

IN THE SHEFFIELD CROWN COURT

The Crown Court,
Castle Street,
Sheffield

21st June, 1985.

Before

HIS HONOUR JUDGE GERALD COLES, Q.C.

REGINA

-v-

WILLIAM ALBERT GREENAWAY

and Others

APPEARANCES:

For the Prosecution: MR. B. WALSH, Q.C. and
MR. K.R. KEEN

For the Defence; See Attached Sheet

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Defendants and Representation:

DEFENDANT

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

REPRESENTED BY:

MR. G. TAYLOR
MR. M. MANSFIELD
MR. M. MANSFIELD
MR. P. O'CONNOR
MRS. V. BAIRD
MISS M. RUSSELL
MRS. V. BAIRD
MR. E.P. REES
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MRS. V. BAIRD
MR. P. GRIFFITHS
MR. M. MANSFIELD
MR. E.P. REES
MISS M. RUSSELL
MISS M. RUSSELL

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Friday, 21st June, 1985.

MR. GRIFFITHS: Your Honour, my learned friend has completed his examination in chief and before the officer comes in, checking my notes last evening and before I start my cross-examination, I didn't want there to be any misunderstanding as to what evidence has been given about a certain rather important point. Your Honour, in chief, the point that I would like to check with your Honour is this: It is the position which the officer says he took up first of all and when he was joined by the Yorkshire Officer and where he says he saw O'Brien and what he says he saw O'Brien do. Two photographs were referred to, your Honour, by my learned friend. I say this: He gave many photographs to the witness but two photographs in Album 9, photographs six and seven, those two photographs that were referred to in the course of examination in chief as to that officer, where he was saying he was, and your Honour will find in your Honour's notes that he said initially, "After getting to the bridge we stopped at the bridge. I could see exactly what was on the other side. I now look at photograph six, Exhibit 9", which is on that point, "on the right-hand side of the road", and then he pointed out the position - this is the first time he is describing this, your Honour, and my note is that he referred to photograph number six halfway between the two lamp-posts on the right-hand side.

JUDGE COLES: Yes.

MR. GRIFFITHS: And if your Honour follows your Honour's note a little further, he refers to the stragglers catching up with him and then he says a loose line formed after a place I think he described, "And then the cordon, comprised of our lads, eventually came to where I was", and then he indicates the reference to a South Yorkshire Officer and I think he was asked and questioned by my learned friend, Mr. Walsh, as to whether there was a whole PSU of Yorkshire officers or just one. Does your Honour have that?

JUDGE COLES: Yes.

MR. GRIFFITHS: So it seems at that point he is referring to photograph six and he is pointing out halfway between those two lamp-posts there and he, first of all, is joined by a Yorkshire Officer. He is then asked some further questions and then a little further on he refers to thousands of people in the road and then he is asked to look at photograph seven, and this was done perfectly properly by Mr. Walsh, who said, "Do you see the fence on the left-hand side?", your Honour may remember.

JUDGE COLES: Yes.

MR. GRIFFITHS: "Is that the sort of view that you had?", and he says, "Yes", and then he describes to the left there were hundreds of people in the factory premises and then a little later on I have this note, and he has, of course, now got photograph seven in front of him, and he says, "I am pointing on photograph seven, slightly uphill, at the nearest lamp-post", and points to the pavement there, and I have put down his position, number two, where he says the cordon was, and then, his further description of a person who he later names as Anderson. So, have I got that correct?

JUDGE COLES: Yes.

MR. GRIFFITHS: "I was slightly uphill, the nearest lamp-post on photograph seven of Exhibit 9". So, in effect, my recollection is correct that we have, at the moment, got two positions from him as to where he was in this loose line before he or when he saw Mr. O'Brien and when he was joined?

JUDGE COLES: Yes. I'm not surprised you mentioned it, because it occurred to me that I wondered whether he really meant to say that or not, but I have left it to be explored, but that is undoubtedly what he said.

MR. GRIFFITHS: Because this is an important matter and I felt it better to be clarified in this way so my learned friend and I are not arguing, so to speak, as to what he had said before I started cross-examining.

JUDGE COLES: He went on to say, indicating the man he saw, to say that it was at this point he first saw O'Brien, "As far as I can remember he was between the second and third lamp-post on photograph seven".

MR. GRIFFITHS: Yes, and he describes the wall and said where the wall was.

JUDGE COLES: Yes, that's right.

MR. GRIFFITHS: And, so, clearly putting it between the two lamp-posts on photograph seven.

JUDGE COLES: Yes.

MR. GRIFFITHS: I am grateful.

JUDGE COLES: Perhaps he may be called now.

POLICE CONSTABLE DOUGLAS Recalled

Cross-examined by MR. GRIFFITHS:

- Q. Sergeant Douglas, I represent Mr. O'Brien. Will you stand up, Mr. O'Brien? (The Defendant rises) The last time you saw him he had an injury? - A. That's correct, sir.
- Q. Sit down, Mr. O'Brien. I am going to ask you a lot of detailed questions concerning that day, but before we do, a little about yourself, please. How old are you? - A. 30 years.
- Q. How long have you been in the Police Force? - A. 8½ years.
- Q. When were you promoted? - A. In July, 1984.
- Q. Just after this incident, really? - A. Six weeks after, sir.
- Q. And of the members of your PSU, that is, all 23 of them, were any of them in your own local station at the time? - A. Yes, sir. Five.

- Q. Who were they? - A. Constable Howells, Constable McLochlin, Constable Clarke ...
- Q. I can help you with the others, if you wish. There is Davies, McCosh, Pimlett, Spencer - A. Spencer was there, sir.
- Q. Well, then we have four. - A. Finch.
- Q. Finch. These persons, McLochlin, Clarke, Spencer, Finch and yourself were all in that half of the PSU. Were you not under Sergeant Moodley?
A. That's correct, sir.
- Q. Before you went on this trip from Liverpool to Orgreave, we know you stayed away for about five or six days, returning on the Friday. -
A. That was the normal thing, sir, yes.
- Q. But, on this particular trip you left Liverpool, Orgreave occurred on Monday and you returned on the Friday. Am I right? - A. That's correct, sir.
- Q. Had you known Inspector Bennett before that trip? - A. Yes, sir.
- Q. How well? - A. Very well.
- Q. Now, you say, "Very well", but he was not a person stationed at your particular Police Station? - A. No, sir. He was stationed at Admiral Street, on the same section, the equivalent section as ours.
- Q. For how many years had you been working under him? - A. I hadn't worked under him at all.
- Q. You knew him very well? - A. I knew him well as a Police Officer.
- Q. Is Inspector Bennett, whom we will hear from at some stage, is he a man who likes to lead from the front? Do you know what I mean? -
A. Yes, I agree with that, yes.
- Q. He is not a man who told you to do the dirty jobs and not be involved in it himself? - A. That's correct.
- Q. And so, when you have been describing, yesterday, Inspector Bennett right at the front, that is where you would have expected him to be? -
A. Yes.
- Q. Now, over those years that you have been in the Force you have no doubt given evidence on many occasions? - A. I have, sir.
- Q. Both in the Magistrates' Court and in the Crown Court? - A. That's correct, sir.
- Q. So, the experience of standing and talking to Jurors and being cross-examined is not one that is unfamiliar to you? - A. That's not unfamiliar, sir.
- Q. And I suppose, Sergeant, would you agree, you appear to be a thorough person? Is that the way that you envisage yourself, a thorough and careful officer? - A. I do my best, sir.

- Q. Yes. Putting away false modesty, do you consider yourself a careful officer? - A. As far as possible, sir, yes.
- Q. In what you do and what you say? - A. Yes.
- Q. You would not consider yourself a person who speaks loosely about an incident? In other words, what you have told the Jury yesterday was what you wanted to tell them, carefully considering the questions that had been put to you? Is that right? - A. I told the Jury what happened, sir.
- Q. And is it right that you considered yourself a careful officer, Sergeant, then and now? - A. I try to be careful, sir, yes.
- Q. And do you try to be careful when you make notes about an incident? - A. I try to, sir, yes.
- Q. And did you, on this particular day, when you made up your statement, did you write it with care? - A. As much care as I could, sir, yes, in the circumstances.
- Q. Well, when you say, "in the circumstances", that is a qualification? - A. Yes, sir.
- Q. What circumstances were so pressing upon you, sitting in that office which you have described that made it in any way difficult to be careful as to what you put in your statement? - A. The fact is that three hours before I was in the middle of a riot situation.
- Q. I see. How much is "careful as you could be"? - A. I did my best, sir.
- Q. Had you considered yourself a fit person, back in June? - A. I could have been fitter.
- Q. Do you play sports? - A. I do, sir.
- Q. What? - A. I play squash.
- Q. Regularly? - A. No, sir.
- Q. But, of the PSU, would you have considered yourself as one of the more fit members of the PSU? - A. As far as I'm concerned, I was fit, sir. Other officers are fit as well and I can't comment on whether I am fitter than another officer.
- Q. I think you can comment about how fast you can run. Now, you have been on a number of charges, or were on at least three with those other officers? - A. yes, sir.
- Q. Do we take it, bearing in mind you managed to catch, according to you, Mr. O'Brien, that you can run pretty swiftly? - A. I did on that occasion, sir, yes.
- Q. You were asked, and correct me if I'm wrong, that on those charges where you were - certainly the impression I got, and correct me if I'm wrong, was that you were pretty well at the front or at the fore-front of these three charges? - A. That's correct, sir, yes.

- Q. Would that be fair? - A. That would be fair.
- Q. Well, let's accept that, which I don't, officer, but we will come to that in a moment, but accepting your evidence for a moment, you will have had to run very swiftly indeed to get Mr. O'Brien, wouldn't you?
- A. Yes.
- Q. I would like to clarify one matter because I really am wanting you to be as careful as you can, because it is important: Will you look at photographs six and seven of Album 9, please, Sergeant? So that nothing is hidden from you, you may have seen through those glass doors that something was happening here before you came in? - A. Yes.
- Q. The Court had started? - A. Yes.
- Q. And so you are not kept in the dark, what I was doing was clarifying with everybody's recollection as to what you had said yesterday about the position you were in, that is the position you took up after getting on to the bridge, when you realised that Anderson was at the side of you and when you saw O'Brien, that period of time. All right? - A. Yes, sir.
- Q. Now, it may be entirely right or it may be you were directed to one photograph after the other one and it may be that what we have got down wasn't what you intended to say, so the object is to clarify that. You were asked to look at the photographs and to indicate where you got to after getting on to the bridge and where people came up to you, because I think you described how you would like to wait for people, the rest of your squad to catch up and if you would look through those photographs - you chose photographs six and seven. We have all checked those. Have you got photograph six now? - A. Yes, sir.
- Q. Do you remember, in fact, holding the photograph up, pointing to a point mid-way between the two lamp-posts, the first two lamp-posts on the right in photograph number six? - A. That's correct, sir.
- Q. Now, that was the position you gave and indeed at one point you went on to say, you mentioned the South Yorkshire officer. Then, you are describing how they all came up to you. Is that what you intended to say, that is, about where you were when the others caught up with you, when this loose, straggly line across the road was formed? - A. As far as I could remember, yes.
- Q. Because it may be that you didn't mean to say this, but it wasn't taken up. You may remember Mr. Walsh then wanting to get from you the sort of view that you would have had. That is a different point as to where you were. The sort of view that you would have. He pointed out photograph seven. - A. Yes, sir.
- Q. And do you remember him saying, "Do you remember the fence there?"
- A. Yes.
- Q. And you indicated, "Yes, that is the sort of view that I would have had"? - A. Yes, sir.
- Q. Now, while you still had photograph seven open, again you were asked, or my learned friend went off in the chronology and you certainly appeared to say that the line where you were was just above, marginally.

above to just above the lamp-post on the right. Do you see? -
A. Yes, sir.

Q. Now, you weren't - you happened to have that photograph open when you were being asked this question, so can we get it clear now, if we can, Sergeant. You have got photograph number six when you looked through all the photographs first of all and the position you put yourself in was being about, not to the nearest yard, but, to give us the best idea possible, was between those two lamp-posts on the right in photograph seven? - A. That's correct, sir, yes.

Q. Now, where did this line form where Anderson joins you, where you are there and you see O'Brien and you turn to Anderson and say, "Watch the man in the blue denim", or words to that effect? Where do you say it was, approximately? - A. As far as I can remember, sir, it was where I said I was, in between the two lamp-posts.

Q. On photograph? - A. On photograph six.

Q. And, again, for the avoidance of doubt, yesterday you said that Mr. O'Brien didn't really appreciably move his position throughout the four stone-throwings, but remained by the wall, or what was once a wall, looking at photograph seven? - A. Yes.

Q. Between the second and third lamp-post? - A. Yes, sir.

Q. JUDGE COLES: Is that right, where there is not a wall now?
- A. There is not a wall now. He was in that area.

Q. MR. GRIFFITHS; Look at photograph number eight. We have a close-up. We can see the furthest lamp-post up. We cannot see the other one. If you look at photograph seven, photograph eight, would he have been on that photograph or would he have been further down the road? You can see the remains of the wall you are talking about.
- A. I would say beyond that photograph, the photograph eight.

Q. So, just on the right? - A. On the right, sir, yes.

Q. But some yards down from that first house? - A. Yes, sir.

Q. If you can put that down

Q. JUDGE COLES: You say just beyond photograph eight? - A. I would say round about there, sir.

MR. GRIFFITHS: Just beyond photograph eight, to the right, would be the correct way of putting it, for the shorthand note.

JUDGE COLES: Yes. Thank you.

Q. MR. GRIFFITHS: Did you come from Liverpool to give evidence in this case? - A. Yesterday morning, sir.

Q. Was that the first day that you came? - A. Yes.

Q. You have known, obviously, that you were going to be needed in this trial? - A. Yes, sir.

- Q. And no doubt you knew that it was getting longer and longer? -
A. Yes, sir.
- Q. Did you make any notes yourself in a notebook as to what had happened on that day or not? - A. The only note in my notebook, sir, is arresting James O'Brien, "Address not known, miner from South Yorkshire/Wales (?), evidence as per statement".
- Q. You made a very limited note and referred to your statement as constituting a note of the events? - A. Yes, sir.
- Q. Now, in the past, when you have given evidence and made up your notes as opposed to a statement, it is standard practice and perfectly proper for an officer to refresh his memory from his notebook before giving evidence. Agreed? - A. Agreed.
- Q. And it is a sensible thing to do? - A. Yes.
- Q. And do we take it you refreshed your memory from your statement before coming into this Court? - A. That's correct, sir.
- Q. When were you given a copy of your statement? Have you had it for long? - A. I was given a copy of my statement, it was the first time I had seen it in twelve months - I was given it on Saturday.
- Q. Last Saturday? - A. Saturday.
- Q. Where were you given it? - A. Admiral Street Police Station.
- Q. By? - A. It was a Detective Constable from the South Yorkshire Force. I don't know his name.
- Q. Were you given it, so to speak, in a room with other officers? - A. As far as I can remember, the only other officer was a Detective Inspector who was in Liverpool with him. There were other officers coming in and out. It was in the Constable's Writing Room in Admiral Street Station.
- Q. I should have been more precise. Were there any officers who had been with you on the 18th June of last year there when you were given your statement? - A. No, sir.
- Q. And in addition to being given your statement last Saturday, were you shown any photographs? - A. I was, sir, yes.
- Q. In the course of my cross-examination we will be looking at a good number of them, so we had better get clear, if we can, what photographs you have been shown beforehand. Were they just one or two or a large number? Colour or black and white? - A. A couple of colour.
- Q. A couple can mean an awful lot. Do you mean one or two? - A. Two or three.
- Q. Two or three colour? - A. Yes, sir.
- Q. Individual ones? - A. Yes, sir.
- Q. And depicting anybody well-known? - A. I could recognise one person on them.

- Q. Who was that? - A. That was Inspector Bennett.
- Q. And Mr. Scargill? - A. And Mr. Scargill, yes.
- Q. There were lots of Mr. Scargill, probably about a dozen to eighteen in a bundle, in an album, and you looked through those? - A. Yes.
- Q. Did you recognise anybody in particular, apart from Mr. Scargill, in that bundle? - A. No, sir.
- Q. For instance, do you remember seeing Mr. O'Brien in that bundle? - A. No, sir.
- Q. Have you set eyes on Mr. Anderson before giving evidence at all? - A. Yes, sir.
- Q. I deliberately put it that way. I didn't ask you whether you had spoken to him. You had set eyes on him? - A. Yes, sir.
- Q. Where and when? - A. That was yesterday in the Police Station.
- Q. Which Police Station? - A. Sheffield Headquarters.
- Q. Did you spend any time together? Let me make it clear there is nothing wrong in officers who are going to give evidence about the same incident talking about it before the case. Did you? - A. Yes. I spoke to him in the office where the Detectives were based.
- Q. You have spoken to the officer about the incident itself? - A. Yes, sir.
- Q. And do we take it that in that room you went through with him your recollection and what his recollection was? - A. Yes, sir.
- Q. And may I ask you this: When you went through that process was there any time when, may I put it to you in this way and you will understand what I am getting at - was there any time in that discussion between you and the officer as to what had happened a year ago when you said, "Well, that's what happened", and then he would disagree and you would have to argue about it as to what exactly did happen? Was there any of that? - A. No. There was no argument at all.
- Q. I don't want to split hairs. Let's not use the term, "argument". Was there any difference in recollection? A year later, two people meet for the first time - any difference as to what, in fact, had happened? - A. There was no difference, no.
- Q. So, you both remember it absolutely clearly and there was no difference of recollection at all? - A. We remembered our statements, which were written the same day. There was no difference between us, no.

- Q. JUDGE COLES: Did you go into great detail when you talked about it? - A. I would say we spoke about, we discussed our statements. I think it would only have taken about five or ten minutes at the most. No, sir, it wasn't in any great detail.
- Q. MR. GRIFFITHS: Did you have any visual aids there apart from the statements, photographs, plan, anything like that? - A. No. There was a lot of photographs there but I didn't look at any.
- Q. Have you yourself visited the scene, that is, the scene where the arrest you said took place, since the 18th? - A. No.
- Q. So, when you went back in October, it was just a fleeting visit and you didn't actually go over the area? - A. We were there for about half an hour, I think, and the furthest I got, well, I didn't walk up Highfield Lane, I just stayed around the other side of the coking plant.
- Q. Right. Now, let me ask you, going to the 18th, on the 18th itself, you have described being deployed. I'm not concerned at all with the back of the plant, let's forget about that. There comes a time when you were near the main entrance in the car park? - A. That's correct.
- Q. And you are called out and you are not actively deployed, you are called out behind the Police cordon when the convoy goes out. Do you remember that part of the evidence that you gave yesterday? - A. When the convoy went out we were at the front.
- Q. We had better take it carefully, then. You were asked by Mr. Walsh yesterday to try to help as to times about the convoy coming in and the convoy going out? - A. Yes.
- Q. That is before the arrest of Mr. O'Brien, well before, and you told us that you were in the car park when the convoy came in? - A. That's correct, sir.
- Q. By the time the convoy went out you had moved from the car park? - A. Yes, sir.
- Q. And, as I understand it, you were standing behind the Police lines? - A. No, sir. If I said that I am mistaken. I don't recall saying that. We were in the front of the Police line.
- Q. Let's leave whether you were in the front or behind. It may be an impression I have and it was erroneous. If it was, it is my fault. But, in any event, whatever you said yesterday you are saying you were deployed at the Police cordon? - A. Yes.
- Q. And when the convoy went out? - A. Yes.
- Q. Were you on the road or in the field? - A. We were on the road, sir.

- Q. And you can actually remember this, can you, being at the very front? - A. I can indeed, sir.
- Q. So, there were no long shields ahead of you? - A. There weren't, sir.
- Q. And it is a short distance up from the side road? - A. Yes, sir.
- Q. And the convoy goes out? - A. Yes, sir.
- Q. And you say nothing happened at all? - A. No, sir.
- Q. There was no push by pickets? - A. No.
- Q. Were you there at all, Sergeant? - A. The incident was recorded on television, sir. I've seen myself on that film.
- Q. Well, I will show you some film a little later on, but I had hoped not to have to start so early. Now, we know that the convoy went out at about 9.25. Would that be about right? It has been timed. - A. Well, I can't say.
- Q. All right. I'm not going to argue the toss with you, Sergeant. But, you say to the Jury that at 9.25 your recollection is clear as a bell, you are standing there in front of the Police cordon, no long shields, you were right at the front and there was no push? - A. That's correct, sir.
- Q. Anybody in the field at all to the left of the road as you look up? - A. I honestly can't remember, sir.
- Q. Well, you aren't going to miss, are you, over a hundred Police Officers out in a line on a field? Now, were they or not? - A. That field was to my left as I remember. I do not remember any officers on the field. I do not remember them, sir.
- Q. And you remember that incident with the same clarity as you remember Mr. O'Brien picking up four articles? Is that right? - A. I remember that clearly, sir, yes.
- Q. Do you remember it with the same clarity as you say you saw Mr. O'Brien picking up four missiles much later on? - A. I would say the Mr. O'Brien incident was much clearer.
- Q. From 60 yards away, amongst hundreds of people? - A. I don't think we were sixty yards away and it certainly wasn't amongst hundreds of people.
- Q. I won't give evidence to you, but will just say generally evidence will be called, if necessary, that the distance between the two points that you have shown were paced and it is 60 paces. If you want to look at the scale plan you can scale it up

JUDGE COLES: Which two points?

MR. GRIFFITHS: Where Mr. O'Brien was and where he now says he was:

- Q. Have a look at the plan, scale it up yourself. Look at Exhibit Number 3. Sergeant, before we go any further, I don't want to take any false point

JUDGE COLES: I don't want to interrupt, but I wonder if the members of the Jury and yourselves and the Accused could refrain from talking, whichever, because just a little noise makes it (a) distracting and (b) just that much harder for the witness to make himself heard, and I think the shorthand writer has been having a little trouble. So, let's remember that. I'm sorry to interrupt, Mr. Griffiths.

- Q. MR. GRIFFITHS: Sergeant, you may be at cross-purposes. Are you disagreeing with me that it is about, and you were about 60 yards from Mr. O'Brien when you saw him do what you say he did? - A. I personally do not think I was 60 yards from him, sir.
- Q. Well, you have a plan there. Do you see the part of the road that we are talking about? - A. Yes, sir.
- Q. Do you see the railway line shown? - A. I do, sir.
- Q. As one is walking up the hill one comes to ELS, which is just about, just past the railway line, but looks like it is on the bridge? - A. That's correct, sir, yes.
- Q. Well, look at Photograph 6, right on the bend. We want to establish it without any shadow of a doubt. We can look the other way - look at Photograph 13 for a start. There is the coking plant - the lamp-post on the coking plant side of the bridge - Exhibit 9, Photograph 13. - A. Yes, sir.
- Q. And then if you go back to Photograph 4 you see that same one in the foreground and the next one is just on the bend. - A. Yes, sir.
- Q. You can see it closely in Photograph 6. - A. Yes, sir.
- Q. And the point where you say is mid-way between that one and the next one? - A. Yes, sir.
- Q. So, we have got a pretty good idea where you are, haven't we? - A. Yes, sir.
- Q. You are mid-way between those two? - A. Yes, sir.

MR. GRIFFITHS: So we all follow this, your Honour, I point to

JUDGE COLES: May I suggest that you mark on that plan, that we number those electrical light standards from the bridge on the plan and then that will avoid confusion with numbers on different photographs. If one takes the lamp

standard which is actually on the bridge, over the area of the estate and look at the plant, so it actually, physically, is over the embankment and mark that "1". Then, down Highfield Lane towards the houses and mark the next one, which is the one off the bridge, as "2", and the next one is "3", and then that electric light standard nearest the houses is "4", that should suit your purposes, shouldn't it?

MR. GRIFFITHS: Yes:

- Q. Now, if we look at photograph six and seven. In photograph six we see the electric light standard "1", do we not? -
A. Yes.
- Q. On the bridge. The next one is "2"? - A. Yes.
- Q. And the next one is "3" and in the far distance we can just see "4"? - A. Yes.
- Q. And it becomes much clearer in photograph seven, where what we are looking at there is electric light standard "2", "3", "4" and, indeed, we then see "5" and "6" in the far distance? - A. Yes.

MR. WALSH: May I suggest, as we have all marked ours, perhaps the witness could mark those with the same numbers?

JUDGE COLES: Certainly. Would you like to do it for him, then you can make sure the numbers are marked correctly?

MR. WALSH: Yes. Do you have all the photographs?
(Handed)

JUDGE COLES: Would you like to do that on your copies, too, members of the Jury? It makes it absolutely clear, doesn't it?

MR. WALSH: I have written the numbers and drawn a line pointing to them so the witness shall know.

- Q. MR. GRIFFITHS: Now, this has been a helpful exercise because I'm sure it will help at a later stage, Sergeant. I am grateful to his Honour for suggesting that. I got drawn into this because you were not accepting, so it seems, that Mr. O'Brien was some 60 yards away from you. -
A. I said I did not think he was 60 yards from me.
- Q. Well, it's pretty clear from the evidence that you have given that he was, isn't it? - A. Obviously, the scale plan has been drawn. I haven't been to the area since. The first I have seen of the area was the photographs.
- Q. I'm not criticising you for being wrong, but I am trying to be accurate. Now, do you accept that from the positions that you have told us you were in and Mr. O'Brien was in and from the scale plan, that he has got to be at least 60 yards away? - A. I would accept that, yes.

- Q. Do you? Would you like to put that down, please? I got drawn into that. You had been telling us how when the convoy went out you cannot remember any Police being in the field. You were at the head or the very front of the Police cordon and there was no push of pickets. Now, let's see if there is any other area, just picking it out, where possibly you have got things wholly wrong, I suggest, Sergeant. Would you look at the aerial photograph? Take the aerial photograph, would you, please, for a moment? Looking at it yesterday, where you pointed out the back of the coking plant. Now, this is what you said yesterday as to what had happened to Mr. O'Brien, bleeding, as he was, after the arrest, you told us all that you took him, I think "rushed him" was your expression, through two Police cordons? - A. Yes, sir.
- Q. One about ten-deep, which opened up? - A. Yes, sir.
- Q. And that was a few yards up the, from the bridge. So, let's just follow it as we are looking at this aerial photograph. The members of the Jury will remember that it is the second detached house where the alleged arrest took place, with the bungalow and then a pair of semi-detached houses and then the second one up? - A. Yes, sir.
- Q. Where there is a white car. So, you walk or rush Mr. O'Brien from there? - A. Yes.
- Q. Down the hill? - A. Yes.
- Q. And just before the bridge, some matter of just a few yards, I think you told us, there is a Police cordon that opens up? - A. Yes.
- Q. You distinctly remember that? - A. Yes.
- Q. You went through that cordon? - A. Yes.
- Q. And you went across the bridge? - A. Yes.
- Q. You distinctly remember that? - A. Yes.
- Q. With clarity? - A. Yes.
- Q. And then below the bridge you went through another Police cordon which opened up. Am I right? - A. That's correct, yes.
- Q. Do you remember that with clarity? - A. I do indeed.
- Q. And there were about 20-deep officers there? - A. Yes.
- Q. And you took him down, and my note was, "to an ambulance" after you had been directed by a senior Police Officer to an ambulance just short of the coking plant. Now, let me be certain about that

JUDGE COLES: At the bottom of the hill, near the entrance to the coking plant.

MR. GRIFFITHS: I'm grateful, your Honour:

- Q. Would you like to tell the members of the Jury whereabouts this ambulance was that you say you took Mr. O'Brien to?
- A. Now, I can say, with the benefit of the photographs, that I don't think the ambulance was outside the coking plant. I think it was by that little building there.
- Q. JUDGE COLES: Which little building? - A. That one there, sir.
- Q. MR. GRIFFITHS: You are pointing to a substantial distance up from the coking plant, aren't you? - A. I am, sir, a good distance.
- Q. Nowhere near the coking plant entrance? - A. No, sir, a long way away.
- Q. Why did you say yesterday that the ambulance was near the coking plant entrance? - A. Because I remember seeing a building.
- Q. Was it in the grounds, or where was it? - A. It was on the road.
- Q. But, what you are clear about is that you crossed the bridge?
- A. Yes.
- Q. The ambulance into which you placed Mr. O'Brien and you yourself got into it, was above the bridge, wasn't it?
- A. I don't think so, sir, no.
- Q. Don't think so? Was it or wasn't it? - A. It wasn't. As far as I can remember it was not, sir.
- Q. You could not be mistaken about it, bearing in mind you have gone through two Police cordons? - A. Yes.
- Q. And described the depth of those Police cordons? - A. Yes.
- Q. And you told us yesterday how one was above and one below the bridge? - A. Yes.
- Q. Do you think you want to back-track from that at all? -
A. No, sir. As far as I can remember the ambulance was over the bridge.
- Q. Look at Exhibit 21. Now, I may be shooting wild arrows, Officer, but have you seen this photograph before? - A. Yes, I have, sir.
- Q. In this bundle that you were shown that I was asking you about a little earlier on, last Saturday? - A. Yes, that's correct.

- Q. I'm not suggesting you looked at it with any care, but can you look at photograph 23, please? - A. Yes, sir.
- Q. Now, I want you to, and I'm sure Mr. Walsh will, I hope, not object or disagree, and if he does I will invite him so to do - photograph 23 shows Mr. Scargill. Right? - A. Yes, sir.
- Q. And it shows what appears to be a car door behind him? - A. It does, sir, yes.
- Q. And we see that car door again in 24, again in 25, 26. Right? - A. Yes, sir.
- Q. 27, 28. Do you see it? - A. Yes, sir.
- Q. Will you accept from me - I don't think anybody will disagree with me in this Court - that those photographs are photographs above the bridge? - A. Yes, sir, I accept that.
- Q. Right. Photograph 28? Have you reached there? - A. Yes, sir.
- Q. 28. We are looking up the hill. You see Mr. Scargill there? - A. Yes.
- Q. And it is pretty obvious that he is there, waiting there with an ambulanceman on the left. Do you see it? - A. Yes.
- Q. Look at photograph 29. By the way, these are Prosecution photographs. 29 shows an ambulanceman helping Mr. Scargill up. Right? - A. Yes, sir.
- Q. Photograph 30, if you look carefully at the ambulanceman, do you see the ambulanceman on the right in photograph 29, as far as we can tell coming out of the ambulance on number 30? - A. Yes, sir.
- Q. And a statement has been served by the Prosecution indicating that this is the scene being covered by a Mr. Christopher, who will be giving evidence, and he is taking photographs of Mr. Scargill as he is waiting for and going into the ambulance. Right? - A. Yes, sir.
- Q. No doubt you have looked ahead, have you? - A. Yes, sir.
- Q. Look at 31. - A. Yes, sir.
- Q. Who is that? - A. It's O'Brien.
- Q. And where is he going? - A. He's going in the back of the ambulance, sir.
- Q. Who was it? - A. Yes.
- Q. JUDGE COLES:—You say, "Yes". What does that mean? - A. Yes, sir, that is O'Brien getting into the back of the ambulance.

JUDGE COLES: Thank you.

- Q. MR. GRIFFITHS: In 33, whereabouts would the camera-man have been sitting? - A. At a guess, at the rear of the ambulance.
- Q. Where is he looking? - A. Up Highfield Lane, sir.
- Q. 34 follows 35, Highfield Lane. 36, again up Highfield Lane. - A. Yes.
- Q. Now, unless the photographer has got wings and has flown across the bridge to the electricity station and back again - A. I shouldn't think he would have done that, sir.
- Q. No. Will you admit that you are wrong? - A. It would appear so, sir.
- Q. So, may I suggest you have been putting on an act to the Jury of a polished Police Officer being accurate in everything he says? - A. Yes, sir.
- Q. How could you tell the Court in clear and, I suggest, polished, terms that you went through two Police cordons, one a few yards above the bridge, another one 30-odd deep beyond the bridge and walked down to the coking plant when, in fact, you got into the ambulance even before you got him over the bridge? - A. I am of the opinion that the ambulance has moved. I think that when Mr. O'Brien got into the ambulance it had moved.
- Q. Wait a minute. But, you have just agreed with me. The photographs were taken in sequence. You have agreed the photographer couldn't really have reasonably flown across and back again to take the next photograph, so are you saying that is what he did? Are you prepared to admit you are wrong? - A. I will admit that I am wrong, sir.
- Q. Will you admit that you are wrong that when the convoy went out there was a push of pickets at the Police line? - A. There may have been more Police Officers up Highfield Lane. I can't recall that. What I can recall is a television camera-man coming out, standing in front of us, filming the convoy leaving. I can remember turning round and seeing the convoy leaving. I can't remember Police Officers further up Highfield Lane, but it doesn't mean they were not there, sir.
- Q. Can we proceed reasonably now with the rest of my cross-examination, Sergeant? This ambulance into which Mr. O'Brien was placed, looking at it reasonably, let's forget about apportioning blame and mistakes and approach it reasonably, that Mr. O'Brien was placed into the ambulance, on the available Prosecution photographs, above the bridge? - A. Okay, I will accept that.
- Q. JUDGE COLES: You say the ambulance may have moved? - A. I don't think the ambulance was there, sir. I accept it from the photographs.

Q. Would you look at photograph 34, please? - A. Yes, sir.

Q. You talk about going through two lines of Police?
- A. Yes, sir.

MR. GRIFFITHS: I will deal with that matter, your Honour.

JUDGE COLES: I will leave it then, certainly, by all means.

Q. MR. GRIFFITHS: Now, a few questions about below the bridge, Sergeant. I am most interested in what you can tell us about it

JUDGE COLES: We are going back in time now?

MR. GRIFFITHS: Yes, your Honour. I wanted to establish the point of the ambulance, your Honour, first of all:

Q. Now, these questions are below the bridge and as to your accuracy of your evidence about it. - A. Before or after the arrest?

Q. Below the bridge must have been before the arrest. -
A. Yes, sir.

Q. So, forget about activities above the bridge. Let's just deal with below the bridge? - A. Yes, sir.

Q. Did you ever see a gate flying through the air? It's a rather unusual question, isn't it? - A. It is.

Q. Did you ever see a gate flying through the air? - A. Now that you mention it, I recall something of a gate.

Q. Tell us about it. - A. I can remember seeing a gate. It might have been on the floor. I don't know.

Q. A missile, first of all, a gate flying through the air?
- A. I can't recall a gate flying through the air.

Q. Unusual, really? - A. It is a bit.

Q. So, you didn't see a gate flying through the air, but you thought you may have seen a gate somewhere else? -
A. There were lots of things to see. There were cars on fire.

Q. Help us about this gate because the Jury will hear in a little while that you considered a gate of such importance that you put it in your statement. Now, would you like to tell the Jury about the gate? - A. I can't say anything about a gate.

Q. Well, I want you to tell me about the gate that you thought so important to mention in your statement. - A. If I mentioned it in my statement I must have seen it. I don't recall it now. I'm sorry.

- Q. Well, think about it. I mean, one doesn't, first of all, see a gate flying through the air every day? - A. No, sir.
- Q. Now, if you are a careful officer, as you have purported you are, every word in your statement, according to your evidence last night - this is what you said; "Every word in my statement is my own". - A. Yes.
- Q. Now, I'm giving you complete carte blanche to say anything you like about a gate. Now, you clearly remember a gate? - A. I can't say anything further, sir. If I said in my statement a gate flew through the air
- Q. I didn't say you said that. - A. I'll be honest. I don't know what my statement says.

MR. WALSH: Let him answer the question, because it was put in those terms.

JUDGE COLES: Yes.

- Q. MR. GRIFFITHS: Carry on, Sergeant. - A. If I said in my statement a gate flew through the air, I made my statement on the day and that's what happened. I can't remember it now, sir. There's nothing in my statement that isn't true.
- Q. Let's make it absolutely clear. I am not suggesting that you said you saw a gate flying through the air. What I am suggesting is that you thought it sufficiently important to mention something about a gate. - A. Well, I can't remember what I said, sir. If I may see my statement I would know.
- Q. Of course. Have a look at it. (Handed) Look at it before you say anything. - A. I have an apology to make to the whole Court. I have been talking about "gate", singular. I should have been talking about "iron gates", plural. I apologise to everybody.
- Q. Read out from your statement that sentence in which you mention iron gates. - A. "Officers who were facing the pickets came under a hail of bricks, bottles and numerous other items, including a large gas cylinder and iron gates".
- Q. Do you blame me for at least getting the impression from that statement that the gate was a missile? Missiles fly. Do you forgive me for getting that impression? - A. I think you've got the correct impression.
- Q. I have got the right impression? - A. Yes.
- Q. Then, let's hear about it. - A. I can't remember it, sir.
- Q. Come on now, Sergeant. You can remember Mr. O'Brien throwing four stones? - A. Yes.
- Q. And you can't remember saying whether you saw iron gates flying through the air, or at least being thrown? -

1-0

A. I was going to arrest a man. I was not interested in gates. I watched the man, that is why I arrested the man, sir. I can't remember the gate. It's in my statement, but I can't remember it. I'm sorry.

- Q. Look at Exhibit 11 (c), please, a picture I'm sure you will remember. (Handed) Now, we have got copies, but to save time just hold that up so we all can see it. Right. On the point of arresting, the reason for arrest, it would be completely untenable, wouldn't it, for a Police Officer to arrest a man in that condition and be completely unable to tell his senior officers why the person had been arrested? It would be a completely untenable position for a Police Officer to be in, wouldn't it? - A. What are you getting at, sir? I don't understand.
- Q. I am getting at this, that you have made up the reason for the arrest of Mr. O'Brien. - A. That, sir, is totally untrue.
- Q. You have committed perjury, I suggest, Sergeant. -
A. That is ridiculous.
- Q. And before I am finished I hope to show that you have and that you and Anderson put your heads together. We haven't heard from Mr. Anderson, you see, what sort of strength of personality he has, but I suggest it may well be you were the leading light to say, "We've got to say something, so this version goes down" - that's what I suggest. -
A. That's ridiculous, sir.
- Q. Right. We will see just how ridiculous it is, but I am going to do it slowly and we will stay below the bridge. So, do we take it that the final word - and the Jury, in fact, have copies. I will be referring to the statement and there are copies. May the Jury have copies of the statement? I think that there can be no objection?

MR. WALSH: Certainly, your Honour.

JUDGE COLES: This will be Exhibit 44. Are you managing to keep all these Exhibits together, members of the Jury? It may make sense if some sort of folders are provided.

MR. WALSH: The only trouble is that they will slide about in that. I don't know whether we could requisition a box file or ring binder.

JUDGE COLES: Yes. If some thought could be given to something like that. I can see logistical difficulties.

- Q. MR. GRIFFITHS: It is the first main paragraph, the third one down on the first page, which starts, "Officers ...". Have you got that, Sergeant? - A. In my statement?

- Q. Yes: "Officers who were facing pickets came under a hail of bricks, bottles and numerous other items, including a large gas cylinder and iron gates". - A. Yes, sir.
- Q. Sergeant, I want to be fair. When you are finished and at the end of this case, comment will be made on your evidence, not until then. I am giving you every opportunity to tell the Jury why you, in your own hand, wrote down the words, "iron gates" and thought it sufficiently important to put it in. - A. Because at the time, sir, I must have seen iron gates. I'm being totally honest with you by saying I can't remember them now, but it's in my statement.
- Q. Or could it be that you were being led, or have discussed with other persons and people were giving you ideas as to what to put in that statement? - A. No, sir, no. My statement was purely written on my own.
- Q. Right. We will come back to that. We are still below the bridge. You are deployed on the first occasion and you explained where you were, I think. Can we take the story up in Exhibit 9? I think that is the one we have been using most of all. You explained that when you first came up behind the Police cordon you - and this is the way you put it - you would have been in the position of the camera-man in photograph 1? - A. Yes.
- Q. Right? - A. Yes.
- Q. Exhibit 9, Photograph 1? I don't want there to be any mistakes about it. I am talking about when you were out and when the convoy went out. I am talking about when you were first deployed, before the first charge, and then there is another charge up to the bridge and then there is the incident over the bridge, seeing Mr. O'Brien? - A. Yes.
- Q. You described how you had been with Inspector Bennett? - A. Yes.
- Q. And others, and there had been a call for short shield units? - A. Yes, sir.
- Q. You went, as I understand it, up the road? - A. Yes, sir.
- Q. To a point, approximately, where the camera-man is in Photograph Number 1? - A. Yes, sir.
- Q. The cordon would have been just in front of you, presumably? - A. Yes, sir.
- Q. So, do we take it that the cordon would have been across the road? - A. Yes, sir.
- Q. Let's not worry about the field for a moment, but across the road, somewhere short of that bush in Photograph 1? - A. Yes, sir.
- Q. Is that reasonable? - A. It is.

- Q. Now, to help you, if you look at another bundle - keep that photograph open, but look at a bundle we haven't looked at very often. It is bundle number five. It is a view down the hill at the coking works. Of course, we have to remember that photographs do foreshorten things, so that you can relate photograph one in bundle nine to the other view, photograph one in bundle five. You have got both those now. In bundle nine, that is the one looking up, we see an isolated bush on the left near the lamp-post and the beginning of the wall? - A. Yes, sir.
- Q. These photographs are taken at different times of the year. We have foliage on the one I have just referred to. Look at photograph one in the other bundle, looking downhill? - A. Yes.
- Q. You see that wall and the lamp-post on the right, and the bush? - A. Yes, sir.
- Q. Then, if we look further down there are another three bushes? - A. Yes, sir.
- Q. And then we come to the side road? - A. Yes, sir.
- Q. So, the Police cordon, looking at photograph one, looking down the road - that is Exhibit 5 - would have been just the other side of the coking plant, the side of the bush. It would have been somewhere between the isolated bush on the road and the group there? - A. Yes, sir.
- Q. I am right about that? - A. Yes.
- Q. That's where you joined it just before you made your first charge? - A. That's correct. We walked up the hill from the plant.
- Q. Now, you were asked as to where the first charge took you and you looked at the photograph looking up the hill, in bundle nine, to where we see the portakabin? - A. Yes, sir.
- Q. We have been on a view, Sergeant, and I don't think this portakabin was there on the day. Certainly, it doesn't appear to be. I will be corrected, but I don't think that one sees it in the aerial photograph, but I will be corrected. So, using it only as a point of reference in this photograph, do you think that perhaps in saying that your 50 yard run took you up to the portakabin you may have been misled because of the foreshortening of photographs? What I am suggesting - A. Well, if that distance has been measured from where I say we started and were I saw we finished
- Q. It hasn't really - A. What I'm saying is that the first advance of 50 yards took us to there. 50 yards is a guess.
- Q. You couldn't have led your men to a portakabin if it wasn't there. Would it help you to say you got up that far? Look at the aerial photograph. I'm not trying to catch you out.

- A. No. I can remember the second charge, which was about the same distance, which took us to the bridge.

Q. You think both charges were about the same distance? -

A. I think so, sir, yes.

Q. I suggest you are lying about that. - A. Well, I think that, sir.

Q. Well, before I go further I think I would like you to look then at what we have come to understand is the beginning of the last charge up to the bridge. All right? I will show you on the video. - A. Yes, sir.

Q. And, so it may help you, I am not criticising you at all if you think that the first one may have been 50 yards and the run up to the bridge may have been a much longer one. May we see it now?

JUDGE COLES: Do you suggest we have our morning break now?

MR. GRIFFITHS: Yes, then we can get the operator of the machine.

(Short Adjournment)

MRS. BAIRD: May I please mention, during the interval my client, Mr. Moreland, has told me he doesn't feel very well and isn't looking very well and I wonder if I can ask that he be allowed to go for a walk in the fresh air for about half an hour, which he feels might help to settle him down?

JUDGE COLES: Certainly.

Q. MR. GRIFFITHS: Now, Sergeant, before we see this piece of film, look at photograph one of Exhibit 9 again, please. We see the bush on the left-hand side and the wall on the left. What you are going to see, Sergeant, and we will get you into a nice comfortable place where you can watch it, is a view, not of the view that the camera-man had in photograph one, rather a view from the left across, so it is an angled view and you will be able to see that bush but from a slightly angled view to the left. You will also see that wall that we see on the left, but it will be more on the right as you will see it, but from an angle. Now, what we believe this section shows, I think all of us in Court, is that the position of the Police cordon, that is the last position it had before the final move to the bridge. - A. Yes, sir.

Q. Do you see? And I have also got some still photographs which I can show you, photographs which rather tend to reinforce that. - A. Yes, sir.

Q. I would like you to look at it and mark it. There is an officer who seems to be calling the shots, if I can put it that, seems to be in authority, a white-shirted senior

officer. Do you remember telling us about that yesterday?
- A. Yes.

Q. And he gives the short shield unit orders. I would like you to listen to the orders and perhaps it will bring your memory back and it may be, I hope, you agree then that the final move to the bridge started here. All right?
- A. Yes.

Q. If you can get into a good position? - A. Yes. (Video Film Shown)

Q. That is the bush. Stop it there, please. Now, if you look carefully, Sergeant, the Police line is the bridge-side, which appears to be just the bridge-side of the bush? -
A. Yes, sir.

Q. Here is a white-shirted person with a megaphone? -
A. Yes, sir.

Q. Giving orders. First of all, from what you can gather from the voice, or what you can see, is the white-shirted person with the megaphone what you were telling us about yesterday?
- A. I think it is, sir.

Q. There is a flat-hatted person, two people in white shirts, one with a megaphone who has this rather guttural, gruff voice that we have heard, and another person with a helmet on in a white shirt. Now, the person I have just asked you about - Mr. Walsh, quite properly, wants to clarify it for the note - is the flat-hatted person who is calling the shots, giving instructions, with the megaphone? Do you agree it is that person? - A. The person who had the megaphone was giving the instructions.

Q. JUDGE COLES: And he had a flat hat? - A. I don't know, sir. I know that he had a riot helmet on.

MR. WALSH: In the film the man referred to by Mr. Griffiths and the witness is seen to be wearing a flat hat, for the purposes of the accuracy of the note.

Q. MR. GRIFFITHS: Do continue with the film, please. (Video Film Shown) Stop it there. Did you hear that instruction? - A. No, sir.

Q. Well, we will run it back. We have all heard it. (Video Film Shown) Do you hear that? - A. No, sir.

Q. I will tell you what you probably will hear, "no heads".
- A. Yes. I heard that earlier, yes.

Q. Carry on. (Video Film Shown) Pause. Now, into the picture are helmeted people with a particular type of helmet. What do you call it? - A. Chequer-band and neck guard.

Q. Do you see them there? - A. Can I go close and have a look?

Q. Yes. Are we, in fact, seeing your unit deployed there? -
A. The helmets have got the neck guards but I'm sure the

Yorkshire Police have a silver stripe on theirs.

- Q. I think there's a mixture. I am not suggesting it is only your PSU. I am saying that - do you see Merseyside helmets there? - A. I can see Merseyside helmets, yes.
- Q. And it is short shield units? - A. Yes, it is.
- Q. Agreed? - A. Yes.
- Q. Carry on. (Video Film Shown) Stop there. Do you see on the right-hand side on the road some short shield units going ahead of the long shields? - A. Yes.
- Q. I will show you some still photographs from another direction in a moment. Carry on. (Video Film Shown) Stop there. Do you see the whole line has broken up? There are Police Officers going around the electricity sub-station? - A. Yes, sir.
- Q. Up on the hill there? - A. Yes, sir.
- Q. So, they pass the field? - A. Yes, sir.
- Q. Continue, please. (Video Film Shown) Stop there. I will tell you this because we have established it with other witnesses. There is an appreciable break in the film of about an hour before you see what you see now, so you understand that. - A. Yes, sir.
- Q. And, in fact, if I were to show you the rest of this film it just shows static Police lines, ultimately, where things were on fire, etcetera, etcetera. - A. Yes, sir.
- Q. Right. Thank you very much. You can turn it off now, please. Now, Sergeant, do I have to show you any still photographs to convince you or to ask you to accept that what we have come to understand has been the last move up to the bridge started on or about then? Are you prepared to accept that? - A. Yes, sir.
- Q. No need for me to show you anything else? - A. No, sir.
- Q. Now that we know where we are, so to speak, before the line gets to just past the bush we had had your 50 yard push? - A. That's right, sir.
- Q. Am I right? - A. Yes, that's correct.
- Q. That must follow? - A. Yes.
- Q. And so, when we look at that line before the start of the charge we are seeing the scene, admittedly only part of the scene, shown in the lens of the camera of what was happening before your 50 yard move and before your last charge to the bridge? Agreed? - A. That's correct, sir.

- Q. Now, I would like you to help me, please. When you were dealing with this part of your description of events yesterday, that is, after the 50 yard move and before the second charge, you told the Jury that you saw large articles coming down the roadway? - A. Yes, sir.
- Q. An oil drum, dealing with them individually, and a gas cylinder? - A. That's correct, sir.
- Q. Admittedly, we are not seeing everything from that angle, but where, first of all, was the oil drum? Where did it come from? Where did you see it at that point? - A. I saw the oil drum that rolled on to the road. I can't say where it came from. I don't know where it came from and, likewise, the gas cylinder.
- Q. Well, what I don't understand, you see, we have pointed out the point now at which you saw these things. That's what you said anyway. Do you want to change that? - A. No.
- Q. Well, if you were, as I understand it, you must have been one of the short shield units who were called up and told, instructed, and you would have been behind the Police line waiting for that final charge, wouldn't you? - A. Yes, we would have.
- Q. Well, how do you see the oil drum? - A. When I saw the oil drum I was in the front.
- Q. Pardon? - A. When I saw the oil drum I was in the front of the line.
- Q. So, you must have gone through the Police line, or did you tiptoe over all those officers? You aren't particularly tall. - A. No, no, I didn't do that.
- Q. Well, where was it? That's all I want you to tell me. - A. The cylinder and the oil drum were on the road when I saw them.
- Q. Whereabouts on the road? - A. On the bridge. By the bridge, coming down the bridge. We hadn't got to the bridge.
- Q. That's my point. I am not going to mix this up. I wanted you to establish where you were after the first 50 yard move. If you want to change your evidence, you can, but you were asked carefully by Mr. Walsh after the first 50 yard move what you could see and you described, and I have only mentioned some of them so far, the oil drum and gas cylinder. You later referred to another gas cylinder on the bridge

JUDGE COLES: In fairness, he referred to the gas cylinder and the oil drum as being seen at the time when halfway through the charge, they stopped. He talks about

going through the line, the cordon splitting and going through the line and on, and he said he didn't know how far they were going to go and then he said it was only when they stopped that he noticed that the cordon had moved up to them.

MR. GRIFFITHS: That's right.

JUDGE COLES: And was watching for the next advance. "Big gas cylinders, oil drums, were coming down the road, a car was on fire".

MR. GRIFFITHS: Yes, that's right.

JUDGE COLES: It is at that stage that he says he saw them.

MR. GRIFFITHS: And he also said, "We went up about 50 yards, up to the portakabin in photograph number two".

JUDGE COLES: So, I have identified it reasonably accurately, I hope.

MR. GRIFFITHS: Before the order finally to go to the bridge or after the 50 yard move and before the final order to go to the bridge.

JUDGE COLES: But, it is clear he was saying that they were in front at that stage.

MR. GRIFFITHS: Your Honour, if that is right I don't take issue with that, but my point is that it was before the final charge to the bridge:

Q. Now, can you say, with the aid - we certainly didn't see it in that section of film - I hope it won't be necessary to go through all the earlier photographs, but my recollection is that we don't see an oil drum in the road on the film

JUDGE COLES: I am anxious we are not at cross purposes. Are you suggesting to him that the point at which they stopped after this first advance, when he says the long shields came up behind them, was the point at which the video starts?

MR. GRIFFITHS: I see what your Honour gets at. There was an interval of time before we started.

JUDGE COLES: Yes. It may be that the video starts where this witness says, "We formed up behind the line, an order was given, the cordon opened and we went through", so that what we were looking at was at the point where he stopped and the cordon had come up behind him.

MR. GRIFFITHS: I don't want to take any responsibility. What I am getting at, for the purposes of my questions, it isn't necessary to be one hundred per cent precise, only that it is before the last charge. Now, your Honour, I think we are quite clear about it, are we not? In my note

and your Honour's note, this officer yesterday says he saw these articles before he sets out on the last move to the bridge?

JUDGE COLES: Yes. Very well.

- Q. MR. GRIFFITHS: Right. This is at some stage after the commencement of the first 50 yard move. That would be the fairest possible way of putting it, so I don't tie you down to precise feet. It was at the end of the 50 yards. Now, we have an idea as to what part of the roadway it must have been, so let's have a look at the photograph album nine and you perhaps could look to explain where you came across. We can either look at photograph number one in album nine or you can look at photograph one in five - that is looking up the other way. Now, when going through the cross-examination we have reached the point, we are agreed that the last move up to the bridge starts at that bush on the right in photograph one of album five. The bush is shown on the left on photograph one of album nine. Now, if that is right, at some stage before the start of that last move, you saw an oil drum, one oil drum or more than one oil drum? -
A. I remember seeing one oil drum.
- Q. Was it on the road or on the pavement? - A. As far as I can remember it was on the road, on the left side of the road as you look up on photograph one.
- Q. So, it is in that area somewhere, shown in photograph one? - A. Yes, sir.
- Q. That's where the oil drum was. Does it follow that the first of the two gas cylinders that you saw was also in that area? - A. As far as I can remember, sir.
- Q. Now, what about a burning car? - A. I tend to think that was over the bridge.
- Q. Because of what you saw on the video today? - A. No. It certainly wasn't on this stretch of road.
- Q. Why did you say it was yesterday? - A. Because I thought it was.
- Q. You thought yesterday that the burning car was before? - A. Before.
- Q. The final charge up to the bridge? In other words, below the bridge? - A. Yes.
- Q. Now you think it is above the bridge? - A. It could have been. I don't know. I can't remember now.
- Q. A burning car is a pretty unusual sight, Sergeant, isn't it? - A. Well, yes, it is.
- Q. Do you see burning cars in the roadway every day? -
A. I see burning cars quite a lot.

- Q. Out in the countryside? - A. Not the countryside, no.
- Q. Did you see flames? - A. I can't remember, sir.
- Q. You saw a burning car? - A. Yes, I know that.
- Q. Did you see flames? - A. I can't remember seeing flames. I can't say, "Yes". I didn't - I can't remember, I'm sorry.
- Q. So now you say you think the burning car wasn't below the bridge at all. So, what you said yesterday was wrong? - A. It would appear so, sir, yes.
- Q. Anything else that you said yesterday that was wrong apart from the ones we have elicited so far? - A. Not as far as I am aware, sir.
- Q. So you saw a car above the bridge which was burning? - A. I think so, sir, yes.
- Q. Whose was it? - A. I do not know, sir.
- Q. How close did you get? - A. I can remember going past it on the opposite side of the road. I don't remember anything further than that.
- Q. You remember you went past a burning car above the bridge? - A. Maybe it was smouldering. I don't know. I can't comment on it if I can't remember.
- Q. When earlier in my cross-examination I showed you the Christopher Bundle, which is Exhibit 21, you were looking through those photographs a little ahead of me sometimes. I think I commented on that. - A. Yes, sir.
- Q. Did you see photographs in the Christopher Bundle showing a derelict car in the middle of the road, clearly above the bridge? - A. Yes, sir.
- Q. Is that why now you change your tune? - A. Not at all, sir. Now you come to mention it, I do remember seeing that car on the photograph. It isn't why I am changing my tune, sir.
- Q. Look at photograph ten of Exhibit 21 - that is, the Christopher Bundle. That is the one you saw a little earlier on today? - A. Yes, sir.
- Q. Now, is that the car that you say you passed just off to your left, on your left as you went past? - A. It wasn't in that position.
- Q. Where was it? - A. It was on the left-hand side of the road.
- Q. Was it on the road, though? - A. No. I think it was on the verge.

- Q. On the verge. And did you at any time see that car in the position it is shown? - A. I don't think so, sir, no.
- Q. Pardon? - A. I don't think so, no.
- Q. Leave that now, please. Now, Officer, I would like to be clear now about going up to the bridge. You were at the front, as I understand it? - A. Yes, sir.
- Q. Of the short shield advance? - A. Yes, sir.
- Q. Were you the very first officer to get to the wire? I know you told us you shouted back. You must have been one of the first? - A. Yes. I think I was certainly one of the first.
- Q. Can you remember who were the other persons in your PSU who managed to keep up with you? - A. No, sir.
- Q. Could you help us at all as to who was by the side of you? - A. I haven't got a clue, sir. I can't remember.
- Q. But, do we take it then that you are either the first or one of the very first few officers to set foot on the bridge? - A. Yes, sir.
- Q. And this was the first time on that day, as far as you can tell? We know that nobody went to the bridge earlier on. - A. It was the first time I had been to the bridge.
- Q. But, as far as you could tell, you were involved in the movement up to the bridge from where you have described? - A. Yes, sir.
- Q. And you were either the first officer or one of the first officers to set foot on that bridge? - A. One of the first, yes, sir.
- Q. Is the picture that the pickets have run in front of you and they are running across the bridge, some of them, down the embankment to your left? - A. Yes, that's correct.
- Q. Presumably, running fast? - A. Yes.
- Q. Pickets streaming away from you on the road, streaming down the embankment as Police Officers come up to your left? - A. I can remember them on the embankment, sir, yes. They were also going through the field on the right, right of Highfield Lane as you go up it.
- Q. Can you remember whether there were horses or small groups of horses coming up behind you? - A. I can only remember that, sir, because I have seen it on the television this morning, but prior to that I couldn't remember.
- Q. You have mentioned horses. - A. No, sir. I didn't think there were horses and, therefore, I can't remember horses, but it's obvious that they were there.

- Q. But, in any of your movements you can't remember horses being charged in either of the three charges, at least in front of you anyway? - A. I can't remember them, no, sir.
- Q. Look, please, at bundle nine, Exhibit 30, the first photograph, numbered on the reverse, Sergeant. Photograph four, that is the photograph I mean. (Shown to the Jury and Judge). A photograph of some officers on the bridge? - A. Yes, sir.
- Q. Do you see that? - A. Yes, sir.
- Q. Just concentrate on that photograph. Now, looking at the photograph, the first officer - you see one officer to the left, working from the left-hand in? - A. Yes, sir.
- Q. Let me tell you what has been established so far. Do you see the second officer in from the left? - A. Yes, sir.
- Q. That person whose head just obliterates the white sign on the bridge? - A. Yes, sir.
- Q. That person has been identified as Inspector Bennett. - A. Yes, sir.
- Q. You can see his features? - A. Yes, sir.
- Q. And you wouldn't disagree with that? - A. No, sir.
- Q. Now, where are you? Perhaps you might be just the camera side, but I presume you are there or thereabouts? I can understand if you can't - A. I don't know.
- Q. Because of the quality of the photograph? - A. Had that officer's truncheon been black, I would have said that that was me.
- Q. JUDGE COLES: Which officer? - A. That one there, sir, the first one, because that's a position I can remember being in.
- Q. MR. GRIFFITHS: And the truncheon is a brown one, but you had a black one? - A. Yes, sir.
- Q. But it is a shield with a velcro-type clasp? - A. Yes, sir.
- Q. And the black rim? - A. Yes, sir.
- Q. Do you recognise other persons there? For instance, Sergeant, you may not know him because he has a different helmet - A. No, sir. I don't recognise him.
- Q. But, you have described yesterday, milling about in this sort of area after getting to the bridge. - A. When we were milling I think we were further forward, sir.
- Q. We have established where you were. It may be, if you look at the extreme left-hand corner there is what appears to be the shield of somebody. It may be there are other

officers off this photograph. Do you see that bottom left - A. I have not got that photograph.

JUDGE COLES: It isn't on my copy either. It's the way they have been guillotined.

MR. GRIFFITHS: May I, then, hold it up?:

- Q. You have arrived at the bridge, a loose cordon is formed in the position that you have described? - A. Yes, sir.
- Q. And the best way to follow it is to look at exhibit number - I am now dealing, of course, with the important evidence that you have given in relation to seeing Mr. O'Brien. Probably the best bet is to go back to exhibit number nine and look at the photograph number six. To clarify, it is gradual. As the other officers arrive we know that Bennett is already there. We know that you are there, although you are not shown in the photographs. You have told us you are there. A line gradually forms across the road between those two lamp-posts, number one and number two, in photograph number six. Get bundle nine again and put the other one down, please. - A. Photograph number six, sir, yes.
- Q. Right. So I have correctly summarised the position, you have got there, there has been a bit of milling about, your colleagues have caught up with you. We know Sergeant Bennett is leading the way. The loose cordon is formed across the road approximately halfway from, between number one and number two lamp-posts? - A. Yes, sir.
- Q. Now, I am going to help you now, officer, and everyone else, I hope, by saying how a non-contentious bundle of photographs - your Honour, they have been taken showing, perhaps, views that we perhaps have lacked in the course of this case and at the moment the photographer has not produced as many as we have ordered because of time, but we have managed to get a minimum. (Photographs handed to Judge)

JUDGE COLES: Well, assuming these are going to be proved?

MR. GRIFFITHS: They are absolutely non-contentious.

JUDGE COLES: Yes. Proved or admitted, it is Exhibit 45.

MR. GRIFFITHS: There is one for the officer and six for the Jury. (Handed)

JUDGE COLES: Is there a copy to put in as an exhibit? Would you please undertake one is produced in due course?

MR. GRIFFITHS: Yes. Perhaps that could be the one?

JUDGE COLES: Yes. Exhibit 45.

MR. GRIFFITHS: Your Honour, although it is pretty

self-explanatory, might I be allowed just to explain where they have been taken from, if it assists? I won't, if it won't.

JUDGE COLES: No objection, Mr. Walsh?

MR. WALSH: I don't mind my learned friend saying where he says they are, though this is the first time I have seen them.

JUDGE COLES: Yes.

MR. GRIFFITHS: Photograph one shows a building the members of the Jury may remember, to the right, almost opposite the electricity sub-station. It is a view we haven't had so far, with the entrance. Your Honour, I think some of us walked in there at the request of one of the Defence counsel. Photograph two is looking into that area where I think the members of the Jury walked into. Photograph number three is a view across of the electricity sub-station, showing fencing and then, to the right, the railway embankment.

JUDGE COLES: Which is looking back the other way?

MR. GRIFFITHS: Yes, looking across the road. Now, photograph four is taken from standing on top of the coping stone shown in photograph number six or thereabouts - that is, photograph six of album nine. Your Honour, that is very close to the lamp-post we are calling number one. So, that is a view up the road from the extremity of the bridge.

JUDGE COLES: That shows, for the first time, the access to Mr. Manners'.

MR. GRIFFITHS: Yes. It shows a rather V-shaped, elevated area and it shows a verge with a full view and it shows lamp-posts which we have called numbers two, three and four.

JUDGE COLES: Yes, that's right.

MR. GRIFFITHS: Photograph number five - this is taken, if your Honour looks at photograph four with five, to link them both, if you look carefully at photograph number four one sees a manhole in the road near the first lamp-post on the right-hand side in photograph four. It is just past the first lamp-post in photograph four. Turn to photograph number five

JUDGE COLES: Your lamp-post in photograph five is lamp-post three?

MR. GRIFFITHS: Yes, that's right. So, it shows how far the photographer has moved up to get another view of the area.

JUDGE COLES: Do you follow, members of the Jury? Yes?

MR. GRIFFITHS: Photographs six and seven: Six is a longer view down towards the railway bridge, taken from around about the bungalow your Honour will see in photograph six. Halfway down there is a fence, "V.W. - Open Seven Days" - you can see Mr. Manners' advertisement.

JUDGE COLES: Another manhole covers the road, this time with some white markings around it, and that is just visible beyond lamp-post three in photograph five, if it is the same one.

MR. GRIFFITHS: And the sign between photograph six and seven, one can see the "VW" sign on the fence and one sees it much closer in photograph seven.

JUDGE COLES: And also on photograph five again. So, that appears to be it.

MR. GRIFFITHS: Yes, your Honour. Then, with regard to photograph eight, may I assist in order to appreciate where photograph eight is taken from? If your Honour goes back to photograph six one sees, in fact, my instructing solicitor and at his head, top of the fence, the photographer stood above him when he took photograph number eight. So, that is a view down the road and it shows the business premises on the right-hand side. Now, does your Honour see in many other photographs one sees a "VW" sign on the side of the road? Photograph nine is this shot looking directly across the road on to business premises there. Your Honour, to assist everyone, because I will refer to it a little later on, photograph nine is a view across the road. If one looks very carefully one can see some lorries in an enclosure on the right-hand side. If one takes the aerial photograph, it is a large area here between the factory main building behind the trees, so we are just beginning to see the bridge end of that. Photograph ten is another view into that large one we call a car park, or lorry parking area - I don't know if it belongs to the villagers, but that is an area shown better in the aerial photograph. Then, finally, photographs eleven and twelve are views back down towards the bridge, photograph eleven being a longer shot and photograph twelve being taken further towards the bridge. One can just see the line of lamp-posts on the right-hand side:

Q. Now, for our purposes, dealing with your evidence, Sergeant, in relation to Mr. O'Brien, if you go to photograph four in this new bundle, Exhibit 45, that is a view up the road. Your Police cordon, from what you have explained earlier, would have been - do you see the, what appears to be a little square - I don't know what it is, but it is on the pavement. It may be a water meter or something like that.
- A. Yes, sir.

Q. Now, you can actually get that in photograph six of album nine, where you placed your cordon in the first place. -
A. Yes, sir.

- Q. Do you see it? - A. Yes, sir.
- Q. So, the Police cordon where you and Anderson come up and you see what you have seen is as we look at the photograph number four, Exhibit 45, which is the bridge side of that square concrete object on the pavement? - A. Yes, sir.
- Q. Now, I am going to ask you questions of detail of what you say you saw. I'm sure you will appreciate by now I am suggesting that it is absolute nonsense and that you are not telling the truth? - A. Yes.
- Q. Let's just deal with what you say you saw. You saw Mr. O'Brien pick up on two occasions, one after another, certain articles? - A. Yes, sir.
- Q. Could you, from the distance that he was away from you, see what he was picking up? - A. No, sir.
- Q. And with what hand he was doing things, or not? - A. I can't remember that, sir, no.
- Q. You can't remember? So, were you really able to give any description at all, or are you able to give any sort of description at all of the two articles you say he picked up, one after another? - A. No, sir.
- Q. Anything? - A. I think they were stones of some description.
- Q. Were they big enough to describe them as bricks? I mean, there is a bit of a difference between a brick and a stone. - A. No, they weren't full bricks. A brick is a full brick, isn't it?
- Q. Or half a brick? What is your best description? - A. Stones. I still say stones.
- Q. Were they, from that distance? - A. I couldn't see. No. I think they were stones, sir.
- Q. Did he pick up anything at all? - A. Yes, sir.
- Q. Or just wave his arms? - A. No, sir. He picked something up and threw it.
- Q. Two occasions? - A. One after another.
- Q. One after another. Was Anderson with you when that occurred or not? - A. It was after that that I turned round to Anderson and told Anderson to watch him.
- Q. That is not an answer to the question. Was Anderson with you? - A. I was not aware that he was with me.
- Q. Pardon? - A. I didn't know he was there. The first I ever knew of Constable Anderson was when I turned round. I didn't know who he was or whether he was there. I just said to Anderson, on my left, "Watch him". It turned out to be Constable Anderson.

- Q. But, you are uncertain he was there at that time? -
A. Well, when the first bricks were thrown there was other officers with me. I can't say whether it was Anderson or not. There was other officers with me.
- Q. Approximately how long had you been on the bridge before you say you saw O'Brien do this? - A. It seemed we were in that position for a long time because we were told to hold our lines and there was debris being thrown at us. It was getting a little bit hairy.
- Q. There is an answer - half an hour, quarter of an hour, ten minutes, five minutes, two minutes? - A. Well, put it this way. One minute would have felt like an hour. I don't know. It was probably a couple of minutes. That might be too long. I really wasn't interested in time, sir. It was frightening enough.
- Q. So, you have seen one person. How many people would you estimate were throwing articles at the time when you say you saw Mr. O'Brien do so? - A. So many missiles were coming across, I can't say how many people were throwing them.
- Q. With great respect, Sergeant, I suggest that you are not telling the truth at all. I will suggest in due course that Mr. O'Brien wasn't anywhere near this area. -
A. With the greatest of respect, sir, I was standing there with a riot helmet on, in full riot gear. It was 80 degrees - full uniform on - it was hot, sweaty, I can't remember everything.
- Q. Was your visor misting up? - A. No.
- Q. Why? Why, if you are telling us you are hot? - A. No, it wasn't.
- Q. There are two aspects to my questions. I don't accept it, on behalf of Mr. O'Brien, but let's just have a moment, if you are honestly telling the Jury what you saw, whether in fact you could see sufficiently to identify the person. Now, how many people, approximately, were raining missiles down upon you when you say you were able, at a distance of 60 yards - how many people were throwing missiles, approximately? - A. I can't say. I can give you a figure, but it could be wrong. I don't know. Lots of them. There was lots of people there.
- Q. There were lots of people there and where else? - A. From the sides as well.
- Q. We had better establish now, before we go any further, where the pickets were. You have told the members of the Jury that Mr. O'Brien was at the front of the pickets? -
A. Yes.
- Q. And that the main pickets were behind him and to his, to our left as we look at it? - A. Yes.
- Q. So, would you, as carefully as you can, describe where

they were, where were the nearest pickets to you on that side of the road? - A. There were pickets in this enclosure here.

Q. But whereabouts, because the Police line would have come across, well, not quite to the apex of that area, but the Police line across the road - how near were the pickets over there in relation to the photographs? - A. I don't know. I was more concerned with not getting hit.

Q. If you were able to single a person out at 60 yards you can surely give us some idea as to where the mass of pickets were? - A. The mass of pickets were on and around that verge there, but there were still lots in the road.

Q. JUDGE COLES: Which verge, where? - A. That verge there, sir, around there.

Q. MR. GRIFFITHS: This will be important, because I will show you a good number of other photographs. Now, where is he marked? Would you - I am anxious not to mark them if at all possible - would you like to show, if you could point out in relation to any salient feature where you say the nearest pickets were on the right-hand side? Have you got that clear? - A. Yes. By the bushes there.

JUDGE COLES: He is showing different bushes, to be seen to the left of the white van going down the road.

MR. GRIFFITHS: About up on that level?

Q. JUDGE COLES: Is that right, officer? - A. Yes, sir.

Q. MR. GRIFFITHS: Now, if you look very carefully at the photograph number four, looking across to the left, one seems to be seeing from an angle. We are looking at, at any rate, what seems to be like a bush on its own in the verge? - A. Yes, sir.

Q. And one sees it a little more closely in photograph number five. Of course, we are further up the road then. Does photograph five help you to give us an idea as to the nearest pickets on the left, whether it be about that bush or not? - A. Yes. There were pickets in the compound which were closer than that.

Q. On the left, on the road and the verge, do you agree they were no closer than that little bush that we see isolated in photograph number five? Do you know the one? - A. I can see the bush, but I don't remember seeing the bush there on the day, so it's hard to relate. -

Q. Yes, but I am asking you to tell me, because I am suggesting that this description of seeing Mr. O'Brien with nobody between you is absolute rubbish, as we will see in a moment. So, I want you to be as careful as you can as to where the pickets were. Let's put it this way. Let's get it out of the way: You told Mr. Walsh that there was

nobody between you, that is, your line, and Mr. O'Brien?
- A. Yes.

Q. You said that clearly. - A. Yes.

Q. Do we take it that at least so far as the road is concerned from the Police line up to the point where Mr. O'Brien is, he is the nearest to you on the road? Is that a clear enough question and a fair enough question? - A. Yes.

Q. Do you agree with it? - A. I would say there were pickets closer than Mr. O'Brien.

Q. Where? - A. On the other side of the road.

Q. But, give us some idea of how far down the road they were.
- A. I can't tell you. I don't know. I can't remember that.

Q. Well, I would like you to think about it because if you saw this incident with the clarity that you purport today, you can give us an idea of the scene. - A. Give you an idea of the scene?

Q. Yes, as to how close they were. - A. I would say they were closer to me than the bush on photograph five, the little one.

Q. Closer to you than that? - A. Yes.

Q. And yet you still say Mr. O'Brien was ahead of you? -
A. But from, at an angle, I should say.

Q. In fairness, you did say that

JUDGE COLES: Just to avoid confusion, why don't you split the road up? I think you have got Mr. O'Brien on the footpath.

Q. MR. GRIFFITHS: Yes. Was there anybody closer on the footpath? - A. Well, no, there wasn't, sir.

Q. Was there anyone closer than him on the road? - A. Yes, sir.

Q. There are two sides of the road, the two carriage-ways. Nobody closer than him on the footpath? - A. Correct.

Q. What about as we look at it on the right-hand carriage-way?
- A. There were people there, yes.

Q. Closer than him? - A. They were more forward than him.

Q. More forward? Towards you, more towards you than Mr. O'Brien on the right-hand carriage-way?

Q. JUDGE COLES: As we look at it? - A. There were people there, sir, yes.

Q. MR. GRIFFITHS: With great respect - A. There was nobody between myself and Mr. O'Brien, that's what I'm saying.

Q. But, yesterday you said more, you said clearly, so far as Mr. O'Brien was concerned he was in a group, on his own, on the right-hand side, and he was at the front. Now, this seems to be getting a pretty small group if you say there are other people in the right-hand carriage-way who were nearer you than Mr. O'Brien. We are getting the picture rather that he is not at the front at all. - A. If you look at it at an angle, which is the way I described it, at an angle he might be in the corner, but he's in the front nearest to me. That's what I said, sir.

Q. With very great respect

JUDGE COLES: I am trying to find the part where you described the angle. .

MR. GRIFFITHS: He did refer to the angle to the left. I merely tried to clarify what this witness was saying before showing him some other photographs, so I accept that he did say that, but he has not clarified it.

JUDGE COLES: He has been trying to. I rather ineffectively interfered to suggest one possible line:

Q. You say there were pickets in the compound, as you call it, on the left-hand side of the road? - A. Yes, sir.

Q. And they were very much closer than Mr. O'Brien but on the opposite side of the road? - A. Yes.

JUDGE COLES: What you are being asked is as to the picture on the road, what was in the road.

Q. MR. GRIFFITHS: We have started off on the extreme right and you said Mr. O'Brien was closest to you on the pavement and we have now split up into the road, photograph number five - is the carriage-way being considered as a point of reference as the one on the right? - A. Yes.

Q. And the question is, are you saying that there were no pickets nearer you in the road, on that part of the road? What are you saying? - A. I'm saying that there were people there on that side of the road.

Q. Closer to you than Mr. O'Brien? - A. Well, yes, they were then, yes, because if they're coming down at an angle they're going to be closer to me.

Q. What I would like you to do, and this must be a reasonable question, looking at the left-hand side of the road now, as we look at photograph number five, what is the nearest point - do the best you can, looking at either photograph number five or photograph number four, and tell us what is the nearest the pickets are to you on the left-hand side of the road. - A. On the left-hand side of the road the people standing there who were throwing anything were on the opposite side of the road, sir.

Q. JUDGE COLES: Same level as you? - A. Yes, sir.

- Q. MR. GRIFFITHS: On the same level as you? - A. Well, no, not quite at the same level - I'm sorry - a bit further up, but, I mean, there were stragglers in the pickets, odd men there just standing there watching what was going on.
- Q. JUDGE COLES: I don't suppose the whole thing was static? - A. There was constant movement, sir.
- MR. GRIFFITHS: Your Honour will appreciate I am testing this officer and I will continue to do it, with respect.
- JUDGE COLES: Of course.
- Q. MR. GRIFFITHS: Are you saying there were pickets over the verge, throughout the stretch that we look at on photograph number five? - A. Yes, as far as I can remember, right across and in the yard.
- Q. So, looking at photograph number five, let's just deal with the verge that runs up from the fence. Are you saying there were pickets all over here, all over the verge, stretching all the way up? You know what I mean by the verge, do you, the verge that is across, the verge on the left-hand side of the road, looking at photograph number five? - A. Yes.
- Q. Yes? - A. They were all over that verge on the left-hand side there, sir.
- Q. JUDGE COLES: They were? - A. Yes, sir.
- Q. MR. GRIFFITHS: But, how far down towards the bridge do you say that they were? - A. I think they had gone level or maybe a bit closer to the bridge than that car which is on photograph four.
- Q. Looking at photograph number four, that is the point they were closer, you think, on that side? - A. I think so, sir, yes.
- Q. So, really, what you are saying, officer, and I obviously misunderstood you last evening, we have a situation where you have a Police line and then a line of pickets much further up the road, about level where Mr. O'Brien is? You are saying that the whole mass of people to your left-hand side stretched well down, not far from the Police line at all? - A. That's correct.
- Q. And then this corridor, as I understand it, this rather narrow corridor on the right-hand side with an uninterrupted view of Mr. O'Brien, 60 yards away? - A. I could see him. I'm saying there was nobody between him and me.
- Q. If you have these people on the left, this corridor on the right is clear? - A. Yes.
- Q. And there were people throwing from your left? - A. From inside the compound, yes.

- Q. In front of you, obviously? - A. Yes.
- Q. What about from the verge? - A. Yes.
- Q. From the road as well? - A. Yes.
- Q. From the road, from the verge, from the compound? - A. Yes.
- Q. And would we be talking about in all a number of thousands of persons? - A. Throwing things?
- Q. Yes. What is your best estimate? - A. Hundreds, hundreds, maybe thousands. A lot. There were loads of people there.
- Q. Were there people in the field on the right? - A. Yes, people running through that field.
- Q. Any people throwing from the right? - A. No, they were being chased by Police Officers. I remember seeing that.
- Q. They were being chased by Police Officers? - A. Through the field.
- Q. Off to the right? - A. Off to the right.
- Q. There were no missiles coming from the right, so those officers were dealing with something off to the right? - A. That's correct.
- Q. Who were dealing with your move up the road, clearing this area? - A. Yes, sir.
- Q. You saw Mr. O'Brien pick up two missiles and then you realised that Mr. Anderson was next to you? Is that it? - A. It would have been within a few seconds, probably, yes.
- Q. Now, do you normally work in pairs, officer? - A. No, sir.
- Q. Aren't you trained to at least move in pairs as a PSU? - A. No, sir.
- Q. What? Even since 1978? What training have you done? - A. PSU training, to be totally honest, wasn't carried out to the letter of the Law on that day.
- Q. I see. What was done which was not to the letter of the Law? - A. There were people with long shields on their own. They should have three shield holders together to form a barrier, with two officers behind those who are supposed to advance slowly.
- Q. Have you ever had experience of anything in pairs when you operate as a short shield unit? - A. No, sir.
- Q. No experience at all? Have you ever heard of that concept? - A. No, sir.
- Q. You have not? - A. No, sir.

- Q. The long shields are difficult and unwieldy, aren't they?
- A. Yes.
- Q. You certainly can't run very fast with a long shield, can you? - A. No, sir.
- Q. Now, in the middle of this hail of missiles it is right that, according to you, with missiles streaming down on you you say you turned to this officer who you had never spoken to in your life before - is that right? -
A. That's correct.
- Q. And you said, "Watch the man in the denim suit"? -
A. That's right.
- Q. You remember the words clearly, do you? - A. Yes
"Watch the man in the denim suit", yes.
- Q. And that was the first word you spoke to him? - A. Yes.
- Q. Never seen him before? - A. No.
- Q. I suppose he said, "Which one?" - A. No, he didn't.
- Q. Well, the picture you have got - what I don't quite understand - A. I clarified it, pointing with, I think, my hand, with the truncheon, and said, "Watch the man on the right".
- Q. What does your statement say? This is your best note, this is your notebook, basically, isn't it, this statement?
- A. It is, yes.
- Q. What do you say you said? - A. "Watch the man in the denim suit".
- Q. You don't say anything else there? - A. No, I don't, sir.
- Q. You don't say anything about pointing out anybody? -
A. I don't, no.
- Q. What do you now say you saw? - A. I can't say what I did, because I don't know now. I'm only presuming I pointed to him and said, "On the right".
- Q. I suggest it's absolute rubbish. - A. It isn't, sir.
- Q. You don't remember Anderson turning round and saying, "Who are you talking about"? - A. I don't remember him saying that.
- Q. Saying, "Where"? - A. I don't think he did say anything, which leads me to believe I said either, "On the right", or pointed to him. I can't remember pointing to him.
- Q. You can't remember? - A. No.
- Q. I suggest this is just a little bit of fabrication when you came to try to decide how you were going to, both you officers, justify the arrest of a person that you had

never seen do anything at all. - A. No, I would not arrest someone who wasn't doing anything. I could have crossed the road and picked up one of the people just standing there.

- Q. When I come to putting my case, probably after lunch, you will understand a little clearer what is being suggested.
- A. Yes, sir.
- Q. So, you didn't point him out. So far as you can say, Anderson must have, if he registered it at all, realised out of all those people who you were talking about? -
A. What I'm saying is I can't remember pointing him out. I might have. I don't know.

MR. GRIFFITHS: We will leave it there for the moment.

(Mid-day Adjournment)

2.05 p.m.

- Q. MR. GRIFFITHS: Sergeant, before lunch we had established certainly you couldn't remember whether - well, you don't recall pointing out or singling out, or in some way explaining to your now colleague, Anderson, as to who you were referring to. The next thing that, according to you, happens, after telling Anderson this you say two further missiles were thrown by Mr. O'Brien? - A. Yes, sir.
- Q. Was he still standing on the pavement when he did so? You have explained you had this corridor of view. -
A. Yes, I think he was, yes, sir.
- Q. And where did he get the missiles from? - A. From the ground in front of them, or at the side of them.
- Q. Did you see him bend down? Was he getting them from the gutter or from the wall? - A. I remember him bending down. It wasn't the gutter. I don't know if it was the wall.
- Q. Sergeant, may I respectfully suggest this to you? Could you be describing to the Jury one of probably quite a number of persons you saw throw from a distance, but you are really saying it was Mr. O'Brien when really he was too far away for you to say who it was? I am giving you that way out, may I put it that way. - A. As far as I'm concerned, sir, it was Mr. O'Brien.
- Q. We will have to see how right you are, accepting for the moment you are trying to tell the truth, which, as I have indicated before lunch, I don't accept on behalf of Mr. O'Brien. You don't know where he got these missiles from, but he threw them. Now, one of them hit your shield? - A. That's correct, sir, yes.
- Q. Now, that is quite a way to throw, isn't it, from where he was? Are you saying that you saw him from where he was

throw a missile which was - well, describe the size of it, first of all. - A. The first one was a small one. The second one was smaller than half a house brick.

- Q. JUDGE COLES: The second one was rather larger than the first? - A. The second one was rather larger than the first.
- Q. MR. GRIFFITHS: But, it was slightly smaller than a half house-brick? - A. Yes, smaller than a house brick, yes.
- Q. Well, how much smaller than a house brick, or half a house brick? This is the one that hit your shield. - A. It was smaller than half a house brick.
- Q. And you saw it launched into the air? We have got photograph four, as I said, a new picture. Now, we know where you are. You are just on the right-hand side of the photograph on the bottom and he would have been up past the second lamp-post on the right. You saw it launched by him, thrown, and that is the one you say hit your shield down there? - A. Yes, sir. It does seem a distance, I know, but that's what happened.
- Q. And you can't say where he got that object from? -
A. No, sir.
- Q. Could it be that your shield was struck by just another missile, one of a number that were thrown generally, and you are saying this to add colour to your account? -
A. I'm not adding colour to my account or to anything, sir. My shield was struck by other missiles during the course of the advance.
- Q. We will proceed. I don't accept that suggestion. So, those two missiles were thrown. Then what happened? -
A. We charged. We got the order to charge.
- Q. You got the order to charge. Who gave it to you? Presumably, Sergeant Bennett, or rather Inspector Bennett? -
A. Yes. I think ... it wasn't a loud hailer.
- Q. It wasn't a loud hailer? - A. No.
- Q. We know the attributes of Inspector Bennett. We have seen a photograph of him on the bridge. - A. I don't think it was his accent, to be honest with you.
- Q. Certainly, he will be there amongst you? - A. Yes.
- Q. Can you remember which side of the road he was? -
A. No, sir.
- Q. But, certainly amongst you, obviously? - A. Well, I think so, yes.
- Q. So, you charged. Now, do we take it, therefore, that the Police line is not just you - this must be an objective question - it isn't just you belting up the pavement, then? -
A. The whole Police cordon.

- Q. The line broke? - A. Yes.
- Q. Consisting, certainly, of your PSU and possibly others as well? - A. Yes, sir.
- Q. And the whole line broke into a run straightaway? -
A. That's correct, sir.
- Q. So, it's almost like a sweep up both sides of the road? -
A. Yes, sir.
- Q. What about the verge on the left? I'm looking at photograph number four, because I didn't want to go into it again, but before lunch you explained how there were people coming down more towards us as we look at the photograph on the verge, or is it - A. I can't say what the people on that verge did.
- Q. Is it a case, bearing in mind that you have been at the head of the run up to the bridge, or pretty nearly, and on any view you must have run pretty fast to catch Mr. O'Brien - agreed? - A. Yes, sir.
- Q. Bearing in mind distance and the like, do we take it you belted off along this corridor - this is your own account - as fast as you could? - A. Yes, but the men had retreated themselves. When we started running there wasn't a corridor as such then. They turned round and ran.
- Q. That is what I am getting at. Do we take it, therefore, that whereas, according to your evidence, you have got this corridor along which you are able to see, allegedly, Mr. O'Brien throw, once the charge starts the pickets were more over to the left, they're just spreading everywhere and running, so you have got no longer a corridor? -
A. They turned and ran. They didn't run towards us.
- Q. I know, but unless they are extremely regimented they aren't going to necessarily stick to a particular side of the road, are they? - A. No, sir.
- Q. So, can we, fairly, take it that whereas, on your account, you say there was nobody between you and Mr. O'Brien when you saw him there and once the charge started people did come between you and him - that is a fair question, isn't it? - A. I can't recall people coming in between us, because to come in between us a person would have to come towards us, basically, or come down across the wall on to the grass. I don't recall anybody coming in between us.
- Q. Are you seriously saying, looking at photograph number four - I was at pains before lunch to try to get you to say in as straight forward a fashion as I could where the pickets were, gave you every opportunity to say where they were, how close they were at each side, on the verge. Trying to assess it, the picture I have, that you have given, is on the left-hand side of the verge the pickets were a good deal closer? - A. Yes, that's correct.

- Q. Now, once the Police charged, what happens to the pickets? They run, do they? - A. At some stage they were, the bulk of them turned and ran.
- Q. When they are running you have this mass of people ahead of you that are running away from you? - A. Yes.
- Q. You are charging up and your colleagues charging up? - A. Yes.
- Q. Are you telling the Jury nobody, not one of those pickets ran ahead of you, ran to the right, interfered with your vision of Mr. O'Brien? - A. It's possible. I won't deny that. It's possible. I don't remember it.
- Q. I am asking you this, giving you the benefit of the doubt, because you will appreciate the case against you on behalf of the Defence is that you are lying, you are not telling the truth about where Mr. O'Brien was. But, let us analyse it. At the best, you are trying to say you saw somebody throw a stone? I am asking you these questions to see if you have made a mistake. - A. First and foremost, I am not lying, sir.
- Q. If you saw a person throw a stone from 60 yards and if then you ran after that person and he is mixed up with a whole load of others, there is a chance, isn't there, that when you eventually catch up, another person - you could make a mistake as to who it was? Do you see the point? - A. I see your point.
- Q. So the Jury can follow the reasons behind my questions, do you say that you had O'Brien in your sight throughout your run up that hill? - A. I could not maintain my eyes on him.
- Q. Do we take it when you start running, the pickets all must start running and the person who you now say was Mr. O'Brien throwing stones, was mixed up in those running pickets? - A. I don't recall Mr. O'Brien being mixed up in pickets. Mr. O'Brien was at the rear of pickets when they tried to get round the side of the house.
- Q. We haven't got there yet. Are you saying, then, he may have gone out of your vision momentarily? - A. Well, yes, I must say that, mustn't I? I can't say that, wearing a riot helmet, running on a day like that, that I would keep him in my vision all the time.
- Q. Dealing with only your movements, so we get in total what you say occurred and what you did, are you from a point near the bottom of photograph four - were you impeded in any way in your run up that pavement that we see in photograph number four? - A. Well, I was not impeded by any person, but there were bricks and things on the floor. Apart from that, nothing else.

- Q. Apart from that slowing you down, which in turn would give Mr. O'Brien, if it was him, an opportunity to get away, are you saying you were significantly impeded in your running by anything? - A. Not particularly, no.
- Q. You didn't stop, for instance? - A. No.
- Q. So, you run from the bottom to the top. Now, let's go to photograph number seven of the other album, album nine, and we will follow where you say you ran. Do you remember a little earlier I asked you what was happening on the verge and you were unable to help us? - A. Yes.
- Q. Is the reason because you were reasonably fit, fairly fast as a runner and because you aren't impeded as perhaps your other colleagues to the left of you are by people, you are the front runner? - A. That was the case, yes.
- Q. So we are clear, of the Police Officers who are running - I mean, obviously, there may have been the odd Police Officer running faster, but you are to the fore, basically? - A. As far as I can remember.
- Q. Not impeded at all, not stopping at all? - A. That's correct.
- Q. As soon as you get up to the top, to the place where you marked, you are diving at Mr. O'Brien? Am I right? - A. In the front garden?
- Q. Yes. - A. Yes.
- Q. So there is no misunderstanding about this, from the word, "charge", you have not stopped? - A. No.
- Q. You have not walked? - A. No.
- Q. You have run from the bottom to the top to the garden. You have then taken a dive at Mr. O'Brien? - A. Yes.
- Q. Then, there is a very short struggle? - A. Yes.
- Q. I appreciate nobody times a struggle, but bearing in mind what you say happened it's got to be under a minute, hasn't it? By the time you dive in and pick him up it's all over. - A. I pushed him down.
- Q. After that - A. Hang on. I pushed him down when he turned and I tried straight away to push him down again. I just fell off and rolled off him because at this stage, quite frankly, I was absolutely shattered. I then got myself up and got hold of Mr. O'Brien and pulled him up.
- Q. Certainly, I doubt I will complete my cross-examination this afternoon, but time will be very important with other photographs. We have you running all the way up, unimpeded, and diving - A. Not diving, more of

falling on top.

- Q. All right. It's a short incident and I put it to you that the thing would have been over in a minute. In other words, from the moment you jumped on top of him to getting him up, that would have taken about a minute. Would that be right? - A. Probably, yes.
- Q. And immediately after you got him to his feet what did you do? - A. Pulled him up. I got hold of him by his coat, his lapel, and we dragged him, pulled him back on to the front garden and on to the road. I don't know if we got over a wall or went through a gate.
- Q. Was there any delay? - A. No delay.
- Q. Didn't stop for a smoke or anything like that? - A. Of course not.
- Q. The way you describe it, you got him to his feet - you may have used "a short time", I don't know if you did - I may have read it somewhere, but did you say you rushed him back? - A. Yes.
- Q. You have a run up a number of incidents of about a minute, where you are on the floor, you get him up and rush him back towards the bridge. That's it? - A. Yes.
- Q. Right. It follows, then, that you're back in the area of the bridge within a matter of a very short time from the start of this charge? - A. It was certainly a short time. How long, I have just no idea!
- Q. Well, it's not going to be half an hour, if your account is right. - A. Not going to be two seconds, either. I don't know.
- Q. Well, let me put to you some times, because I am suggesting that you are putting a wholly wrong account to the Jury, so it is clear. I suggest that you didn't set eyes on Mr. O'Brien anywhere near where you say he fell to the ground and that, in fact, you ran far further, must have run far further than you say you did to run into the village. - A. I ran into the village.
- Q. Into the houses over the brow of the hill, so the Jury can see the difference between us. - A. That's where you say I ran?
- Q. Yes. You see, the times are important. You saw this gentleman this morning when he stood up, my instructing solicitor? - A. Yes.
- Q. In his absence, he is a rather portly gentleman, isn't he?

JUDGE COLES: I suggest you don't say it in his presence.

MR. GRIFFITHS: He is about 15½ stone.

JUDGE COLES: I am not taking judicial notice of that.

Q. MR. GRIFFITHS: My instructing solicitor - I want you to be very careful as I will call evidence to this effect, but I would like your observations - that man, in his state of fitness, or unfitness, as you saw him, I suggest, could cover a good run from where

MR. WALSH: I don't want to intervene, but is this a proper question?

MR. GRIFFITHS: Yes, it is, with great respect, and it is very impertinent. It is important because I suggest what this man has said happened can be disproved clearly by these photographs and times which I would like to canvass and give him an opportunity

JUDGE COLES: You are going to call your instructing solicitor to say how long it took him to cover a specific distance?

MR. GRIFFITHS: Yes, I can do that, a Section 9 statement if necessary, so let's proceed for the moment

JUDGE COLES: You are going to put some hypothesis to this witness, I take it? Just put it briefly as hypothesis.

MR. GRIFFITHS: Certainly:

- Q. The distance from where you say you started to where you say Mr. O'Brien hit the deck can be measured on that plan. If you look, the scale plan is about 120 yards or so. I think we went through that exercise this morning. Now, if I were to say to you that you could cover that distance, if you were running as fast as you could, even with riot gear, in about 25 seconds, what would you say about that?
- A. 100 yards in 25 seconds?
- Q. 120 yards. - A. 120 yards in 25 seconds. That's possible.
- Q. Not far out? - A. Yes.
- Q. I was going to suggest that that portly gentleman did it in 22, so it wouldn't be far out, would it? - A. No.
- Q. Now, we are not dealing with hypothetical times but with your hard evidence. You say from the moment the charge started you ran after and were jumping on top of Mr. O'Brien, with no impediment at all between the start of the charge and him. That is your evidence, isn't it? - A. The wall was there, or gate, whatever I went through.
- Q. Tell me how long you were delayed by the gate? - A. I don't - I can't recall if I got through, walked, ran through it or climbed over the front wall. I can't remember that, sir.

- Q. You say, on your version of events, and I put it to you for your consideration now, that at the most, on your account of the matter, running up, from apprehending Mr. O'Brien where you say you apprehended him and walking back - and I suggest it takes no more than a minute to walk back that distance to the bridge - the whole thing completed in about three minutes, on your version of events? - A. Well, I can't dispute that.
- Q. I am giving you now, Sergeant, an opportunity to tell the Jury if you were delayed in any shape or form from the moment - apart from the way that you describe it - from the moment the charge began to the moment you got back into the area of the bridge. - A. Was I delayed?
- Q. Yes, any appreciable time. I put it fairly and squarely to you on those times. - A. I don't think I was. I can't remember any delay at all.
- Q. If you were the leading man up the top, that is, near where you apprehended Mr. O'Brien, you would have been doing the best - well, you were one of the leading men on the top of the brow of the hill? - A. I think I was, yes.
- Q. Right. That means that Mr. O'Brien would have been one of the earlier ones, one of the earlier prisoners to be brought back towards the bridge? Right? - A. That's correct, yes. I think he was the first.
- Q. Right. Well, look at Exhibit 21. We will look at quite a number of photographs. You remember that I showed you this bundle a little earlier on, Sergeant, in fact, right at the start of my cross-examination, dealing with locating the ambulance? - A. Yes, that's correct.
- Q. And it is a Prosecution bundle, I said? - A. Yes.
- Q. And prepared by Mr. Christopher, so we are told, who will be called? - A. Yes, sir.
- Q. Now, would you not go ahead, but follow me as we go through these? - A. Yes, sir.
- Q. Now, if we go to photograph number three for a moment, the same photographer is on the coking side. Now, Sergeant, from hereon in this is a photograph, is it not, which appears to be a photograph taken by Mr. Christopher while he is standing on the coking side of the embankment? - A. Yes.
- Q. It appears to show some short shield units making a move up the road? - A. It does, yes.
- Q. Look at the next photograph, that is, number four. Now, keeping our minds on the point I put to you beforehand, we should be seeing Mr. O'Brien, if what you say is right, that he was arrested as quickly as you say and where he was, he should be one of the first arrested. Number four, the photograph, do you recognise the Police Officer who has

his hand or glove in his mouth? I would be very grateful if you would look at the number on the top right of each photograph. You have number four? - A. Yes.

- Q. Do you see the officer who appears to be sucking his gloved thumb? - A. Yes.
- Q. That is Mr. Browning, I am told. - A. Yes.
- Q. Do you recognise him? - A. Yes.
- Q. Mr. Browning arrested Mr. Moore. - A. Yes.
- Q. Stand up, Mr. Moore. That gentleman there. It is suggested certainly he is escorting him back, let's put it that way. - A. Yes.
- Q. Well, he is one person, Mr. Moore, who is arrested in the sequence and the photographer is still on the coking side of the road? - A. Yes.
- Q. The next person to be arrested, do you see, in photograph number five? - A. Yes.
- Q. That is Mr. Moreland. The members of the Jury have seen some photographs of him and that officer who purported to arrest him. The next one is, we see a very large gentleman coming down the road. Now, we haven't had any evidence yet. I don't think we have had any about this gentleman

JUDGE COLES: No, I don't think so.

- Q. MR. GRIFFITHS: Could you possibly stand up, Mr. Wysocki? I suggest that is one of the Defendants in this case. Do you recognise the officer, who may be from the West Midlands? - A. No.
- Q. There is another arrested person behind him who is not a Defendant in this case. You see them all trooping across the bridge? - A. Yes.
- Q. We have not seen Mr. O'Brien yet? - A. No.
- Q. Let's just pause. If you are the first one up to the brow and it all happened as you say it did, the only explanation for these persons that I have shown you so far is that they are arrested by other members of the charge, but earlier, further down the road. That is the only explanation, isn't it? - A. Yes.
- Q. Do you agree? - A. Yes.
- Q. Because otherwise you would be going back with Mr. O'Brien first? - A. Yes.
- Q. Let's look now at Exhibit 30 just for a moment, members of the Jury, the coloured photographs. Would the members of

the Jury and his Honour go to photograph number eleven in the coloured album? I will show it to you, officer.

(Handed) Now, that is the same gentleman, isn't it, as we see in the Christopher bundle, going over the bridge? Right? - A. Yes.

Q. But that shows him much further up the road, doesn't it? - A. Yes.

JUDGE COLES: Before the far side of the bridge.

Q. MR. GRIFFITHS: He has clearly been arrested even further up the hill, hasn't he? - A. Not necessarily.

Q. What do you mean? - A. Why should he have been arrested further up than Mr. O'Brien was arrested when one takes into account there were people nearer to arrest than I could have done?

Q. That is precisely my point. I'm leading up to it. I'm giving you the only other explanation that these other persons must have been arrested by other officers downwind of the brow of the hill because you were the first to get up to the top? - A. I would agree entirely.

JUDGE COLES: Well, the officer agrees with you.

THE WITNESS: Yes, I agree with that.

Q. MR. GRIFFITHS: But, if I were able to show you a person who was arrested coming across in this sequence before we get to Mr. O'Brien, who was arrested further along, that is, beyond the place where you say you were, that would be distinctly odd, wouldn't it? It would rather suggest that what you have been telling us is wrong?

JUDGE COLES: What would?

MR. GRIFFITHS: If I could show this officer a photograph of the person coming in this sequence - I will do it. That will be easier:

Q. The next photograph is number eight, back to Bundle 21. Look at photograph eight, Exhibit 21. Have we all got that? Yes. Now, there are two Defendants shown in this photograph, Mr. Coston on the left - stand up, please, Mr. Coston. No doubt about him, is there? And next, Mr. Greenaway. Stand up, Mr. Greenaway. He is on the right. Will you accept that? - A. Yes.

Q. Will you accept that that will be abundantly plain? - A. Yes.

Q. Now, let's just pause for a moment and consider Mr. Greenaway, shall we? - A. Yes.

Q. That shows Mr. Greenaway, do you see, photograph eight, the railway line? - A. Yes.

- Q. So, it's quite clear that photograph is taken the coking side of the bridge? - A. Yes.
- Q. The photograph is still on the coking side of the bridge? - A. Yes.
- Q. Now, so far we haven't seen Mr. O'Brien at all? - A. No.
- Q. These photographs were all taken in sequence. - A. Yes.
- Q. Now, let me show you a photograph which I will suggest - and the Crown can do what they want in the meantime - so it is absolutely clear what is being suggested, I will suggest it shows the place of arrest of Mr. Greenaway. Right? - A. Yes.
- Q. The members of the Jury have this photograph. It is the rough bundle, Exhibit 27. We will have to be very careful to establish precisely where this is. Have you got it? It is the coloured bundle. - A. Yes.
- Q. Now, will you look at - there are 27 photographs in this bundle. Now, your Honour, I have to deal with this with great care because the point I want - I want to give the Prosecution plenty of notice to understand

JUDGE COLES: I shouldn't worry about Mr. Walsh. He is perfectly capable of looking after himself.

MR WALSH: I think it is Mr. Keen he is worried about.

JUDGE COLES: That is probably understandable.

MR. GRIFFITHS: Photograph number 26. It is numbered on the reverse, if the lady usher has given you the correct one. May I see it?

JUDGE COLES: Have I got the right one?

MR. GRIFFITHS: Yes.

- Q. The members of the Jury may have a smaller photograph than yours. Now, do you see a man in a red shirt? - A. Yes.
- Q. Do you see a Police Officer is clearly apprehending him? - A. Yes.
- Q. And do you see the Merseyside helmet? - A. I do.
- Q. Now, in due course, I am told by Mr. Taylor, who represents Mr. Greenaway, that it is Mr. Greenaway's case that that is Mr. Greenaway, where he was arrested. Right? - A. Yes.
- Q. Now, let's see if we can locate that spot. We are looking past some skips, or what appears to be a skip on the right-hand side, and we are looking across the road at, it seems, some parked cars. Now, do you see, on the extreme top

right, what appears to be the roof of what I suggest is a bungalow, and what I suggest we are doing here is looking across Highfield Road - A. Which book of photographs are we looking at?

Q. The one I have just shown you. Look very carefully. Do you see what appears to be a hedge, the one with a red van, and that is contended is

JUDGE COLES: It is Exhibit 27, Photograph 26.

MR. GRIFFITHS: I'm grateful:

Q. Are you looking at that photograph? - A. Yes, sir.

Q. Now, I am suggesting that we are looking there across the road at the bungalow, but up the road, further up into the village than the bungalow? - A. Yes.

Q. Let's see if we can get a better idea of it from probably the photographs I produced this morning, Exhibit 45. Now, Photograph 9 of Exhibit 45. Do you see on the right-hand side of photograph 9 - this is the black and white bundle which I produced this morning - do you see what appears to be skips or a skip, apparatus and two skips? - A. Yes, sir.

Q. That appears to be in the compound to the right of the building called Eastern Counties Hydraulics Limited? - A. That's correct.

Q. Do you see what appears to be an alleyway running to the right of Eastern Counties Hydraulics Limited, round the side of their factory premises, and before you see the top of the skips do you see a car parked in that alleyway? - A. Yes.

Q. Do you see in front of the car there appears to be a skip, if you look very carefully? - A. I can't see a skip loader in front of the car. I can't see the skip.

Q. JUDGE COLES: Skip loader? - A. A wagon that leads the skip, sir.

Q. MR. GRIFFITHS: There is some fencing besides the skip, the area of

JUDGE COLES: Forgive me for interrupting, but Exhibit 27, which remains to be proved, purports to be taken on the day that this all happened, is that right?

MR. GRIFFITHS: Yes.

JUDGE COLES: When do the photographs, Exhibit 45, purport to have been taken?

MR. GRIFFITHS: Just last night. Your Honour, I am quite satisfied that, with some care, we can establish where that photograph was taken from.

JUDGE COLES: I'm not stopping you. I just wanted to establish when it is said these photographs were taken.

MR. GRIFFITHS: Yes, but I'm sure there will be sufficient salient features we can use to establish where the photograph which the Defence will contend is the arresting spot of Greenaway, was taken.

JUDGE COLES: Yes.

- Q. MR. GRIFFITHS: Perhaps another way of doing it is to look at photograph number eight of Exhibit 45. Perhaps I should have gone on to this straight away. It may be easier to explain. - A. Yes.
- Q. Do you see the trees in photograph eight? - A. Yes, sir.
- Q. That has a large tree in the middle. - A. Yes.
- Q. Hold it up and I will indicate. - A. Yes.
- Q. That appears to be the edge or the nearest edge to the camera-man, of a large compound where vehicles are kept. That compound can be seen in the aerial photograph between the two buildings - perhaps the aerial photograph, your Honour, is the easiest way of getting it?
- Q. JUDGE COLES: Are you agreeing with this as we go along? We aren't having many answers. - A. I can't disagree, sir, because I know absolutely nothing about the area.
- JUDGE COLES: Very well.
- Q. MR. GRIFFITHS: Now, do you see the compound, Sergeant? That is as we look at the aerial photograph. Do you see the houses and the village? - A. Yes.
- Q. Directly opposite the houses are the factory premises and there are quite a number of them? - A. Yes.
- Q. Do you see the gap between, opposite the houses, quite a large gap which appears to be an area where vehicles are parked? - A. Yes, sir, I can see that.
- Q. Now, do you see the position of the bungalow? That is this house on the left? - A. Yes, sir.
- Q. Directly opposite the bungalow is that factory premises? - A. Yes.
- Q. And photograph eight in Exhibit 45 is a shot across those white coloured factory premises, looking in the direction of the vehicle compound. Right? - A. Yes.

Q. I suggest that Mr. Greenaway, because I put it to you that he is arrested near the perimeter wall or perimeter fence of that car compound

JUDGE COLES: Well, he can't answer that question, but what you put is that the photograph in Exhibit 27, Photograph 26, you say is taken from that compound and looking across to the bungalow.

MR. GRIFFITHS: It is looking across. Your Honour will remember that this witness pointed out the white car which he says is abreast of the house where he arrested Mr. O'Brien. I am suggesting the coloured photograph shows the place of Mr. Greenaway's arrest, across the road and further along.

Q. JUDGE COLES: What do you say about that, Sergeant?
- A. I accept what he says.

JUDGE COLES: Good.

Q. MR. GRIFFITHS: If what I put to you is right

JUDGE COLES: Just a minute. "I accept Exhibit 27, Photograph 26, shows Greenaway, query, being arrested in the compound next to Eastern Counties' building and further away from the village and the house where I arrested your client". Is that it?

MR. GRIFFITHS: That is what it amounts to, yes:

Q. Now, put those down for a moment. Get the aerial photograph out, the big one, and let's follow the logic of this. Mr. Greenaway, therefore, has been arrested, if what I put to you is correct, further away from the bridge than you arrested Mr. O'Brien. Right? - A. Yes.

Q. Albeit on the opposite side of the road? - A. Yes.

Q. He has been walked all the way down to the bridge? -
A. Yes.

Q. Across the bridge, by the time photograph eight, Exhibit 21, is taken? - A. Yes.

Q. Now, pause there for a moment. If it really is the case, Sergeant, that you only went as far as - I use it loosely - the brow or thereabouts to arrest Mr. O'Brien, you were the first up there, you were virtually the first runner, you grabbed him almost straight away, the first to be arrested, and he is brought back, then how is it that Mr. Greenaway's photograph appears at this point? Clearly, he must have been arrested - well, how does it come about, if you have only gone that far from Mr. O'Brien?

JUDGE COLES: Do we have a photograph of Mr. O'Brien?

MR. GRIFFITHS: Yes, we do.

JUDGE COLES: Have we established

MR. GRIFFITHS: Yes, we have. I started - your Honour has forgotten, with respect.

JUDGE COLES: I wouldn't be at all surprised. I've looked at so many. I wouldn't be surprised if the Jury have forgotten.

MR. GRIFFITHS: If you go to Photograph 31.

JUDGE COLES: Of which bundle?

MR. GRIFFITHS: Exhibit 21, Photograph 31. I had indicated this process was to be a careful one.

JUDGE COLES: Indeed. I just wanted to know exactly what was going to be put.

MR. GRIFFITHS: Of course, I couldn't make this point if we didn't have the sequential photographs which we do have.

JUDGE COLES: Of course.

Q. MR. GRIFFITHS: Now, there is something wrong somewhere, Sergeant, I suggest, but there is an answer to it, which I probably will get round to on Monday, but let's just say that's what's happened

JUDGE COLES: I suppose you are being asked to explain that.

MR. GRIFFITHS: Well, I will take him through the photographs:

Q. Then, you can see what you have to explain, Sergeant: Photograph number eight shows Mr. Greenaway? - A. Yes.

Q. We have established rather painstakingly where he is in there. He has got down to that area, still no you and Mr. O'Brien? - A. Yes.

Q. Let's see what else happens before you come on the scene. Let's turn over. There's another man. I don't know who this gentleman is. I am told his name is Wood and he is not in this trial. Move on to number ten, and what we can establish is that when this photograph was taken the photographer is now across the bridge? - A. Yes.

Q. Still you are not in sight? - A. No.

Q. And the Police are in some sort of cordon right-at the top of the hill? - A. Yes.

Q. Where are you then? - A. I haven't got a clue, sir. I don't know. I can't explain the photographs, sir.

Q. Well, you see, you have given a trumped up account as to how you were and how you saw Mr. O'Brien, I suggest, hatched in that office or at some state in the hospital when you had to explain it, to put down something, why

this man had incurred an injury, had come to be arrested.
I am saying your evidence is a load of nonsense. -
A. You're saying my prisoner didn't come down until after
the other prisoners had gone in?

JUDGE COLES: That's right.

Q. MR. GRIFFITHS: I'm suggesting that you never -
A. I've no idea where you're leading to.

Q. I'm suggesting - you will now realise where I am leading
to - far from coming across Mr. O'Brien where you say he
was, so close, in other words, being within eyeshot of
the bridge or within vision of the bridge, you never set
eyes on him until you saw him in an alleyway, crouched
down with blood coming down from his wound. Will you turn
to the "view" photographs and look at the last two photo-
graphs? - A. Which album, sir?

Q. Of Exhibit 45. This is why time is so important and your
movements so important.....

JUDGE COLES: Exhibit 45, number ...?

MR. GRIFFITHS: 11, your Honour:

Q. Now, Sergeant, according to your evidence so far

JUDGE COLES: Well, alleyway? Which are you putting?

MR. GRIFFITHS: In Photograph 11:

Q. This alleyway shows on the left-hand side of that photograph.
That is the one with the black wall

JUDGE COLES: The first one from the left?

MR. GRIFFITHS: Yes:

Q. and this is how far we are apart, Sergeant: According
to you, you have got up to Mr. O'Brien and arrested him.
If you look very carefully at that photograph, do you see
the car parked half on the pavement? - A. Yes, sir.

Q. Now, you see some white round balls on top of a sort of
entry point, if you look very carefully? - A. Yes, like
a gateway.

JUDGE COLES: You will see it before, if you look at
twelve.

MR. GRIFFITHS: Yes, that is easier: -

Q. That is a semi-detached house that you have earmarked so
far as being the arresting point of Mr. O'Brien? - A. Yes.

Q. Now, I am suggesting that you never laid eyes on Mr. O'Brien
until you saw him in that alleyway, so you had to go much
further

JUDGE COLES: Let him answer the question first.

- Q. MR. GRIFFITHS: What do you say? - A. As far as I can remember the place where I arrested Mr. O'Brien was where I have stated and I still believe that.
- Q. Now you know how far apart we are let's go back to the Christopher Bundles just to see who is right about this and whether you can explain what on earth you were doing.
- A. What's the exhibit number, sir?
- Q. Exhibit 21. We have reached Photograph 10 and so far there is no you and there is no Mr. O'Brien in this bundle. Right? - A. Right.
- Q. So, it means that you must have been on top of the hill, mustn't you? - A. Yes, going by what you say, yes.
- Q. Now, according to your evidence you ran straight up there, jumped on him, a very, very brief struggle, up and back through the line? - A. Yes.
- Q. If that happens, first of all, would you agree it is a bit odd that we don't see you en route back with him? -
A. It is, sir, yes.
- Q. But if, of course, I am right, on behalf of Mr. O'Brien, that you went much further, that would explain it? -
A. How long would it take me to go from the point where Mr. O'Brien says I arrested him to the point where I arrested him?
- Q. Well, let's see where the times come into it. The next photograph - we now embark on a series of photographs which show Arthur Scargill in different poses with different people

JUDGE COLES: As always, he seems to have got a lot of coverage.

MR. GRIFFITHS: Yes, he does:

- Q. Let's make allowances for a trigger happy Mr. Christopher wanting to get as many photographs of Mr. Scargill as possible. Let's see the different places he is in. We see him at the top of the bank there? - A. Yes.
- Q. He could be at the top still, on the top of the bank, in photograph eleven, twelve and thirteen. Now, it seems an ambulanceman has arrived by number 14? - A. Yes.
- Q. Still on top of the bank by the looks of things because you see the sign in 15? - A. Yes.
- Q. Still up there in 16, 17 - again a lot of shots could have been taken very quickly, one after another - 18, still up there, 19, 20. Now, 21

JUDGE COLES: 20 gives us a time.

MR. GRIFFITHS: Yes, 20 gives us a time. It is 11.38, that is the watch:

- Q. 21 now. Clearly there is a period when he is up on top of the bank that Mr. Christopher is engaged upon. Still you have not passed at this time, have you? - A. No, sir.
- Q. We see Mr. Scargill being taken down but he is not being taken to the ambulance then because he is sat down again in Photograph 22. He is down at the bottom and sitting next to a car which I think I pointed out a little earlier to you, and he is there again in 23, 24 and 25. Do you remember this morning I indicated he is waiting for an ambulance to be brought? - A. Yes.
- Q. 26, 27, 28, he is still sitting down there, still no you and no Mr. O'Brien? - A. No.
- Q. Tell me, Sergeant, what were you doing at this time? - A. At this time?
- Q. Yes. I mean, it really does suggest that you have really not accounted for all your movements, doesn't it? You can do - I'm sorry, please answer that. - A. I've told you exactly what I've done.
- Q. I suggest that's a lie. - A. Well, it isn't.
- Q. It is a version you wrote out with that - A. It most certainly isn't, sir, with respect.
- Q. Would you like to explain? - A. I can't explain this in time, sir.
- Q. So, you have no explanation? - A. No, sir. I can't explain what has happened about the times.
- Q. No explanation, and the difference is this: On your version you are up like a hare, fast as you can run? - A. Yes.
- Q. Grab him, brief struggle? - A. Yes.
- Q. Back down? - A. Yes.
- Q. Rushed him back? - A. We didn't rush, we didn't run. Put it that way, we walked.
- Q. You walked? - A. Yes.
- Q. Fairly quickly? Did you amble? - A. Just a normal walk, I would say.
- Q. Hardly a normal walk. Look at this photograph. That is moments before. - A. Sir, which one?

JUDGE COLES: When are you talking about, walking when advancing in a cordon?

MR. GRIFFITHS: No, back down the line:

- Q. Have a look at that. That gives you some idea of how you are getting back down - pretty quickly. - A. I certainly look in a rush there.
- Q. That is a new photograph. Will you show it to his Honour and perhaps it could briefly pass
- Q. JUDGE COLES: You used the word "rush" in your examination in chief. - A. Yes, I did.
- Q. You rushed him through, down the hill, away from the missiles? - A. Yes, sir.
- Q. You agree that is you taking him down? - A. It is, sir, yes.

JUDGE COLES: Well, that will be Exhibit 46. Are there any copies of that photograph?

MR. GRIFFITHS: Yes, your Honour, there are.
(Photograph Handed to the Jury and Judge):

- Q. Now, Sergeant, finally, before we finish for this afternoon - your Honour, I understand your Honour plans to finish at 3.15 today?

JUDGE COLES: It would appear so. Of course.

MR. GRIFFITHS: If I am wrong?

JUDGE COLES: No, not at all.

- Q. MR. GRIFFITHS: So, we can look at this calmly, Sergeant: You run up there, there is no delay, you get back into the ambulance. Your version is that is all over in under three or four minutes, isn't it? - A. On your word, I agree with you. I don't remember. I can't say how long it was.
- Q. Rushing all day? - A. Rushing didn't count for very much that day, sir.
- Q. But, there was nothing to delay you. I give you an opportunity to say anything to the Jury. - A. I'm not going to say anything which I haven't already said in the statement. I can't account for delays. I'm not going to say, "Yes, we were delayed". We weren't delayed.
- Q. I am putting to you that your version simply cannot be right. Now, if the Jury come to the conclusion, - Sergeant, - well, let's put it in a different way: if, with the juxtaposition of all those photographs and the timing, if the finding is that, then it must have been much longer before. - A. How much longer?
- Q. I don't know, but much longer than you say. - A. Well, I don't know either. I can't account for times like you can, sir.

Q. You have not told the truth, where you first came across
.... - A. To the best of my recollection, sir, I have
said it was that front garden and I still stand by that
and I honestly believe that that is where it was, sir.

MR. GRIFFITHS: I will go into the arrest.

JUDGE COLES: Just two matters: Have we established
the nature of Photographs 31 and 32 in Exhibit 21? I don't
think we have. Photographs 31 and 32 in Exhibit 21, the
nature of them, who is appearing in them?

MR. GRIFFITHS: Yes, we have. That is Mr. O'Brien.

MR. WALSH: That is an ambulanceman and Mr. O'Brien,
your Honour.

JUDGE COLES: I know. That's what I thought it was,
but I don't think we have established it.

MR. GRIFFITHS: Somewhere along the line we have
established that, your Honour, and the one matter that
your Honour was about to ask and question on, I haven't
forgotten that and I will be dealing with it.

JUDGE COLES: Very well.

(The Court adjourned until 10.15 a.m.
on Monday, 24th June, 1989.)
