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Witness denies identity mistake

By Staff Reporter

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A WITNESS giving evidence at the trial of Robert McCartney yesterday 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



...terence davison from an identification parade five months after
the murder as the "white-haired man" she saw assaulting Mr
McCartney.
Mr Davison (51) has denied the charges and a further charge of
causing an affray on January 30 2005.
During a cross-examination at Belfast Crown Court by Orlando
Pownall QC, defending, she was asked about the description she
gave of the attacker.
She said the attacker 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 beige trousers.

Witness C was shown CCTV stills taken from the Royal Victoria Hospital around 25 minutes after the time she
ACCUSED: Terence Davison, who is charged
said she saw a "white-haired man" attacking Mr McCartney.

With murdering Robert McCartney, arrives at
court in Belfast yesterday. PICTURE: Colm
They showed an image of Mr Davison – who was attending with his injured nephew – with short hair and
Lenaghan/Pacemaker
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 Mr Davison out of 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 Mr Davison's hair and clothes on the CCTV images from the description
she gave police of the man she saw attacking Mr McCartney less than half an hour prior to the hospital
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 of the ID parade was the man I saw."

Mr Justice Gillen asked the woman 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, the shape of his face, his complexion and the way he walked.

Saying, "I can't get rid of the images of that night", the woman added: "When I was sitting in the car that night I couldn't do anything to stop what was happening or help so I tried to remember as much as I could about the person."

Also giving evidence yesterday was deputy state pathologist Dr Alistair Bentley, who conducted a postmortem examination on Mr McCartney's remains on February 1 2005.

He said the seriously injured 33-year old was brought to the A&E department of Belfast's Royal Victoria Hospital with an abdominal stab wound on January 30.

Mr McCartney had a heart attack and after being resuscitated was brought to theatre where he had a second cardiac arrest. Dr Bentley said that, following surgery, Mr McCartney's condition deteriorated and after suffering a third heart attack he was pronounced dead at 8.12am on January 31.

"Robert McCartney died of a stab wound to his abdomen," he said.

The pathologist told the court the wound the victim sustained sliced an artery causing heavy internal bleeding.

He also detailed facial injuries including a fractured nose and cuts to his right eye that he said could have been caused by "something like a shard of glass".

In a previous hearing Mr McCartney's friend Brendan Devine told the court he saw Mr Davison gouging at the face of the deceased.

When asked by Orlando Pownall QC, defending, if the injuries to the right eye were consistent with gouging, Dr Bentley said it was "highly, highly unlikely".

Mr Pownall also questioned him about Mr McCartney's broken nose.


A prosecution witness stated she saw a "white-haired man" she later identified as Mr Davison kicking Mr McCartney several times in the back and in the head as he lay on the ground.

Dr Bentley said that if Mr McCartney had been kicked with the full force of an adult male he would have expected to see "more fractures of the facial bones".

The trial continues.

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