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NEWS ARCHIVE

- 11:01 Peter Mandelson blamed for No vote
- 10:17 'Beasting' punishment killed
- 10:12 'The whole story came crashing
- 10:05 Over 300 patients to be contacted
- 08:27 First contentious parade of season
- 08:17 Protests at pre-entry English
- 08:01 Funerals of road victims to be held
- 07:58 Tough stance from employers
- 01:52 Zimbabwe's neighbours turn on
- 00:08 Spun to be home-spun
- 00:08 Oil giants to sign contracts with
- 00:08 Call to remove name of tsar's
- 00:08 Japanese government measures fail
- 00:08 He is bright and prepared to take
- 00:08 Persaud dishonest, GMC rules
- 00:08 Country diary
- 00:08 Use of 'chemical cosh' drugs to be
- 00:08 The public deserves protection

YESTERDAY

- 17:47 Leaked report for NHS reveals full
- 16:37 Zimbabwe: Timeline of events since
- 15:05 Half of NI lorries breaking law
- 14:45 Belfast soldier wants parole
- 14:02 Millions of criminal assets seized
- 13:59 McCartney trial continues
- 13:45 Attempted murder charge
- 11:32 Demolition on Lyric begins
- 11:13 France presses for deadline on
- 11:13 Four charged over killing of
- 11:13 Call to honour El Salvador's
- 11:13 Colombia's coca crop booms despite
- 11:13 Israel seeks Lebanon talks after
- 11:13 Democratise Europe to win support
- 11:12 Country diary
- 11:12 How Jimmy's made the journey from
- 11:12 Father had to choose which twin to
- 11:12 Cloned immune cells cleared
- 11:12 Little Britain star Matt Lucas
- 11:12 Q&A: GM crops
- 09:12 Investigation into hospital bug

YOUR COMMENTS

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34 comments

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23 comments

 [Ian Paisley steps down](#)
22 comments

LOCAL NEWS



Robert McCartney

Thursday 19 June 2008 13:59

Diplock jury refuse to stop case

The Diplock, no jury judge hearing the evidence in the Robert McCartney murder trial has refused defence applications to stop the case.

Delivering his ruling at Belfast Crown Court, Mr Justice Gillen said he had considered all the evidence in the case and reflected on the applications made by the defence lawyers.

He concluded that in relation to the charges of affray and assault, *"the evidence is not so weak or discredited that it could not conceivably support a guilty verdict."*

He added that the identification evidence of the three main witnesses is *"not so poor and unsupported that I could not conceivably convict on the strength of it."*

Turning to the murder charge faced by 51-year-old Terence Malachy Davison, Mr Justice Gillen said he had come to a similar conclusion because the evidence of Witness C included a description of Mr McCartney's attacker *"making swiping movements"* with his arm which would be consistent with a stabbing motion.

The judge said he was satisfied the description of the movements as well as the identification of Davison from Witness C was not so poor or unsupported or the evidence so weak or discredited that it could not conceivably support a guilty verdict.

Davison, along with 47-year-old Joseph Fitzpatrick and James McCormick (39) all deny a charge of affray.

Davison alone is accused of stabbing father-of-two Mr McCartney outside Magennis's Bar close to the Markets area of Belfast during an incident on January 30, 2005.

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