

PUBLIC INQUIRY INTO THE DEATH OF JERMAINE BAKER

Witness Statement of Gregor McGill

I, Gregor McGill, will say as follows:-

1. I provide this statement on behalf of the Crown Prosecution Service ('CPS') in response to a request received on 25 June 2021 under Rule 9 of the Inquiry Rules 2006 concerning the Jermaine Baker Inquiry.
2. These matters are not within my own personal knowledge but I have caused enquiries to be made into our case management system and with the reviewing lawyer in order to provide information to the Inquiry. My understanding is as follows:
 - On 15 October 2015 Izzet Eren and Erwin Amoyaw-Gyamfi were charged with a number of firearms and driving offences. I exhibit a copy of the Indictment which outlines the charges they faced (**CPS0000002**)
 - On 29 October at the preliminary hearing the Indictment was preferred and both suspects pleaded guilty. At that hearing the Court were made aware that further offences *may* be under consideration. The hearing was adjourned to 11 December for sentence. Our record indicates that the CPS were given 4 weeks (to 26 November) to
 - i. serve any further papers and
 - ii. to amend the Indictment if further charges were to be pursuedI also exhibit a copy of the hearing note (**CPS0000003**).
 - On 4 December 2015 a telephone note on our case management system indicates that the OIC – DC Kinch – spoke to the reviewing lawyer about his intention to provide a request for a charging advice. A report was thereafter provided.
 - On 7 December a telephone note indicates that the reviewing lawyer spoke with DC Kinch. The note indicates the lawyer gave a provisional view that the information within the report was intelligence rather than evidence and was highly speculative and unlikely to be capable of being adduced in evidence. However, he indicated he would discuss it further with his line manager before a decision was reached.
 - On 7 December the reviewing lawyer also spoke with his line manager and confirmed his view that there was insufficient evidence to support an additional count of conspiracy to murder. Given this decision, no amended indictment was served on the Court or defence.
 - At the sentencing hearing on 11 December the Crown confirmed that no amendments were being made to the Indictment. The Judge then proceeded to sentence on that date.
 - There is nothing within the file to indicate whether the provisional view communicated to DC Kinch on 7 December was confirmed formally before the decision was communicated at the hearing on 11 December.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Dated: 29.06.21