

IN THE SHEFFIELD CROWN COURT

The Crown Court,
Castle Street,
Sheffield 1.

19th June 1985

Before

HIS HONOUR JUDGE GERALD COLES, Q.C.

REGINA

-v-

WILLIAM ALBERT GREENAWAY
DAVID MOORE
BERNARD JACKSON
GEORGE KERR McLELLAND FOULDS
BRIAN IRVINE MORELAND
ERNEST BARBER
DAVID RONALD COSTON
KEVIN MARSHALL
ARTHUR HOWARD CRICLOW
GEORGE WARWICK FORSTER
JAMES O'BRIEN
CRAIG WADDINGTON
ERIC SCOTT NEWBIGGING
STEFAN WYSOCKI
DAVID BELL

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For D. Moore:	MR. M. MANSFIELD
For B. Jackson:	MR. M. MANSFIELD
For G.K. McL. Foulds:	MR. P. O'CONNOR
For B.I. Moreland:	MRS. V. BAIRD
For E. Barber:	MISS M. RUSSELL
For D.R. Coston:	MRS. V. BAIRD
For K. Marshall:	MR. E.P. REES
For A.H. Crichlow:	MR. P. O'CONNOR
For G.W. Foster:	MRS. V. BAIRD
For J. O'Brien:	MR. P. GRIFFITHS
For C. Waddington:	MR. M. MANSFIELD
For E.S. Newbigging:	MR. E.P. REES
For S. Wysocki:	MISS M. RUSSELL
For D. Bell:	MISS M. RUSSELL

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19th June, 1985.

(Discussion regarding order of calling witnesses)

Pol. Con. THOMAS BROPHY Recalled

Cross-examined by MRS. BAIRD:

- Q. Mr. Brophy, I ask questions on behalf of the man you arrested whose name I think you got wrong at one stage yesterday. His name is Moreland. - A. Yes.
- Q. I would like you to help us, please, to try to pinpoint whereabouts it was you arrested him. Perhaps if we look at the photographs in Exhibit 9 that you looked at yesterday with Mr. Walsh. It is quite plain, Mr. Brophy, you do in fact recognise this territory, do not you? - A. Yes, I recognise the road, yes.
- Q. Because you were able straightaway to tell Mr. Walsh he was, as it were, putting you in the wrong car park. Your car park was on photograph 1? - A. That is correct, yes.
- Q. I think you said to us yesterday that what you did when deployed on to the front line was to run to that line? - A. Yes.
- Q. And you thought that had been a distance of - what - 200 yards was your estimate yesterday? - A. At the most, yes.
- Q. Right. Well, if you look at photograph 1 and perhaps at photograph 2 and if you cast your mind to that car park - you will know where that is because you told us yesterday - can you tell us roughly whereabouts it would be you joined that line of Police? - A. I am afraid I could not say whereabouts on the road the line was.
- Q. Well, perhaps we could look at the plan. I believe we have a scale plan available, an early exhibit. Perhaps 4. It is 3. I am sorry. If you look - in fact I prefer to turn the plan upside down because that is the way we have got used to looking at it - you can see the most significant feature is the railway bridge right in the middle because you can see all the railway tracks. Yes? - A. Yes.
- Q. Can you find your car park for us on that plan? - A. The car park was near to the main entrance of the coking plant. Where the road is with a small island in the centre, it is just to the right of that.
- Q. Right.
- Q. JUDGE COLES: The road has a small island in it? - A. Yes. It would appear from the map it does, yes.
- Q. Mrs. Baird is holding the map upside down. Were you doing that too? It depends which is left and right. Turn it round, let me see, would you? - A. Holding it that way up. Yes, holding it the same way.
- Q. Fine.

- Q. MRS. BAIRD: I think the whereabouts of the coking plant is plain. It may be easier to hold it the right way up.
- JUDGE COLES: Does not matter. As long as we all do it the same way.
- MRS. BAIRD: Let's all have the scale at the bottom.
- JUDGE COLES: Very well.
- Q. MRS. BAIRD: The coking plant is now on our right.
- Q. JUDGE COLES: The island in the middle of the road, where do you say that is? - A. Just there.
- Q. MRS. BAIRD: Perhaps turn round and let the jury see as we
- JUDGE COLES: Is he pointing to the
- THE WITNESS: The road is there.
- MR. WALSH: Yes.
- JUDGE COLES: Yes, I follow. Thank you very much.
- Q. MRS. BAIRD: You can see the scale at the bottom there which the most helpful of the two is in metres. If you have a pencil anything that can help you with that kind of measurement you can just measure up the road how far you ran? - A. I cannot remember the exact distance we ran. From the map it would certainly appear to be less than 200 metres.
- Q. Whereabouts, if you have measured 200 metres - I accept of course it is very approximate - whereabouts does that put you when you joined the cordon? - A. If I did run 200 metres it would put me approximately half-way from the bridge to the first side road, get my meaning.
- Q. Somewhere - what - roughly underneath the "H" in "Highfield Lane or possibly a little to the left of that? - A. Somewhere near that, yes.
- Q. First "H" in "Highfield Lane".
- Q. JUDGE COLES: You do not think you went that far? - A. At the furthest. I would not say we went any further than that.
- Q. MRS. BAIRD: Although Highfield Lane is clear to the left for a good distance, i.e., there are no buildings on it, there does come a time when there is a substation with much nicer grass round it and then the bridge is quite apparent. Can you remember when you went to the cordon whether you could see the substation - A. No, I cannot remember. I did not even know there was a substation there before I saw it on this plan.
- Q. Can you remember whether you saw the bridge at all? - A. I cannot remember whether I first saw it when I went to the line.
- Q. I have talked about you joining the cordon. In fact I do not think you ever actually did, did you, because you made clear

yesterday you ran up the road with your P.S.U. and as you arrived the cordon broke for you and you went straight through? - A. Not as we arrived. A short time later.

- Q. What time elapsed, do you say? - A. A very short time. No more than a couple of minutes.
- Q. This is just, as it were, so the people at the front registered you arrived? - A. Yes.
- Q. Opened up and let you through?- A. Possibly something like that.
- Q. You estimated you probably ran 40 or 50 yards on that first run? - A. Yes, about that distance.
- Q. And then the cordon, you say, came to you and you withdrew, the cordon with the long shields setting itself up at the extremity of your run? - A. Yes, that is correct.
- Q. So you are probably by now somewhere level with the substation. Would that be fair? - A. From looking at this map I would be somewhere around there, yes.
- Q. Again, does that bring itself into your mind? You are presumably remembering this as we go through it. Do you remember the substation? - A. I cannot remember the substation at all.
- Q. Do you remember at the end of the first charge being very close to the railway bridge? - A. I remember the railway bridge being in sight.
- Q. The second charge, the one you take next, I suggest to you takes you over the bridge? - A. It may well have done, yes.
- Q. You have told us again that charge was about 50 yards or so? - A. Yes.

JUDGE COLES: Has he said when he saw the railway bridge or when it came into sight?

MRS. BAIRD: I understood his evidence to be but please correct me:

- Q. You saw the railway bridge at the end of the first charge? - A. Yes, that is correct.
- Q. You became aware of it then?-A. Yes.

JUDGE COLES: Thank you very much. I thought he said something like that.

- Q. MRS. BAIRD: You are happy to accept your second charge probably took you across the bridge? - A. Yes, it may well have done on the second.
- Q. If we look back to Exhibit 9 we have gone up from photograph 1, photograph 2, photograph 3, photograph 4 and it seems likely that if we can, as it were, stop you in the middle of the second charge you are going to be running into photograph 7? - A. I

never ran that far.

- Q. JUDGE COLES: Pardon? - A. I do not think I ran that far. I do not remember the housing estate.
- Q. MRS. BAIRD: It is right, Officer, we have had the benefit of a site view which you have not since this incident. There was a good deal of foreshortening on photograph 7. The houses are quite a considerable distance back. - A. Yes.
- Q. They really are quite a way away.- A. As I have said, I do not recall them.
- Q. But on our measurements, approximate though they are, it does look as if you are going to be running through photograph 6 into photograph 7 on your second charge?
- Q. JUDGE COLES: Well, if you went across the bridge that must be right. - A. Yes, it must be if I did go across the bridge, yes.
- Q. MRS. BAIRD: Can I confirm with you the procedure for the second charge was very much the same as the first? You receive an order, the cordon opened and you ran through? - A. That is correct.
- Q. And it was somewhere in the course of that second charge when your eyes set upon the man you now know as Mr. Moreland? - A. Yes. That is also correct.
- Q. Then please tell us where he was. - A. Moreland was standing some distance ahead of the Police cordon.
- Q. Where? - A. He was standing on the roadway.
- Q. Well, look at the roadway there. Tell us where he was. - A. Which photograph do you want me to look at?
- Q. I should look at 7 but you are welcome to look at any of the one which might - A. It was before photograph 7.
- Q. I see. Go back then. Was he actually on the road on the bridge - A. I think he was on the road just before the bridge.
- Q. Well, we will go back then to photograph 5. Can you show us on that photograph where he was? - A. No, I could not say exactly where the accused was standing.
- Q. Whereabouts in the road was he? - A. He was somewhere in the roadway.
- Q. You have told us that. I want to know where in the road. - A. I am afraid I could not pinpoint exactly where he was standing.
- Q. So you are telling the jury you saw this man clearly but you cannot tell them whether he was in the right-hand side gutter, the left-hand side gutter or on the white line? Is that correct? - A. Yes, that is correct. The situation was quite confused at this time and those sort of thoughts were not uppermost in my mind.

- Q. It has not got much to do with thought, has it? I thought you were recalling for us what you saw. - A. Yes, I am recalling to the best of my ability what I saw.
- Q. Yet in this abiding vision of Mr. Moreland you cannot place him at all to your right, to your left or in the middle? - A. No, I cannot.
- Q. You are quite sure he was on the road and not on the grass beside the road, are you? - A. Yes, he was on the road.
- Q. At the time when you saw him how far had you run from the cordon - A. When I first saw him I was still with the cordon.
- Q. Oh, I see. Were you behind it then? - A. Slightly behind the cordon, yes.
- Q. And what was he doing when you got that glimpse of him as you were still behind the cordon? - A. When I was still behind the cordon I saw him picking stones up.
- Q. You saw him picking them up? - A. Yes.
- Q. Whereabouts did he pick them up from? - A. Picked them up from the roadway.
- Q. Does not that help you to tell us whereabouts he was if you actually saw him picking stones up? - A. No. As I have said, I cannot pinpoint him exactly in the roadway.
- Q. How many stones did you see him pick up while you were still behind the cordon? - A. Picked up a small amount, three or four maybe.
- Q. So is this right? You had your eye on him from well before you started running? - A. Yes. As I stated in my evidence yesterday we had been pelted with a large number of missiles and I was making sure I was not going to get hit. If I did see anyone picking them up-I kept an eye on them, tried to see where they were throwing them.
- Q. You have told us there was a period of time when you were behind the cordon. How long was that prior to the second charge? - A. Again a small amount of time, maybe a couple of minutes or less.
- Q. And at what stage during that couple of minutes had you got your eye on Moreland and kept it on him? - A. Just before the charge.
- Q. So how long is that going to be? - A. Maybe 20 seconds.
- Q. That is before you start running? - A. That is correct.
- Q. Can you tell us how many stones you saw him pick up? - A. As I have said before, maybe three or four.
- Q. And can you tell us which hand he picked them up with? - A. No, I could not.
- Q. You cannot? - A. No.

- Q. Let me be quite clear, Mr. Brophy. This account you are giving is the truth, is it? - A. Yes, it is.
- Q. Well, if it is it amounts to what you saw, does not it? - A. Yes, it does, yes.
- Q. You cannot tell us which hand he picked them up with, where he was standing or anything of that kind? - A. I am saying what I saw to the best of my ability. If I am not sure of any details I am not going to guess or hazard a guess as to what happened.
- Q. You had 20 seconds before you started running, presumably before you even knew you were going to run again, in which to observe him quite coolly and weigh up where he was? - A. Yes. I was not looking just at Moreland. I was looking at the group of pickets.
- Q. Surely if you see a man when you have 20 seconds leisure time clearly picking up missiles you are going to run straight for him and disregard all others, are not you? - A. No. There were a lot of other people also picking up stones and throwing them.
- Q. What significance did that have to you? Were not you going to arrest this man? - A. My immediate intention was to try and make the pickets retreat. The arrest of the accused just came afterwards.
- Q. I am afraid I do not follow that. I thought you had your eye on him from before you started to move? - A. Yes. I had seen him pick stones up before I started to move.
- Q. You did run straight towards him and take hold of him on your account, did not you? - A. Yes. As we began to run the accused turned and began to run away. After a few yards I saw him stumble and fall. It was then I realised I had an opportunity to catch him and I then ran towards him.
- Q. If your purpose was just to disperse them why did not you just let him get up and run away again? - A. As I stated before, a large number of pickets had been throwing stones at the Police lines. I arrested Moreland because he had been committing an offence.
- Q. It seems from what you told us yesterday you arrested him despite your orders. Is that the truth? - A. No, it is not.
- Q. What do you say your orders were when you went out on these charges? - A. Our orders were to disperse the pickets.
- Q. Drive the pickets back? - A. Yes.
- Q. And stop them throwing stones? - A. That is correct.
- Q. You were not then ordered to make any arrests, were you? - A. We were empowered to make arrests.
- Q. You will please answer my question. Were you ordered to make any arrests? - A. No, I was not ordered to make any arrests.
- Q. So you made this arrest despite being told merely to disperse? - A. Yes.
- Q. Why? Were you in a hurry to leave the field? - A. No. No hurry

at all.

- Q. What was it that attracted you to Mr. Moreland amongst this - it sounds like quite a forest of people throwing stones? - A. As I said, I was looking for people who were picking up and throwing stones. Moreland was amongst these.
- Q. How many people were around him at the time? - A. A very large number.
- Q. Whereabouts was he in this very large number? - A. Could not say whether he was near the outskirts or in the centre. Certainly amongst the front of the pickets.
- Q. JUDGE COLES: That is before the charge? - A. Sorry?
- Q. Before the charge when you first saw him? - A. Yes.
- Q. MRS. BAIRD: Now, as you ran towards him what did he do? - A. As I ran towards him he threw one more stone, then turned and began to run away.
- Q. So have I got this right? During your 20 seconds - and I am using that as a form of shorthand, not wishing to keep you to that precise time - wait you saw him pick up some stones? - A. Yes.
- Q. Then as you run toward him you see him throw one? - A. Yes. He had thrown one or two before this. He also threw one as I was running towards him. -
- Q. At what stage do you say he had thrown the ones prior to the one you saw him - A. Sorry. Can you repeat that?
- Q. Yes. At one stage standing there you had seen him picking them up. You run towards him. He throws one. At what stage did you see him throw the others? - A. Before the Police Officers had charged the picket line.
- Q. So whilst you are standing for the 20 seconds before behind the line not only do you see him pick stones up but you also see him throw? - A. That is correct.
- Q. So the only stone you see him throw whilst you are on the move is that one? - A. Yes, that is correct.
- Q. Tell us which hand he threw it with. - A. No, I cannot.
- Q. Where did it go? - A. It went somewhere above my head.
- Q. Above your head? - A. May I rephrase that? It went past me. It did not hit me.
- Q. Where did it go? - A. Somewhere behind me. I did not turn round to watch where it landed.
- Q. Which side of you did it go or was it in fact above your head? - I think it went above me and to my left.
- Q. Above your head and to your left.

- Q. JUDGE COLES: But you did not turn to look? - A. No.
- Q. MRS. BAIRD: You did not take too much notice of this stone as you were approaching Mr. Moreland? - A. No, I did not, no.
- Q. Notwithstanding you had seen him pick it up and you might have been in danger yourself? - A. Once I saw the stone was not going to hit me I did not turn round to see where it was going to land
- Q. Can you tell us again what it was that made you see Mr. Moreland particularly? - A. Yes. My attention was attracted to him when he was picking the stones up.
- Q. On your account, many, many people were doing that same thing? - A. Yes. And I had also seen many other people pick stones up.
- Q. Why was he arrested? Because he fell over? - A. He was arrested because he was the only one I had the opportunity to catch.
- Q. So I am right, am I, because he fell over? - A. Yes.
- Q. Tell us how he fell, please. - A. He turned and stumbled and fell
- Q. He turned running quite obviously in the direction of the bridge on photograph 5 because he would not be running towards you? - A. Yes, I think he was somewhere near the bridge. He turned to run towards the bridge.
- Q. To run toward the bridge. And how far did he get? - A. Not very far. A yard or two.
- Q. Just a yard or two? - A. Yes.
- Q. Did you see what made him fall? - A. No, I did not.
- Q. How did he fall? - A. Fell forward, fell forwards.
- Q. Forwards on to his hands and knees or what? - A. Yes, something like that, yes.
- Q. Did he fall flat on the floor or just down on to his knees? - A. He fell. I could not say how he fell, how he landed.
- Q. You, on your account, were only a few yards behind him. Did he fall flat on his face? - A. I could not honestly say how he landed
- Q. Where was he when you got hold of him? - A. He was trying to get when I got hold of him.
- Q. Where did you get hold of him on his body? - A. I got hold of him on the back of his collar, on one of his shoulders.
- Q. What did you do? Yank him to his feet? - A. Yes. I made him stand up then.
- Q. At that moment when you put your hand on Mr. Moreland where was your colleague Moore? - A. He was immediately behind me.
- Q. Had you been conscious of him throughout this second charge right beside you? - A. Yes, I knew he was there, yes.

- Q. When you had your few seconds respite whereabouts was he? To your right, left or what? - A. Constable Moore, he was standing beside me. I could not say whether to my right or left.
- Q. As you put your hand on to Mr. Moreland's collar Constable Moore took hold of him, did he? - A. That is correct, yes.
- Q. Practically at the same time? - A. Yes. A split second after me.
- Q. Where did he take hold of him? - A. He also got hold of him by the shoulder.
- Q. As you ran in this charge were you one of the front line of Policemen running? - A. Yes, I was.
- Q. And your arrest was made in the middle of the road? - A. Somewhere in the middle of the road, yes.
- Q. You did not get trampled by the other Policemen running behind you? - A. No, I did not.
- Q. What did the other Policemen do? - A. They carried on chasing the other pickets.
- Q. You know all the other Policemen who were running past that scene at that time, do you not? - A. The ones that belonged to our P.S.U., yes, I did.
- Q. Tell us who ran past, can you? - A. I could not say. I could not name who ran past. Police Officers ran past.
- Q. Did not the whole of your P.S.U. run past you there in the middle of the road? - A. I would say probably the vast majority did, yes.
- Q. Mr. Scotland, for instance, did he run past? - A. I do not know he ran past. He was certainly in our P.S.U.
- Q. There is a Jones in your P.S.U. as well? - A. Yes, there is.
- Q. Without going into every name in your P.S.U. would it be your evidence all of them inevitably ran past you whilst making this arrest? - A. There was a good chance all of them ran past me.
- Q. What about Inspector Bennett? - A. Did he run past me?
- Q. Yes. - A. He probably did, yes.
- Q. Because he was up there with the P.S.U., was not he? - A. Yes, he was.
- Q. There are two Sergeants? - A. Yes, there were two Sergeants.
- Q. Also there. Would they go past? - A. Probably would, yes.
- Q. Your evidence is Mr. Moreland was arrested in the road on the coking plant side of the bridge in the circumstances you have described? - A. Yes, that is correct.
- Q. Now, from the time when you arrested him I think you made quite

clear that you were with him all the way down to the Police H.Q. the Reporting Centre? - A. Yes, I was.

- Q. You had a hold of him, indeed, all that time, did you? - A. Yes, I did.
- Q. Mr. Moore also had a hold of him all that time? - A. He did.
- Q. As I have understood the sequence, having checked him in and had him documented you first of all told Mr. Walsh you went back to your P.S.U? - A. Yes.
- Q. You then changed that. You had forgotten you in fact went to make a statement? - A. That is correct, yes.
- Q. You made a statement, I think, in the same building as where you had left Mr. Moreland? - A. That is correct.
- Q. Having done that I think you told us you perhaps took rather an unusual course upon yourself of carrying it out to Mr. Moore? - A. I did, yes.
- Q. You found Mr. Moore in the van? - A. Yes. He had returned to the van in the car park at this time.
- Q. Presumably the unit was stood down or he would not be there? - A. Yes, that is correct.
- Q. So all of your colleagues, Mr. Scotland, would be in the van or around the van at the time you arrived? - A. Yes, they would be near to the van.
- Q. And you got his signature. Do not want to go into huge detail about that at this stage. Presumably you returned the statement to the H.Q? - A. Yes.
- Q. Just a few yards away? - A. Yes. Just over the road.
- Q. Then what happened? Did you go back to the van and join them and go away for the evening? - A. Yes, that is correct.
- Q. You did not in fact rejoin your P.S.U. on the field at all that day? - A. No, I did not.
- Q. By the time you had finished making a statement they had been stood down? - A. Yes.

MRS. BAIRD: I wonder if I could have, please, Mr. Moreland's detention sheet at this stage:

- Q. The time of Mr. Moreland's arrest, it is on this detention sheet this is the piece of paper you looked at yesterday - 11.23? - A. Yes.
- Q. Presumably that time of arrest came from you? - A. Yes, it must have done.
- Q. How did you know you arrested him at 11.23? - A. I was wearing a watch.

- Q. So you were wearing a watch all day then? - A. Yes.
- Q. Extraordinarily vague about times other than this one for a man who is wearing a watch, are not you? - A. Yes, I had no reason to look at my watch during that day. To be quite honest, I was surprised at the time. I thought it would have been much earlier than that.
- Q. I am sure you looked at your watch at the time you were ordered to go forward into action? - A. Cannot remember doing so.
- Q. Do you know when you went forward into action? - A. I do not know the time, no.
- Q. How long do you think you were in action, if I can use that phrase? - A. Could not really say.
- Q. Is it an hour, two hours, three hours? - A. I honestly could not say after this passage of time how long it was.
- Q. You can remember all the details you have given about Mr. Moreland's antics but not the slightest clue how long you were in action? - A. No, I could not say how long I was up there for, no.
- Q. You were in action, Mr. Brophy, if your P.S.U. booklet is right for eight minutes, were not you? - A. If that is what the P.S.U. book says it must be right.
- Q. What sort of day was it that day? - A. It was very hot.
- Q. And you have told us you had a helmet and shin pads and so on and you were carrying a shield? - A. Yes, that is correct.
- Q. What sort of shield were you carrying? - A. Carrying a short shield.
- Q. I have got two here. Will you tell us which one you were carrying? - A. I think it was of that type there.
- Q. Could you pick it up? It is not so easy for the jury.
- JUDGE COLES: And for the shorthand writer it is the clear, rectangular one.
- Q. MRS. BAIRD: Thank you very much. Do put it down. Presumably you all kept your own shields all day? You were fulfilling a short shield Officer's role? - A. Yes.
- Q. You had that with you at the time of arresting - A. Yes.
- Q. Mr. Moore does not seem to have come with you to make a statement. - A. No, he did not, no.
- Q. Presumably your evidence is that from checking Mr. Moreland in to taking your own statement to Mr. Moore you were in the statement making room all the time? - A. For the majority of the time, yes.
- Q. Well, where else did you go? - A. I think I may have had a cup of tea during that time.

- Q. Is that in the same premises? - A. In the same building, yes.
- Q. May I look a little further now into your taking this statement out for Mr. Moore's signature? Who was in charge of the statement taking centre? - A. Who was in charge of the statement-taking centre?
- Q. Yes. - A. When we took the statement there were a number of people in the room and there was a Plain Clothes Officer who was assisting us to make the statement.
- Q. So he was in charge. Was he the chap who gave you the statement form? - A. Yes, he gave us the statement forms.
- Q. And when you got your particular statement form was it blank? - Yes, it was.
- Q. And how did you set about making the statement? - A. For the original three or four paragraphs which set the scene of the day we were helped a great deal by this Officer.
- Q. How did he help you? - A. He told us largely what to write, the names of roads and locations and things like that.
- Q. That would be essential because as you have made clear you have only been to Orgreave the once? - A. Yes.
- Q. You would not know the names of the roads. Did he help you out with any more? - A. He helped me with all but the actual arrest of Moreland.
- Q. Tell us in what way he was able to help you with other things. - A. The original three or four paragraphs?
- Q. Well, with the other things but the arrest of Mr. Moreland. - A. Well, as I have said, he helped me a great deal, basically told me what to write up to the arrest of Moreland. As I said, he helped me to set the scene of the day.
- Q. Did he dictate it to you? - A. Large parts, yes.
- Q. What was your attitude to receiving such dictation? Did you just take it down happily because he was in charge? - A. No. If it had been incorrect then I would not have written it down.
- Q. What do you mean by incorrect? Of course you would rely on him, a Detective, to get it right? - A. I had to trust him with the name of the road and the directions but it was my statement and I am responsible for that statement. If anything was incorrect then I would say so.
- Q. So everything in those opening paragraphs right down to the arrest of Mr. Moreland dictated to you but confirmed, as it were, as you were writing it down as being correct by you? - A. Yes.
- Q. Things each and every one of them you knew were right to your own knowledge save for the name of the road? - A. I had to trust him with the name of the road. I did not know the name of the road.
- Q. Apart from trusting him with the name of the road all the things

you wrote down you were saying as you wrote them, "That is right I well remember that. That is right, I well remember that"? - A. Yes, they were correct to the best of my knowledge.

- Q. You did not have to deviate at all from what he told you? There was not a time when you said, "Just a minute. I am not sure about that. Do you mind if I put it this way instead?" - A. I do not think there was, no.
- Q. Having written it out did you sign it at that stage? - A. Yes.
- Q. Did the Detective perhaps witness it for you or did you want to do that even at that stage with Mr. Moore? - A. No, the Detective did not witness it for me, no.
- Q. Were you allowed to take your statement away signed but unwitnessed from there? - A. Yes.
- Q. Presumably you had to ask permission to do that? - A. I cannot recall asking permission. It was my statement.
- Q. They were being collected in, I imagine, there and then, were not they? - A. People were finishing their statements around different times. I took my statement to show Constable Moore.
- Q. What were people doing with them as they finished? Presumably handing them to the Detective so they could all be collated? - A. Yes, they were, yes.
- Q. You would have to leave the room instead carrying your statement - A. Yes.
- Q. Did you not need to say to him, "Look, I had a very good friend with me all the time. I want to go and check he agrees with all this"? - A. I probably did, yes.
- Q. Did you know what time it was by then, by the time you were leaving with your statement in your hand? - A. Some time later. Quite a long time, I think.
- Q. How long did it take you to write the statement? - A. Cannot remember. Certainly over an hour to the best of my belief.
- Q. Likely to be considerably longer than that? - A. May well have been, yes.
- Q. (Inaudible) at 11.30. By the time you have finished putting it together your P.S.U. has been stood down? - A. Yes.
- Q. Because it is right to say your P.S.U. had not seen prolonged action that day, had it? - A. No, I do not think it was in action for too long.
- Q. It would not be likely it would be stood down quite quickly after you left it? - A. Sorry?
- Q. It would not be likely it would be stood down quite quickly after you left it? - A. I do not know how long after I left it it was stood down.

- Q. You did not make sure, did you, you took so long over your statement you did not have to go back into action? - A. No.
- Q. How did you know where to take it to show it to Mr. Moore? - A. The car park where our vans were situated was just across the road from where I had been to make the statement and as I left the building I saw Officers I knew around the van.
- Q. As you left the building you had already got the statement in your hand, had not you? - A. That is correct, yes.
- Q. You had already taken a decision to get Mr. Moore to sign it for you? - A. Yes, I had.
- Q. It sounds as if you took that decision before you knew where he was? - A. Yes. It was my intention to find him following the statement and get him to sign it.
- Q. You were to go back up Highfield Lane and say, "Just a minute. Come out of action and sign a statement," were you, if necessary? - A. If it would not have been practical to get Constable Moore's signature at that time I would have waited till later.
- Q. What did you do with the statement, with your own statement? Did you fold it up and put it in your pocket, carry it in your hand or what? - A. Had hold of it, I think.
- Q. All the time? - A. Yes.
- Q. You went across, there were Officers round the van so you took it to them? - A. Yes.
- Q. Did he read it or not? - A. Yes, he read it.
- Q. Was he standing by the van, sitting or what when he read it? - A. I think he was sitting in the van.
- Q. Were there others there? - A. Other people there, yes.
- Q. All these chaps of course who you know from your P.S.U? - A. Yes I know them all, yes.
- Q. We are going to hear from some of them. Perhaps you can give us the best list you can of who was there because some might remember this unusual incident. - A. Could not say with any certainty who was in the van or near the van with Constable Moore except one of the Sergeants was also there, Sergeant Armstrong.
- Q. Can you remember how many Policemen were sitting in the van? - A. Cannot remember, no.
- Q. Was it one or was the van pretty crowded or what? - A. Most of the Policemen in our P.S.U. were either in or around the van.
- Q. I am asking how many were in the van. - A. Could not say with any certainty.
- Q. JUDGE COLES: What did you say the Sergeant was called? Simpson? - A. No. Armstrong.

- Q. MRS. BAIRD: Why does Armstrong stick in your mind so strongly? - A. He also signed the statement.
- Q. Was he sitting in the van? - A. Yes, he was.
- Q. Did you sit beside Mr. Moore whilst he read it through? - A. I cannot remember details such as these. I handed him the statement either in or outside the van, certainly near to the van, and he signed it.
- Q. I think the important thing is whether Mr. Moore read it or not. - A. Yes, he did read it.
- Q. In your presence? - A. Yes.
- Q. So you stood or sat beside him as he read it through? - A. Yes.
- Q. Did he make any comment or change anything? - A. No. He signed it. May have said something like, "That's fine," or something but he signed the statement.
- Q. I am sorry. Be more particular. It seems to me at the point of signing you will have a clear recollection of whether he was sitting, writing on the side of the van or what? - A. I think he was sitting in the van.
- Q. Can you remember the pen at all, whether you had got one for him or his own? - A. I could not say. We all carry pens with us.
- Q. You appreciate the importance of this because Mr. Moore seems to have made it his statement as well by signing it? - A. Yes, he did.
- Q. At what stage did Sergeant Armstrong sign your statement? - A. The statement forms we were given differ from the forms we use in the Merseyside Police Force and on the statement form I was given there was a space for the statement to be witnessed by somebody. Sergeant Armstrong as my immediate Officer witnessed the statement.
- Q. Can you now answer the question? I am sure it is just a mistake. But I asked you when he witnessed it. - A. Soon after Constable Moore signed it.
- Q. So Sergeant Armstrong was witnessing - what - the signature of Moore? - A. I think so, yes. Asked for the statement to be witnessed.
- Q. In what way could Sergeant Armstrong, for instance, witness your signature? - A. Sergeant Armstrong knows what my signature looks like.
- Q. So you are saying it is a bit of a technicality? The Sergeant was quite happy to put his name to it as having witnessed you signing it? - A. Yes.
- Q. Did he actually see Moore signing it? - A. I think so, yes.
- Q. So he was able to do that as well? - A. Yes.
- Q. Presumably he knows Mr. Moore's signature? - A. He does, yes. 11

is our Sergeant at Garston.

- Q. So he knows you both well. You have told us you know each other well? - A. Yes.
- Q. You and Moore? - A. That is correct.
- Q. You are friends? - A. We are friends at work. We do not mix in social capacity.
- Q. You know of course now you have looked at it with Mr. Walsh yesterday the date of your statement is in fact the date after the day you were at Orgreave in this incident, is not it? - A. Yes, I saw that.
- Q. That is when you made the statement, is not it, on the 19th? - A. No. I made the statement on the 18th.
- Q. The jury can look at this in a moment but you can see clearly - indeed, you know already, do not you - your signature comes right next to the date? - A. Yes.
- Q. And that date is in your handwriting, is not it? - A. It is, yes
- Q. Presumably you wrote the date and then signed it? - A. I wrote the date, yes. Probably, yes. That is probably right.
- Q. Just your mistake? - A. Yes, it is.
- Q. A mistake which did not get noticed by Constable Moore who you signed immediately underneath you? - A. Evidently not. I did not notice.
- Q. A mistake that did not get noticed by Sergeant Armstrong who signed immediately under the date? - A. Yes. Did not notice it.
- Q. When you asked Mr. Moore to look at your statement why were you doing that? - A. Where did I ask him to look at it?
- Q. No. Why were you doing that, asking him to look at it and sign it? - A. I asked him to look at the statement before he signed it so that he knew that he agreed with what was written in the statement.
- Q. By way, I suppose, of making it his statement as well as yours? - A. Yes.
- Q. And you took it back? Then you went home wherever you were staying? Not sure whether you left Orgreave or returned locally - A. Yes. I returned to the Officer in the room when I started the statement.
- Q. You all just went home? - A. Yes.
- Q. Mr. Moore did not say anything to question you asking him to re your statement? - A. No.
- Q. He did not? - A. No.
- Q. And you do say that he definitely signed it? - A. Yes.

- Q. Do you not think it odd then Mr. Moore himself made a statement on the 18th of June about this very incident? - A. I would be very surprised.
- Q. You would because you would have thought when you showed him you to sign he would have said, "There's no need for that. I've done one of my own," would not you? - A. I would have done, yes.
- Q. Indeed, it is a terrible mystery how he got to make one when you were in the room where they were being made all the time from arresting Moreland to going away, is not it? - A. Yes. I do not remember him making one at all.
- Q. JUDGE COLES: Sorry. What was that last remark? - A. I do not remember him making one at all. He certainly did not make one in my presence.
- Q. MRS. BAIRD: And it follows from that, to be completely fair, that you have never had anything to do with Mr. Moore's statement at all? You have never seen it? - A. No, I have not, sir.
- Q. You certainly did not help him make it up? - A. No.
- Q. You did not compare notes about it? - A. No. As I said, he read my statement and signed it and I was not aware of him making any other statement.
- Q. Why is it word for word the same as yours then?
- MR. WALSH: That is a question, if it be the case, of somebody else.
- JUDGE COLES: It is a comment in any event.
- MRS. BAIRD: I accept that.
- JUDGE COLES: Maybe fair comment but it is comment.
- MR. WALSH: It is not for this witness to deal with.
- Q. MRS. BAIRD: You will be surprised, will you, if it is word for word the same as yours? - A. Yes. The only explanation I can offer, what I have just thought of, before we came to this Court we were both given a copy of our statements with which to refresh our memory and Constable Moore was given the identical statement to mine. But where I have written that I was with Constable Moore, on his statement it says he was with Constable Brophy, I think quite probably that it is the same statement just with our names changed to suit the person.
- Q. You think the explanation is Moore never in fact made a statement at all? - A. Possibly. As I said, I am not aware he made a statement. I obviously have not seen it.
- Q. JUDGE COLES: You obviously have not seen it? - A. I have not seen his original statement.
- Q. You have seen a copy of it? - A. I have seen a copy of a statement that has been given to Constable Moore, yes.

- Q. You saw that the other day when you were perfectly properly give a copy to read? - A. That is correct.
- Q. Given your own statements each but you happened to see his? - A. Yes.
- Q. MRS. BAIRD: How did you come to see Mr. Moore's statement No business of yours, is it? - A. On Saturday, he was given his statement on Saturday. I was given mine on Friday. And when he was given his I was in the same room as him.
- Q. Who gave you the statement?- A. An Officer from this Police Force
- Q. What is his name? - A. I do not know his name, I am afraid.
- Q. Whereabouts were you at the time? - A. I was in Garston Police Station.
- Q. And that was on Friday? - A. Saturday.
- Q. Saturday. Did not you have your statement on Friday? - A. I did yes.
- Q. You cannot have been given it in Garston on Saturday then. Where were you given yours? - A. I was given mine in South Yorkshire Police Headquarters.
- Q. Mr. Moore, you say, was given his in Garston on Saturday? - A. That is correct, yes.
- Q. JUDGE COLES: You just happened to be there? - A. I am sorry
- Q. What were you doing there? - A. I work at Garston Police Station
- Q. MRS. BAIRD: This Yorkshire Detective went to Garston to give Mr. Moore his statement, did he? - A. That is correct, yes.
- Q. Presumably since you saw him sign his signature on your own statement you know Mr. Moore's writing? - A. I do, yes.
- Q. You are friends? - A. Yes.
- Q. Can you identify his signature for us then on this document? Is he Constable 6739F? - A. Yes, he is.
- Q. Do not worry about the statement. You are looking at the signature at the top. Is it David John Moore's? - A. Yes, I think so, yes.
- Q. It is? - A. It would appear to be, yes.
- Q. Look at the one that is on your statement now which also purports to be that of David John Moore and tell me do you still wish to tell this jury that Mr. Moore signed your statement? - A. Yes, he did, yes.
- Q. Would you look at the two together? Do you identify the signature of Moore on your statement as being his? - A. That is what he wrote.

- Q. Do you identify that as his signature then since you were there?
- A. Yes.
- Q. Do you identify the signature on his own statement as that of Moore? - A. It would appear to be, yes.
- Q. You know his signature? - A. Yes, that would appear to be his signature.
- Q. Mr. Brophy, the truth of it is Mr. Moore's name on your statement has been written on to your statement by you? - A. No.
- Q. It is in exactly the same hand as the whole of the rest of the statement, is not it? - A. It is in - appear to be the same hand
- Q. It is the same hand, is not it? - A. No.
- Q. The fact of it is you were nowhere near Brian Moreland when he was arrested and you copied the statement of Moore which was made on the 18th of June? - A. No. I arrested Moreland.
- Q. And you copied on the 19th of June, the date of your statement, Moore's statement made on the 18th? - A. No, that is incorrect. I made a mistake on the date of my statement.

MRS. BAIRD: Your Honour, may the jury now look, I think, at both statements unless my learned friend Mr. Walsh objects? It is both signatures.

MR. WALSH: If my learned friend is asking the jury to do what the law has said for generations must not be done, that is, the jury to put themselves forward as handwriting experts, then

JUDGE COLES: The law is I see you have lots of head shaking and nods.

MR. WALSH: Certainly they must see the documents, clearly but with that warning.

JUDGE COLES: What are you inviting them to do?

MRS. BAIRD: Use their common sense and look at those two documents.

MR. WALSH: I would like my learned friend to explain what she means by that.

MR. REES: Juries always being told not have trial by expert. My learned friend seems to be suggesting a deviation.

JUDGE COLES: I think we had better have a look at Archbol because it seems to me there is some misapprehension about the 1

MRS. BAIRD: I can probably obviate the need for any Certainly his statement must be exhibited and maybe now in a half-day's time when Moore comes his statement will be exhibited by the same process and if it be not appropriate now it certainly cannot fail to be appropriate then the jury see both of them.

JUDGE COLES: Mrs. Baird and Mr. Rees, you are both, if I

may say so, prejudicing your own positions, at least the position of your client, because that the jury should see those documents quite clear. They must not, and I shall tell them they will not act as handwriting experts. Not experts. It is quite improper for you to look at those signatures. Of course you are allowed to look at the document and you are allowed to listen to such comments as will be made upon them but you do not look at them with a view to exercising any purported expertise as a handwriting expert. Is that quite clear? Nor will I allow Counsel to address you on the basis that you should do so. That is a firm and unalterable direction on my part and I shall stop anyone who attempts to do otherwise.

MRS. BAIRD: I ask the jury now see the two exhibits and look at the two signatures.

JUDGE COLES: I won't comment on that.

MR. O'CONNOR: There is one further remaining question my learned friend Mr. Walsh raised. He asked for some help as to what common sense means.

JUDGE COLES: I do not think he really wanted an answer from you.

MR. WALSH: I do not require my learned friend's assistance on that point.

MR. O'CONNOR: Do not ask then.

MRS. BAIRD: May those documents be handed to the jury?

JUDGE COLES: Certainly, when I have had a look and Mr. Walsh, by all means.

MRS. BAIRD: I am conscious at the moment it is only the signature of Mr. Moore that is in evidence and that is all they should look at.

JUDGE COLES: Mr. Walsh would like to see that.

MR. WALSH: I would. (Shown to Mr. Walsh) (Shown to jury)

Q. MRS. BAIRD: Certainly not much resemblance, is there, between Mr. Moore's signature on the 18th of June and that document?

JUDGE COLES: Sometimes I think I waste my breath. Leave it there, please.

MRS. BAIRD: As Your Honour says:

Q. Let's put it this way then. You are lying, are not you? - A. No.

Q. Mr. Moore did not write on your statement?

MRS. BAIRD: Perfectly in order, I assure Your Honour.

THE WITNESS: Yes, he did sign.

- Q. MRS. BAIRD: Can you think of any reason why an original statement like yours would get folded up? - A. The only reason would be if I was to put it in my pocket or something like that.
- Q. Why would you do that, particularly in this situation where you are making a statement and really handing it in to a different Police Force? You would have no occasion to fold it up and put it in your pocket, would you? - A. I do not remember folding it.
- Q. It is right to say yours is not folded, if you want to look again or take it from me. Mr. Moore's, though, dated the day before yours has been folded, has not it? - A. It would appear so, yes.
- Q. Folded it up and put it in his pocket, did he, to bring it to you to copy out? - A. No. I have not seen that statement before today.
- Q. Did you look at whose signature was on Mr. Moore's statement as well as his? - A. Yes.
- Q. Whose is that? - A. Also the signature of Sergeant Armstrong.
- Q. Sergeant Armstrong. I had assumed - let me put this to you - when, in my view, it was plain Moore's name had been added in your handwriting on your statement you had done it for some innocent purpose. But if our handwriting expert in due course establishes it is your writing that has put D. Moore the totality of your evidence here is you have forged his signature, is not it? - A. I handed the statement to Constable Moore for him to sign.
- Q. You see, you can if you want to come back from saying that he signed it, simply confirm what I guess was the case, you just added his name because you thought he could verify it? - A. I am certain that is his signature.
- Q. It was not that you added his signature perhaps because you were telling such a pack of lies you wanted to be reassured by adding his name so he could shoulder them as well? - A. No. I have not told any lies.
- Q. Because it is right, is not it, you were not present at Mr. Moreland's arrest? - A. No. I was present at his arrest.
- Q. And it is right further, is not it, that although Mr. Moore might not have actually been there he was considerably nearer to Mr. Moreland at the time of his arrest? - A. No. I reached Moreland first.
- Q. What has happened is this, is not it, you have just taken hold of Moreland's other arm after he is in Moore's custody? - A. No, that is not correct.
- Q. As you are walking down the road, as Moore and Moreland are walking down the road? - A. No.
- Q. You have just taken his other arm to get off the field? - A. No, that is not the case.
- Q. Moore has gone in to the centre and made a statement? You see, Moore's is typed? - A. Yes.

- Q. Folded it up and put it in his pocket and brought it out and you have copied it in your own handwriting? - A. No. My statement is handwritten because I made the statement in the room with a lot of other Officers.
- Q. And you say the fact that it is dated the 19th of June, neither you nor Moore nor Armstrong noticed that, though you signed right beside the date, that is just an unfortunate mistake? - A. Yes, that is a mistake.

MRS. BAIRD: Various voices are mentioning the word break time.

JUDGE COLES: Are they?

MRS. BAIRD: I am making no application. I am indicating I am being harassed at the present.

JUDGE COLES: You must never allow yourself to be harassed Mrs. Baird. Yes. 5-to-12.

(Short Adjournment)

Pol. Con. THOMAS BROPHY Recalled

Cross-examined by MRS. BAIRD:

- Q. Mr. Brophy, you told us you arrested Mr. Moreland. I want to make absolutely clear what my case is so there is no danger of misunderstanding. It is that somebody else did that, not you, and you were not near the scene. Do you understand? Do you agree? - A. No, that is not correct. I arrested Moreland.
- Q. And that other person who was nearer the scene was probably Mr. Moore? - A. No, that is not correct.
- Q. And as Mr. Moore walked Moreland down the road you took hold of Moreland's other arm and escorted him with Moore away from the field? - A. No, that is not what happened.
- Q. And that your statement is false in that you do not know about its contents, you simply copied it from Moore's statement? - A. My statement was the first statement that was made about this matter.
- Q. And of course we know about the dates of them very clearly. I would like to ask you a completely different thing now. You were in the vicinity of the bridge clearly at 11.23 that day, you have told us. Did you see any famous person near there? - A. No, I did not, no.
- Q. Did you see anything of Mr. Scargill that day for it is he who I mean? - A. No, I did not see him at all.
- Q. Are you quite sure of that? - A. Yes, I am.
- Q. Did you ever see a group of people gathered round a recumbent baseball cap? - A. No.
- Q. So nothing that jolted your mind and said, "Hello, that may be

Mr. Scargill"? - A. No. I would certainly have remembered if I had seen him.

- Q. Was Mr. Moreland - let's come back to the real subject in hand - was he hurt when you arrested him? - A. I seem to remember he had a cut lip.
- Q. Do you know how he got a cut lip? - A. No, I do not.
- Q. You were there when he was checked in and this detention sheet made out? - A. Yes, I was.
- Q. And, indeed, responsible largely for the information that goes on to the detention sheet? - A. Yes.
- Q. It clearly says he had no injuries when he was checked in. How do you explain that? - A. He must have stated that he had no injuries.
- Q. Did you hear him do that? You were beside him, I think? - A. No, I did not. I cannot remember the details on that sheet.
- Q. Let's be right about it. If he had a cut lip and you heard him say, "No injuries," surely you would have said, "You are mistaken: Your mouth is cut"? - A. The procedure for filling in those sheets is the Sergeant asks the prisoner if he has any injuries. He obviously stated he had not.
- Q. And you stand beside him at the time? - A. It was a minor cut to the lip, yes.
- Q. Which lip? - A. Cannot remember.
- Q. Have a look at the photograph of you and him when you get to the Police H.Q. and see if anything on it helps you. - A. There is a mark on his upper lip.
- Q. Do you agree with me - I am not suggesting for one minute the photograph proves this - but there may well be an area of blood around his upper lip? - A. There is certainly a mark on his upper lip, yes.
- Q. Is that your recollection of how he looked when you were there together at the detention centre, whatever it is called? - A. Yes, I seem to remember that he had a cut lip.
- Q. Were you in any way responsible for him getting that cut lip? - A. No, I was not.
- Q. Do you say he had it at the time he was throwing stones or when you first laid hands on him or he got it when he fell or what? - A. He had it when I caught him.
- Q. Could you then look at Exhibit 21, photograph, 5, for me? There is a photograph of Mr. Moreland. Do you recognise him now? - A. Yes.
- Q. Mr. Moreland sits just there.

MRS. BAIRD: Will you stand up for a moment:

- Q. You can see he has been to the barbers since the photograph was taken. Who is holding Mr. Moreland's right shoulder on that

photograph 5? - A. I am.

Q. What are you carrying in your left hand? Is that your short shield? - A. Yes. It is the shield of the type I pointed out before.

Q. This one down here? - A. Yes.

Q. A little one. Who is on the other side of Mr. Moreland? - A. Constable Moore.

Q. That photograph is taken at around another electricity substation on the coking plant side of the works. Do you recognise it at all? - A. No, I do not, no.

Q. Obviously the photograph is a little distance away but look carefully, please, at Mr. Moreland's upper lip. It appears to be a bewhiskered specimen of upper lip at that time. Can you see any blood on it? - A. From the angle this photograph was taken, no, cannot.

Q. Are you sure Mr. Moreland did not get his cut lip after that photograph was taken? - A. Certainly not, no.

Q. Look at the Police Officers in photograph 5 standing in front of Mr. Moreland as he walks with you toward them. Can you see them? - A. Yes.

Q. Is that a cordon of Officers of some kind? - A. It would appear not to be, no.

Q. Look at the one

Q. JUDGE COLES: Did you say it was or was not a cordon? - A. It would appear not to be.

JUDGE COLES: Not to be.

Q. MRS. BAIRD: Do you remember taking him through those Officers? - A. I do not remember taking him through particularly,

Q. Look at the one there with his sleeve partly rolled up and look at the expression on his face. Indeed, look at the expressions on the other Officers' faces. I do not suppose that helps you to remember how Mr. Moreland got his face cut, do you? - A. No, I am afraid it does not.

Q. He got a punch from one Policeman as he went through, did not he? - A. I certainly do not remember him getting any punch.

Q. Please have a look at this photograph - it is a bit closer - of Mr. Moreland, photograph of him taken about the same time as Exhibit 21. We will all have a look at his mouth. See if it is cut then.

MRS. BAIRD: This is a new photograph and I have got copies for everyone. I should like it, please, to be exhibited. It will make it 37, I think.

JUDGE COLES: By the time I have copied this out again - 1

think it is 38. Well, that is unless we are making any of these statements exhibits. The last exhibit is Thompson's statement, it not?

MR. WALSH: This witness's statement has been exhibited, if not formally but by conduct.

JUDGE COLES: Mr. Moore's statement has been demonstrated, has not been proved, except that this witness has proved it.

MR. WALSH: So presumably those are both exhibits.

JUDGE COLES: Exhibit 38 Brophy's statement, Exhibit 39 Moore's statement, Exhibit 40 this photograph. Now, let's not get behind with these exhibits.

MR. WALSH: No.

JUDGE COLES: Stapling is the most difficult thing to get right. I wonder, Mr. Walsh, if you would be kind enough to take responsibility for seeing those two are properly marked?

MR. WALSH: I will do that. Might I enquire presently where they are?

MRS. BAIRD: They are currently beside me.

MR. WALSH: Might I have them for a moment?

JUDGE COLES: Shall we do them straightaway?

MR. WALSH: I think it better. I think Mr. Brophy's statement should be Exhibit - I think Your Honour said - 38.

JUDGE COLES: 38. That is right.

MR. WALSH: Will Your Honour permit me just to write in my hand on the back Exhibit 38 unless there is one of those sticker

JUDGE COLES: I think there are some tags.

MR. WALSH: I have written on a label Mr. Brophy's statement is Exhibit 38, Mr. Moore's 39.

JUDGE COLES: I shall ask the Taxing Master to take due note of Mr. Walsh.

MR. WALSH: I am very much obliged.

JUDGE COLES: I am sorry your cross-examination flow is broken into. We have to have that.

MR. WALSH: I am sorry. My learned friend is putting in a photograph which presumably ought to be given an exhibit number as well.

MRS. BAIRD: I make that 40.

MR. WALSH: 40.

MRS. BAIRD: Perhaps it is better called the Moreland close-up, something of that kind.

JUDGE COLES: The Moreland close-up.

MR. WALSH: If the witness will hand me his photograph a label will be put on that as well.

MRS. BAIRD: Would the jurors please look at those? There ought to be six copies there, one between two, please:

Q. Now, may I just put this to you, Mr. Brophy? Looking at photograph 5 in Exhibit 21, if you would, and if the jury try to locate where the new photograph is taken, if you look under the arm of the Policeman on the left-hand side of the photograph you can see an area of trees. Yes. - A. Yes. On this one?

Q. On the Exhibit 21. Yes? - A. Yes.

Q. That photograph, will in due course be said, is taken when Mr. Moreland and you two are passing that area of trees so it precedes the photograph in 21 which is numbered 5 by a few seconds.

Q. JUDGE COLES: Does that look right to you? - A. Yes, I understand this.

Q. MRS. BAIRD: Would you look at Mr. Moreland's upper lip and it is perfectly clear, is it not, it is not cut at that stage? - A. It would appear not to be cut at that stage, yes.

Q. Well, now then, you who had custody, you have told us, of him from picking him up to booking him in had better tell us how he did get the cut to his upper lip. - A. No idea.

MRS. BAIRD: Might the jury look, please, at the photograph on the detention sheet at this stage? I am conscious they have not had a close-up. They ought to make their own minds up about that.

JUDGE COLES: I think in the circumstances, could we

MR. WALSH: Would Your Honour like to look at it first?

JUDGE COLES: Yes. This of course is the Polaroid of half the face.

MRS. BAIRD: Yes. It is a great pity it does not show all of his face.

JUDGE COLES: Yes. Do you want this detached? I think it had better be detached and exhibited, had not it?

MR. WALSH: I have no views on the matter. My learned friend has

JUDGE COLES: Do you want this exhibited?

MRS. BAIRD: I would like it detached and exhibited.

JUDGE COLES: In the circumstances I think

MR. WALSH: 41.

JUDGE COLES: I take no responsibility for detaching it. (Shown to jury) I do not think you have asked the witness about that photograph yet, have you?

MRS. BAIRD: I think I have. I think I have asked him to look at it and he has already agreed Mr. Moreland had a cut face when he was photographed with him.

Q. JUDGE COLES: You agree that, do you? - A. Yes. Certainly a mark on his face, yes.

Q. MRS. BAIRD: And you have agreed also, Mr. Brophy, and indeed it is quite plain from the close-up photograph, he was not cut in fact in that area when you had him in your custody at first? - A. Yes. He would appear not to be cut there, yes.

Q. Let me ask you again. You have taken this man's freedom away. He could not go to right or left without you bringing him there. He could not go anywhere except where you took him. How did his face get cut when he was in your custody? - A. I have no idea.

Q. Mr. Brophy, that plainly must be a lie, must not it? You must know how he got cut if you were with him all the time. How did he get cut? - A. I have no idea. I certainly do not recollect him being punched by anybody.

Q. Did he run away from you at all after that photograph we have called the close-up? - A. No, not at all.

Q. I have already told you it says no injury on the detention sheet in one place. Were you a party to this being written on the detention sheet at all, scratch under nose. Stated fell over when running out of way? - A. No. I did not say that, no.

Q. On your account that must be wrong, must not it, because he did not run away after this photograph shows him with no cut? - A. He did not run away after these photographs were taken, no.

JUDGE COLES: What is the exact wording? Stated sustained was it, while running away?

MRS. BAIRD: Quote, "Fell over when running out of the way

Q. JUDGE COLES: You say you were not responsible for that in the detention sheet? - A. No, certainly not.

Q. MRS. BAIRD: Let me put to you for your comment this. Mr. Moreland was punched in the face and will say so as he went through the Police cordon whilst you were holding on to his right arm and you saw that plainly, did not you? - A. If Mr. Moreland had any injuries he would be asked by the Sergeant how he came about those injuries. If that is what appears on the charge sheet that is what he said.

Q. That is not actually the Sergeant who has written that on the charge sheet. Someone different. Please answer the question. - A. I do not recollect him being punched.

MRS. BAIRD: I think for absolute clarity I would like to

put before the Court another photograph of Mr. Moreland taken a second or so - Your Honour, it will be plain when I hand it in - before the close-up one.

MR. WALSH: This will be 42 - I suggest 40A so it is kept together with No. 40.

JUDGE COLES: I agree. The time is fast coming, I think, when we ought to have an up-to-date list of exhibits.

MR. WALSH: I was thinking that. What I did not want to do was produce a printed list of exhibits and then find in five minutes that it is out of date as well.

JUDGE COLES: That is true. Do you say you have copies too?

MRS. BAIRD: I do.

JUDGE COLES: Well done.

MRS. BAIRD: One for Your Honour, one Mr. Walsh certainly has - I think I have even got one for Mr. Keen as well - and six for the jury, if they would, one between two. (Distributed to jury)

- Q. MRS. BAIRD: Look again, please, Mr. Brophy, at the top lip. There you have a rather better view of the whole of the front of his face and he is not cut, is he? - A. No, he is not cut.
- Q. What do you carry in your left hand? - A. A riot shield.
- Q. A long riot shield? Yes? - A. Yes, it would appear to be, yes.
- Q. Well now, how come you have been telling us you were carrying a short one all the time? - A. I thought I was carrying a short one.
- Q. Let's do a little experiment. Pick the short shield up, then pick the long one up and tell us how they feel compared to each other. - A. The long one is appreciably heavier.
- Q. You have not told this jury very much of the truth since you have got into that box, have you? - A. Yes. It is a mistake that I was carrying a short shield. I thought I was.
- Q. Not even the truth about what you were carrying. Why did you lie about that? - A. I thought I was carrying a short shield.
- Q. How did you run 200 yards and then another 50, then another 50 labouring under that illusion? - A. The only explanation I can offer is I did start with a short shield, of that I am certain, and during the morning I somehow managed to get a long shield. I certainly started with a short shield. (Stopped by shorthand writer)

MRS. BAIRD: I interrupted the witness.

THE WITNESS: I have no idea how I got it.

- Q. MRS. BAIRD: You lied about that because the reason you had to leave the field at the earliest opportunity was because you found that long shield so heavy to run about with in the sun? - A.

They are heavy. That is not the reason.

- Q. That is why you took hold of the first prisoner you could find and the other arm, is not it? - A. No, it is not.
- Q. Why did you lie about it then? -A. It was not a lie. It was a mistake.
- Q. Look at this jury and tell them you started out with a short shield and tell them what happened to it and where the long shield came from. - A. Started off that morning with a short riot shield. Obviously some time during the morning this was substituted for long one. I do not remember this happening. (Stopped by shorthand writer)

MR. WALSH: The shorthand writer is getting swamped.

JUDGE COLES: I can understand why you wish to keep the tempo up but the shorthand writer must get it down. I think you can continue.

- Q. MRS. BAIRD: Did you hit Mr. Moreland between the shoulder blades with your shield? - A. No.
- Q. Did you see someone do that? - A. No.

MRS. BAIRD: Could Mr. Brophy please look at - I hope I will get it right - Exhibit 31, the bundle of coloured photographs, the ones we call the Wakefield photographs which have that famous person on?

JUDGE COLES: 35, do you mean? 30. Oh dear.

MR. WALSH: It is the one that starts with the railway line.

MRS. BAIRD: It is the biggest bundle of colour ones

JUDGE COLES: Have Mr.

THE WITNESS: This one?

MRS. BAIRD: No. It is thicker than that, Mr. Brophy.

MR. WALSH: If it helps Your Honour, it may be Your Honour got a folder to it. We have all got it in blue.

MRS. BAIRD: I think he has got his.

JUDGE COLES: This is the one starts at zero, the crowd coming down?

MR. WALSH: Yes.

MRS. BAIRD: Contains 24, I think, or about that number, just to distinguish it from the thin one.

MR. WALSH: The confusion amongst the jury is they have this album twice, once in a cut-down set of about five photographs.

JUDGE COLES: That is right.

MR. WALSH: Then it may be they did not get one between two of them when Exhibit 30 came in. It may be they have only one per each row of the jury.

MR. MANSFIELD: There should be more than that, the small one of the Wakefield ones.

JUDGE COLES: I find I have a spare set of these.

MR. WALSH: Some of the jury are shaking their heads and do not appear to have it at all. There are some heads shaking.

MRS. BAIRD: If Your Honour has a spare set perhaps that could be handed to the jury pro tem.

JUDGE COLES: I am just worried I might have written on. I have just written a name upon somebody being arrested. If there is no objection to my handing that in?

MRS. BAIRD: Have you written the name David Moore?

JUDGE COLES: No. The name is Is there any objection to that going before the jury?

MR. WALSH: No. Does that have 24 photographs or 25?

JUDGE COLES: Just what I am looking at actually. It purports to have 24 but I will hand it down to you before it goes to anybody and I will write upon the cover Exhibit 30.

MRS. BAIRD: It does strike me by way of aside the smaller bundle of colour photographs could well be withdrawn from the jury now.

JUDGE COLES: I think that is a very wise thing to do. They ought certainly to have the same form. I have written Exhibit 30 and a nought on the front of the first one. Do, please, check it.

MRS. BAIRD: If everyone who needs one now has one, could we please turn to photograph No. 9?

MR. WALSH: Could you just wait a moment?

MRS. BAIRD: Certainly.

MR. WALSH: Yes. This is Exhibit 30 or, rather, a copy of it so the jury obviously

JUDGE COLES: Another copy for you, members of the jury.

MR. WALSH: Would my learned friend like to wait to make sure enough of the jury in fact can see what it is she is asking about?

MRS. BAIRD: I was rather proposing to use No. 9 as a bench mark because it is the one we are all familiar with. If No. 9 is in the right place, if everyone can turn to No. 9, that is the one with Mr. Scargill being helped to his feet on my bundle:

Q. Is it the same on your bundle, Mr. Brophy? Yes? - A. Yes.

MRS. BAIRD: And upon Your Honour's bundle?

JUDGE COLES: Yes.

MRS. BAIRD: On the jury's bundle:

Q. Did you see that scene? - A. No, I did not, no.

Q. Will you look one photograph back toward the front, that is, as opposed to the back, photograph 8? Did you ever see that scene?
- A. No, I do not recognise that scene at all.

Q. You do not. Do you see a man wearing no shirt and blue jeans with his hands up near his head? - A. Yes, I do.

Q. I think we know that is someone called David Moore.

MR. WALSH: With respect, it is alleged that is Mr. Moore by the Defence. For my learned friend to say we know that is him is not right.

MRS. BAIRD: I accept that.

JUDGE COLES: I think Mrs. Baird accepts that. Make it quite clear for the jury who you are referring to.

MRS. BAIRD: I will:

Q. Three civilians present on the photograph. The only one with no shirt on. Can you see him? - A. Yes.

Q. Can you tell us who any of the Officers around him are? - A. Do not recognise any of them from the photograph.

Q. Let your eye rest on that man with no shirt and let it run to the right. There is a figure also holding his head wearing a denim suit, it appears? - A. Yes.

Q. With rather gingery hair? - A. Yes.

MRS. BAIRD: Would you stand up again, Mr. Moreland, please?

Q. That is him, is not it, with all that beard we see? - A. Yes. I chap on this photograph and the other photographs appear to be the same, yes.

Q. Mr. Moreland? - A. Appear to be, yes.

Q. A photograph in fact, Mr. Brophy, is it not, of Mr. Moreland being arrested by somebody who certainly is not you? - A. That certainly is not me, no.

Q. JUDGE COLES: You agree someone is arresting him? - A. Someone is with him. I would not say - not necessarily arresting him.

Q. MRS. BAIRD: Let's be plain about it.

Q. JUDGE COLES: It is not you, is it? - A. No, it is not me

- Q. MRS. BAIRD: Indeed, can you recognise the place? It is not even where you said he was arrested, is it? - A. No. As I said, do not recognise the scene.
- Q. Certainly is not in the middle of the road, is he? - A. No. This is not a photograph of me arresting Moreland.
- Q. No. Just confirm how it differs from your account of how he was arrested. He is not in the road? - A. He is not in the road. I am on this photograph not the first person to reach him.
- Q. It goes a little further, does not it? You are not on that photograph at all, are you? - A. I do not recognise myself if I am in
- Q. We would all recognise your long shield if you were on it, would not we? There is not a single long shield on the photograph? - There is, yes. The Police Officer at the rear is carrying a long shield.
- Q. I do not think you are right but if you wish to say so is that you then? - A. No.
- Q. We have eliminated the only person who can possibly be you, i.e. the only one with a long shield. You are not on the picture, are you? - A. No.
- Q. Look again, please, back to the one which follows the arrest photograph of Mr. Moreland, as I am sorry I have slipped into calling it, the one with Scargill.- A. Yes.
- Q. The Officer beside Scargill I understand will give evidence that he saw Scargill fall there at 11.35. - A. Yes.
- Q. Do you understand? I think it is plain if you look back now to photograph 8 photograph 8 has been taken very shortly indeed before photograph 9? - A. It would appear so, yes.
- Q. A matter of less than a minute, it appears? - A. Yes.
- Q. That is a strange thing because you arrested Mr. Moreland at 11.23, did not you? - A. That is the time it says on the sheet, yes.
- Q. So how can he be there being arrested again a minute before 11.35? Tell me that, please, Mr. Brophy. - A. Obviously the times are wrong.
- Q. JUDGE COLES: Obviously something is wrong. It is either the times or the man or something else, is not it? - A. Sorry?
- Q. I said it is either the times or the man or something else. Something is obviously wrong? - A. Something is wrong, yes.
- Q. MRS. BAIRD: So it is either the times that are wrong, and you are the chap with the watch, are not you, who arrested him at 11.23? Yes? - A. Yes.
- Q. You cannot be wrong about that then, can you? - A. That is the time I thought I arrested him and the time it says on the sheet

- Q. Was there any problem about looking at your watch that day? - A.
- Q. Good. Then you must be right about that? - A. Yes.
- Q. You have already recognised that is Mr. Moreland, have not you?
A. Yes.
- Q. From what you have said either the times are wrong. We have ruled that out. Either the man that is wrong. You agree with me that is the right man? - A. Certainly appears to be Mr. Moreland, yes.
- Q. Then you are left with saying something else might be wrong or must be wrong, are not you?

MR. WALSH: With great respect to my learned friend, we have not ruled out the times are wrong, as she says. It depends what the other Officer says as to whether he is right or not about his time.

MRS. BAIRD: I am not terribly troubled about what the other Officer says. My evidence from this man, "I looked at my watch at the time of the arrest," so he cannot be wrong about that.

JUDGE COLES: All Mr. Walsh is saying, the other Officer (Inaudible) 11.20 or something of that kind, pursue that in due course.

- Q. MRS. BAIRD: Can you just almost by way of aside look again at photograph 8 which does not show you and tell us the rank of the Officer holding on to Moreland on photograph 8? - A. It would appear to be a rank of Inspector or above.
- Q. You can put them down now. I understand it if Mr. Moore's statement turns out to be word perfect with yours you do not know how it came to be so? - A. No. Do not remember him making it, no.
- Q. The first few paragraphs of your statement were dictated to you by an Officer you do not know but you agreed with what he said? - A. That is correct, yes.

MRS. BAIRD: I believe the original I handed back to Mr. Walsh is now somewhere in the Court. May the witness have it:

- Q. You will have to come and reach it from me, Mr. Brophy. - A. Than
- Q. It starts off you identify yourself. It reads on you were part of a contingent of Police assigned to duty at Orgreave, Highfield Lane, Orgreave. That came from the Detective. You did not know the name of the street? - A. Yes.
- Q. "During the morning there had been a steady build-up of pickets. From where did you see the steady build-up of pickets? - A. From the car park where our vans were situated.
- Q. "There were approximately 3,000 pickets facing us as we were blocking off Highfield Lane on the southern side of the works entrance." Were you ever part of a cordon blocking off Highfield

Lane? - A. Only when we joined the cordon after the stones had been thrown.

- Q. You see, you told us yesterday, though you have altered it slightly now, you ran straight up from the car park, cordon opened and through you went? - A. Yes. I was not part of an actual cordon. I was part of the contingent of Police Officers facing the pickets at some time.
- Q. You certainly were not part of a cordon blocking off Highfield Lane, were you? - A. No.
- Q. That was not your function at all? - A. No.
- Q. Yet you have been happy to write down in your statement you were blocking off Highfield Lane? Yes? - A. Yes.
- Q. "As we stood in line a continuous stream of missiles were thrown. You were never stood in line, were you? - A. Stood behind the line.
- Q. Stood in line it says, does not it? Read it if you like. - A. It does say that.
- Q. You distinctly told Mr. Walsh yesterday you were not even in a line, you were just a group? - A. Yes.
- Q. You were never stood in line, were you? - A. Never stood in line no.
- Q. Goes on, "There were no shields being used at this point." That is right too, is not it? - A. At that point I do not recollect any shields being used.
- Q. The only time you were near the cordon was when you were using a shield? - A. We were at the front of the cordon
- Q. As we stood in a line there were no shields being used at this point? - A. Yes.
- Q. The only time you were ever anywhere near the line your shield was being used - A. Were not being used
- Q. So what you say is the only shields there when you joined the cordon were the ones you were holding before you went out? - A. Yes.
- Q. So the cordon had got half-way up towards the substation, no more shields in front of it? - A. Yes.
- Q. That is your evidence? Very well. You were deployed at 11.15, were not you? - A. I have no idea what time we were deployed. Do not wish to argue.
- Q. "At that time my unit was equipped with riot shields and protective headgear and were being held in reserve behind the main Police cordon"? - A. Yes.
- Q. Did that ever happen? - A. Yes.
- Q. When was that? - A. We were held in reserve in the car park.

- Q. You were not wearing your protective headgear and carrying your shield in the car park for a couple of hours, were you? - A. No. Does not say I was wearing them. Equipped with them.
- Q. You had your shield with you in the car park? - A. Yes.
- Q. Were you wearing your riot helmet? (Stopped by shorthand writer) You mean they were in the van, do you? - A. Yes.
- Q. You were being held in reserve, were you? - A. Yes.
- Q. "The main cordon opened up and, together with other Officers, I passed through the cordon and then towards the pickets who retreated"? - A. Yes.
- Q. You have repeated that in evidence. Very well. "We gained about 40 yards." Yes? - A. Yes.
- Q. These are the few bits that arise, the bits you learn off by heart by a check list system you have, are they, from your statement? - A. No.
- Q. That is the way you learn your evidence, is not it, by a check list of facts? - A. I try to learn my evidence as well as I can.
- Q. Learn it off by heart as some of your colleagues do, do you? - A. Not off by heart.
- Q. You learn instead a check list of facts? Is that right? - A. What do you mean by a check list of facts?
- Q. You tell me. Is that the way you learn your evidence?

MR. WALSH: If my learned friend is suggesting something I must explain what she means by it. Her phrase.

- Q. MRS. BAIRD: Do you learn a check list of facts? How many of them there were? Where they were? - A. Yes, I try to learn those facts, yes.

Q. By a check list method?

- Q. JUDGE COLES: Like a shopping list I think is what is being put.

MRS. BAIRD: Thank you.

THE WITNESS: Yes, I write them down, learn them, yes.

- Q. MRS. BAIRD: Learning things off by heart in a check list form, that is rather different from just refreshing your memory from a document, is not it? - A. I only write them down so I can remember them.

- Q. If these had ever actually happened, these facts, you would read your statement and the truth of them would come flooding back and you would not need your check list, would you? - A. This happened over a year ago, happened in the space of eight minutes. Very difficult to remember all of what happened.

- Q. Let's go on. "We gained about 40 yards." That is where I pause because that is precisely the figure you told us in the witness box, is not it? - A. 40 to 50 yards.
- Q. Presumably 40 yards is one of the check list facts, is it? - A. A fact I remember from reading my statement, yes.
- Q. "We gained about 40 yards, then held that line whilst the main Police cordon equipped with long shields moved forward to join us"? - A. Yes..
- Q. Yes. Do you not think it slightly odd you do not say there, "The main Police cordon equipped with long shields like mine came forward to join us"? - A. No.
- Q. You do not. "We held that line whilst the main Police cordon equipped with long shields moved forward to join us." You are inferring, are not you, differently equipped from you? - A. Yes, as I stated, I started out with a short shield.
- Q. What you have done, Mr. Brophy, is this, is not it? You have had dictated to you and you have copied down a statement to be used by a short shield man? - A. No, that is not correct.
- Q. That is why it says when we have seen photographs of you carrying a big shield that sentence the main Police cordon equipped with long shields? - A. No
- Q. had a long shield too? - A. As I stated, I started out with a short shield.
- Q. By the time of writing this statement you must have known what kind of shield you had? - A. Yes.
- Q. Yet you happily write the main Police cordon equipped with long shields as if they were not carrying what you yourself were carrying? - A. At that time I was carrying a short shield.
- Q. So somewhere between, it seems, you having run through once and gained 40 yards and you running through again and catching Mr. Moreland you say somewhere between those two one shield disappeared and a different one came? - A. Did not disappear. I obviously swapped the shield with somebody during that time, yes.
- Q. I suggest to you that you have lied about which kind of shield you had for one reason I have told you, it is quite clear, so hot you want to get off the field as quickly as possible, so we would not get on to that. The other reason you have lied, when you read your statement it is quite clearly the standard form statement for a short shield man, is not it? - A. At the time I was carrying a short shield which is the reason I wrote that.
- Q. So you have to pretend to the gentlemen of the jury you were a short shield man as well? That is it, is not it? - A. I was a short shield man when I started out.
- Q. How many people were in the room when you were writing your

- statement? - A. There were a number of other Officers. I could not say how many there were.
- Q. You are pretty vague about a lot of facts and precise about this. 100? 5? - A. Maybe about half-a-dozen.
- Q. Not really significantly more than that? - A. Not that I can remember, no.
- Q. So do you think all those Officers were writing down the first paragraphs when they were being dictated? You do not need to look at the statement for inspiration. You were there. Were they or not? - A. Yes. Most of them, I think, were writing down the first paragraphs.
- Q. Did that include some members of your P.S.U? - A. I think I was the only one from my P.S.U. present in the room.
- Q. I see. Going on with your statement then, do you remember telling us this morning about the 20 seconds gap I rather boringly kept on repeating whilst you were behind the line and watching Mr. Moreland? - A. Yes.
- Q. Look at your statement. "We repeated this manoeuvre and as I ran toward the pickets I saw the accused Moreland." Seem fairly clearly to say you had not seen him before you ran, does not it? - A. I did see him before I ran.
- Q. This, according to you, is straight after it happened? - A. As I ran towards Moreland I saw him throw a stone towards us.
- Q. No. That is not at all what your statement says. "As I ran towards the pickets I saw him pick up several missiles"? - A. Yes.
- Q. Yes. Says that. Your account this morning was he picked them up whilst you were watching him from behind the line, was not it? - A. Yes.
- Q. Which is right? - A. My statement must be correct. It was made at the time.
- Q. But you are giving evidence on oath, are not you? -A. Yes.
- Q. You saw him throw several missiles towards you, it goes on to say, does not it? - A. Yes.
- Q. "As I ran I saw Moreland pick up several missiles and throw them towards us"? -A. Yes.
- Q. Account then for why you told me this morning in answer to a very plain question the only stone you saw thrown while you were running was a single stone. - A. I definitely saw Moreland throw more than one stone but as far as I could remember I only saw him throw one while we were running. Obviously he threw more while we were running.
- Q. You told us one while you were running. Statement says several while running. Which is right? -A. The statement is correct. He threw several.

- Q. You cannot get it right, can you, because, you see, this statement does not trigger off memory, does it? - A. It is very hard to remember that far back.
- Q. The only way you can give your evidence is to try and learn by a check list of facts and what a mess you have made of it, have not you? - A. I have to try and refresh my memory from a statement, yes
- Q. You have told this jury a pack of lies? You were nowhere near Mr. Moreland when he was arrested, were you? - A. I have told the jury the truth.

JUDGE COLES: Anybody else from the Defence any questions?

MR. MANSFIELD; Yes. A few. I can fit them in before lunch.

Cross-examined by MR. MANSFIELD:

- Q. I want to ask you questions because you say you know the rest of the P.S.U? - A. Yes.
- Q. From Merseyside. Would you take Exhibit 30, please, the Wakefield bundle we sorted out lthis morning? I just want you to look at a couple of photographs. Would you look at photograph 4, please, in that? It shows a number of short shield Officers on the bridge and by looking at them it would appear the bulk of them are Merseyside? - A. Yes.
- Q. Would you look carefully at the photograph and tell me whether you recognise anyone there? - A. The chap the second from the left is Inspector Bennett.
- Q. Right. So we are clear, someone else has also looked at this photograph and I think it is the same one. Would you just hold yours up and then point to the person so I can - A. That person there.
- Q. Yes. It is the same one that has been pointed to before. - A. I am afraid I cannot recognise any of the others.

MR. MANSFIELD: That is that one there.

MR. WALSH: Yes.

JUDGE COLES: Who is the other person who

MR. MANSFIELD: I am sorry?

JUDGE COLES: Who is the other person who identified?

MR. MANSFIELD: Mr. Davies recognised that person as Bennett:

- Q. Well, you do agree they appear to be Merseyside Officers the rest of them or some of them, certainly the bulk of them? - A. Most of them do, yes.
- Q. Are you saying you do not recognise most of the others despite the fact Bennett is in charge of your P.S.U? Is he there amongst a Merseyside P.S.U. not his? - A. The Merseyside P.S.U. can be

shown by the fact they have chequered bands around the backs of their helmets.

- Q. We can see quite a number of others with chequered bands round the back on that one photograph? - A. The ones with the metallic bands around the front not from Merseyside.
- Q. One of those at least. - A. Quite a number of those.
- Q. What about the Officer just by the coping stone in the foreground with the square plastic edged shield we understand being carried by Merseyside that day? He looks like Merseyside, does not he? - A. He does. I do not recognise him.
- Q. You do not recognise him. There is no-one else on that photograph then you recognise? Would you turn on to the one you have already looked at which is 9? And just get from you confirmation the Officer in the road there is who? - A. It would appear to be Inspector Bennett again.
- Q. That is Bennett again. I know that has been the suggestion but I wanted to see whether that is what you agreed. Thank you.

Cross-examined by MISS RUSSELL:

- Q. Just a few things. Officer, you told the jury a little earlier this morning you got a copy of your statement on Friday? - A. Yes.
- Q. At Police Headquarters. And then you told the jury that on Saturday a South Yorkshire Detective came to Liverpool, to Garston Police Station where you work, to give Police Constable Moore a copy of his statement? - A. Yes. He gave Constable Moore a copy of his statement.
- Q. You knew by that time certainly - well, you knew on Friday - you were not going to be required as a witness on Friday afternoon? - A. Yes.
- Q. Did you know which of you Officers was going to give evidence first, yourself or the other Officer? - A. Did not know. I presumed it would be me being the arresting Officer.
- Q. Right. That is normally the way it goes, is not it? - A. It is, yes.
- Q. Arresting Officer. So anyone would have been able to anticipate on Friday afternoon that if you travelled to Yorkshire and even if you were needed first thing Monday morning so far as your colleague Mr. Moore is concerned he would have had, as it has turned out in every case in this trial, quite a wait outside this Court before coming in to give evidence? - A. He would, yes.
- Q. Plenty of time for him to see his statement and refresh his memory? - A. Yes.
- Q. But for some reason, and I want to explore just very briefly the reason, a South Yorkshire Officer made - what - a 3-hour round trip to Liverpool on Saturday?

MR. WALSH: If my learned friend wants to know, this was all done on my instructions. Following the submission of photographs I wanted to find out if it would be possible to identify any Officers. I caused each Officer to see a copy of his or to have sent to him a copy of his original statement and the blurred photograph which is the one causing a lot of difficulties in identification so I might know if any person could identify so if anybody did further interviews and statements could be taken. And all these Officers because they are entitled to see their statement I caused them to be sent through. So if that assists my learned friend. Your Honour, Your Honour will appreciate as the statements are the Officers', as it were, aide-memoire and notebook they would have been entitled to have them in any event.

JUDGE COLES: Of course. I do not think that is being disputed.

MR. WALSH: The fact it was done on Friday was because of the photographs I wished enquiries to be made and everybody was acting on my instructions in the hope that we might find something out.

MISS RUSSELL: I hear what my learned friend says about the photographs and the reason why he took that step. However, that does not stop me wanting to pursue with this Officer certain matters:

- Q. So the Officer who came from Yorkshire showed you photographs, did he? - A. Showed us some photographs, yes.
- Q. Which photographs did he show you? Colour? Black and white? A selection? - A. A selection.
- Q. A selection of black and white and colour. So it was not just coincidence you were working at Garston Police Station that day? It was you that was there. Any other Officers at Garston apart from
- Q. JUDGE COLES: Is that right? Were you asked to go in specially? - A. I do work at Garston Police Station.
- Q. MISS RUSSELL: Were you asked to go in specially? - A. Some were. I was not. I happened to be there.
- Q. Who were the ones who were asked to go in specially so we can just have their names? Who was there when this process was going on? - A. Some from Garston who were there were Constable Moore, Constable Scotland, Constable Jones and Constable Lutas.
- Q. I just want to understand the system adopted. You were all in a room together, were you? - A. Yes.
- Q. Being shown photographs? - A. Yes.
- Q. Being asked by the Yorkshire Officer whether you could identify yourselves or anyone else? - A. Yes, that is correct.
- Q. And you all had your statements? - A. Yes.
- Q. And you all saw each other's statements, did you? You certainly

saw Police Constable Moore's? - A. I saw Police Constable Moore's, yes.

- Q. Were other Officers looking at each other's statements while this process was going on? - A. I was not concerned with their statements. I do not know.
- Q. Because there is one particular matter that I want to ask you about. You have told this jury that the reason for the dictation or part of the reason for dictating this statement was because you were not familiar with locations and that is why the Yorkshire Detectives dictated parts of the statement to you. All right? - A. Yes.
- Q. That is something you have told this jury. It is also something, just to put you in the picture, that a Northumbrian Officer has told the jury was the reason for the dictation this week. Do you follow? - A. Yes.
- Q. We heard from other Liverpool Officers last week who did not make a mention of that as the reason for the dictation. Having laid that framework I want to ask you this question. Were you briefed as to why you should explain to the jury parts of this statement were dictated? - A. I have not been briefed, no.
- Q. Nothing said at all by that South Yorkshire Detective? - A. No.
- Q. As to how to explain the dictated parts of your statements? - A. Nothing has been said by him at all, no.
- Q. It was just a simple discussion about the photographs? - A. Yes.
- Q. Anything at all said about the statements because you all had them present? - A. No, nothing was said about the statements.
- Q. How long were you all in that room together with this South Yorkshire Officer on Saturday? - A. I was in there for about five minutes.
- Q. And the other Officers? - A. They were there longer.

MISS RUSSELL: Yes. Thank you, Police Constable Brophy.

JUDGE COLES: It is 1 o'clock. We will adjourn until five-past-two.

MRS. BAIRD: There is a matter I have been asked to raise. May I raise it at this moment?

JUDGE COLES: Adjourn till quarter-past-two.

MRS. BAIRD: And be mentioned in front of the jury Mr. Walsh has made plain. At the break time Mr. Walsh asked me to make plain to the jury whether or not I had in fact consulted a handwriting expert at this stage because he felt I might have misled the jury inadvertently into thinking I had already done so.

JUDGE COLES: I wondered that.

MRS. BAIRD: The position is it is being done now.

JUDGE COLES: It has not been done but being done.

MRS. BAIRD: I believe in fact since I spoke to this Officer about it one has been instructed but at the time I spoke he had not. There is one matter.

MR. WALSH: That is going to cause my learned friend some difficulties because if she instructs a handwriting expert he cannot begin to act unless he has the original statements that we have in Court which is obvious.

MRS. BAIRD: He can come to Court.

MR. WALSH: What I would be prepared to do if it assists my learned friend, because sometimes there are facilities one can call upon rather more quickly, is if she would like the Crown will do that and make all evidence available to the Defence. It is possible it might be done quicker that way. I merely offer that. If the offer is declined fair enough.

MRS. BAIRD: I cannot express my gratitude strongly enough.

JUDGE COLES: Good. I am sure you can and have.

MRS. BAIRD: There is one more matter but that need not detain the jury.

JUDGE COLES: Thank you very much. Quarter-past-two, members of the jury, for the second time.

Jury absent

MRS. BAIRD: The point I am raising concerns this witness and the one to follow to whom he is close. Mr. Moore is in the building. Mr. Brophy is, although not released from this Court, inevitably going to have his lunch somewhere.

MR. WALSH: I anticipated this. I will cause someone to act as escort to either this witness or the other to make sure they do not meet.

JUDGE COLES: Yes. This is a situation where clearly justice must be seen to be done.

MR. WALSH: I will instruct those behind me to make those arrangements. I also - Your Honour may have heard us discussing matters - take the view and my friends agree with me it would not be proper for us to embark upon the handwriting investigation until Mr. Moore has given his evidence because the documents must remain in Court until he has finished.

JUDGE COLES: Oh, yes, that must be right. Yes, that must be right.

MRS. BAIRD: I respectfully agree. So long as my understanding is plain Mr. Walsh is in a position to undertake he will make sure Moore and Brophy do not meet before Moore gives his evidence.

MR. WALSH: I will see that is done.

MRS. BAIRD: I am most grateful.

MR. O'CONNOR: May I say something else? Plain and obviously agreed the situation now is such to embark on the unfortunate Officer's evidence who has a commitment tomorrow, the bereavement, would be out of the question.

JUDGE COLES: I agree. Grateful for mentioning it. May that Officer be released?

MR. WALSH: I shall cause him to be released and absented.

(Luncheon Adjournment)

(Discussion regarding missing statement in presence of jury)

(Short Adjournment)

(Discussion regarding missing statement in absence of jury)

Jury present

Pol. Con. THOMAS BROPHY Recalled

JUDGE COLES: I am sorry, members of the jury. There seem to be gremlins in this case which prohibit us having a full day's work every day that arises. I am afraid we must bear it with all the fortitude we can muster and get on now.

MR. WALSH: For the benefit of the jury may I say what I told Your Honour? The document has not turned up as yet but it has been agreed by Counsel that we can proceed.

JUDGE COLES: Yes.

Cross-examined by MR. REES:

- Q. I won't detain you very long. When you say you arrested Mr. Moreland did you tell him why you were arresting him? - A. Yes, I did.
- Q. What reason did you give him? - A. Told him he was being arrested for taking part in an unlawful assembly.
- Q. Now, was that your independent idea to arrest for that specific offence? -A. Beforehand we had discussed if anybody was arrested then that this would be the most appropriate charge.
- Q. Are you saying we discussed? Who is the we? - A. Members of my P.S.U.
- Q. Just your P.S.U? - A. That is all I discussed it with, yes.
- Q. Where was that? First of all, should I ask you when was that? - A. Some time earlier that day.
- Q. Presumably before you were deployed? - A. Yes.
- Q. Before you were spending time in the car park? - A. I think it was when we were in the car park.

- Q. And was this idea just the product of collective discussion or did somebody actually suggest it? - A. Somebody obviously suggested it.
- Q. Do you remember who the somebody was? - A. No, I do not.
- Q. Was it Inspector Bennett? - A. I cannot remember.
- Q. 23 people in total in your P.S.U. including the Inspector and the two Sergeants. Right? - A. Yes. Were they all present.
- Q. Yes. - A. I cannot say everyone was present.
- Q. You certainly were party to that discussion? - A. Yes.
- Q. Have you no idea who came out with the idea of arresting everyone who was arrested for unlawful assembly? - A. No, no idea.
- Q. What do you understand by the offence? I am not seeking to put you through a legal examination. Was it explained to you at the time or anything of that sort? - A. No. I did not really know what was needed to constitute the offence.

MR. REES: I am grateful.

Cross-examined by MR. GRIFFITHS:

- Q. Police Constable Brophy, you told us you knew all the members of your P.S.U. and that you had trained with the majority of them on a number of occasions before the 18th? - A. That is correct.
- Q. Do we take it then you were on first name terms with all the members of the P.S.U.? - A. Yes.
- Q. You refer to Mr. Moore, I think, as being a friend of yours as opposed to just a work colleague? - A. No. Just a work colleague. I do not see him in a social capacity.
- Q. Do you know - it follows from your answers that you do know - Paul Douglas, for instance? - A. Yes, I know him, yes.
- Q. How well do you know Paul Douglas? - A. I worked with him at one time at (Inaudible) Police Station on the same shift.
- Q. For how many years have you known him? - A. Three years, maybe a bit longer than that.
- Q. You have known him for three years. Worked with him on the same shift for about what sort of period was that? - A. Couple of months.
- Q. Yes. And had you been on P.S.U. away trips, if I can put it that way, during the strike before with Paul Douglas? - A. I cannot remember Paul Douglas was on other trips but I have been away, certainly.
- Q. Now, you all left to come from Liverpool. You have described what little you can remember of the 18th. And then did you remain away from Liverpool for some days before returning? - A.

Yes. We returned on the Friday.

- Q. So you are away just under a week? - A. Yes.
- Q. The P.S.U. all billeted together? - A. In the same building, yes.
- Q. And being away from home when you had break times you would spend the break times presumably with other members of your P.S.U? - A. Yes, we did.
- Q. One of those being no doubt Paul Douglas? - A. Yes, he was probably amongst us.
- Q. At any time after the 18th, either on that day later on or at any time before you returned to Liverpool, did Police Constable Paul Douglas mention Arthur Scargill to you? - A. No.
- Q. I would like you to think about it. You are saying quite certain no? - A. Yes. The P.S.U. travels in two vans and Constable Douglas was in the other van.
- Q. Yes. That is why I have asked about your knowledge of Paul Douglas, your billeting together. So at no time did he mention Arthur Scargill? - A. No.
- Q. So if the jury hear Police Constable Paul Douglas actually travelled in an ambulance with Arthur Scargill to Rotherham General Hospital - not exactly something that would happen every day, Officer - you are saying he never mentioned that to you at all? - A. Not to me personally, no.
- Q. Did Paul Douglas tell you that he had arrested anybody on the 18th? - A. No, he did not.
- Q. Never mentioned that? -A. No.
- Q. How many persons did you come to understand were arrested by your P.S.U. on the 18th? Do you understand the question? - A. Yes.
- Q. Obviously you would not have seen each at the time because you described what you did. - A. Yes.
- Q. My question relates to any time later on on that day or at any stage before going back to Liverpool. What was your understanding of the arrest rate of your P.S.U? - A. I know five people who arrested pickets on that day. I could not say if there were more. I know of five.
- Q. Five? - A. Yes.
- Q. So obviously that knowledge must have come to you as a result of other Officers talking about arrests they had made? - A. Yes.
- Q. But not, it seems, Paul Douglas? - A. No. Paul Douglas was in the other van, as I have said, and is not a person with whom I mix socially.
- Q. Did Paul Douglas at any time mention to you that the person or a person - forget about the word arrest - that he had gone to

Rotherham General Hospital then? - A. He had not mentioned it to me, no.

MR. GRIFFITHS: Thank you.

Re-examined by MR. WALSH:

- Q. You say that Douglas did not mention to you personally anything about Mr. Scargill or an ambulance? - A. That is correct. He did not.
- Q. Did you become aware at any time from any source that Mr. Douglas had gone in an ambulance with Mr. Scargill? - A. No.
- Q. You did not. So you did not hear about it from any of your colleagues? - A. No, I did not.
- Q. Can I just try and clarify a couple of matters with you, Mr. Brophy? Do you remember looking at the album of photographs which is Exhibit 9, the ones that are just generally of the scene up the hill and which I can tell you were taken many months after the day in question? Do you follow? - A. Yes.
- Q. Just looking through particularly up to 5 and 6 I would like you to think as carefully as you can. What was the furthest point uphill away from the coke works that you got to? - A. I do not remember seeing the houses that are in picture 6.
- Q. No. - A. So I did not run as far as that bend.
- Q. You did not run as far as the bend in 6? - A. Yes.
- Q. Right. Are you able to say whether you actually got on to the bridge itself? - A. Yes, I got on to the bridge.
- Q. You got on to the bridge itself. Looking at photograph 5. And if one were to look at photograph 5 where do you mean as to the start of the bridge? Do you follow? - A. No, I am afraid I do not.
- Q. We know the bridge has got a sort of metal top to it? - A. Yes.
- Q. When you are actually on it. It has also a brick wall that leads up to the bridge proper? - A. Yes.
- Q. Can you say whether you got up to or beyond the brick wall, up to or beyond where the metal section takes you? - A. Certainly got up to the brick wall.
- Q. Certainly got up to the brick wall. Have you any recollection of going as far as the metal area of the bridge? - A. No. I have no recollection of running that far.
- Q. Right. You told Mrs. Baird when she cross-examined you that you saw the defendant during a period when you were watching from behind the Police cordon before you actually went forward. Do you follow? - A. Yes.
- Q. And she asked you a question in this way, as to what notice you

took of the various people that you saw while you were standing there at your leisure. - A. Yes.

Q. Do you follow? Is leisure the right way to describe how you were at that time or not? - A. Not exactly leisure, no.

Q. What was the general situation and what were you doing as you stood there in that period prior to going forward on this charge that led to the arrest of this defendant? - A. I was trying to re-form with my P.S.U. which had become scattered during the charge.

Q. Were you resting or doing something? - A. Resting.

Q. And in trying to re-form what action did that involve? -A. When we saw people who were from our P.S.U. we shouted them to come over until we were in one group again.

Q. Now, you told us that the orders when you went on the charge were to go forward and disperse people? -A. Yes.

Q. And it has been put to you that because that was the order and no prder specifically to arrest was given that in some way you were wrong in arresting somebody. Do you follow? - A. Yes, I follow, yes.

Q. If you see someone committing a criminal offence do you require a specific order before you arrest him? - A. No, I do not.

Q. Does any Policeman? - A. No.

Q. And then we come to the statement. And you have told us that you went into a room where you and other people wrote statements and you have said that there was dictation by an Officer in plain clothes. Do you follow? - A. Yes, that is correct.

Q. Now, the suggestion put to you is that you have invented all that and that you were never there at all? - A. Yes, I was there, yes.

Q. And you have looked at both the statements that have been shown to you? Your own, which as the jury will have seen, is in hand-writing? - A. Yes.

Q. And Moore's which is typewritten? - A. Yes.

Q. At the time when you were there in that room did you see any typing being done? - A. No, I did not.

Q. When was it that you first became aware that Moore had actually signed a witness statement of his own? - A. Today.

Q. When you were with him last Saturday I think it was and he was handed a typed statement - A. Yes.

Q. did you look at it to see if there were any typed names on in the places where one would expect to find signatures? - A. Yes. His name had been typed on.

Q. His name had been typed on.

MR. WALSH: Just in case the jury do not understand this. Your Honour will know and Counsel know what we all have are typed statements and that where on the original a signature appears we just have typewritten.

JUDGE COLES: The statement he is talking about, was he talking about his own statement?

MR. WALSH: No. Statement of Moore.

JUDGE COLES: I thought so.

- Q. MR. WALSH: So the statement you saw of Moore you say was just a typed one? - A. Yes.
- Q. Was there any handwriting upon it at all? -A. Not that I saw, no.
- Q. How much interest or attention did you take in that typed statement that Moore received last Saturday? - A. I just glanced at it and saw that it was identical to mine.
- Q. And you say you were only in the room with the Officer for about five minutes last Saturday? - A. Yes, that is correct, yes.
- Q. You have told us that you were on duty at Garston Station that morning in any event? - A. Yes, I was.
- Q. What work were you doing? - A. I was driving a Police motor-car.
- Q. Do you happen to remember what work you did on Tuesday, the 19th of June last year? That is the day following the day of the arrest of Mr. Moreland? -A. Our P.S.U. was detailed to look after a crossroads on the approach, a crossroads - I do not know where it was - and if needed to perform same duty at that crossroads but we were not needed.
- Q. Do you know where those crossroads were in relation to Orgreave? - A. No.
- Q. Were they in South Yorkshire, do you know? - A. I think they were, yes. Could not say with any certainty.
- Q. Where had you been overnight? - A. We had stayed near Scunthorpe.
- Q. Do you know the name of the place? - A. It was at some sort of Forces barracks or something.
- Q. We have heard the name from other people - I do not know if it rings a bell with you - called Kirton Lindsey. - A. Yes, that is it, yes.
- Q. So were you actually required to do anything on the Tuesday? - A. No.
- Q. No. Now, I wonder if you could help us finally with one matter. You were asked a number of questions this morning and asked to look at Mr. Moore's statement and your own statement. - A. Yes.
- Q. And towards the end of her cross-examination Mrs. Baird asked you a number of questions in which she was reading out things from a statement. A. Yes.

- Q. And you had a statement in your hand. - A. Yes.
- Q. What statement was it you had in your hand at that time? - A. I had my original statement.
- Q. Your original statement. Now, when Mrs. Baird finished her cross-examination you were asked questions first by Mr. Mansfield who if he was still here would be sitting here and my learned friend Miss Russell, neither of whom asked you questions relating to the details of your statement. Can you remember what if anything you did with the statement after Mrs. Baird finished questioning you and while the other two Counsel were questioning you? - A. I cannot say with any certainty where I put it or who I gave it to but I certainly did not have hold of it at that time.

MR. WALSH: Your Honour, that concludes my re-examination.

MRS. BAIRD: I would have an application.

JUDGE COLES: Well, I suppose I had better hear the application in the absence of the jury. I am sorry, members of the jury. Would you just go back to your room for a few minutes?

(Jury left Court)

JUDGE COLES: Mrs. Baird, I had to ask the jury to retire ...

MRS. BAIRD: I have difficulty hearing.

JUDGE COLES: Do hurry along there, please. I had to send the jury out because I am not sure what the nature of your questions are. Perhaps you would be kind enough to tell me so I can make a determination about it.

MRS. BAIRD: I would be very pleased to do that. It is my respectful view the Officer should withdraw.

JUDGE COLES: Withdraw as well.

MRS. BAIRD: While I do so.

JUDGE COLES: Certainly. Would you mind, Officer, for a short time?

(Witness left Court)

MR. WALSH: I will see the same Officer who spent the whole of the luncheon adjournment with him stays with him.

MRS. BAIRD: I am very grateful and I see that being done.

(Discussion regarding further questioning of witness in absence of jury and witness)

Jury present

Pol. Con. THOMAS BROPHY Recalled

Further re-examined by MR. WALSH:

- Q. Mr. Brophy, just one more matter I want to ask you. It follows on from the last question I asked you when you told us that when Mrs. Baird finished cross-examining you and before Mr. Mansfield and Miss Russell cross-examined you you said this, "I cannot say with any certainty what I did with the statement" I am sorry. I will read it again. "I cannot say with any certainty what I did with it or who I gave it to but I certainly did not have hold of it when I was being cross-examined by Mr. Mansfield and Miss Russell"? - A. Yes.
- Q. Just taking it logically after that did you ever have it or see it again? - A. No.

JUDGE COLES: Yes. Very well.

MR. WALSH: Thank you very much. Thank you. Yes, you may go.

JUDGE COLES: You may go. Do not discuss this case or, indeed, talk to anybody who is a potential witness in the case.

THE WITNESS: Yes, Your Honour.

MR. WALSH: Constable Moore, please. Your Honour, page 255 in Your Honour's bundle.

JUDGE COLES: Thank you.

Pol. Con. DAVID JOHN MOORE Sworn

Examined by MR. WALSH:

- Q. Are you David John Moore? - A. That is correct, yes.
- Q. Police Constable in the Merseyside Police Force? - A. Constable 6739, yes.
- Q. 6739. Thank you. Would you please talk much louder than you would normally do? This room is very difficult for people to hear. The jury go to the back of this wall and the defendants are at the back rows - do you follow - and they need to hear as well. Which Police Station are you attached to? - A. Currently stationed at Garston Police Station.
- Q. Currently at Garston. - A. Garston.
- Q. Where were you stationed in June of 1984? Which Liverpool Station? - A. I was at Garston then.
- Q. You were at Garston then. Thank you. On Monday, the 18th of June a year ago were you together with other Liverpool Officers on duty at the Orgreave Coking Plant in Highfield Lane, Orgreave? - A. That is correct, yes.
- Q. Had you ever been there before? - A. No, I had not.

- Q. Have you ever been there since? - A. No.
- Q. And were you a member of a P.S.U. whose Commander was Inspector Bennett? - A. That is correct, yes.
- Q. Do you recall approximately what time of day you got to Orgreave?
- A. It was very early in the morning but I do not know what time it was precisely.
- Q. And when you arrived did you come with the rest of your P.S.U. in a number of vans? - A. That is correct, yes.
- Q. And do you remember where it was first of all that you and your colleagues and vans went? - A. We parked in a main car park just inside the plant.
- Q. You are rather softly spoken. - A. It was inside the plant in a main car park.
- Q. Main car park inside the plant. - A. Yes.
- Q. Did you have to go in through the main gates of the coke works to get there? - A. I believe so, yes.
- Q. Did you spend much time there? - A. In the actual car park itself?
- Q. Yes. - A. Yes, we did spend some time there.
- Q. And what were you doing? - A. We were on stand by.
- Q. On stand by. At that stage, being on stand by, were you wearing any special equipment or not? - A. Not at the time that we got there, no.
- Q. Did a time come when you did take up and wear special equipment? - A. Yes, there was. There was, yes.
- Q. Is there any way that you can indicate to us what sort of time it was either by telling us the time of day, how long you had been there or anything like that? - A. No, I cannot. I did not know the time.
- Q. Let's try another way. We all know that during that morning coke lorries, a convoy of them, came into the works, loaded up, came out of the works? - A. That is correct, yes.
- Q. The whole operation taking in excess of an hour. Do you follow?
- A. Yes.
- Q. Did you have to put on your equipment or can you tell us when that was in relation to either the arrival or the departure of the convoy? - A. I honestly cannot remember.
- Q. Did you see the arrival and departure of the convoy? - A. Yes, I did.
- Q. Where were you when you saw its arrival? - A. In the car park.
- Q. Where were you when you saw its departure? - A. I believe we had made from the vans and were standing on the roadway.

- Q. You believe you were standing on the roadway. Standing on the roadway whereabouts? - A. Not far from the car park.
- Q. And why were you there standing about on the roadway not far from the car park? - A. There had been a large build-up of pickets.
- Q. Yes.- A. And we were then
- Q. Louder, please. - A. We were then told to put on our protective equipment.
- Q. Consisting of? - A. It is a riot helmet with a visor, shin pads, a cricket box and the standard gloves.
- Q. And? - A. The normal leather gloves you normally wear.
- Q. Yes. - A. And riot shields.
- Q. And what were you doing standing in the road? - A. We were just in a line, just lined up.
- Q. JUDGE COLES: Had you got your equipment on at that time or not? - A. Yes.
- Q. You had.
- Q. MR. WALSH: You say you cannot - are you able to tell us whether that was before or after the convoy came out? - A. I cannot remember.
- Q. You cannot. Very well. Who was it who gave you your instructions and orders to put on your equipment? - A. Inspector Bennett.
- Q. And was that the whole unit that equipped itself like that? - A. Yes, the unit I was with, yes.
- Q. Thank you. - A. Apart from the van drivers of course.
- Q. Yes. The van drivers do not get involved? - A. Stay with the vehicles.
- Q. Did you have a shield? - A. Yes, I did, yes.
- Q. What sort? Long or short? - A. I had a short shield.
- Q. And there is one behind you and one in front of you, two different types of shield. Is either of those the sort you had? - A. Yes, it is this one.
- Q. That is the one with the black rim round it. Right. Having got equipped like that where did you and your unit and Inspector Bennett go? - A. We moved forward behind the main line of Police Officers facing the large build-up of pickets.
- Q. Are you able to help us as to whereabouts that line of Police Officers was in relation to the car park and the gates? In other words, about how far did you have to go from the car park to get to the place behind the Police line? - A. Be a matter of a couple of hundred yards, I would say.

- Q. Now, you have told us that you had never been there before and you have not been back since. Would the showing of any photographs, do you think, help you as to where the Police lines were or not?
- A. Possibly, yes.
- Q. Right. There is an album either behind you or to the side called Exhibit 9. Take a moment or two if you need to familiarise yourself. I can help you with this. Photograph 1 is taken uphill from the gates and the car park and the car park where you were would be behind the cameraman and to his left. Do you follow? - A. Yes.
- Q. Because that is where the main gates were, some distance back. We are looking up the road towards a bend. There is a field on the left and a pavement and bush and then a stone wall. Photograph 2 is taken further up towards a bridge which you can just see in the distance. Photograph 3 even further. Do you follow?
- A. Yes.
- Q. Do any of those photographs assist you as to where the Police line was? There is another photograph that might help you more. It is certainly not as close a view but it is a large aerial photograph showing the whole scene. I do not know if it would help you any more. Do any of those photographs help you? - A. From where I remember
- Q. Sorry? - A. The first time, the time I can recall where the main line of Police Officers were would be, I would say, about
- Q. Now, which photograph are you looking at? - A. At No. 3.
- Q. No. 3. -A. Be approximately where the sign is for the bend.
- Q. Approximately where the bend sign is. Is that because you remember the bend sign or not? -A. It is the build up of the walls on either side.
- Q. I see. Would you like to look at the aerial photograph in case ...
- A. No.
- Q. You do not. The other exhibit we have which may be of assistance to you is a plan, an actual drawing of the road and the site. Do you think that would be of any assistance to you or not? - A. No.
- Q. No. Very well. Thank you. So it is round about that position where you join or you go up to the Police line? - A. Yes, yes.
- Q. What was happening at the Police line when you arrived? - A. There were missiles being thrown towards the Police line and the missiles were actually reaching the Police line. Officers were being struck by them.
- Q. Again, you are very quiet. - A. The missiles were being thrown towards the Police line and Officers were being struck by the missiles.
- Q. And what did you do when you got up to the Police line? - A. We moved up behind the Police line and then the line broke in the middle. We ran forward as a unit.

- Q. Right. Upon whose orders did you go forward? - A. Inspector Bennett's.
- Q. Do you happen to remember upon whose orders the Police line broke open for you go to through? - A. No.
- Q. Did you hear an order or see anybody give it or cannot you remember? -A. No.
- Q. Very well. About how far ahead when the line broke open were the pickets? - A. Approximately 35/40 yards away.
- Q. Now, you have told us when you got to the Police line and before you went through there was this throwing of missiles? - A. Yes, that is correct.
- Q. What exactly did you see of this throwing of missiles from that position at the back before you went through the Police line? - A. What particular missiles were being thrown, etc?
- Q. No. Could you see who was throwing and where they were? - A. It was just - they were coming from the line of pickets.
- Q. Yes. - A. Just a hail of missiles coming over.
- Q. If you look on that photograph that you have done you can see, as we know, that there is a road. There is a field on the left. There is, I think, a drop and I think a field on the right. From what direction were missiles coming? - A. They were coming from all directions.
- Q. Right. - A. They were not just coming straight on.
- Q. Now, when you saw them coming from all sides is that because you just saw the missiles or because you saw any of the people throwing them or what? - A. I could see where - I could see the area from where they were being thrown. Some were being thrown from behind the front of the picket line.
- Q. How could you see that? - A. Say you could see a missile just coming out from the group of pickets, you see a missile coming out and over towards where we were.
- Q. Yes. Right. Well now, the Police lines open up and you go forward. What is your purpose and orders when you go forward? - A. The orders were if possible to arrest anybody who you have specifically seen throwing missiles but as it was the pickets retreated about 40 yards.
- Q. You say if possible to arrest. If not? - A. Just push the line back.
- Q. Which line? - A. To make more ground to push the pickets back.
- Q. And so on this move forward about how far did you go? - A. Be about 40 yards we gained. Then we stopped.
- Q. Why did you stop? - A. Well, to be honest, I do not know why I particularly stopped. Everyone else stopped so I just stopped.

- Q. I see. Now, at this point therefore you and your unit have gone forward 40 yards ahead of the Police cordon? - A. That is correct, yes.
- Q. What is the next thing that happens after you stop? - A. The cordon of Officers with the long shields come up and stand in front of us and form a new line.
- Q. So you are now behind that line? - A. That is correct, yes.
- Q. What if anything could you see happening from your position behind this advanced line? - A. Still see the missiles being thrown.
- Q. Where from? - A. From the picket line.
- Q. Were they coming from any particular direction, from several directions or what? - A. Coming from several directions.
- Q. And as you stood there what did you see? Just the missiles or the people throwing them or what? - A. Again I was not identifying anyone in particular throwing the missiles. Just see them coming from the front and from the back.
- Q. And where were they landing? - A. They were landing with the front line of Police Officers. They were hitting the shields. Some went over the top. I did not look back as to where they went but
- Q. Well now, what happened next? - A. Repeated the manoeuvre that we had just done. The line broke and we went forward again.
- Q. And again who gave you your orders? - A. It was Inspector Campbell.
- Q. Inspector? - A. Sorry. Inspector Bennett.
- Q. What were you intending to do on this move forward? - A. Again it was either to form a new line or to arrest if possible.
- Q. What happened on this occasion when you went forward? - A. As the line broke I ran forward and I immediately saw the accused picking up several objects off the floor.
- Q. Pick several objects up off the floor? - A. Yes. And threw them towards the advancing Police Officers.
- Q. You say the accused. Was that a person whom you knew at that stage? - A. No, I did not know.
- Q. Did you later find out what his name was? - A. Yes.
- Q. And who is that person? - A. Moreland.
- Q. You saw him pick up several objects and then throw them. What next? - A. I ran towards him and as I got; just before, a few seconds before I got hold of him, Constable Brophy took hold of him and arrested him.
- Q. Now, can we take that in stages? You ran towards him? - A. Yes.

Q. About how far away were you from him when you saw him pick up and throw? - A. Be about 25/30 yards away, 25 or 30 yards away.

MRS. BAIRD: I am sorry to interrupt. I specifically am told Mr. Moreland who ought to hear this cannot hear it.

JUDGE COLES: Certainly. Thank you very much. You must speak up a little. It is a very difficult Court. We are all finding we are having to speak appreciably more loudly than we normally would so please bear that in mind.

MR. WALSH: Right. Just to repeat that for Mr. Moreland's benefit:

Q. When you saw him pick up several missiles and then throw them at the Police you were about 25 to 30 yards away? - A. That is correct, yes.

Q. And then you say you ran towards him? - A. Yes, sir.

Q. What did he do as you ran towards him? - A. He stumbled. He almost turned round and then stumbled and fell.

Q. And you told us, and I repeat this for Mr. Moreland's benefit, that just before you grabbed hold of him Constable Brophy did? - A. That is correct, yes.

Q. Had you been aware of Constable Brophy running at him or not? - A. No.

Q. You had not. And if you can help us, at the point where you grabbed hold of him was he on road, pavement, grass? - A. I cannot remember.

Q. Perhaps I should have asked you this earlier. You have told us about the level that the Police line was when you first reached it near that bend sign. When you went up behind the Police line for the first move forward were you on the road or on the field? - A. We were on the road.

Q. On the road. So far as you were aware did you ever leave the road? - A. Not as far as I was aware, no.

Q. Well, what happened when first Mr. Brophy and then just afterwards you grabbed hold of Mr. Moreland? - A. Constable Brophy told him he was being arrested. We both took hold of him and brought him back towards the Police line.

Q. Do you remember at the time when Mr. Brophy said he was being arrested whether he said what for, for what offence? - A. He told him he was being arrested for taking part in an unlawful assembly.

Q. Did Mr. Moreland make any reply? - A. Yes, he did.

Q. What did he say? - A. He said, "O.K. O.K. Take it easy. I didn't hit anyone."

Q. You said that you then took him back through the Police lines? - A. That is correct, yes.

- Q. Can you help us with this? About how far ahead of the Police lines had you gone when you made the arrest of Mr. Moreland? - A. About 25 to 30 yards.
- Q. When you took him back had they remained in the same place or had they advanced as they had done the previous occasion? - A. They had remained where they were.
- Q. They had remained. So does that mean you had to take him through long shields? - A. Well, they opened up and we took him through.
- Q. After going through the Police lines where if anywhere did you go with him? - A. We took him to the charge office.
- Q. And where was that situated? Do you recall? - A. It was some way from where the trouble was and that.
- Q. Yes. - A. I am not sure what building it was situated in.
- Q. How did you know where to go? - A. We were directed.
- Q. What? As you walked along someone directed you where to go? - A. Yes.
- Q. I follow. And what happened when you got to that place? - A. Well, I left him. I left the Officer and the accused together.
- Q. And I suppose I ought to show you briefly Exhibit 41. I appreciate you are not on it. A small Polaroid photograph. It is very small. We appreciate you are not on that photograph, Mr. Moore, but do you recognise the people who are? - A. Yes, I do, yes.
- Q. And who are they? - A. Constable Brophy and the accused Moreland.
- Q. The accused, is that the person you assisted in arresting? - A. Yes, it is.
- Q. Thank you. Would you hand it back to the Court? Right. You did not go with Mr. Brophy as he dealt with the administrative matters? - A. No, I did not.
- Q. Where did you go? - A. I returned to the line of Police.
- Q. Where was that? - A. Well, they had moved up again, almost to where the arrest had taken place by that time.
- Q. Was that - when you say the Police, did you rejoin your particular P.S.U? - A. Yes, the main line, the front line with the long shields.
- Q. About how long did you spend if it is possible to give us an estimate back at or in the front line once you got there? - A. I have really no idea.
- Q. No. Are you aware of the fact that there is a railway bridge up the hill and before you get to a village? - A. Yes, sir.
- Q. Did you get as far as the bridge at all that day? - A. I cannot remember.

- Q. To try and refresh your memory of the scene just in case you saw any of this would you continue in that album looking at 4, 5, 6 and 7? Now, do you see that as you go over the bridge the road bends left and goes uphill towards some houses on the right and I can tell you for information that on the left-hand side there is a sloping grass bank and some industrial premises at the top of the bank. Do you follow? - A. Yes.
- Q. Did you get as far as, for example, anything that is shown on photograph 7? In other words, does that scene on photograph 7 ring any bells in your mind? - A. No.
- Q. It does not. Does anything on photograph 6 ring any bells in your mind as to the place you went to? - A. No.
- Q. Well, you see, photograph 6 is the furthest end of the bridge away from the coke works. Do you follow? - A. Yes.
- Q. If you look at photograph 5 that is the end of the bridge nearest the coke works. Is it possible now, having looked at those photographs, to tell us the furthest forward you went that day? - A. No, I cannot remember.
- Q. Very well. Well now, having been out with your unit what was the next thing that happened? Did you take part in any further charges forward or actions to arrest or disperse pickets yourself? - A. I did not, no.
- Q. You did not. So what were you doing during the rest of the time that you remained out up at the Police lines? - A. I remember being on stand by.
- Q. On stand by.
- Q. JUDGE COLES: Is that when you went back to the lines you were put on stand by? - A. Well, I was.
- Q. MR. WALSH: Obviously you did not remain there for ever. A time came when you - A. That is correct, yes.
- Q. I think the expression is, were stood down? - A. Correct, yes.
- Q. When you were stood down where did you go? - A. I cannot remember whether we went to the local Police Station or whether we went back to where we were based. I cannot remember.
- Q. When you say the local Police Station what do you mean by that expression? - A. Well, when we left the coking plant I cannot remember where it was exactly that we went to.
- Q. No. I am sorry. When you were stood down, you come back from the place. - A. Go back to the vans.
- Q. Came back to the vans. - A. In the car park. Stay there all the time. The vans stay put.
- Q. So you came back to the vans? - A. Yes.
- Q. JUDGE COLES: That was when you were put on stand by or

stood down? - A. When we were stood down.

JUDGE COLES: Yes.

- Q. MR. WALSH: And what did you do at the vans? Do you recall? - A. Nothing in particular.
- Q. No. Well now, you had last seen - I am sorry - you had seen Mr. Brophy and parted company from him when he took Mr. Moreland to the Sergeant at the Police Headquarters. When was the next time that you saw Mr. Brophy? Can you tell us? - A. Yes. When he came back to the Police van.
- Q. Just keep your voice up. - A. When he came back to the Police van.
- Q. JUDGE COLES: You are still not talking very loudly, you know.
- Q. MR. WALSH: Now, you live and work in Liverpool, do not you? - A. That is correct, yes.
- Q. And Liverpool is a place where you need to be heard, is not it, from time to time? - A. Yes.
- Q. Right. Pretend you are in Liverpool rather than Sheffield, will you? You were back at the van when you saw him? - A. Yes.
- Q. Now, do you recall who was back first, you or him? - A. I was in the van first.
- Q. You were in the van. Well, what do you recall of seeing Mr. Brophy? - A. He passed me the statement that he had made and I read it over twice and I signed it.
- Q. Did he say why he was showing you the statement? - A. Not in particular, no.
- Q. And why did you read it over and sign it? - A. So that it would be my evidence.
- Q. And when you read it was there anything in it that struck you as not being right? - A. No, no.
- Q. And when you had signed it what happened to it? - A. I gave it back to Constable Brophy.
- Q. Did you see what if anything he did with it? - A. No. He walked towards the charge office but from there I do not know what he did with it.
- Q. Yes. And do you remember when you read it or signed it were you seated, standing or what? - A. I was sitting in the van, in the Police van, behind the driver.
- Q. And on what if anything did you rest this statement or paper when you signed it? - A. I just leant on the back of the driver's seat, on the top of the driver's seat, just leant over and signed it.
- Q. The top of the driver's seat? - A. Yes.
- Q. There is not a seat in here. Can you just be a little more

- A. Where the top of the seat, at the back, where it bent over, just put it on the top and signed it.

Q. JUDGE COLES: Was it just a single piece of paper, in a clipboard, in a book or what? - A. Was not in anything, no.

Q. Just a sheet of paper? - A. Yes.

Q. You managed all right? - A. Sorry?

Q. But you managed to sign it all right? - A. Yes, yes.

Q. MR. WALSH: I am just going to give you an ordinary piece of paper. If you could just imagine - I do not know - do you see this part of the end of the bench near where the shorthand writer is? Do you follow? - A. Just here?

Q. No. Just here where there is a straight piece of wood. Could you imagine that that is the back of the driver's seat and that instead of there being a table this side of it it drops down and there is the seat? - A. On the seat there is no flat - there is no flat surface.

Q. All right. But there must be a top to the seat? - A. Not particularly. It is rounded.

Q. If you could just demonstrate by lying this paper, for example - it may be that is the best we have got or it may be the shield which has got a rounded top would be. Just the best you can. Just show us how you positioned it to sign it. - A. Just went like that.

Q. Like that.

MR. WALSH: He is doing a demonstration of just lying the paper rolled slightly over.

JUDGE COLES: On the seat?

Q. MR. WALSH: On the top of the seat? - A. On the top of the seat, yes.

Q. The bit the sheet is resting on is the very top of the driver's seat. Is that it? - A. Yes.

Q. Not the flat part? - A. No, no.

Q. The top of the back section of the seat? - A. Yes.

Q. Thank you very much. Yes. You say Mr. Brophy went off with the statement. - A. Yes.

Q. Do you remember when next you saw him? - A. I do not remember a span of time. He just returned and then we went. I do not know how long that was.

Q. Did you ever make a statement yourself? - A. Yes.

Q. Can you remember when that was? - A. No. I just signed a typed one.

- Q. Ah. A typed one. - A. Typed.
- Q. Can you tell us the circumstances in which you signed a typed statement? - A. It was once I had returned to my parade Station at Garston at Liverpool.
- Q. So it was at Liverpool? - A. Yes, it was.
- Q. Now, we can probably work out at least the minimum length of time. How long was it before you got back to Liverpool? The events we are talking about are Monday, the 18th of June. Where did you spend the rest of that week? - A. Well, we were stationed at Kirton in Lindsey.
- Q. Kirton Lindsey.- A. So we returned on the - that was on the Monday?
- Q. Yes. - A. We returned on the Friday afternoon, Friday evening.
- Q. You returned home Friday evening? - A. Yes.
- Q. So had you seen this typed statement or signed it before you returned home to Liverpool? - A. No.
- Q. Do you remember how long you had been back in Liverpool by the time you came to sign it? - A. No, not that I remember.
- Q. Was it days, weeks or months? - A. I have really no idea.
- Q. Very well. Can you tell us the circumstances as to how it came into your possession? Do you follow? - A. Yes, sir.
- Q. The typed document. - A. It was handed to me on parade by my Sergeant.
- Q. Your Sergeant handed it to you on parade? - A. Yes.
- Q. Your Sergeant being? - A. Sergeant Armstrong at the time.
- Q. Thank you. And when he handed you this document that was typed did it at that moment have any signatures upon it? - A. I cannot remember. I just put my signature on it. Well, I read it obviously and signed it.
- Q. You read it and you signed it. Did you check that it was truthful and accurate before you signed it? - A. Yes, I read it several times.
- Q. You read it. And then when you had signed it what did you do with it? - A. I gave it back to my Sergeant and he did the necessary with it.
- Q. Did you see what he did with it? -A. No. I just handed it to him.
- Q. Where did you understand it was to go if you did? - A. Well, I believe it was sent back to the Officer dealing with the case.
- Q. Thank you. Would you look, please, at Exhibit 39, I think? Do you recognise that document? - A. Yes, I do.
- Q. And what is that document? - A. This is the typed copy that I

signed.

Q. Thank you.

MRS. BAIRD: It is the what? I beg your pardon.

MR. WALSH: The typed copy I signed.

JUDGE COLES: The typed copy I signed.

Q. MR. WALSH: Is that the one you have been telling us about you signed in Liverpool some time after your return? - A. Yes, it is.

Q. There is another signature on. Would you tell us whose that is, please? - A. Sergeant Armstrong. That is my Section Sergeant.

Q. Your Section Sergeant. Did you see him sign? -A. I cannot recall seeing him sign it.

Q. And having signed that did you have anything more to do with it once you had handed it back to Sergeant Armstrong? - A. No.

Q. Now, would you hand that to the Clerk of the Court, please? Now, would you be good enough to look, please - and I am afraid I have only got a photocopy to show you.

MR. WALSH: Your Honour, photocopy of Exhibit 38:

Q. Just look at that for a few moments carefully. Do you recognise - I cannot say that because that is a photocopy - but do you recognise something like that? - A. Yes.

Q. What do you recognise that to be? - A. It looks like the statement that was handed to me at the time.

Q. Handed to you by? - A. Constable Brophy.

Q. Brophy. And would you look - I think it has got onto the photocopier - just right at the bottom there is a signature on the first page? I think - I stand to be corrected - one on the second page as well. Do you see those signatures? - A. Yes, yes.

Q. Whose are they? - A. Well, the first one is Constable Brophy.

Q. Constable? - A. Brophy.

Q. Yes. I am sorry. And below Constable Brophy? - A. That is mine.

Q. That is your writing, is it? -A. Yes.

Q. And - A. And the same on the other.

Q. The same on the second page? - A. Yes, that is correct.

Q. Forgive me, because I have not looked at that in the last few minutes, how many times does your signature appear on that document in all? - A. Three.

Q. Three. So on the first page how many times? -A. Twice.

Q. And on the second page? - A. Just the once.

Q. Just the once. Yes. The only other question I ask you is this, Mr. Moore. Where have you been today? - A. Sorry. Where?

Q. Yes. - A. Downstairs in the Police room here.

Q. From the moment that Court started this morning and Brophy began to give evidence have you had any contact or conversation with him? -A. No.

MR. WALSH: Your Honour, I think it is right the jury does not know but all Counsel do that Police escort made sure that at lunch time they did not come in contact with each other.

JUDGE COLES: Yes.

MRS. BAIRD: Your Honour, I would, with respect, wonder if the Court would consider sitting late tonight for a short time?

JUDGE COLES: Sorry, members of the jury. Do you mind if we sit a little late? We are sitting totally erratic hours, I am afraid, but there are special

MRS. BAIRD: Would Your Honour allow me to ask this witness for his autograph?

JUDGE COLES: Certainly. Try very hard not to be hurt.

MR. WALSH: As long as she does not hand him a blank cheque.

Cross-examined by MRS. BAIRD:

Q. Repeat it for me six times on that page. Rest it wherever you wish.

MRS. BAIRD: That should be exhibited, I think.

JUDGE COLES: Yes. I think it should.

THE CLERK: 42.

MR. WALSH: 43. I think 43.

JUDGE COLES: What is 42?

MR. WALSH: Another photograph on which Mr. Moreland

JUDGE COLES: Was not that 40A?

MR. WALSH: That may be right. I think I had provisionally called it 42. We agreed to call it 40A.

JUDGE COLES: This is Exhibit 42.

MR. WALSH: 42.

JUDGE COLES: And Mr. Moore's signature. Yes. Thank you.

MRS. BAIRD: I would like if it is possible, I understand

it is very unusual, for the jury to have a photocopy of Mr. Brophy's statement - unfortunately the original is not to hand - and to have it with Exhibit 43 as they look at Exhibit 43. I am conscious the photocopy is not an exhibit but it has been identified by this Officer as a copy of what he has signed as has his signature been identified as a copy of what he wrote.

JUDGE COLES: Any objection, Mr. Walsh?

MR. WALSH: I do not want to object but would not the better course be for the jury to have the two statements because otherwise willy-nilly they are being invited to fall into the very trap Your Honour has warned them against?

JUDGE COLES: That is what I am worrying about.

MR. WALSH: It is just the very pitfall the Courts have told juries about hundreds of times.

JUDGE COLES: Not least there may be some evidence about

MR. WALSH: There is going to be, one hopes, some evidence. So, as I say, I am not objecting but I am just suggesting to my learned friend that as it is a course the Courts have always said should not be done she might like to reconsider.

MRS. BAIRD: I am obliged for the persuasion. I would like the jury to look at the two together if possible. If it is an insuperable difficulty I would ask the photocopy be exhibited as 44 since it has been identified by this Officer. -

JUDGE COLES: I do not think I can stop you taking that course, Mrs. Baird.

MRS. BAIRD: I am very conscious of Your Honour's direction to the jury. I am sure they know well enough they are not handwriting experts.

JUDGE COLES: They will have to bear this in mind. What is the purpose for which you do this?

MRS. BAIRD: I want the jury to look at the two documents together and use their common sense. I have said that already. I will explain what it means if Mr. Walsh still does not know.

MR. WALSH: I am so sorry. What my learned friend is doing by asking this Officer to write down his signature six times so the jury can see it and this document is to invite them to make a comparison. Common sense, with great respect to my learned friend, cannot avoid that.

JUDGE COLES: Common sense in this context sounds awfully much to me like never mind about the handwriting expert. Call him later. But in the meantime make your own mind up. Is that what you mean by common sense?

MRS. BAIRD: No. May I discuss the matter further with the Court in the absence of this witness?

JUDGE COLES: Would you like to withdraw, please? Members of the jury, I am afraid you had better withdraw as well. I am afraid the shorthand writer is showing some distress. I am afraid we simply cannot sit very much longer. I do not wish to put Mrs. Baird under any pressure but we really cannot keep everybody here very much later than 5 o'clock.

MR. WALSH: Yes.

(Discussion regarding which documents should be put before jury in absence of witness and jury)

Jury present

JUDGE COLES: We will adjourn now, I think.

MRS. BAIRD: I would seek Your Honour's leave, since the jury might well have a question mark in their minds, to put these photocopies before them tonight.

JUDGE COLES: Well, it might be sensible to do two things. First of all, that document which contained the signatures that this witness made - that was Exhibit 42 - I do not think you saw that, members of the jury, did you? Would you just like to pass that briefly quickly round amongst yourselves? I do not want you keeping in the dark about what that was.

MR. WALSH: The witness is not in Court. I do not suppose that matters really for the moment.

JUDGE COLES: Have you all seen that? It may be later on in the case - I do not know - it may be later on that document will become very important. But you will bear in mind, please, what I said earlier to you that you are not the handwriting experts - neither is anybody else in this Courtroom - and please bear that in mind when you come to look at other documents which again may later on become the subject of some other evidence. Now, do you wish them to have copies of the other statements? Not much point in having them tonight, is there?

MRS. BAIRD: Yes, I would like, if I may, simply to give them out tonight.

JUDGE COLES: Very well. You are going to be given some documents, members of the jury. One between?

MRS. BAIRD: One between two. Photocopies of Mr. Brophy's statement with Mr. Moore's signature attached.

JUDGE COLES: Perhaps you will put these in your papers. You will need these to follow certain questions in cross-examination later on. Are the jury to have copies of the other statement also?

MR. WALSH: Yes, I have those to hand as well.

JUDGE COLES: That is Exhibit 39, is it?

THE CLERK: Yes.

MRS. BAIRD: One between two again, copies of Mr. Moore's statement. I am sorry. I have separated the statements inadvertently. I am sure the jury will manage. I am sure they are doing.

JUDGE COLES: Will it assist you if we sit a little earlier in the morning or not?

MRS. BAIRD: I really at the moment do not know.

JUDGE COLES: You do not know. Well, 10.15 in that event. I think we must stop now for the shorthand writer and I do not think we could get very much further usefully this evening in any event.

MR. WALSH: No, I do not suppose we can.

MRS. BAIRD: Will Your Honour be remaining in the Court precincts for the next few moments?

JUDGE COLES: Yes. Very well.

MRS. BAIRD: I am obliged.

JUDGE COLES: Was there anything else?

MR. WALSH: No, no.

JUDGE COLES: All right. 10.15.
