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Murder trial told: I saw man attack Robert McCartney

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Thursday, May 22, 2008

By Ashleigh McDonald

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A female motorist saw Robert McCartney being assaulted beside her car as the vehicle was stopped at traffic lights, a court heard yesterday.

The motorist, known as Witness C, told police she saw a man she identified as Terence Malachy Davison make a "swiping motion" towards his victim's lower chest.

Mr Davison (51), of Stanfield Place, Belfast, has been charged with murdering 33-year old father of two Robert McCartney who died from a single stab wound to his abdomen. He denies the murder charge and an additional charge of causing an affray.

The stabbing occurred late on the evening of January 30, 2005 following a day's drinking in Magennis's bar. Mr McCartney died in hospital the following morning.

As the prosecution case against Mr Davison was opened at Belfast Crown Court yesterday, Gordon Kerr QC said it was the Crown's case that Witness C saw Mr Davison deliver the fatal stab wound to Mr McCartney at Cromac Street.

Mr Kerr revealed Witness C also saw the man she later identified in a police ID parade as Davison "aim a forceful direct kick" to Mr McCartney's head as the wounded man tried to get to his feet.

He said: "The description the witness gave of the swiping movements towards Mr McCartney were to the rib area of the body. The witness did not believe the actions she saw were punches because of the way the hand was being held and used.

"She described the kick to Mr McCartney's head as the attacker lashing out as hard as he could and very deliberate."

Mr Kerr revealed the witness later gave a demonstration of the swiping motion she saw to police which was recorded. The recording was shown to the state pathologist who carried out the post mortem on Mr McCartney.

The prosecutor said it was the pathologist's view that "if the person she saw had been armed with a knife, the movements described could be consistent with the type of action that caused the stabbing injury to Mr McCartney".

The court heard that in the hours before the stabbing, Mr McCartney had been drinking with friends, including Brendan Devine and Edward Gowdy, in Magennis's pub on May Street. Also in the bar were a group of people including Davison.

It is alleged that Mr McCartney made a rude gesture to two women in the bar, one of whom was Mr Davison's partner.

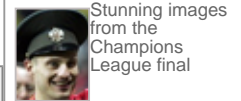
Mr Davison demanded McCartney make an apology and a confrontation broke out which turned violent and resulted in Mr Devine sustaining a wound to his neck, the court was told.

The argument spilled out onto the street and the Crown state that as Mr McCartney, a wounded Mr Devine and Mr Gowdy made their way down Market Street they were followed by a group of men, some of whom were armed with bottles and sticks.

Mr Kerr said Mr Gowdy, who will be called as a prosecution witness during the trial, recalled recognising three men in the crowd, one of whom was Mr Davison. Mr Gowdy was hit in the face and told to 'get offside' and after returning briefly to the bar, he left in a taxi. At hearing.

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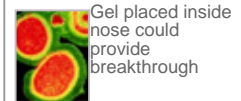
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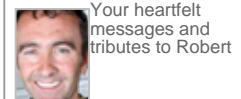
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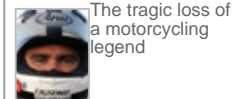
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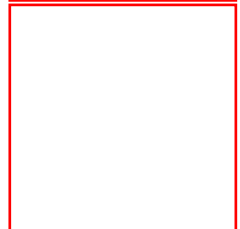
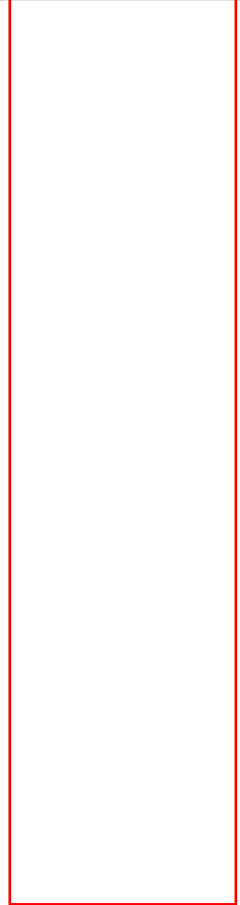
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