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## Local & National

### McCartney witness says she did not make mistake

Friday, June 06, 2008

By Asleigh McDonald

A witness giving evidence at the trial for Robert McCartney has denied she made an "honest but very real" mistake about the identity of the man she saw attacking the victim.

Witness C, who has been concealed from the public, picked Terence Malachy Davison from an identification parade five months after the murder as the 'white-haired man' she saw assaulting Mr McCartney.

Davison (51) has denied the charges and a further charge of affray on January 30, 2005.

During a cross-examination by Orlando Pownall QC, who is representing Davison, she was questioned about the description she gave of the attacker.

She said he had "shocking grey hair" which was very thick and down to his ears. She also said the man was dressed smartly in a beige bomber jacket and trousers.

During yesterday's hearing, Witness C was shown CCTV stills taken from the Royal Victoria Hospital around 25 minutes after the time she said she saw a white-haired man attacking Mr McCartney.

They showed an image of Davison, attending with his injured nephew, with short hair and wearing clothes different to those described by the witness. Mr Pownall pointed out the differences in hair and clothes and asked if she could have made a mistake when she picked Davison from an ID parade when he had short, shaved hair.

She told the court: "I'm absolutely sure it was him. He looked the same and he walked the same. It was definitely the same man, but he had his hair cut different."

When asked about the difference in clothes, she said: "When I have seen this gentleman the night he attacked Mr McCartney, at the identity parade and on TV leaving the court here, he has always been dressed very smartly, but in that picture (the CCTV image) he looks dishevelled. If he had changed his clothes in a hurry that would be the case."

Again highlighting the differences in Davison's hair and clothes on the CCTV images to the description she gave police of the man she saw attacking Mr McCartney less than half an hour prior to the photograph being taken, Mr Pownall asked Witness C: "I suggest you have made an honest, but very real mistake, haven't you?"

She replied: "No. I am convinced the man I picked out was the man I saw. "

Mr Justice Gillen asked whether she was positive she had given a correct description of the attacker's hair and picked the man she saw attacking Mr McCartney from the ID parade.

She said that despite the man's hair being different on the night in question to the day of the ID parade, she also recognised his facial features, shape of his face, his complexion and the way he walked.

She said: "I can't get rid of the images of that night. When I was sitting in the car I couldn't do anything to stop what was happening so I tried to remember as much as I could."

At hearing.

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