conversation come about?

MR We were just chatting about the murder itself.

DS Where was this, at school?

MR Yeah and eh, eh it was either him or me that eh said I have got a eh black balaclava that was meant to be like the one used by the murderer and, eh

DI And how would he know that?

MR Eh? Well just eh, must have seen it afore or eh, his brother might have told him or something.

DI Have you had it out and about, have many folk seen it before?

MR No not really, had it to cadets a couple of times and.

DI What, at camps?

MR Yeah.

DI Did you have it at the camp at Hoy?

MR In Hoy. Yeah.

DI When was that?

MR It was, eh, eh, it was eh, last Hoy camp I think.

DI Sorry?

MR It was the last Hoy camp, but, that was my dad's one I had out.

DI You had one at the camp at Hoy this year though

MR Yeah, that was me dads one I had.

DI No, it was a black one with eye holes.

MR Yeah, me dads got a black one with eye holes.

DI Eye holes too, has it? That wasn't the one you had bought?

MR No 'cause I had gotten rid of it by then

DI uh-uh

DS So, did you ask your dad to borrow one, did you?

MR No, I just, he just leaves it lying in the house, so I just took it.

DS So, he didn't know you had it like.

MR I don't think so.

DS No

DI That's after all the hassle you had with him about your one?

DS You just took your father's balaclava out without even saying to him like after, after you're telling us he spoke to you about taking a balaclava to school and that.

MR Yeah, but, I thought it was going to be so much hassle cause

DS Why didn't you ask him?

MR I don't know, just didn't bother, don't know why.

DI Are you sure you threw this one over the cliffs at Hoy?

MR Yeah.

DI At Scapa? Because that one you had in Hoy that you were showing people, that looked very much like the other one you had, didn't it?

MR Yeah.

DI So, why did you need to buy one when you were down south when your father had one anyway?

MR I don't know, I just don't like borrowing all me dads stuff, he usually takes it back off me so I just like getting kit for meself to have it with me.

DI So, despite the fact that your folks have been getting onto you about balaclavas, you still took this one with the two eye holes to the camp at Hoy this year.

MR Yeah.

DI And was showing it about your pals.

MR That's me dads one that I took.

DI But you were showing it about to your pals, weren't you.

MR Well, I had it on cause there was a lot of midges about and biting and that.

DI Hm-mh. So you do like wearing balaclavas eh?

MR No really.

DI It wouldn't have been very cold when you were in Hoy, it was quite nice weather.

MR Yeah, but there was a lot of midges about and that.

DI So, you were wearing it for the midges, uh-hu. So how many balaclavas is there that you have had access to?

MR Access eh, about four or so, three black ones with the eyes and mouth and one.

DI Where did they all come from?

MR Well, one was the one I bought, me dads got two at the house I think.

DI Mmhm, and how many of them still exist?

MR There's me dads two that are the house I think.

DI Where are they in the house?

MR They're upstairs in this little room where he makes ammunition and that.

DI Uh-um, and your one's gone.

MR Yeah.

DI So it's just the two now? And the brown one?

MR I got rid of that as well.

DI And why, I can't understand why you got rid of that one?

MR Just never really liked it.

DI Why throw it over the cliffs?

MR Just to get rid of it

DI A bit dramatic was it? Why not just pit it in the dustbin?

MR I don't know.

DS So, the two balaclavas that you got rid of Michael, you got rid of them on different days? Why not just throw them away at the same time?

MR Cause I couldn't find the brown one when I threw the black one away.

DS So you carried on looking for it?

MR Yeah.

DS And you went back down to the cliffs, is it quite far down there?

MR Not really, I usually go walks with the dogs and that down there.

DI Well there's still a lot of unanswered questions there really, isn't there?

MR Yeah.

DI Are you in any doubt about your movements on the night of the 2<sup>nd</sup> June (020694)?

MR No I was definitely there speaking to [REDACTED] and [REDACTED].

DI And they're wrong.

MR Em?

DI They must be wrong, they must be telling lies then.

MR Either that or they've forgotten or something.

DS It's funny that both of them can't remember speaking to you.

MR Aye, I thought that to but,

DS Aye, you know, you give us contents of a conversation you have with them, you say you showed your knuckles to one of them, you think one of them would remember this incident happening.

MR Yeah, I thought that to but, I don't know what's happened.

DI Right, well we're almost at the end of the tape are we?

DS Yeah

DI So we'll terminate this tape and then we'll come back on another one shortly, eh.

DI So the time now is eh, 2.52pm (1452) on 6 December 1994 (061294). This is Detective Inspector Chisholm concluding this part of this interview with Michael Alexander Ross which took place at the interview room in Kirkwall Police Station.

DS Right Michael as before, I'm just going to switch the tapes off, okay?