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remember there was one somewhere about the junction as well closer to the Number Seven.

Q290 When you saw this did you take any action?

A Yes, my Lord.

Q291 What did you do? A I made my way towards the fight which was just outside Eastwoods Clothing.

Q292 How would you describe that fight? A It would appear to have been three or four people on to one person.

Q293 Before moving on can I ask you this. What was the lighting like in the area around where this was occurring? How would you describe the lighting in the centre of Portadown at this time? A The lighting at the junction was fine.

Q294 Had you any difficulty seeing the people?

A No, my Lord.

Q295 I took you off your track there. You said there was one particular fight and you went over because one person was being attacked, is that right? A Yes, my Lord.

Q296 What did you do in relation to that fight?

A I tried to split the fight up by taking the one person out of it that the other three or four were fighting.

Q297 Could you form an impression about which group the one person who was being attacked by the others came from?

A He would have been Catholic.

Q298 What did you do with that person once you went over

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towards him?           A     I took him back over to Woodhouse Street.

Q299           Can you recall anything about that person, their age or their clothing?           A     He was in his twenties and had a cream or white leisure top on. It had a short zip on the front below the neck.

Q300           Were you with any other officer, do you recall, when you did that?           A     I couldn't say, my Lord.

Q301           Could you describe the journey that you took with this fellow taking him across? What happened on the way across as you were going along with him?           A     I just grabbed him and pulled him out of the road. I tried to get him across there as fast as I possibly could.

Q302           Did anything happen to him on the way across?

A     No, my Lord.

Q303           Whereabouts did you take him to?           A     I took him down Woodhouse Street to the side of the Alliance and Leicester.

Q304           What did you do once you had got him there?

A     I told him to go on home, just to get him to go out of the area.

Q305           Where did you go?           A     As I was talking to him I was approached from behind and he was punched in the face.

Q306           Did you see who did that?           A     Yes.

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Q307 Who did that? A It was a male in his late teens/early twenties.

Q308 Had you seen that male before? A No, my Lord.

Q309 So what did you do when that happened? A I grabbed that fellow. I was taking him back into the street and asking him his name. All he was saying was: "I'm sorry. I'm sorry". He was intoxicated and that's all I could get out of him. He didn't actually give me his name.

Q310 Did you hold him? A I held him. I took him back to the side of the landrover and whenever we got back there there were bottles being thrown and one smashed on the top of the landrover.

Q311 Could you tell where they came from or what the source of them was? A The bottle would appear to have come from the Thomas Street side of the road.

Q312 Was anyone with the landrover still? A When I had taken that fellow back to the side of the landrover R/Constable Cornett was standing there.

Q313 What was she doing? A As far as I can remember she was on the radio.

Q314 You told us you removed someone from around the area of Thomas Street where there was fighting. What was the area like when you got back to the landrover after being in Woodhouse Street? A There were still fights going on across the street, right across the street.

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Q315 What were the sort of numbers involved at this time, as best you can recall? A As far as I can remember the numbers had gone up at that stage because there had still been people coming up from the bottom end of the town.

Q316 Where did you go then or what did you do from the position you were at at the landrover coming back from the High Street? A There was no back-up at that stage so I was looking for R/Constable Atkinson and P40 to see where they were because I was concerned for their safety.

Q317 Were you the only full-time constable amongst them?

A Yes, my Lord.

Q318 Were you able to see them? A I saw

R/Constable Atkinson. I can't remember seeing P40

P40

Q319 Whereabouts was R/Constable Atkinson? A He was involved in one of the fights sort of in and around the area of the pelican crossing and the central reservation area.

Q320 The pelican crossing, is that marked on the map in front of you? A Yes, my Lord.

Q321 It's obviously the dotted lines between TL?

A Yes.

Q322 What did you do or where did you go? A I went to assist R/Constable Atkinson.

Q323 Did you see anything in particular at that time?

A I can't put things exactly into chronological order.

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Q324           Doing your best what can you remember seeing?

A     I don't know whether it was at that stage that I saw a body lying on the road.

Q325           Can I put it this way. Was there a body lying on the road when you had earlier been over to Thomas Street to grab someone from the fight?           A     No, my Lord.

Q326           And you say you can't put things in exact chronological order. When is the first time you can recall seeing a body in the road? Was it before or after you had been in Woodhouse Street?           A     It was after I had been in Woodhouse Street.

Q327           Was it before or after you brought someone from Woodhouse Street to the landrover?           A     As far as I can remember it was after that.

Q328           So you say you saw a body in the street?

A     H'mm.

Q329           Where did you see this body?           A     Outside Eastwoods.

Q330           Can you remember approximately where you were when you saw the body?           A     I'd say I was in and around the landrover making my way back over towards D/Constable Atkinson.

Q331           Coming from the landrover to R/Constable Atkinson?

A     Yes, my Lord.

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Q332 Did you see one or two bodies? A At that stage I had only seen the one but I became aware of the other one as I made my way across.

Q333 What did you do when you saw the body? A At this stage I was trying to get R/Constable Atkinson out of the fight that he was in because I couldn't honestly say how many people were involved in it but I was trying to help him at that time.

2.45pm to EW

1 EW from CH at 2.45

2 CONSTABLE NEILL

3 (Cont'd) examination in chief by MR KERR:

4 Q. Now, let's just deal with that fight so that the court can  
5 have a flavour of what you were doing; what sort of fight  
6 was he in, how many people did that involve?

7 A. There seemed to be somebody pulling him into the fight  
8 and he was trying to extract somebody from the fight.

9 There was at least two or three in around that as well,  
10 possibly up to five people involved.

11 Q. And is this the incident you're talking about seeing him  
12 around the pelican - or the pelican crossing?

13 A. Yes.

14 Q. And so as you went over to try and help him what is it that  
15 you recall that you saw?

16 A. Well I made my way, after I assisted him, as far as I  
17 can remember, I made my way to the body that was lying  
18 outside Eastwoods.

19 Q. Do you now know who that was?

20 A. Yes.

21 Q. Who was that?

22 A. Robert Hamill.

23 Q. Mr Hamill. And what happened when you made your way over  
24 there?

25 A. He was lying on the road on his back and there was, like  
26 a liquid round his head, at first I thought it was blood,  
27 his breathing was like rasping.

28 Q. Anything else?

29 A. Well I checked from the sound, it sounded as if he had  
30 possibly been stabbed or something like that there and I was

1 checking him but especially with the liquid round.

2 Q. Yes, just stop there for a second. Was he alone or was  
3 anyone with him?

4 A. He was alone at that stage.

5 Q. And what about the crowd and the fighting that you had  
6 described, were there people close to him or not, what was  
7 the position?

8 A. There was still fighting going on but there wasn't  
9 anybody in that immediate area at that particular time.

10 Q. And what did you do in relation to him?

11 A. Well, I was checking to see if he had been stabbed or  
12 anything like that there and as I was doing that I realised  
13 that it was, that I had seen somebody coming down from the  
14 church, down Market Street towards Thomas Street on the  
15 Eastwood side and I had seen somebody going towards this  
16 person.

17 Q. Now just take it slowly, please, for my Lord.

18 [REDACTED]: You had seen someone coming from the  
19 church side?

20 THE WITNESS: Down towards Thomas Street.

21 [REDACTED]: Yes.

22 THE WITNESS: Actually in the road.

23 [REDACTED]: Yes.

24 MR KERR: And what did you see this person or where did you see  
25 this person going?

26 A. The two people seemed to be making their way towards  
27 each other, one had a bit of a bottle or a bottle in his  
28 hand.

29 [REDACTED]: You have really only mentioned one person  
30 at the moment, one person in Thomas Street?

1 THE WITNESS: Sorry.

2 [REDACTED]: What about the other person?

3 THE WITNESS: There was one person, the one person was coming  
4 down from the church towards Thomas Street and there was  
5 another person making his way towards him from Thomas  
6 Street.

7 [REDACTED]: Yes.

8 MR KERR: And what did you see happening?

9 A. I didn't actually see the result of that.

10 Q. Yes, so anyway you were dealing with what you did in  
11 relation to Mr Hamill?

12 A. He was still breathing and I must say there wasn't any  
13 sign of, it wasn't actually blood that was round him, it  
14 turned out that it was alcohol. And I can't say, as I say,  
15 I can't remember exactly what happened, because there was  
16 that much going on.

17 Q. Yes. So what happened next?

18 A. I couldn't say what happened, you know what happened  
19 next because you know it's -- (speech interrupted).

20 Q. Well what else can you remember happening?

21 A. What else can I remember, I can remember being involved  
22 in a fight convenient to that area, about, 10, 20, 20 to  
23 30 ft off that.

24 Q. Doing your best, is this after you had checked Mr Hamill or  
25 before?

26 A. This would have been, I think, possibly before.

27 Q. Yes?

28 A. I think it probably was before because I can't remember  
29 actually, it was after that I think I went to the body,  
30 Mr Hamill, when he was lying there.

- 1 Q. Sorry, you have got your hand over your mouth.  
2 [REDACTED]: You are dropping your voice, try and  
3 speak up, please.  
4 THE WITNESS: I think it was after I made my way to Mr Hamill.  
5 [REDACTED]: You said because of something, I couldn't  
6 hear what that was.  
7 MR KERR: I think you said you thought it was before something?  
8 A. I thought it was before because I remember seeing a  
9 person standing at the head, shoulders area of Mr Hamill.  
10 Q. You remember seeing someone standing at the head and  
11 shoulders area of Mr Hamill?  
12 A. Yes.  
13 Q. Now, tell us about what you saw there?  
14 A. There was a person standing over him.  
15 Q. When you say 'over him' what do you mean in terms of  
16 distance?  
17 A. Oh standing right beside him, standing right beside his  
18 head, shoulders area.  
19 Q. Yes?  
20 A. And he appeared to be shouting or saying something to  
21 him, as he was lying there.  
22 Q. If you don't mind me saying so you are moving your hands up  
23 and down, is that denoting something the person was doing?  
24 A. No, he was looking down at him.  
25 Q. And you said shouting?  
26 A. Shouting or talking to him, I couldn't honestly say,  
27 there was quite an amount of noise going on at that time.  
28 Q. Did you see anything else happening?  
29 A. I saw this person swing his foot towards Mr Hamill.  
30 Q. And in which area of Mr Hamill was he standing when he swung

1 his foot at him?

2 A. In the same area of his head, shoulders.

3 Q. Did you see that clearly?

4 A. Yes.

5 Q. What can you say about that person?

6 A. He was in his 20s, he had short hair, goat beard.

7 Q. What do you mean by a goat beard, just for the record?

8 A. Just a goat beard round his mouth, just on his chin and  
9 he had a round face.

10 Q. His height?

11 A. He would have been about 5' 8, 5' 10.

12 Q. Or anything he was wearing?

13 A. He appeared to be, like, I didn't know whether it was a  
14 waistcoat or a sort of a leather fronted coat with cloth  
15 arms on it but it was something like that.

16 Q. How far do you recall being away when that happened?

17 A. Approximately 20 to 30 ft.

18 Q. What was the lighting like in that area?

19 A. The lighting was still good like.

20 Q. Are you in a position to say whether when the person struck  
21 or swung their foot towards Mr Hamill they hit him or not?

22 A. No, I can't say whether it hit him or not.

23 [REDACTED]: What was that question again, Mr Kerr?

24 MR KERR: I asked him was he in a position to say whether when he  
25 swung his foot the foot hit him.

26 [REDACTED]: The foot hit?

27 MR KERR: Mr Hamill or not.

28 [REDACTED]: Yes.

29 MR KERR: Can you say?

30 [REDACTED]: You said you weren't in a position to say

1 that?

2 THE WITNESS: No.

3 MR KERR: Can you say whether there were other persons beside or  
4 around Mr Hamill at the time or whether this person was  
5 alone?

6 A. As far as I can remember he was alone.

7 Q. Now, did you do anything about that person at that time?

8 A. No.

9 Q. Can you say what you were doing at that time?

10 A. As I said I was involved in another fight at that time.

11 Q. And when you say you were involved in a fight at that time  
12 when you saw that what physically were you doing, what was  
13 happening?

14 A. I was trying to split up another fight.

15 Q. What were you trying to split up the fight with?

16 A. It was between the Catholics and the prods, the  
17 Catholics and two or three protestants.

18 Q. We have heard from another witness in relation to his use of  
19 a baton, did you have a baton?

20 A. Yes, I did.

21 Q. Were you using it?

22 A. Yes, I did.

23 Q. And at what stage had you withdrawn it?

24 A. It was drawn as I made my way across to Eastwoods from  
25 the Landrover originally.

26 Q. Originally. Now, at this stage can you say whether or not  
27 your own patrol were the only police there or had any other  
28 police arrived at this stage?

29 A. I don't believe any other police had arrived at that  
30 stage.

1 Q. How long were you alone, if I could put it that way, your  
2 patrol from the beginning of what you are describing?

3 A. I was possibly only a few minutes but it certainly  
4 appeared to be possibly fifteen minutes before anybody  
5 arrived.

6 Q. Now, you have said you can't put things in chronological  
7 sequence but earlier you had said first of all about one  
8 person you saw lying who you know is Mr Hamill?

9 A. Uh-huh.

10 Q. Did you at any stage see anyone else lying on the ground?

11 A. Yes, I saw the other person, D, who was lying  
12 outside, sort of outside number 7, home bakery.

13 Q. And can you recall at which stage you saw him, was it before  
14 or after you had seen the other person lying on the road,  
15 that is Mr Hamill?

16 A. I think it was after.

17 Q. After?

18 A. After I had seen Mr Hamill.

19 Q. In what circumstances can you remember seeing D  
20 lying?

21 A. I believe there was one or two women, somewhere  
22 convenient to him or somebody was actually down beside him.

23 Q. And was anything happening in relation to him?

24 A. They were shouting for an ambulance and I remember  
25 Reserve Constable Atkinson saying there was an ambulance  
26 coming, he was shouting at them that there was an ambulance  
27 coming.

28 Q. Once help had come or assistance had come can you say did  
29 the fighting stop or continue?

30 A. The fighting was still continuing.

1 Q. And dealing with the area where you had seen Mr Hamill lying  
2 on the ground can you say whether there was fighting in that  
3 area or not throughout the time you're talking about?

4 A. There was fighting right across that side of the street  
5 at that time.

6 Q. Were you present when an ambulance arrived?

7 A. I wasn't aware of the ambulance arriving but I was  
8 present, yes.

9 Q. You may not be able to answer the question then: Do you know  
10 whether the ambulance arrived before other officers or  
11 whether there was other police arrived before the ambulance?

12 A. I think police arrived before the ambulance.

13 Q. Now, the person who you have described leaning over shouting  
14 at and swinging a foot toward Mr Hamill, did you see that  
15 person again at any stage?

16 A. Yes.

17 Q. On that evening I am referring to?

18 A. Yes.

19 Q. When did you see him again that evening?

20 A. He was in a fight, I went to assist Reserve Constable  
21 Atkinson and this person was in the fight.

22 Q. Do you recall whereabouts that was, that fight?

23 A. It was, again it was in, I think it was possibly close  
24 to the traffic light which is marked on the central  
25 reservation there.

26 Q. Is that the?

27 A. It's the --

28 Q. T L?

29 A. T L.

30 Q. In the middle of the road close to where there's 'S L' for a

1 streetlight?

2 A. Yes, in there.

3 Q. Now you have said you have difficulty with the chronology,  
4 was this after you had seen what had happened with him and  
5 Mr Hamill or before?

6 A. No, this was after.

7 Q. After you had seen that. In what circumstances did you see  
8 this person again?

9 A. He was, I went to assist Reserve Constable Atkinson in  
10 this fight as I was concerned for his safety and for the  
11 safety of his personal issue weapon. As I was trying to  
12 extract Reserve Constable Atkinson from the fight I observed  
13 this person -- (speech interrupted).

14 Q. Just take it a wee bit slower, I think my Lord has to write  
15 it down.

16 [REDACTED]: Yes?

17 THE WITNESS: I observed this person in the same fight.

18 [REDACTED]: Yes.

19 THE WITNESS: And I recognised him from standing over Mr Hamill.

20 EW to CH at 3.00

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CH. 48 3.00pm (From EW)

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Q334 MR. KERR: What time difference are you talking about between the two, approximately? A I couldn't really say. It was only a matter of a few minutes.

Q335 You say that he was involved in this fight involving R/Constable Atkinson? A Yes.

Q336 How was he involved in that fight? A He was in the middle of the fight as well. I was trying to pull him out when I realised it was the same person. I was trying to pull him out. He wasn't letting go and I had struck him with the baton.

Q337 When you say pulled him out what do you mean, pulling him out from what? A Pulling him out from the fight.

Q338 [REDACTED]: Who struck who with the baton? A I struck the same person that I had seen standing over Mr. Hamill.

Q339 MR. KERR: Were you able to pull him out from the fight? A I can't honestly remember because I was trying to get R/Constable Atkinson out of there first.

~~Q340~~ Was that man fighting in the fight? A Yes, he was.

Q341 How long was it that night before, if I could put it this way, order was restored? How long did the whole thing last as far as you can remember? A It seemed like half an hour before things had calmed down.

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Q342 You had said you weren't aware of the ambulance arriving. Were you aware that an ambulance had left?

A I became aware of the ambulance after it arrived.

Q343 So you saw the ambulance there? A I did see the ambulance there, yes.

Q344 Were you aware of when it left? A Yes, because things had calmed down by that stage. When the other ambulance came to assist us we were then able to try and push the crowd back up. We had been trying to keep them back from Mr. Hamill.

Q345 Which crowd were you trying to push back?

A The loyalist crowd.

Q346 If you can, try and be as clear as possible to explain the situation. When you say you were trying to push them back from Mr. Hamill, why was it necessary to push them back from Mr. Hamill? What were they doing? A They were shouting. We started off right beside Mr. Hamill. They had started coming round.

Q347 Describe it? A they came round us sort of in a line. They came down from the church and they were just right up on top of us.

Q348 Were you able to prevent them all getting through or can you say if people did get through and past you?

A As far as I can remember a couple of girls got past us and a couple of males tried to get past.

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Q349 Was this at a time after you had seen someone over him or before? A This was after.

Q350 This was after? A Yes, my Lord.

Q351 Was this at a time before the ambulance had come or after the ambulance had come? You're describing holding the crowd and pushing them back? A This was before the ambulance arrived.

Q352 When you say "us" who are you talking about being involved in doing that? A P40  
R/Constable Atkinson and myself.

Q353 If I can move on from that, on Saturday 10 May 1997 did you attend at Lurgan RUC station? A I did, my Lord.

Q354 Did you see [REDACTED] (as he would have been then) [REDACTED] at the station? A I did, my Lord.

Q355 Did he explain to you that he wanted you to take part in a confrontation? A Yes, he did.

Q356 And with him did you enter an interview room?  
A Yes, my Lord.

Q357 Who was in the interview room? A [REDACTED]  
[REDACTED] and the defendant.

Q358 Is that Mr. Hobson? A Mr. Hobson.

Q359 Is that the defendant in court? A Yes, my Lord.

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Q360 Were you asked anything in relation to the defendant? A I was asked if it was the same person that I had seen on the 27th of April at Portadown.

Q361 Can you say was it? A Yes, my Lord.

Q362 And being more specific what was it you saw the defendant doing that particular night? Who was he that you were describing, which person was he that night?

A He was the person who was standing over Robert Hamill in Market Street outside Eastwoods.

Q363 Doing what? A Shouting at him or talking to him and then swinging his foot towards his head and shoulders area.

Q364 Have you any doubt about that matter? A No, my Lord.

Q365 Thank you.

Q366 [REDACTED]: What would you like to do, Mr. Orr? We have been through a lot of witnesses.

Q367 MR. ORR: We have moved fairly rapidly, my Lord. My inclination is that it might be shorter to deal with it all of a piece tomorrow but I'm in your Lordship's hands.

Q368 [REDACTED]: It's often the more satisfactory way to do it. It does mean rising early but I think in terms of the amount of ground we have covered we have done very well. It's quite hard to keep all these details in mind and a little bit of preparation might help. You don't have any further formal witnesses, Mr. Kerr?

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Q369 MR. KERR: The interviews wouldn't have taken too long but we hadn't realised this would happen.

Q370 [REDACTED]: Essentially is it only interviews left plus the pathology?

Q371 MR. KERR: Yes. Your Lordship quite properly suggested about timings. I have served and will be serving further evidence which relates to the communications log to cover various communications made at the scene and there was mention yesterday of a constable who had arrested a person and she has been served this morning as an additional witness so she will be brought. I would anticipate that the Crown case could finish tomorrow afternoon or, if not, certainly Thursday lunch time.

Q372 [REDACTED]: I think in the circumstances, Mr. Orr, in fairness we should leave cross-examination until after we have dealt with the pathologist tomorrow.

Q373 MR. ORR: I'm grateful to your Lordship.

Q374 [REDACTED]: I'll let you know as soon as I can as to what the venue will be tomorrow. If you don't go away for a while I'll check up and send a message to you.

THE COURT WAS ADJOURNED.