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## Witness 'saw white-haired man swipe at McCartney'

BY Staff Reporter

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A FEMALE motorist who saw Robert McCartney being attacked in the street revealed she saw a "white-haired man" swiping at the victim and "viciously" kick him as he lay on the ground.

The woman – whose identity was concealed from the court – picked Terence Davison out from an identification parade five months after the killing.

Mr Davison (51) has been charged with murdering the Short Strand father-of-two following a bar brawl on January 30 2005. He denies the charge.

He is standing trial at Belfast Crown Court where the motorist – known as Witness C – gave evidence from behind a curtain.

The woman said as she sat at traffic lights at Cromac Street she saw a “white-haired man” – who the prosecution say was Mr Davison – kick Mr McCartney so hard in the head she thought he would be left brain damaged.

She also described the attacker’s actions as “calm and calculated”.

Witness C told the court she was in her east Belfast home on the evening of January 30 but after receiving a call to collect people from outside the city hall.

She said she left the house and was driving down East Bridge Street when she saw four men running from the direction of Market Street.

She said as she sat at traffic lights she saw a man she later discovered was Mr McCartney running in front of her car.

Witness C said that he was “running but he did not seem to be getting anywhere”.

She said she saw another man, who the Crown say was Mr Davison, grab Mr McCartney by the arm.

The woman said she first thought he was helping Mr McCartney off the road but she then saw Mr McCartney try to pull away from the other man who proceeded to make several swiping motions at Mr McCartney’s mid-section.

Saying the motions were “definitely not punches”, Witness C said the “white-haired man” took two or three swipes at Mr McCartney who she said was “pulling back, like sort of flinching”.

The woman said the incident took place around five feet from her in a well-lit street and that after the swipes were made, Mr McCartney “kept trying to pull away” from the other man before he “ended up going down on the ground in like an arch-shape facing me”.

It is the prosecution case that the

swiping motion the woman witnessed was Mr McCartney being fatally stabbed by Mr Davison.

The east Belfast woman said that as Mr McCartney lay on the ground, she saw the white-haired man kicking him in the lower back “half a dozen times at least.”

When asked by prosecutor Gordon Kerr QC about the strength of the kicks, she replied: “They were vicious. He was using his full force with them.”

She said she saw Mr McCartney try to raise himself off the ground but the “white-haired man walked around Mr McCartney to where his head was. He was at a 45-degree angle off the ground.”

Witness C said the white-haired man then “lifted his left foot up into the air, held it there for a second then

kicked Mr McCartney in the head".

Asked by Mr Kerr about the nature of the kick, the woman replied: "It was very calculated, it was very deliberate. He held his foot in mid-air then lashed out with as much power as he could.

"At this point I thought Mr McCartney would have brain damage he hit him that hard," she said.

The witness said she then saw Mr McCartney get up off the ground looking "dazed and totally confused" before being helped by another man she had seen coming out of Market Street and which the Crown believe was Mr McCartney's friend Brendan Devine.

He was also wounded in the incident which started in Magennis's Bar and which spilled on to the street.

Witness C told the court that the white-haired man was "calm" in the aftermath of the attack.

"He wasn't agitated or upset. He was quite calm and calculated," she said.

She also said that the man was well-dressed, looked "out of place" and didn't seem the type to "brawl in the middle of the street".

Under cross-examination by Mr Davison's defence barrister Orlando Pownell QC, the woman said she could not understand why there were several police statements saying she had seen the white-haired man punch – and not swipe – at Mr McCartney.

She also admitted she did not see any kind of weapon in the attacker's hand. Her cross-examination is due to continue tomorrow. At hearing.

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