

IN THE SHEFFIELD CROWN COURT

The Crown Court,
Castle Street,
Sheffield

9th July, 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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WILLIAM ALBERT GREENAWAY	MR. G. TAYLOR
DAVID MOORE	MR. M. MANSFIELD
BERNARD JACKSON	MR. M. MANSFIELD
GEORGE KERR McLELLAND FOULDS	MR. P. O'CONNOR
BRIAN IRVINE MORELAND	MRS. V. BAIRD
ERNEST BARBER	MISS M. RUSSELL
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KEVIN MARSHALL	MR. E.P. REES
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STEFAN WYSOCKI	MISS M. RUSSELL
DAVID BELL	MISS M. RUSSELL

Tuesday, 9th July, 1985.

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Mr. Greenaway, to the command centre alone? That was your original evidence. - A. Well, I started off alone, sir, yes.

- Q. Almost immediately, another officer comes and joins you?
- A. Yes, sir.
- Q. Now, will you open Exhibit 21, photograph eight? Are you saying that the other, mysterious officer - I'm sorry, the officer who you did not know from Adam joins you at or about the moment of time when Jones leaves you and then takes hold of Mr. Greenaway? - A. It would have been shortly afterwards, but he took hold of Mr. Greenaway, yes, sir.
- Q. Did he walk with you and Mr. Greenaway, holding Mr. Greenaway's hand? - A. Yes, sir.
- Q. And do we see that other officer, then, in photograph eight of Exhibit 21? - A. Yes, sir.
- Q. What are you saying, officer? Are you saying that there were two similarly clad Police Officers who took hold of Mr. Greenaway in your presence, two separate ones, or are you saying that it was the same one? - A. I couldn't say if it was one, the same one. It could have been two separate ones.
- Q. We have the two photographs here. Just look. Do you see in the colour photograph a type of helmet that we are dealing with, that other officer who you say you do not know? - A. Yes, sir.
- Q. Do you see that it has not only a chequer band, but it has what we have come to know as the Merseyside flap at the back? - A. Yes, sir. I wouldn't say it was a Merseyside flap. Those types of helmet all have that.
- Q. What helmets all have it? - A. That type of chequer band helmet generally has that flap at the back.
- Q. But we know it is a fact that it was only Merseyside officers who had that on the day. Do you see? That is the evidence the Jury have heard over this last ten weeks or more. - A. As I say, I have to take your word for that. I don't know what other Forces had.
- Q. If you look at photograph eight, it is the same helmet again, isn't it? - A. Yes, sir.
- Q. I am giving you a last opportunity to say. Are you saying there are two officers who you can't tell the Jury about at all, who are clearly concerned with Mr. Greenaway in your presence, two separate officers, or is it the same person who was involved in the arrest of Mr. Greenaway and that you have misled this Jury from start to finish as to who was with you? - A. As I've said, I don't know whether they are two separate officers or the same officer. I don't know.

- Q. I am not going to preach to you in any way. I am going to ask you this question to assist the Jury in deciding whether you are a liar, officer, about this matter. Officer, according to you the officer shown in photograph number eight, that is, the officer who has got his actual hand around Mr. Greenaway? - A. Yes, sir.
- Q. Holding him, as far as we can see? - A. Yes, sir. We had our arms linked into Mr. Greenaway's.
- Q. We have an idea as to the distance he has taken up, that position above the bridge. Right? - A. Yes, sir.
- Q. That photograph is shown just below the bridge because we can see the railway lines? - A. Yes, sir.
- Q. Now, it's still a fair distance to the command post, isn't it? - A. I would say about 200 yards, sir.
- Q. Would you like to tell the Jury of anything said either by you or by Mr. Greenaway or by this other officer who has suddenly materialised, assisting you in taking a prisoner to the command centre, you and that officer, anything said? - A. I can't recall anything that was said.
- Q. Like, "Thank you", or, "Who are you?" to that officer? - A. No, sir.
- Q. Well, didn't it occur to you as being a little odd that a person in this, and I quote you, "desperate" position above the bridge, that an officer should take time off, so to speak, to join you in assisting you in conveying a prisoner who has given you no trouble at all? - A. No, sir.
- Q. What were your thoughts when he joined you? - A. I can remember feeling that I was tired, sir, but there were no particular thoughts about the officer joining me, I don't think.
- Q. How far did he walk with you? - A. I think he walked all the way.
- Q. You got to the command post. Both of you had been holding Mr. Greenaway. What was said? - A. I can't recall any conversation with him, sir.
- Q. When you got to the command post did you enter the command post with this other officer who you didn't know from Adam? - A. I can't remember, sir. I can't remember seeing him inside the command post.
- Q. Well, where did he leave you? - A. Possibly at the entrance, sir. I wouldn't be able to say. I don't know whether he went inside with me. I couldn't say.
- Q. Did you thank him? - A. If I did not notice that he had gone I don't suppose I had an opportunity to.

- Q. How is it, when you were giving evidence in chief you completely forgot that another person had taken Mr. Greenaway and walked with you all the way down across the bridge to the command centre? - A. I didn't forget, sir.
- Q. You didn't tell us about it. - A. I wasn't asked, sir.
- Q. You hadn't forgotten? You remembered that there was this other officer? - A. Yes, sir.
- Q. Some general matters were put to you by Mr. Taylor as to what had been the Defence contentions in this case, for you to comment on them. It has been put in this case that the way in which the evidence was compiled was in a most slapdash and misleading manner, that officers, because they knew that it would help to have corroborating officers, were, in fact, having persons acting as corroborating officers who never saw an incident at all. That is a suggestion that has been made to a number of pairs of arresting officers in this case. What do you say about that, in your case? Do you understand what I put to you? - A. Yes, sir. I would say it was entirely untrue, what you are putting to me, sir.
- Q. Could it be that, in fact, the persons shown in those two photographs from another Force did, in fact, assist in the arrest of Mr. Greenaway? It is the same person, I suggest, who is shown in the colour photograph as is shown in the other, and that that person went all the way down with you to the command centre. Did he leave you and you forgot to take his number?
- Q. JUDGE COLES: Well, before you go any further, do you not want to answer that, officer? What do you say about that? - A. About going down to the command post?
- Q. No. Is it the same officer, the same person in the black and white photograph as appears in the colour photograph? - A. As I have said, your Honour, I don't know. It could be and there again, it could be two separate officers. I don't know.
- Q. MR. GRIFFITHS: If it is the same person, officer, it means that if your account is right he has been there at or about the arrest, he has left you while you walked the 20 yards with Mr. Jones and then joins you again and walked all the way down to the command centre and left. That must follow, mustn't it? - A. That would be the logical thing to say, sir.
- Q. And all the time you were completely oblivious as to who he was? - A. Yes, sir.
- Q. Never once asking him his name? - A. Yes, sir.
- Q. Now, what I suggest as a possibility, officer, is that

you went down to the command centre having grabbed Mr. Greenaway with this other officer, but he went back to his unit and probably before you got his number.

- A. No, sir.

- Q. And then I suggest, as has been the suggestion to many of the pairs of officers giving evidence, when you were in this room, having a general discussion, I suggest you were reminded to include the name of your corroborating officer in your statement, and then you were stuck because you didn't know who he was. - A. It would be normal practice to put the number of the corroborating officer into the statement.
- Q. You decided, because your partner was Mr. Jones, to put Mr. Jones' name down and Mr. Jones agreed he should back you up. - A. Mr. Jones was put into the statement because he was there, sir.
- Q. I suggest that that is what might have happened, officer. Did you disagree? - A. Yes, sir.
- Q. You have had a night to think about it. Do you have anything else to say about those two photographs showing the person who we clearly know is from Merseyside by his uniform, anything else? - A. No, sir.

MR. GRIFFITHS: Thank you.

- Q. JUDGE COLES: Can I make sure I understand what you say? As I understand your original evidence, it was that Mr. Jones was there from the beginning and was with you at the time you arrested Mr. Greenaway. Is that right? - A. I don't think he was with me when I took hold of Mr. Greenaway, no, sir.
- Q. When were you first aware of Mr. Jones being about? - A. It would have been shortly after the actual arrest when I was walking from the vehicle.
- Q. Well, we know now, from the coloured photograph, that it appears another officer was present at the actual time of the arrest, but you don't know who that officer was? - A. No, sir.
- Q. So, subsequently to that, Mr. Jones appears? - A. Yes, sir.
- Q. And he helps you with Mr. Greenaway for some 20 or 30 yards, as I recall it, that's all he does? - A. Yes, sir.
- Q. It was another officer who helped you get Mr. Greenaway to his feet? - A. Well, I would assume so, sir. I never noticed him there.
- Q. And, having walked with you for 20 to 30 yards, Mr. Jones disappears from the picture again? - A. Yes, sir. He went up the road.

- Q. And another officer comes into the picture, the officer in the black and white photograph, Exhibit 27, photograph eight? - A. That's correct, your Honour, yes.
- Q. And he walks, it would appear, from at least the bridge to the command post? - A. It would have been a bit before the bridge.
- Q. Much further on than you had walked with Mr. Jones? - A. Yes, sir.
- Q. The only person whose name appears in your statement is Mr. Jones? - A. Yes, your Honour.
- Q. And the only person whose name appears in your evidence in chief is Mr. Jones? - A. Yes, your Honour.
- Q. Why? - A. It was Mr. Jones who had seen the incident, your Honour. I wasn't, I didn't know where this officer
- Q. But, he was not there at the arrest, was he? You see, Exhibit 27, photograph 26 is a photograph of the arrest, isn't it? - A. When I first laid hands on Mr. Greenaway, sir, he was underneath the vehicle.
- Q. Is this photograph taken just after he has got to his feet? - A. I couldn't say. I would assume so, but I couldn't say definitely or not, your Honour.
- Q. Well, did anything else happen near that van apart from getting to his feet and walking off with you? - A. Not that I can recall, your Honour, no.

JUDGE COLES: Yes. Very well.

Cross-examined by MR. REES:

- Q. Mr. Hanrahan, it may be that one of my clients was arrested at the same time as Mr. Greenaway and I just want to clarify one or two matters that occurred over the topside of the bridge. Before that, can I re-cap what is my understanding of what you have said about your movements? Please correct me if I have got it wrong. As I understand it, before your unit gets to cross the bridge you go off, chase some stone throwers on the left-hand side? - A. Yes, sir.
- Q. They get away, they no longer appear to be posing a threat, so your unit re-assembles and this is just before the bridge? - A. That's correct, yes.
- Q. And then what I noted was you said, almost immediately having got to that position, you were ordered through the cordon. Right? - A. Yes, sir.

- Q. Now, just pausing there, the cordon, at this stage, is a full cordon with long shields and quite a number of officers? - A. Yes, sir. There were long shields at the front of the cordon.
- Q. At the front of the cordon, on the bridge? - A. Yes, sir.
- Q. You go through the cordon, and I noted you said "at a trot". That is what you said? - A. I don't think we went through that cordon at a trot, sir. I think that was an earlier cordon.
- Q. Well, do you remember Mr. Taylor asking you questions, the very first Defence counsel who did ask you questions? - A. Yes, sir.
- Q. And my note - I will be corrected if I am wrong - you said that at the bridge you were ordered through the line at a trot, there was a hail of missiles and do you remember Mr. Taylor querying your expression "a hail of missiles" and you said that you couldn't see any other way to describe it? Does that bring it back to you? - A. Yes, sir. What, actually, I think I should have said was we went across the bridge at the trot but going through the cordon we just walked through and because of the crush of Police Officers we couldn't get through.
- Q. Is that the cordon in relation to the bridge? - A. As I recall it, it's just before the bridge or it may be the little bit that was almost all clear on that point.
- Q. Well, it doesn't matter whether you walk through the cordon, you did this trot across the bridge? - A. Yes, sir.
- Q. And there is this hail of missiles and you are incapable of - well, you think that is the most suitable way to describe it? - A. That's correct, sir.
- Q. And then, just pausing there, no recollection of any horses going ahead of you? - A. That's correct, yes.
- Q. Then, you go up to roughly the position of the car, some 5 yards perhaps ahead of you, the car across the road? - A. Yes, sir.
- Q. Then, you go forward in a charge which results in the arrest of Mr. Greenaway eventually? - A. Yes, sir.
- Q. Now, having arrested Mr. Greenaway it is on your return that you see Mr. Scargill on the grass verge being attended by ambulancemen? - A. Yes, sir.
- Q. That comes to mind? - A. Yes, sir.
- Q. You looked yesterday at the small bundle of colour photographs, Exhibit 30. I would like you to look at it again because I am a little puzzled about how your version of events fits in with the photographic evidence. Perhaps you could help me with that? If you would look at photograph four firstly, can you hold it up so we can check it is the same one? I have in mind this photograph I hold up now, officer. No, the previous one
- Q. JUDGE COLES: Is that the one with the horses? - A. Yes, your Honour. That's three.

MR. REES: For the sake of the shorthand note, the bundle number is three:

- Q. Now, just so we can agree what is in it, that is clearly a picture of the village side of the bridge above the bridge? - A. Yes, sir.
- Q. And we see in that picture some horses coming back down the hill? - A. Yes, sir.
- Q. Two officers, one of whom is walking towards the camera, perhaps with a Liverpool helmet on, and another officer with a round shield. Do you have the view he is walking backwards, looking up the hill but, in fact, moving downhill? Do you see the way his feet are arranged? - A. Yes, sir.
- Q. Any idea where he is from? - A. Certainly the shield is similar to the type of the West Midlands Police.
- Q. Let's go on to the next photograph that you have already been asked about, with the various officers on the bridge and you identified it as has been identified before you as Mr. Biddel and Mr. Darnell, the two Sergeants? - A. Yes, your Honour.
- Q. And Inspector Bennett. Do you know him? - A. Yes, sir. I can't see him.
- Q. Well, do you see Sergeant Darnell? Sergeant Darnell is the tall Sergeant who is high-lighted. There are two Sergeants in the photograph. He is the one furthest to the right. - A. Yes, sir.
- Q. Now, if you count the two officers to the right as we look at the photograph - do you see the officer holding the short, round transparent shield in front of him and that he appears to have his truncheon in the air? - A. yes, sir.
- Q. I just asked you, is that not Inspector Bennett? - A. He is in an Inspector's uniform, but visually I couldn't recognise him.

JUDGE COLES: That is Larry Bennett?

MR. REES: Yes. I'm sorry. From the West Midlands:

- Q. That would appear to be a mixture of your PSU and others, or at least one of them? - A. Yes, sir.
- Q. On the bridge or the village side of the bridge? - A. Yes, sir.
- Q. Let's just go on with the sequence if we may. Next photograph, you see a group of people. Do you recognise Mr. Scargill in the middle of the group? - A. Yes, sir.
- Q. Bearing in mind the blue cap and the white shirt? And he appears there to be fit and well, as far as I can see? - A. Yes, sir.
- Q. Will you pause there? Take it from me that from the time of the ambulance people coming into contact with him, as you saw it, from that time on he remained in their company until he went to hospital. I don't know if you knew that, but that is the established position. - A. I didn't know that, no.

- Q. Next, another photograph of a group of people, including Mr. Scargill?
- A. Yes, sir.
- Q. And the next one, again. Now, do you see in that a crowd of people and do you recognise that spot? Can you tell where it is? Do you remember the verge where you saw Mr. Scargill, the verge area? - A. Yes, sir.
- Q. Well, what I suggest to you is that that is a photograph taken looking across and down to the bridge? Do you see, on the left-hand side of that photograph, a great mass? - A. Yes, sir.
- Q. Do you recognise the bridge? - A. Yes, sir.
- Q. That is taken from the village side. Do you now understand the angle?
- A. Yes, sir.
- Q. Look at the middle of that photograph. Do you see a man wearing what appears to be a red, knitted woollen cap? Do you see that? -
A. Yes, sir, I see that.
- Q. And do you see just beyond him a man in a white shirt and a blue, big cap? - A. Yes, sir.
- Q. Now, it is our case - my case, certainly, that Mr. Scargill and certainly, it would appear to look like him in the photograph albeit he has his back to us, similar dress? - A. Yes, sir.
- Q. That appears to be a fairly peaceable scene, certainly not a crowd producing a hail of missiles. I accept that it doesn't show the whole of the scene, but what we can see doesn't appear to show a crowd that is producing a hail of missiles
- Q. JUDGE COLES: Do you agree? - A. Not really, sir. There is a man I can see who is tearing out a tree, by the look of it.
- Q. MR. REES: What about the hail of missiles? - A. From what can be seen there, no.
- Q. Do we agree about this? These, of course, must have been taken, and I have told you they are in sequence, in chronological sequence, before the charge, because it is after that charge that Mr. Scargill appears to be injured or certainly is being attended by ambulancemen? -
A. Yes, sir, I would assume so.
- Q. Now, how on earth does that sequence in those photographs fit in with your unit, with others, trotting across the bridge under a hail of missiles and moving up to this parked car? Can you help me with that? I'm a bit confused about that. - A. Well, the only thing I can think of is the fact that all the units were together as we are going across the bridge
- Q. Were or weren't? - A. Weren't. We were still under a constant hail of missiles or barrage of missiles and we stayed at the front of the bridge for a short while to group up and then we came round up to the parked car. At this stage, this group would have run off.

- Q. What is your explanation, going to the photograph which shows two Sergeants, Biddell and Darnell? Let's go back to that. What is your unit doing that side of the bridge when, according to you, you have either been chasing stone throwers or you were up the other side of the cordon or going from the cordon and trotting over the bridge? What is going on there? - A. Perhaps when I said "my unit went off to the right on to the railway line", I'm not aware of the fact that Sergeant Darnell, Inspector Bennett and Sergeant Biddell went. In fact, I can't remember who went with us.
- Q. How many Sergeants are there? - A. Two PSUs that day - I can't recall any PSUs, but I assume that there were two PSUs. There would have been two Inspectors and four Sergeants.
- Q. Who were the Sergeants in your PSU? - A. I can only recall Sergeant Kelsey being in charge of my serial.
- Q. What are you saying, that the West Midlands contingent may have got split up, some coming over the bridge and some coming to the right? - A. Quite possibly, sir.
- Q. And what happens to those who have gone over the bridge? Do they remain ahead of the cordon and you go through, or what? Is that what you want us to understand? - A. Yes, sir.
- Q. Really? - A. Well, they would have, as far as I can understand it, sir. At the moment, we would possibly have been down on to the railway lines or coming back from the railway lines or behind the main cordon at this stage.
- Q. When you have got up to this car how long do you remain? When I say "you", I mean the group of officers of which you were a part. How long did you remain there before moving up on the "Greenaway" charge, as I call it, roughly? - A. I couldn't say, sir. It was a matter of minutes.
- Q. A matter of minutes? What is happening in that time? Does that unit form in a kind of cordon? When I say "cordon", I mean with some sort of shields in front. Was it a definite line or what? - A. I have a picture in my mind of a line across the road, sir, but I don't think it was a regimented line, if you like.
- Q. Where would you be in relation to that line - in it, behind it, what? - A. In it, sir.
- Q. In it, and were there ranks behind the line? - A. Again, I don't think there would be regimented ranks. There may be officers standing behind other officers but not in any set pattern.
- Q. It was your understanding, I gathered, that when you moved forward from the bridge you expected the long shields to go up with you? - A. I would have expected, sir, yes.
- Q. But, you didn't hear any orders to that effect? - A. As far as I am aware, they were still behind the bridge.
- Q. Clearly, in the situation described, if it is right, long shields would be at a premium, their protective function was very, very necessary with the hail of missiles and officers getting hurt, bricks, bottles, stones? - A. In that situation you would have thought, theoretically, that long shields would have been brought up. I've already said that. As it was, they weren't.

- Q. No, but once they are brought up they are vital. - A. In what way do you mean "vital"?
- Q. They protect from the kind of situation you have described, charges by pickets, bottles, stones, a hail of missiles. - A. Yes, but it's the sort of situation, you see, sir, when these short shield units would be already getting some form of protection. I wouldn't have said they're as vital as being used to protect unprotected officers.
- Q. All right. While you are at the car for the few minutes I have described there is no move forward until the "Greenaway" charge, there are no arresting officers sprinting off? - A. I can't recall any.
- Q. Now, two final matters. When you had lunch yesterday, did you have lunch with anyone who has been in this room this morning? -
A. I'm sorry, sir?
- Q. Do you remember lunchtime yesterday? - A. Yes, sir.
- Q. And did you have any company for lunch? - A. Yes, sir.
- Q. Have you see that person this morning? - A. Yes, sir.
- Q. A Police Officer? - A. Yes, sir.
- Q. Have you seen him in Court? - A. Yes, sir.
- Q. Where is he sitting? Did he have a beard? Is that the officer who has just come into court? - A. Yes, sir.

MR. WALSH: If it is of any help, that is an officer I have instructed to sit with witnesses who are in the course of giving evidence and he has been assisting us throughout.

JUDGE COLES: On administrative duties?

MR. WALSH: Yes. He is dealing with administrative duties in this case and indeed on other occasions, when arrangements have been made for someone to be with a witness over lunchtime. Your Honour may have heard me refer to him as Mr. Chapman and he is the officer who has been assisting us for all those purposes.

- Q. MR. REES: A final matter: When you made your statement on the day, do you know if any carbon copy was made at the time? - A. Yes, sir, I made a carbon copy.
- Q. You made a carbon copy? What happened to that? - A. I had it yesterday, I think, prior to setting out. I haven't seen it since, but I don't know whether I've left it back in Birmingham.
- Q. So, when you went off to find your colleague, Mr. Jones, and having made your statement, you took both the carbon and the original with you? - A. Yes, sir.

MR. REES: Thank you.

MR. WALSH: I wonder if my learned friend would be good enough to acknowledge that it was his instructing solicitor who followed Mr. Chapman and this witness, that it was Mr. Chapman and this witness who had lunch together in the "Hen and Chickens" across the road, and alone?

MR. REES: I accept that.

MR. WALSH: I didn't want there to be an innuendo inadvertently put in the Jury's mind.

MR. REES: I didn't suggest anything, your Honour. My learned friend knows, as indeed the Jury do, that Defence counsel are very concerned that there is a possibility - and I put it no higher than that - that witnesses come prepared, and we don't know if it is happening or what is happening.

MR. WALSH: I have made it clear Mr. Chapman is going with this witness and no-one is suggesting on behalf of the Defence that he should not do so.

JUDGE COLES: Is that right, Mr. Rees? You are quite happy that Mr. Chapman should accompany witnesses at lunchtime to prevent them making any contact with other witnesses, or do you in some way make complaint about Mr. Chapman as a private person doing that duty?

MR. REES: I make no personal complaint about Mr. Chapman. Your Honour, I am slightly unhappy that the person who is accompanying witnesses for lunch is a person who sits in court and hears evidence.

MR. WALSH: That has been known to the Defence for weeks, your Honour.

MR. REES: It wasn't known until yesterday what this officer was going to say, your Honour.

JUDGE COLES: This witness?

MR. REES: Yes, your Honour.

JUDGE COLES: Why is that relevant, Mr. Rees? How is that relevant?

MR. REES: Well, your Honour, I'm not sure I should explain that in the presence of the Jury. This witness has been taken through his statement as to what was in it

JUDGE COLES: Now that you do know another of these officers' evidence, are you now making a complaint about the fact that he was accompanied at lunch by Mr. Chapman or not?

MR. REES: Your Honour, I am not in a position to complain about Mr. Chapman. The Defence were simply anxious

JUDGE COLES: What are you asking me to do?

MR. REES: I am not asking you to do anything.

JUDGE COLES: Let's get on then.

MR. REES: I have finished by cross-examination, your Honour.

JUDGE COLES: Very well.

Re-examined by MR. WALSH:

- Q. Just one matter. You have mentioned, during the course of your evidence, the name of Chief Inspector Allen? - A. Yes, sir.
- Q. Could you tell us what his position is in relation to your, or any other Police Support Unit from West Midlands? - A. Well, he is the officer who is in charge of my department.
- Q. As such, does he have dealings with one PSU or more than one? - A. He would have dealings with more than one, sir.
- Q. I don't know whether this is the right way of putting it, but he is in overall charge of the PSU, is he? - A. On a lot of occasions, he is, sir. Other officers can be nominated.
- Q. Was he at Orgreave on the day we are talking about? - A. I don't recall him being there, but there were a lot of PSUs from the West Midlands. He may well have been with another PSU.
- Q. Would it be necessary for him to be there or did the PSUs go out under their own Inspectors without Mr. Allen having to attend? - A. There would be a Chief Inspector there. I don't know if it was Mr. Allen or not.
- Q. You say that Mr. Bennett had been in charge of your particular PSU for a long time? - A. Well, not our particular PSU, but he was also an Inspector in my department that I had known for a long time.
- Q. So far as you are concerned, on the day who were you looking to as being the man in charge? - A. Well, it would have been Inspector Bennett, obviously.
- Q. Did you know, for example, that Sergeant Darnell was Acting Inspector during the day, or didn't you? - A. I would have been aware of it. I don't recall it, but I would have been aware of it.
- Q. But, insofar as those two men were both present, which one would you look to as being the senior officer and the one in charge? - A. That would be Mr. Bennett, sir.

MR. WALSH: Thank you very much.

JUDGE COLES: I repeat what I said yesterday: please don't speak to any officer in this case about your evidence or the case.

THE WITNESS: Yes, your Honour.

MR. TAYLOR: I don't know if the statement has been given an exhibit number. If it has not, can I ask that it is done?

JUDGE COLES: Yes. I think it is 61.

MR. TAYLOR: Yes. Thank you very much.

MR. WALSH: Your Honour, two or three things, if I may? The first is that, as I informed my learned friends, particularly

Mr. Taylor and Mr. Griffiths, before we started this morning, and I think the others, certainly as many as I could, the next witness has been taken ill and we cannot deal with him at the moment. I am having enquiries made. He has gone back to Birmingham to be examined by his own doctor.

JUDGE COLES: Is that Mr. Jones?

MR. WALSH: Yes, it is Mr. Jones. There seems to be some history, from what I can gather and so we are waiting for a full report from his doctor as to when he will be available and as soon as I know I shall acquaint your Honour further. That means that we will go to Page 271, Police Officer Scullen (?), and before he is called, your Honour, may I do something that I have been promising to do for days and have kept forgetting and that is, your Honour will recall, and I keep saying we have got fresh copies of Exhibit 3

MR. TAYLOR: If my learned friend moves on to another point, there are a number of matters I wish to raise about Mr. Jones.

JUDGE COLES: In the absence of the Jury?

MR. TAYLOR: It doesn't matter to me, your Honour. I understand from what my learned friend says that he was examined last evening by a doctor. In the ordinary course of events, any witness who is due to give evidence in a trial, if he is going to be absent by reason of sickness, would be expected to furnish a medical certificate to the Court. I am not happy with the explanation so far given and I find it quite amazing that a Police Officer examined yesterday doesn't furnish the medical certificate to this court and I call immediately for one.

Now, the second thing that bothers me and disturbs me very much is the fact in this case officers have given evidence in pairs and Mr. Hanrahan and Mr. Jones are linked, as everyone knows, and they aren't only linked in the evidence they give but in a particular dispute and a particular allegation that I have made. It is my respectful request that your Honour adjourn this case until Mr. Jones gives evidence in his proper sequence. Now, I accept that there may well be a good reason for his absence, he may well be ill and if that is so in the remainder of today the Prosecution can find out if he is ill or not and bring forward the appropriate medical certificate, but I am very unhappy about having officers split up in this way and the matter just dropped and left, because if it goes on for a number of days without Mr. Jones being fit to attend court then all the good workings that my learned friends for the Prosecution have done in grouping these officers will be possibly brought to nought because of it.

Now, your Honour, I respectfully ask your Honour to take this course, notwithstanding that there are other officers ready to give evidence and notwithstanding that this case is a long one and everyone is conscious of the time, but I want the Prosecution to act swiftly to give this court more information. It isn't good enough for my learned friend to say simply that Mr. Jones is ill, has gone off and he will give us information in due course, your Honour. We know from Mr. Hanrahan that Mr. Jones himself drove up here yesterday in his car. There are a lot of questions I want answered, but in the meantime what I respectfully say is that there should be a medical certificate forthcoming immediately and this case should not proceed any further until Mr. Jones's position is known.

JUDGE COLES: How do you say anybody would be prejudiced or even disadvantaged by the case continuing with other witnesses? You mean it would distract the Jury's attention away from this particular issue?

MR. TAYLOR: Yes. I want these two officers to be heard together. I don't want the case to proceed. There are a lot of details in every Defendant's case and I want Mr. Greenaway's case to be heard properly by this Jury so they can have in their minds the points. If we move on to another Defendant, we have complicated matters to be dealt with by other counsel in this case and to be fair, in my respectful submission, to Mr. Greenaway, if it does turn out that Mr. Jones is ill and there is a proper medical report to that effect - although I must repeat that I am amazed that there is not one already, if he was examined yesterday - it isn't as if we are dealing with a civilian, he is a Police Officer and knows he must furnish a medical certificate to the Court if absent and, of course, if there is a good reason, then I can't ask the Court to adjourn indefinitely, but what I am asking is for a short adjournment and, hopefully, thereby to put pressure on the Prosecution to sort the matter out quickly to Mr. Greenaway's benefit. It is his case I have to consider.

JUDGE COLES: Do any other counsel have anything to say?

MRS. BAIRD: I would think, your Honour, that unless I accept Mr. Scullen, the next witness to relate to my client, Forster, be called after Mr. Jones. I am, in some ways, not ready to cross-examine Mr. Scullen yet. It is right that I was one of the first people Mr. Walsh told this morning of the situation and I am doing my best even now to get matters together but, your Honour, I feel that inevitably I shall have to ask for a short amount of time and so, your Honour, it may be that Mr. Taylor and I can be accommodated together.

JUDGE COLES: I see.

MRS. BAIRD: I have put that in an unfortunate way.

JUDGE COLES: Not at all. Would that we knew what you meant. Anybody else?

MR. MANSFIELD: I entirely accept what Mr. Taylor says.

MR. WALSH: Your Honour, I'm sorry if after ten weeks my learned friend isn't ready to cross-examine Mr. Scullen but so far as the medical certificate is concerned I will obtain one. What was going through my mind, I think the doctor who examined him last night, your Honour - well, the prime person to tell us whether Mr. Jones would be fit to attend court is his own general practitioner, who knows far more than a casual doctor about any previous history.

JUDGE COLES: Has Mr. Jones gone back?

MR. WALSH: He was taken back last night, so he will have seen his own general practitioner.

JUDGE COLES: I see.

MR. WALSH: Obviously, depending upon how soon his own general practitioner managed to get in and see him this morning, I was hoping to have information during the day as to what, if anything, he said. Your Honour, I could get a certificate in the normal form from the doctor who examined him last night, but we thought in the circumstances it would be of very little use to the court.

JUDGE COLES: We don't know that until we see it.

MR. WALSH: I thought it would be better for his own general practitioner, in case there are any matters of history to go into, to do it himself.

JUDGE COLES: What I suggest happens, for the sake of completeness, is that you obtain such information as you can from the doctor who examined him last night, but in the meantime enquiries be made in Birmingham or wherever it is.

MR. WALSH: I have given instructions that the doctor in Birmingham

JUDGE COLES: Clearly, you are not going to get anything in writing, but if you can get something on the telephone that may be of assistance, not only whether illness is incapacitating but also whether he is going to be available to give evidence. Then, obviously, it is desirable that we get the witnesses in sequence if we can.

MR. WALSH: Of course, and I have been endeavouring to do that throughout the whole of the case, as my learned friends know, because I have been postponing calling certain witnesses until certain times because I knew that the witnesses were either abroad or going away and therefore could not be available at this time of the hour.

JUDGE COLES: What I think I will do is adjourn until quarter-past in the hope that that will give us some information and we can then take stock.

MR. WALSH: Very well, your Honour.

MR. TAYLOR: Your Honour, may I repeat what I said, that this man has obviously not turned up to give evidence on medical authority and I want that in writing.

JUDGE COLES: Indeed, we can't expect to have that in writing from his home general practitioner today.

MR. TAYLOR: I understand that.

JUDGE COLES: But, if we can have the information today ...

MR. TAYLOR: But, also I mean in writing from the doctor who saw him last night, the authority that that man was allowed to return home.

JUDGE COLES: As I understand it, Mr. Walsh will do his best to obtain that.

MR. TAYLOR: Good.

MR. GRIFFITHS: The only other observation that may assist my learned friend is that my learned friend has mentioned the word "history". I would like perhaps to have it established whether he has, in fact, been on full-time Police duty until yesterday.

MR. WALSH: What I meant by history, I mentioned to one or other of my learned friends that it is to do with some anxiety he has been having in relation to his wife who has had a miscarriage and is pregnant again, and that is a matter that, as far as I know, has been causing him some trouble, added to which I know, and I have told my learned friends, that the information I have is that this witness has, over the past few months, certainly been observed by his father, who is a chemist, who has given him certain medical advice, and so it is on that, what I know or what I have been informed on, and when I told my learned friends about history that is what I referred to.

MR. GRIFFITHS: I was only concerned whether he had lost any time with the Police. I want to establish the extent of his incapacity and if he has, in fact, been off work or been in full Police duty up until yesterday.

JUDGE COLES: Well, we shall await enlightenment at 2.15.

MR. TAYLOR: Can I mention for the record, your Honour, if the information is not to the effect that Mr. Jones is incapacitated and prevented by illness from giving evidence, I want him brought back straightaway from Birmingham?

JUDGE COLES: I think that probably follows. I am sure Mr. Walsh would wish the same.

MR. WALSH: We will do what appears to be appropriate in the light of any medical advice.

JUDGE COLES: I am sure you will.

(The Court adjourned until 2.15 p.m.)

2.15 p.m.

MR. WALSH: Your Honour, can I acquaint your Honour with the latest information that we have? Your Honour, obviously it comes from two different sources. One will be Dr. Ashton, who examined the witness last night in Sheffield before sending him back to Birmingham, and he has provided a certificate. In fact, it is on the Criminal Justices Act statement. Perhaps I should read it?

JUDGE COLES: Yes, certainly.

MR. WALSH: Your Honour, Dr. Ashton states he is a registered medical practitioner and gives his address. He says, "On the 8th July, 1985, 20.35." (Last night) "At Police Headquarters, Snigg Hill, I examined Mr. Jones. As a result of my examination I formed the opinion that Mr. Jones is suffering from acute mental anxiety. The prognosis from this illness would be measured in weeks rather than days. I anticipate it will be several weeks before this officer is fit to attend court and give evidence. I certify that at this moment in time Mr. Jones is totally unfit to give evidence" and he has signed that. Might I hand that in? My learned friends have copies. That was taken in the form of a certificate because earlier on Mr. Ashton didn't give any indication of how long the witness might not be available so, obviously, that was a matter we wanted to have clarified this morning.

Now, we have taken matters this stage further: We have discovered his doctor is Dr. Vorah in Birmingham and the doctor went to see him this morning at some time before eleven o'clock in the morning. Precisely when, I cannot tell you. Your Honour, Detective Chief Inspector Holden, who has been making enquiries on our behalf, once he had found out who the doctor was, has periodically been ringing the surgery to find out what information he could. He requested to speak to Dr. Vorah. The receptionist told him Dr. Vorah would be out until five o'clock this afternoon. This is the first time that anybody will be able actually to interview him and an arrangement has been made for a local officer in the West Midlands to go and interview the doctor accordingly, but according to the receptionist the doctor saw him this morning, issued a medical certificate to say that he should remain off work for two weeks. She describes that he is on medication, but what that means is not known because she didn't give any details and as yet no further prognosis is available beyond that. She has indicated that Dr. Vorah so far as she knew was not intending to see him again in the immediate future, so whether that means that Dr. Vorah has formed the view that within the next week or so it is unlikely that matter will have changed, of course, I know not, but it may be that by five o'clock we shall know. The only other enquiries that have produced any, I suppose, material evidence, is that so far as the receptionist was willing to divulge - and, your Honour, it is no criticism of her because doctor's receptionists must inevitably be rather cautious and know, in fact, what they are entitled to say or not - but, she indicated that there had been some previous occasion upon which this witness had had to consult the doctor for a similar matter, but she has not given us more particular information as to when and what, if any, prescription or diagnosis was made. So far as we have been able to discover, the witness has not been sick and away from work in the recent past, so we have got the two potentially conflicting pieces of information on consulting the doctor, but we don't know when that will be, but certainly there is no evidence that he has actually been off work as a result of a doctor's certificate in the recent past and that, I think, is about as far as the enquiries may have borne fruit one way or the other.

JUDGE COLES: What are your propositions now then, Mr. Walsh?

MR. WALSH: Well, there are two possibilities. One is, if one accepts Dr. Ashton's certificate purely on the face of it, without more, then it certainly looks as though the witness will not be fit to attend this immediate afternoon and that, therefore, the only course to adopt would be to go on with other evidence until we know. The other option, and I am hesitant to suggest it, conscious of how long the trial has gone on and is going to go on, is that if we wait to clarify matters even further that we wait until five o'clock and Chief Inspector Holden himself will speak to the doctor so that we have someone direct from Sheffield who has spoken to him, and that will be supplemented by an Inspector from the West Midlands who has already arranged to see the doctor at that time. It may be, your Honour, and one knows that doctors are always very cautious people because they know what their professional ethics are, so it may be that more information will be given to the officer who actually attends and shows that he is a Police Officer than to someone who rings up on the telephone saying, "I am a Police Officer".

JUDGE COLES: Yes.

MR. WALSH: Of course, one just knows the way doctors work in these circumstances. It seems to me that those are presently the only two alternatives.

JUDGE COLES: It seems, being as optimistic as one may be, unlikely that we shall be able to have the witness, Mr. Jones, commencing in the foreseeable future?

MR. WALSH: Well, that is, as your Honour says, unlikely.

JUDGE COLES: I am grateful to you, Mr. Walsh. You have acquired quite a lot of information in quite a short time. Now, what does the Defence say about it? Mr. Taylor?

MR. TAYLOR: Whether you accept the evidence, and there is no evidence at this stage, so whether you accept the explanation that has been given for the witness's absence, based upon his illness, is a matter which is for your Honour's discretion.

JUDGE COLES: Without any more information, it isn't an easy thing to grasp.

MR. TAYLOR: It may be premature for your Honour to be able to make a proper decision within your Honour's discretion based upon the information you presently have.

JUDGE COLES: You are inviting me to wait until this evening and reconsider the matter tomorrow?

MR. TAYLOR: I certainly ask you to wait, but in the meantime there has been other information which has come from the Crown which causes me disquiet and me not to accept the statement of Dr. Ashton. Of course, whether I accept it or not is irrelevant in the sense it is whether your Honour

accepts it, but I think statements to your Honour, based upon the terms in which that statement that your Honour has, dated 9th July, the terms in which that is set out, whether that should be accepted at face value and also the terms in which another statement, an earlier one, dated 8th July, which is yesterday, of course

JUDGE COLES: I take it you have no objection to the Jury being here?

MR. TAYLOR: No, your Honour. Your Honour will see from this statement by the same doctor, he says he is a medical practitioner, he is a Police Surgeon, and he refers to the examination on the 8th July at half-past-eight at the Police Headquarters and then says, "I formed the opinion that Mr. Jones is suffering from acute mental anxiety and will not be fit in the immediate future to face cross-examination in a court of law". Your Honour, he then says, "I have referred him to his own general practitioner for treatment". Your Honour, as far as those statements go, the contents of which have been read to the court, I would respectfully say it is not sufficient information for your Honour insofar as in your Honour's discretion to simply excuse the witness on that basis. I would ask if this is the totality of the information that is coming forward, that that particular doctor be called so that I can explore certain matters with him. Your Honour, the other information that I was given by the Crown is to this effect, that up until yesterday Mr. Jones had been on full Police duties, that in Orgreave last year, when he was away from home, working on PSUs, his wife had a miscarriage. From this followed some matrimonial dispute between Mr. Jones and his wife. Apparently, his wife put some blame for the situation on Mr. Jones, but Mr. Jones was quite all right until he turned off the motorway yesterday and along Parkway, when he was at Orgreave, it all came floating back to him. Well, your Honour, these are matters that I respectfully say need more explanation and more canvassing. I won't be premature about it because we are awaiting further information from his own G.P. and it may be this trial will last a number of weeks yet and it may be when I get that information I will be content to say, "Well, I'll wait until he gets better and then he will be called", but your Honour those are my observations at this stage.

MR. WALSH: May I just say, and I didn't know my learned friend wanted to refer to it, that the full state of the information I gave him about the wife was indeed that she miscarried while the witness was up on Police duties in the Orgreave area and that that resulted in matrimonial stress, he being blamed either for being absent when it happened or similar matters, and that it just happens that at the present time she is in more or less exactly the same state of pregnancy as she was on that occasion. That is what I told my learned friend.

JUDGE COLES: Does anybody else wish to say anything?

MR. GRIFFITHS: Only this, your Honour, that when further information is being obtained it would assist everyone were we told, for instance, was he so unfit as to go to the doctor's surgery this morning or was he consulted at home because these are matters which your Honour has had in the past, I'm sure, to decide, whether, in fact, to compel witnesses for the Defence or otherwise to attend at court. There are some conditions which are genuinely disabling in such a way and if this be one I would be the last to make any false points at all, but I am anxious that the fullest possible information is placed before the court because your Honour needs not reminding that we are at a very delicate position in this trial with regard to these two officers.

JUDGE COLES: Yes.

MR. WALSH: Can I help my learned friend on that? Although I haven't specifically asked the questions, I have reason to think that had the witness actually attended surgery the receptionist would have told us. Her understanding was, although she hasn't specifically, so far as I know, said so, that Dr. Vorah examined him at his home.

JUDGE COLES: Well, anxious as I am and I am sure we all are, to get on with this case, it seems to me that the circumstances are unusual in that the stage reached in the evidence is, to borrow somebody else's word, delicate. It seems to me that to act presently would be wrong and I think the appropriate thing to do is to adjourn until we have full information this evening and we will decide tomorrow morning what we are to do.

MR. WALSH: Your Honour, it is inevitable, I would imagine, that the information that I have for the Court tomorrow must be, as it were, by report, which is inevitably hearsay because I don't imagine that I shall be able, at the drop of the hat, to produce Dr. Vorah in court.

JUDGE COLES: I didn't expect you would.

MR. WALSH: Because he won't be able to make the necessary arrangements in time, but what I shall have is what he has told the Inspector from the West Midlands, who I understand was going to take a statement from him, and the statement will be read over to an officer here.

JUDGE COLES: You can telex it, perhaps?

MR. WALSH: It is possible that might be done. I shall do it in that form.

JUDGE COLES: Yes. Very well. We will adjourn until tomorrow morning, 10.15. I'm sorry, members of the Jury, it seems this case is fated not to go smoothly, but these things happen in long cases and I'm afraid one just has to accept that.

MR. TAYLOR: Your Honour, I have mentioned the statements of Dr. Ashton which have been read out. It depends on the

state of the information which does come through, there may or may not be anything more to be done, but as a precaution I would request that Dr. Ashton does attend tomorrow morning because it may be that there will be some questions for him.

JUDGE COLES: Yes. I don't want to trouble the doctor unduly, but

MR. TAYLOR: Well, this is an unusual situation.

JUDGE COLES: It is an unusual situation and it is an unusual complaint. I don't want to bring the doctor to court unnecessarily, but I feel in these particular circumstances his presence is required. Very well.

MR. WALSH: Your Honour, can I now do, at the risk of being repetitious and boring, something I have been promising to do for days while we have a few minutes spare?

JUDGE COLES: Yes, of course.

MR. WALSH: It concerns the plan, Exhibit 3. This is what I was going to do this morning. Your Honour, I think your Honour has a numbered plan?

JUDGE COLES: Yes.

MR. WALSH: I have two copies which are otherwise totally blank which I hand to the Jury, Exhibit 3, so they can write in, should they wish, the numbers of the houses on Highfield Lane. There are two copies of them that can be handed round.

JUDGE COLES: Yes. Thank you, Mr. Walsh.

MR. WALSH: While the Jury does that, it seems to me that there is no useful purpose served in Detective Constable Hanrahan remaining in Sheffield. What I have done, I have kept him here at the moment in case Mr. Jones was not fit to come back immediately, but there seems to me no purpose whatever in keeping him here now.

JUDGE COLES: No, I agree, Mr. Walsh. Let him go back.

MR. WALSH: The other matter, your Honour, concerns the exhibiting of the notebook of the witness who was Grundy. Your Honour will remember it was decided that should be exhibited in photo-copy form and I think my learned friend has seen the photo-copy and so may I hand that in?

JUDGE COLES: Certainly. Although that is a photo-copy, members of the Jury, treat it as the original.

MR. WALSH: This is now 60B, your Honour. The Jury may have written it down already as D.C. Grundy's notebook. So, the original can now be released to him so he can have it. Your Honour, once the Jury have completed that matter, then

that is all we can do today, apparently.

JUDGE COLES: Yes, very well.

(The Court adjourned until
10.15 a.m. the following day)
