

1 MR KERR: Detective Constable McDowell. It's the next statement
2 in the same bundle, my Lord.

3 DETECTIVE CONSTABLE JOHN MCDOWELL

4 EXAMINATION IN CHIEF BY MR KERR:

5 Q. Are you a detective constable in the Royal Ulster
6 Constabulary?

7 A. That's correct, my Lord.

8 Q. And in the course of this investigation did you receive
9 tapes which had been maintained in relation to transmissions
10 at the relevant time from two different sources, firstly
11 channel 19 transmissions?

12 A. That's correct, my Lord, there was one original
13 communications tape, which was subsequently split and
14 transferred on to four other tapes.

15 Q. And did that original transmission tape include both channel
16 19 transmissions and channel 37 transmissions, as have been
17 described?

18 A. It did, my Lord.

19 Q. And did you split each of those into two tapes covering
20 different time periods?

21 A. I did, my Lord.

22 Q. Have you prepared a transcript in relation to both for the
23 court to show the communications on those tapes?

24 A. Yes, my Lord.

25 Q. Can I ask you to refer to the transcript that you have
26 prepared firstly in relation to channel 19?

27 A. I don't have a copy of it.

28 Q. If the witness could be allowed to have the court copy.
29 Now firstly, what did you understand control's call sign to
30 be for the purposes of the tape?

1 A. Delta.

2 Q. And were you particularly interested with transmissions in
3 relation to what had happened in Portadown town centre in
4 the early morning of the 27th?

5 A. Yes, my Lord, initially it was a question of simply
6 transcribing everything that was heard or said on the tape.

7 Q. And were you informed in the course of you preparing the
8 transcript of the call sign for the vehicle that was in,
9 that is the Land Rover, that was in the centre of the town,
10 we have been told it's 81?

11 A. Not directly, no.

12 Q. How did you find that out in order to say which vehicle?

13 A. Well, what I simply did was I made transcripts of the
14 tapes, that was the -- (speech interrupted).

15 Q. In respect of?

16 A. The main objective is so that at a later date someone
17 else could analyse them and hear what was said.

18 Q. Did that include transcribing who the calls were in from?

19 A. Yes, the call signs were noted during the course of the
20 transcription.

21 Q. Now, I'm not going to take you through the whole of the
22 thing but we will deal with the channel 19 transcript first.
23 Was there a message that you heard at 1:45:37 on channel 19?

24 A. Yes, my Lord.

25 Q. What did it appear to be, from what you could hear?

26 A. It was D, from 80:

27 "We need back-up. Over. In the town".

28 Q. Now, was there a recording to JD which we have been told is
29 the station from JD 81 at 1:45:48?

30 A. There was, my Lord.

1 Q. 1:45:58?

2 A. Yes, my Lord.

3 Q. And 1:46:03?

4 A. That's correct, my Lord.

5 Q. Were you able to say or hear on the recording what those
6 transmissions in fact said?

7 A. In relation to the first two I was able to hear:

8 "JD from JD 81" and "JD from 81 over".

9 The third transmission was inaudible.

10 Q. That's the one at 1:46:03?

11 A. That's correct, my Lord.

12 Q. Now moving on then; do any remaining calls that you have
13 heard on that frequency, that is the channel 19, were they
14 unconnected as far as you could see until 1:55:10?

15 A. That's correct, my Lord.

16 Q. And at 1:55:10 was there a "70 send. Over"?

17 A. That's correct, my Lord.

18 Q. 1:55:30 "80 send. Over"?

19 A. Yes, my Lord.

20 Q. And 1:55:58: "JD 70 from D, nobody listed at number 9.
21 Over"?

22 A. That's correct, my Lord.

23 Q. Then were there unconnected calls again until 2:08:28?

24 A. Yes, my Lord.

25 Q. I don't propose to go into the further calls on that
26 channel.

27 Would you turn then, if you would, it's page 13, my Lord, of
28 the bundle.

29 [To the witness]: Is this a transcription of what's called a
30 pocket 'phone here, 37?

1 A. That's correct, my Lord.

2 Q. Was there something that you heard on the tape at 1:45:51?

3 A. Yes, my Lord.

4 Q. What was that?

5 A. "JD 80 from D say again. Over. JC 81 from D Roger.

6 Out to you. 80 from D. Over. Inaudible

7 transmission. Roger. Out".

8 Q. 1:46:15?

9 A. Yes, my Lord.

10 "JD from 81. 81 from D sent. Over.

11 Roger. We need back-up urgently in the

12 town. Over.

13 Roger. There are other mobiles, they're

14 already on their way. Over.

15 Roger. Tell all we're in the middle of the

16 town. Question mark.

17 JD from 81.

18 81 from D sent. Over.

19 Roger. We need you urgent.

20 Roger. They can only get there when they

21 can get there.

22 81 over.

23 81 from 70. Then question mark.

24 We're in the Gilford Road. We're at the

25 Gilford Road roundabout and we're going as

26 quick as we can.

27 Roger out.

28 81 from 80. Roger. Question mark. Be

29 with you shortly".

30 [REDACTED]: I don't quite understand how you can

1 transmit a question mark.

2 MR KERR: Is that because you couldn't understand what it was?

3 A. If somebody couldn't make out what was being said.

4 [REDACTED]: I see, yes, right.

5 MR KERR: Sorry, my Lord.

6 THE WITNESS: Finally over the page, "D from JD 70".

7 Q. 1.48?

8 A. Yes, my Lord. "JD from 81. We need a couple of
9 ambulances. Over.

10 Roger. Ambulances. Two victims over.

11 JD 81, two ambulances, two victims. Need
12 ambulances over.

13 81 from Delta. That ambulance called.

14 Over".

15 Q. 1:49:18?

16 A. Yes, my Lord.

17 "JD from Bravo 70 - inaudible transmission.

18 Bravo from Delta 70 send. Over.

19 Have you tasked the ambulances? Over.

20 Roger. They're en route, over.

21 Roger D from 80. Over. 80 from Delta send.

22 Over.

23 See can you get some more. Over.

24 80 from D say again. Over.

25 80 from D. Over.

26 JD from 81. Over.

27 JD 81 from D. Over.

28 Any word of the ambulance? Over".

29 Q. 1:53:45?

30 A. Yes, my Lord.

1 "Roger. The ambulances were requested as
2 soon as you asked us to request them.
3 Whereabouts do they require to go? Over.
4 JD 81 from D Roger.
5 Your ambulances are requested. Where do you
6 require them? Over".

7 Q. The next one 1.54?

8 A. "In the middle of the town. Over.
9 Roger. You'll have Delta 8 and 20 out with
10 you in a moment. Over.
11 Delta from 70, have you any more people up
12 there? Over.
13 80. Send again. Over.
14 Roger. Alert all mobiles, anyone available
15 there's anything up to fifty people here.
16 We're getting it hard to contain them. Over.
17 Roger. Will try and get some of the MSU back
18 over.
19 JD from 70. Over.
20 70 from Delta. Over.
21 70 send over".

22 Q. 1:55:17?

23 A. "Roger. Will you check your electoral register for a
24 Wayne Lunt [REDACTED]
25 Wait out.
26 Delta from 80 send. Over.
27 Roger.
28 20 from 80.
29 JD 70 from Delta. Nobody listed at number
30 9. Over.

1 Delta 70.
2 70 from Delta. Reference your last there is
3 nobody listed at that number. Over.
4 Roger.
5 70 Bravo 70 where's that? Baton gun. Over.
6 Delta from 70 over".
7 Q. 20:00:54?
8 A. "Delta 70 from Delta send. Over.
9 Roger. Any luck on [REDACTED]
10 70 from Delta. In respect of what? Over.
11 That boy Wayne Lunt. There was no record of
12 him in [REDACTED] I want to see if
13 he's listed at [REDACTED]
14 Roger. Sounds about right. Wait one.
15 70 from Delta. Reference your last, they
16 used to live on [REDACTED] but I am under
17 the impression that they have moved down the
18 [REDACTED] somewhere. John in Bravo 70
19 might be able to help you on that. Over.
20 Roger. That's okay. John has cleared with
21 me.
22 Delta. Delta 8. Come in. Over.
23 8 from Delta send. Over.
24 Roger. Could you contact the Catholic hall
25 and make sure all the patrons have left. The
26 place..."
27 Q. Then did that overspill to 2:07:42?
28 A. That's correct, my Lord.
29 Q. "Patrons have all left. The place.." Is the last thing
30 you said. Just continue?

1 A. Yes. "...is clear. Over.
2 Say again 8.
3 Roger. Would you contact St Patrick's Hall
4 and make sure all the patrons have left. The
5 place is clear. Over.
6 Will go.
7 Did you get that Delta.
8 Roger. 'Phoning now. Over.
9 JD 8 from Delta. Over.
10 Delta send. Over. With regard to your last
11 now we can't get through, the telephone is
12 engaged, obviously there is somebody there at
13 the moment. Blue call signs are going on
14 the main set as soon as they have permission
15 to leave J Lima. They will be on their way
16 to us. Over.
17 Roger. If you keep trying at Saint Patrick's
18 just let us know, there's still a crowd
19 milling about. Just want to make sure they
20 have all largely cleared. Over.
21 Roger. Line still engaged. As soon as I get
22 through I'll tell you what the answer is.
23 Over.
24 JD 8 from Delta. Over.
25 JD 8, JD 8 from Delta. Over.
26 Inaudible transmission.
27 JD 70 from 80.
28 JD 8 from Delta. Over.
29 Hang on, hang on till I get back to you.
30 Delta send. Over.

1 Roger. With regard to St Patrick's Hall
2 there's still a number of patrons still in
3 there. They all have been advised to ensure
4 to take taxis. Blue 4 is on its way back
5 from Banbridge and I believe the others are
6 now leaving Lurgan. Over".

7 Q. Just stop there. Thank you.

8 **CROSS-EXAMINATION BY MR ORR:**

9 Q. Detective Constable McDowell, if I might deal with the first
10 channel 19 transmissions. And those are the transmissions
11 which were the radios within the police vehicles. And you
12 have shown it from 1.30 to 3.00 am, is that so?

13 A. That's correct, my Lord.

14 Q. So do I take it that from "JN callsign" at the top of the
15 first page, down to "JC question mark unconnected call"
16 those all were in the period 1.30 to 1.45?

17 A. Yes, my Lord.

18 Q. And does that indicate any reference in any of those to the
19 vehicle JD 81 which was in the centre of Portadown?

20 A. No, my Lord.

21 Q. In relation to the very first communication requesting
22 back-up it is referred to as "D from 80"?

23 A. That's correct, my Lord.

24 Q. And how would that have come about, I mean would it be
25 someone was saying this is 80 to D, or why do you write down
26 "D from 80"?

27 A. Because that's what I heard.

28 Q. Because what we've heard is that the vehicle, the only
29 vehicle that we have heard of, JD 80, wasn't in the centre
30 of Portadown at the relevant time. So does that suggest

1 that the communication at 1.45 gave the wrong number for the
2 vehicle from which that communication was coming?

3 A. Well, I can't answer that question other than to say
4 that's what I heard from listening to the tapes and this
5 would have been some time after the incident taking place,
6 some time after.

7 Q. I take it you listened to the tapes from 1.30 to 1.45?

8 A. Yes, my Lord.

9 Q. Was there any, in terms of those unconnected calls, was
10 there any reference in that fifteen minutes to any other
11 police vehicle requesting support, help or back-up for
12 trouble in the town?

13 A. No, my Lord, other than the vehicle call signs of the
14 vehicle listening -- (speech interrupted).

15 [REDACTED]: Sorry, could I intervene, if you are
16 listening to the tapes would you not have some idea from the
17 voices, I mean wouldn't you get, if you were listening to a
18 number of tapes, would you not eventually be able to
19 identify a voice as being associated with a particular
20 callsign?

21 THE WITNESS: No, not necessarily, my Lord. It's a situation
22 if you're talking about particular individuals, voices of
23 particular individuals, I wouldn't recognise all that many
24 of them.

25 [REDACTED]: I'm not suggesting that if somebody
26 played over a tape to you of the call sign and you say
27 that's A, that's B, I'm not suggesting that for a moment,
28 what I'm saying to you, if you're listening to try to
29 identify particular callsigns would you not at some stage in
30 the proceedings be able to say 'aw yeah, I've heard that

1 voice before, that's JD so and so', that's, some were, JD
2 81, let's say, some would be women, some would be men, some
3 will be gruff, some will not, some will have accents, some
4 will not. I know it's all very brief and I'm not saying it
5 would be easy.

6 THE WITNESS: It's possible, my Lord, but my sort of initial
7 objective at the time was simply to transcribe what was on
8 the tapes.

9 [REDACTED]: I appreciate that.

10 THE WITNESS: And that's what I did.

11 [REDACTED]: I appreciate that.

12 THE WITNESS: And I couldn't really say with any accuracy that
13 any particular message was being transmitted by a male or
14 female in all honesty.

15 [REDACTED]: Listening to the tapes?

16 THE WITNESS: Well from memory.

17 [REDACTED]: Oh well yes, I can appreciate that.

18 THE WITNESS: The problem was there was a considerable amount of
19 material on those tapes.

20 [REDACTED]: Yes. And a few crackles I suppose as
21 well?

22 THE WITNESS: Yes, large parts of it were just totally garbled.

23 [REDACTED]: Yes.

24 THE WITNESS: The quality wasn't particularly good.

25 [REDACTED]: I think we have all heard radio
26 transmissions.

27 THE WITNESS: Yes.

28 EW to GM at 11.00

29

30

phoning Edward Street Police Station?

A. Yes, my Lord.

Q. Or trying to contact?

A. I can only base that conclusion on the fact that one, that the previous call sign was 80 and that one now is 81, so I would say it is reasonable to assume that that is a separate call.

Q. At 1:45:58 does that again appear to be the Land Rover trying to contact Edward Street?

A. Yes, my Lord.

Q. Then at 1:46:03, although you couldn't make out what was being said, can you say what vehicle that was coming from or anything at all about it?

A. No, my Lord, because there was nothing in that particular section of transmission that would enable me to identify which call sign was making it or what was actually said. The quality was just bad, the transmission quality.

Q. The next series of calls have nothing to do with the Land Rover; is that so?

A. That is correct, my Lord.

Q. There is no mention right through for quite some time of any reference to the Land Rover on the police radio?

A. That is correct, my Lord.

Q. So do I take it that the last communication from the static equipment in the Land Rover, I take it that is equipment that can't be taken out, unlike the mobile phone?

A. Yes, my Lord.

Q. So the last communication from the police Land Rover to Edward Street is timed at 1:45:58 seconds; is that right?

A. Yes, my Lord. The last recognisable or audible

transmission.

- Q. All of the next series of numbers are unconnected calls, and when we move forward to 1:55 they don't relate to the Land Rover. There is another series of unconnected calls and then at 2:08 there is another series of calls?
- A. That is correct, my Lord.
- Q. Can I ask at 2:08:28 there is a reference J8, "J8 Blue 1 over". Now Blue, is that someone else or some other call sign?
- A. Yes. That is another call sign, another uniformed police unit.
- Q. It looks as if they are still not anywhere near the centre of Portadown because they are talking about some other method and they are talking about standing down; isn't that right?
- A. Yes, my Lord.
- Q. Then at 2:09, do I take it that that is the police station, JD, saying to that call sign Blue, "we have had fairly serious situation here, he is actually up in the town centre at the moment"?
- A. Yes, my Lord.
- Q. Would that be one of the senior officers, a sergeant or an inspector?
- A. I believe so, yeah.
- Q. Then at 2:11 Blue 4, is that yet another vehicle?
- A. 2:11?
- Q. 2:11 and 37 seconds?
- A. It would appear to be so, yes.
- Q. Whoever Blue 4 is is saying "we have been directed to D from N. We were told you were having some sort of public order

problem, would that be correct, over"?

A. Yes, my Lord.

Q. And then a request "can you get here as quick as you can. It would be appreciated"?

A. Yes, my Lord.

Q. Over the page then at page 10 "Roger, what do you want us in, cars or trucks, over"? What would that relate to; is this an MSU team that were being brought belatedly to the scene or what would that indicate?

A. Yes, my Lord.

Q. Is that, in fact, what that was?

A. Yeah.

Q. Would the Blue call signs have related to MSU?

A. Yes, my Lord.

Q. And then 2:21:55 "we are approximately 05 away from the town centre asking for some update on the situation". Now just for completeness, if you take a moment, Detective Constable, after 1:45:58 on page 7, is there any communication either to the Land Rover JD 81 or communication from the Land Rover JD 81?

A. After 1:45:58.

Q. After 1:47 -- sorry 1:45:58?

A. No, my Lord.

Q. So does that indicate that any other communications from that Land Rover must have been via the mobile phone?

A. I can't answer that question. I would assume that that is a situation where members of that Land Rover were in possession of mobile phones.

Q. I am not disputing that, but what I am saying is that if you deal with pages seven to 12, after the 1:45:58 entry there

are no inaudible transmissions. Every single transmission is linked to a call sign and none of the call signs are JD 81?

A. That is correct, my Lord.

Q. That is the point I am making. So that the static equipment in the Land Rover is last used at 1:45 and 58 seconds?

A. That would appear to be the case, my Lord.

Q. Moving then to the pocket phone, I think it is described or I have referred to it as a mobile phone. Is that a phone which a police officer can take from location to location?

A. Yes, my Lord. He would carry that on his person.

Q. It is with private mobile phones, they are now terribly small, that is a slightly bigger?

A. Yes, my Lord.

Q. Is that something that you can work from a Land Rover to a scene, talking as you go?

A. Yes, my Lord.

Q. Insofar as that is concerned is it right that this Land Rover, having requested back up at 1:45:37, having tried twice more to get through still at 1:45, then at 1:46, the following minute, the other phone system is used, namely the pocket phone?

A. Yes, my Lord.

Q. So in other words that looks as if that is a fourth attempt at 1:46?

A. That is 1:46:15.

Q. Yes, by someone in the Land Rover or near the Land Rover to get back up or support?

A. That would appear to be so.

Q. The first call is saying "we need back up"; the second isn't getting through; the third isn't getting through; and the fourth is moving to the pocket phone?

A. That would appear to be so.

Q. Just so that I am clear about it, with a crew of four in a Land Rover how many pocket phones would there be. Would there be one to the vehicle or would each person have one?

A. Well, I wouldn't being familiar with how the uniformed crews would be detailed but I would assume that there would be a couple of...

Q. You think there would be a couple of pocket phones?

A. Depending on the size of crew.

[REDACTED]: At headquarters, as it were, is there just one set and one person dealing with both the vehicles?

THE WITNESS: In the communications rooms, normally.

[REDACTED]: Does it all go through to him on the same radio?

THE WITNESS: Well, I am not sort of 100% au fait with the technicalities.

LORD JUSTICE McCOLLUM: Well, we can ask the witness, I am sure he is still here, if anything turns on that.

MR. ORR:

Q. At 1:46:15 the Land Rover or someone near, at or near the Land Rover is saying "we need back up urgently in the town"?

A. Yes, my Lord.

Q. After a few comments backwards and forwards there is the phrase "they can only get there when they can get there"?

A. Yes, my Lord.

Q. Can I ask were the transmissions or the comments from the pocket phone to the police station, although they are not

indicated in great detail, was the tone being changed in any way to cause someone to say "they can only get there when they can get there". That is an unusual comment to make unless someone is desperately asking for back up or support or help. Do you recollect from the tape?

A. I don't recollect from the tape what the tone of voice was or, shall we say the degree of emotion that may have been there. For the simple reason there was so much stuff on those tapes it would be impossible to recollect it, you know, what the tone of voice was.

Q. Then in next communication is at 1:48 from the Land Rover; is that right. Page 14?

A. Yes, my Lord.

Q. That is someone on the pocket phone saying to the police station "we need a couple of ambulances over. Roger, ambulances, two victims, over"?

A. That is correct, my Lord.

Q. So it is not simply a general request for ambulances or an ambulance, it is specifying that there are two victims?

A. Yes, my Lord.

Q. That is 1:48am?

A. That is correct, my Lord.

Q. The response from the police station is "ambulances called, over"?

A. That's right, my Lord.

Q. Does it look as if one of the police vehicles not in the centre is then asking "have you tasked the ambulances, over". Do you see a couple of lines further down at 1:49?

A. Yes, my Lord.

Q. Would that be because another police vehicle would be

listening to the pocket phone communications between, it appears to be Woman Constable Cornett and the constable in the police station?

A. That's quite possible, yes.

Q. Moving then to page 15, Detective Constable, am I right in saying that at some time around 1:54, that is the time at the bottom of page 14, there is a communication "alert all mobiles, anyone available, there is anything up to 50 people here, we're getting it hard to contain them, over"?

A. Yes, my Lord.

Q. Certainly there is no mention at that point of any fighting. It is just simply we are getting it hard to contain a group of about 50 people, up to about 50 people?

A. There is no direct reference to fighting. It is open to the interpretation.

Q. Almost immediately after that, there is at 1:55 a request to checkup on a Wayne Lunt?

A. That's right, my Lord.

Q. And that is checking for an address?

A. Yes, my Lord.

Q. Is the address not coming through and a second address suggested?

A. Yes, my Lord.

Q. Then subsequent to that the suggestion of the person who is asking about it could speak to someone called John?

A. That is correct, my Lord.

Q. Who would clear the matter up. From 1:55 on the pocket phone, am I right in saying that from 1:55 onwards up until some time later there are no other communications by number 81, JD 81, that is the Land Rover, or any of crew of the

Land Rover?

- A. That would appear to be the case, yes.
- Q. So that in terms of whoever was using it, they only used what I would call the Land Rover phone system or communication system, they only used it between 1:45 minutes and 37 seconds and one minute 45 and 58 seconds?
- A. Yes, my Lord, that would appear to be so.
- Q. In relation to the pocket phone system they used it between 1:46 and 15 seconds and 1:48 when they requested an ambulance?
- A. That is correct, my Lord.
- Q. All other communications on the pocket phone relate to other police vehicles and in particular to A [REDACTED] in inquiring about the man, Wayne Lunt?
- A. That would appear to be the case, my Lord.
- Q. Thank you. Sorry, just a moment, could I ask you one further matter, do you know the Gilford Road roundabout?
- A. Yes, my Lord.
- Q. How long would it take to travel from the Gilford Road roundabout now in the early hours of the morning to the town centre?
- A. I would say two to three minutes.
- Q. Two to three minutes. Going to page 13 of the mobile phone, do you see on page 131:46 and 15 seconds?
- A. Yes, my Lord.
- Q. Further down that page do you see an entry (I think his Lordship queried about the question mark) "we are at the Gilford Road roundabout and we are going as quick as we can"?
- A. Yes, my Lord.

Q. Thank you. Does that indicate who that call is from?

A. I can't be sure.

Q. Do you see the line immediately above it?

A. 81 from 70.

Q. Would that be the occupants who are in the vehicle JD 70 are saying at that time "we are at the Gilford Road roundabout, we are going as quick as we can"?

A. It could be, my Lord, but I can't be absolutely sure about that.

Q. Can't be certain, thank you?

MR. KERR: No re-examination, my Lord.

[REDACTED]: Thank you very much, constable.

(The witness withdrew).

[REDACTED]: If it please your Lordship, I propose now to move to the interviews of the accused. My Lord, the first witness is Edward Honeyford, page 95 in the papers.

Detective Constable Honeyford, please.

[REDACTED]: Is there any need to read through all these interviews, [REDACTED]. We have it on paper.

[REDACTED]: Yes, I appreciate that. Would you have any feelings about this, Mr. Orr. I mean, you could raise any matter you like.

MR. ORR: The situation that in Ballymoney before Christmas, the current Lord Chief Justice took the view that it was a pointless exercise to require it because I think the only requirement is that your Lordship would read effectively.

[REDACTED]: Yes.

MR. ORR: If it is all there, it seems to me there is nothing great to be reading through the numbers of pages.