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McCartney murder 'had impact on peace process'

By Staff reporter

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THE murder of Robert McCartney and the alleged involvement of IRA members had "significant ramifications" for the peace process, Belfast Crown Court was told yesterday.

Patrick Lyttle QC, defending Joseph Fitzpatrick, spoke of the "parallel investigation by a paramilitary organisation" which he said influenced the evidence of one of the main prosecution witnesses.

Ed Gowdy, a friend of Robert McCartney, has given evidence at the trial and claimed Mr Fitzpatrick hit him on the face with a stick in Market Street.

Mr Fitzpatrick (47) has denied the assault charge and a further charge of causing an affray on January 30 2005.

Making a 'no case to answer' application to the court, Mr Lyttle said the only evidence against his client was Mr Gowdy's evidence.

The barrister said it was unfair to try Mr Fitzpatrick as Mr Gowdy's evidence "has been entirely filtered through the prism of an IRA investigation that has influenced this witness".

Speaking of the six to eight hours of meetings Mr Gowdy claimed had taken place with IRA members in the wake of the murder, the barrister said Mr Fitzpatrick "cannot get a fair trial" because the contents of the meetings were not before the court.

"This was an incident that had very high publicity and very serious ramifications for what was then know as the peace process" he said.

"It had political ramifications with both a small and a large p."

He also spoke of the credibility of Mr Gowdy's evidence, especially he said since the witness admitted drinking up to 32 pints that weekend, 12 of which he consumed on the day and evening of the murder.

Saying the amount of alcohol consumed "must cause very considerable disquiet to the court", Mr Lyttle spoke of Mr Gowdy's "scant" recollection of events on January 30.

The barrister said that since the murder, Mr Gowdy had "given completely and totally contrasting views" – including which side of the face he claims Mr Fitzpatrick struck him on – rendering him "unreliable".

Also making a 'no case to answer' application to the court was Eilish McDermott QC who is representing James McCormick (39) who has been charged with but denies causing an affray.

Ms McDermott said that while there "probably was an affray of some kind" in Market Street following a row in Magennis's pub, Mr Gowdy's evidence "did not establish whether Mr McCormick was a party to it".

Mr Gowdy claimed he saw Mr McCormick walking down Market Street with a group of men armed with bottles and sticks following Mr McCartney and his friend Brendan Devine.

He claimed the last he saw of the two men was them about to walk onto East Bridge Street at the top of Market Street.

Ms McDermott said this provided "no support for the allegation of affray".

"The Crown has got to prove that Mr McCormick unlawfully fought. There is no evidence whatsoever that he fought," she told Mr Justice Gillen:

Ms McDermott also spoke of the evidence Mr Devine gave to the court, during which he claimed Mr McCormick stabbed him in the side in Market Street.

The barrister said Mr Devine's evidence and an allegation of stabbing were "unsustainable".

The trial continues.

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