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A night out that turned to merciless murder

(by Suzanne Breen, Sunday Tribune)

Suzanne Breen, Northern Editor, reports on the opening of the Robert McCartney murder trial

Bridgeen Hagans couldn't take any more. As the court heard how an already stabbed and beaten Robert McCartney tried to get up off the ground but was kicked in the head, she became visibly upset.

"The head went up, appeared to vibrate and then came back down to the ground," the prosecution barrister said. Bridgeen fled the courtroom. She had already listened to an account of how her fiance and father of her two children had tried in vain to run from his attackers. For the rest of the afternoon she remained in a room off the corridor, her eyes heavy with tears.

Robert's sisters, Paula and Catherine, stayed in court as the alleged details of the murder were relayed. At times, Paula put her head in her lap and covered her ears, trying to close out the words. Still, she was determined not to leave. "It's taken three years to get to this court, we'll be here to the end," she said.

The major witnesses in the trial will appear before the court from Tuesday. Last week, their evidence was outlined in the prosecution's opening. The three accused sat impassively as the case against them was relayed. Terry Davison is charged with murder; Jim McCormick and Joe Fitzpatrick with causing an affray. They all deny the charges.

A group of mainly blonde women – friends and relatives of the accused – were in the public gallery. In the dock, Davison sat apart from the other two. He came and left the court separately too. He was the only one smartly dressed: a leather jacket and crisp striped shirt on the opening day. He was the epitome of cool confidence. Tanned and silver-haired, he looked older than his 51 years and distinctly grandfatherly. He is represented by top London barrister, Orlando Pownall.

Prosecution barrister, Gordon Kerr, told the court that a female motorist known as 'Witness C' had seen "the older man with white hair" mercilessly kick Robert McCartney and make "swiping motions" at his chest which, it would be argued, was the

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stabbing.

It had all started in Magennis's bar in May Street in Belfast city centre on Sunday 30 January 2005, Kerr said. Robert and a group of friends had spent the afternoon there, drinking and watching the football. Around 10.30 pm, he was confronted about allegedly making a rude gesture towards a woman in the bar who was Terry Davison's partner. Robert's friend, Brendan Devine, insisted Robert wouldn't do something like that and the gesture had been misinterpreted.

According to Devine, a "heated argument" broke out between Robert and Jock Davison, Terry Davison's nephew. Devine tried to intervene but was told to mind his own "f**king business". Devine claimed that, as he walked towards Jock Davison, he was struck on the head with a bottle and punched.

He fought back. Devine said his head was grabbed from behind and his throat slashed several times with what he believed was a broken bottle. Another friend of Robert's, Ed Gowdy, said Jock Davison, who was now injured, was "very angry" and was shouting 'I'll kill that bastard!' at Devine who was yelling back aggressively. Robert McCartney and Ed Gowdy were holding back Devine. The fight spilled onto the street.

Gowdy urged Devine, who was bleeding profusely from his stab wound and gripping his throat, to go home in a taxi. Gowdy, Devine and McCartney made their way into neighbouring Market Street. But a group of men, whom the prosecution says included Terry Davison, Jim McCormick and Joe Fitzpatrick – a doorman in Magennis's, -followed them armed with a stick and a bottle. One of the group allegedly had a knife.

Gowdy turned towards them and tried to mediate. Joe Fitzpatrick hit him in the face but another in the group told the assailant not to hit Gowdy and ordered Gowdy to "get offside". Gowdy left his two friends, returned to the bar and finished his drink. It was only after "considerable delay" he spoke to police.

Devine and McCartney were now alone in Market Street with the group. Devine recalled Jim McCormick close to him and then being stabbed but "his memory was affected by the injuries". He remembered seeing Robert lying on the ground and two people apparently kicking him. Then, he allegedly saw Terry Davison standing over Robert, "digging his hand into his face and pulling his head up".

Devine helped Robert to his feet. They staggered into Cromac Street where they collapsed and were found by police. When the ambulance arrived at 11pm, Robert McCartney gave his name to a paramedic before drifting into unconsciousness.

When he arrived in hospital, he'd no heart beat nor measurable

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blood pressure. He was taken to theatre. His chest was sliced open. The doctors got his heart beating. His stomach was cut open by the surgeon – it was filled with blood which was drained. But at 7.15 am, Robert suffered a heart attack. For an hour, medics battled to revive him. Eventually, he was pronounced dead.

As well as a fatal stab wound to the stomach, he'd suffered a broken nose, laceration to the right eyelid, and injuries to his arms and leg. Brendan Devine underwent surgery for his stab wound, including repair to his small bowel. He was in hospital a fortnight.

Two paramedics who had treated Robert McCartney in Cromac Street gave evidence to the court. Later, in an emotional scene, the McCartney sisters shook their hands, thanking them for helping their brother that night.

Brendan Devine and Ed Gowdy will give evidence next week. It is understood Gowdy will be screened. A key prosecution witness is 'Witness C', the female motorist. Her evidence, as outlined last week, is very detailed.

On the night of the murder, she'd stopped at traffic lights when a man, who was later said to be Robert McCartney, ran in front of her car. He was followed by "an older man with white hair". The older man allegedly grabbed Robert and brought his arm round "in a swiping motion" towards Robert's chest. The prosecution will argue this was the stabbing. 'Witness C' saw Robert flinch and fall to the ground. The white-haired man kicked him in the back several times.

Brendan Devine allegedly gestured to the older man "he's had enough" and leaned forward to help Robert. 'Witness C' claimed the older man then swiped at Devine.

She claimed the white-haired man aimed "a forceful direct kick" at Robert's head. She described it as "the attacker lashing out as hard as he could and very deliberate". In an ID parade, she picked out Terry Davison as the white-haired, older man.

"The witness will say she was not more than 12ft from this incident. Nothing was obstructing her view. She saw the older man from the back, the side and full face. The lighting and general conditions were good," said prosecution barrister, Gordon Kerr.

"The witness was sober and independent and knew nothing of the parties involved nor was she in any way connected to any personalities in the case."

Kerr said police had tried to obtain CCTV evidence from

Magennis's but were told "the system hadn't been recording at the time". The crime scene wasn't preserved. Chairs, stools and tables were moved. Although it had been a busy bar, police at the scene "found few witnesses who could assist in establishing what had happened".

Sergeant Larmour told the court he'd seen a trail of blood along Market Street. There were two pools of blood outside the bar but "it looked like someone had tried to wash it down". When interviewed by detectives, Terry Davison initially refused to answer questions.

Later, he said he'd approached Robert McCartney in the bar asking him to apologise for the alleged gesture to his partner. They'd shaken hands "and that was an end to the matter". He accepted a fight had started and his nephew Jock was injured. Terry Davison denied being in Market Street and said any identification placing him there was "mistaken". When asked if he'd been involved in assaulting Robert McCartney he didn't reply.

Neither Joe Fitzpatrick nor Jim McCormick answered questions during interview. McCormick's blood was allegedly found in Market Street. At the end of McCormick's questioning by police, his solicitor read a statement on his behalf saying he'd cut his finger while trying to break up the fight in Magennis's. When the crowd drifted into Market Street, "he couldn't be sure whether or not he'd drifted with them".

Magennis's bar is only 100 yards from the courthouse. On the opening day of the trial, a sign outside advertised food specials and the screening of the European champions' league match. As the court heard evidence of Robert McCartney's brutal murder, Magennis's was being repainted.

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