

1 MR KERR [REDACTED], my Lord, page 62 of the papers.

2 [REDACTED] Sworn

3 Examination in chief by MR KERR:

4 Q. Can I take you back, if I could, to Saturday evening the
5 26th of April 1997. Can you say if you went out that
6 evening?

7 A. Yes, I did.

8 Q. Where did you go out to that evening?

9 A. I went to Saint Patrick's hall.

10 Q. And could you tell my Lord where Saint Patrick's hall is,
11 please?

12 A. It's in Thomas Street in Portadown.

13 Q. Can you say, [REDACTED], who you went with?

14 A. Yes, I went with [REDACTED], [REDACTED] and
15 her other sister Belle and her husband.

16 Q. Did anyone else join you whilst you were in the hall?

17 A. Yes.

18 Q. Who joined you?

19 A. Robert Hamill.

20 Q. Now, how long did you stay in the hall that evening?

21 A. We stayed until the music had stopped.

22 Q. And who did you leave the hall with once the music had
23 stopped?

24 A. I left with Robert, [REDACTED] and [REDACTED]
25 [REDACTED]

26 Q. Was Robert related to your wife in any way?

27 A. Yes, he was my wife's cousin.

28 Q. And when you left where did you go to, what direction did
29 you travel?

30 A. We headed straight down Thomas Street to go across the

1 road and down Woodhouse Street to head home.

2 Q. So that's towards, if I can call it, the main part of the
3 town, centre of the town?

4 A. Yeah, it's on the Main Street in the town.

5 Q. And can you say as you and Robert, E and F
6 walked along the street, were there other people in the area
7 or not as you walked along Thomas Street?

8 A. I noticed a couple of people knocking about at the
9 corner of Thomas Street and Market Street, but I never paid
10 any attention to them.

11 LORD JUSTICE McCOLLUM: You noticed a couple of people where?

12 THE WITNESS: At the bottom, at the junction of Thomas Street
13 and Market Street.

14 MR KERR: And did anything happen as you got to Market Street?

15 A. All I can remember is wakening up in hospital.

16 Q. And which hospital was that?

17 A. Craigavon.

18 Q. When was it you woke up?

19 A. Maybe sometime after 2 o'clock I'm sure.

20 Q. And when you had woken up can you say did you have any
21 injuries?

22 A. Yeah, I had a cut to my head and a couple of marks on my
23 face and my lower body.

24 MR KERR: Thank you.

25 LORD JUSTICE McCOLLUM: Sorry, a couple of marks to your face
26 and ...?

27 THE WITNESS: My lower body.

28 Cross-examination by MR ORR:

29 Q. D the route that you would have had to take from
30 Saint Patrick's hall home would have taken you across the

1 Main Street, is that the situation?

2 A. That's right.

3 Q. And would that area be one where there would be troubles
4 from time to time of a sectarian nature?

5 A. Sometimes.

6 Q. And the situation is that a lot of people in the Portadown
7 area from the Catholic community would live in the tunnel
8 area.

9 A. That's right.

10 Q. And from Saint Patrick's hall to the tunnel involves going
11 along Thomas Street, across the Main Street of the town and
12 then along Woodhouse Street and down under the road and the
13 railway.

14 A. That's correct.

15 Q. Isn't that the situation. And in terms of the time, can you
16 help us at all what time the function in the hall finished?

17 A. It was maybe half one or so. I couldn't be sure.

18 Q. And is it your recollection, I take it that there was
19 alcohol at the function?

20 A. That's right.

21 Q. And you weren't driving, so there was nothing to prevent you
22 taking a few drinks.

23 A. No, I had a few pints, yes.

24 Q. And what about, were all of those who were there, or your
25 group, were they all drinking or were there some that didn't
26 drink or what was the situation?

27 A. My wife was drinking, I'm not sure about F and
28 Robert Hamill was drinking.

29 Q. Now, whenever you left the hall were there people outside
30 the hall waiting for taxis, can you remember?

1 A. Yes, there was.

2 Q. The group of you decided, and did you go as a group together
3 or were you straggled, you know, one in front of others,
4 somebody about 20 yards ahead or what way were the four of
5 you?

6 A. Maybe going, two walking maybe a couple of yards in
7 front of each other and the other two.

8 Q. The four of you would have been identified as a group?

9 A. Yeah.

10 Q. Terms of your distance, one from the other?

11 A. We would have been going --

12 Q. In wasn't a case of one person walking along and then maybe
13 two people 20 yards behind and a fourth person another ten
14 yards behind, you know what I'm saying? You were actually
15 closer together as a group, is that the situation?

16 A. That's right.

17 Q. And as you come along Thomas Street towards the junction, am
18 I right in saying that the road bends round?

19 A. When you are coming down Thomas Street?

20 Q. Yes.

21 A. Yes, there's a slight turn.

22 Q. And once you get round that turn you can then see, as it
23 were, the staggered junction up ahead?

24 A. That's right.

25 Q. And do you recollect coming round that bend and seeing the
26 junction ahead or you have no recollection of it at all?

27 A. Well, I remember walking down that side of the street
28 and I seen, as I said, I seen a couple of people knocking
29 about round the bottom of Thomas Street, but I never took
30 any notice of them.

1 Q. No, I appreciate that. Do I take it as you were walking
2 along Thomas Street were you on the roadway or the footpath?
3 A. I can't remember.

4 Q. Can you recollect whether you were on the right-hand side or
5 the left-hand side?
6 A. No, I can't recollect.

7 Q. And did you notice at any stage a police Land Rover?
8 A. I did, yes.

9 Q. Now, given, as I've asked you earlier, this is an area which
10 can be a flash point area, did you feel reassured by the
11 sight of the Land Rover at the junction?
12 A. Well, I didn't see any cause not to be concerned.

13 Q. No, I appreciate that. Where was the Land Rover, the police
14 Land Rover?
15 A. Sitting at the top of Woodhouse Street.

16 Q. And can you help us as to whether it was actually in the
17 mouth of Woodhouse Street or in a lay-by down a short
18 distance from it?
19 A. I'd say it wasn't actually sitting in the junction of
20 Woodhouse Street, it was on past it in the lay-by.

21 MR ORR: Perhaps if the witness could have a look at
22 exhibit 4(2), please.

23 (To the witness): Now, don't worry about the right-hand
24 side, that just is a sketch of a Land Rover. If you take the
25 part to the left, do you see that?
26 A. Yeah.

27 Q. And just from terms of your bearings, you're coming from the
28 bottom right along Thomas Street towards the staggered
29 junction, is that the situation?
30 A. Yeah.

1 Q. And your recollection is that you were on the right-hand
2 side of the roadway or footpath?
3 [REDACTED] No, I think he said he wasn't sure.
4 MR ORR: Do you see at the junction there's a lay-by outside part
5 of First Trust bank, part of Clarke's shoe shop and part of
6 In Step stores, do you see that?
7 A. Yeah.
8 Q. Do you see there's a little box with LR/1?
9 A. I do, yeah.
10 Q. Well now that is intended to represent a Land Rover at one
11 stage during that evening. Just for completeness, do you see
12 near to the Woodhouse Street junction a box with LR/2?
13 A. Yeah.
14 Q. And then a box with LR/3.
15 A. Yes.
16 Q. Now, as you recollect when you saw the Land Rover, was it in
17 any of those three positions?
18 A. I couldn't be sure and say it was in LR/3, I thought it
19 was maybe on down a bit further towards the Halifax.
20 Q. So you thought it might have been further off to the right?
21 A. Yeah.
22 Q. Looking at the plan. It wasn't actually in the lay-by when
23 you saw it.
24 A. Are you asking me was it sitting at the top of the road?
25 Q. Yes.
26 A. I said I couldn't be sure whether it was sitting at the
27 top of the road.
28 Q. I appreciate that, but it wasn't in the position LR/1.
29 A. No, I never seen it there.
30 Q. And do I take it that whenever you first saw the Land Rover

1 that was before any attack by anyone on anyone?

2 A. That's right.

3 Q. And you're saying that when you first saw that Land Rover it
4 was not in the position LR/1.

5 A. No.

6 Q. It was further up towards the junction of Woodhouse Street
7 and the Main Street, is that the situation?

8 A. Yeah.

9 Q. And did you think it was actually further forward than LR/3?

10 A. Possibly, I couldn't be sure.

11 Q. I see. And can I ask you then, D you then as a
12 group of four proceeded on, and were you two and two or what
13 way were you when you approached the junction?

14 A. I can't remember, we just had walked down. I can't say
15 whether we were two and two or altogether.

16 Q. Have you no recollection of any group of people or crowd
17 attacking you?

18 A. Just I can't remember being attacked, I just remember
19 waking up in hospital.

20 Q. Yes, I understand that. In relation to the people that you
21 did see about, you've mentioned to us that you saw a couple
22 of people at the corner. Now, was that at the corner as you
23 were travelling along to your left or to your right? In
24 other words towards the church or towards Bridge Street or
25 the river?

26 A. I just seen a couple of people knocking about, I can't
27 say what side they were from.

28 Q. Did you see in the Main Street numbers of people in twos and
29 threes walking past that junction as you walked towards it?

30 A. I just seen people knocking about round the corners.

1 Q. You see, you made reference to two people, so you can
2 clearly remember seeing two people.

3 A. No, I said I seen a couple of people knocking about.

4 Q. You saw a couple of people at the corner was what I think
5 you said. What I'm trying to find out, apart from the couple
6 of people at the corner. First of all, let's take them. Can
7 you say were they male or female?

8 A. No, I can't say.

9 Q. Apart from the couple of people at the corner, did you see
10 groups of twos or threes, either walking left or right along
11 the Main Street as you walked towards it, or walking from
12 right to left?


13 A. No.

14 Q. You didn't see that?

15 A. I just seen those couple of people that I said standing
16 about, knocking about round the corner.

17 MR ORR: No further questions.

18 MR KERR: No re-examination.

19  Thank you very much.

20 (The witness withdrew)

21

22

23

24

25

26

27

28

29

30



- 1 SB to BC 11.45
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30