

IN THE CROWN COURT AT SHEFFIELD

The Court House,
Castle Street,
Sheffield.

15th July, 1985.

Before

HIS HONOUR JUDGE GERALD COLES, O.C.

REGINA

-v-

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

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APPEARANCES

For The Prosecution:

MR. B. WALSH, O.C.
and MR. K.R. KEEN

For William Albert Greenaway:

MR. G. TAYLOR

For David Moore:

MR. M. MANSFIELD

B

For Bernard Jackson:

MR. M. MANSFIELD

For George Kerr McLelland Foulds:

MR. P. O'CONNOR

For Ernest Barber:

MISS M. RUSSELL

For David Ronald Coston:

MRS. V. BAIRD

For Kevin Marshall:

MR. E. REES

For Arthur Howard Crichlow:

MR. P. O'CONNOR

For George Warwick Forster:

MRS. V. BAIRD

For James O'Brien:

MR. P. GRIFFITHS

C

For Craig Waddington:

MR. M. MANSFIELD

For Eric Scott Newbigging:

MR. E. REES

For Stefan Wysocki:

MISS M. RUSSELL

For David Bell:

MISS M. RUSSELL

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15th July, 1985

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Pol. Con. PAUL JONES Recalled

Cross-examined by MRS. BAIRD

B MRS. BAIRD: Your Honour, can I check, please, whether the jury have yet been given copies of Mr. Scotland's statement?

JUDGE COLES: That is Exhibit No. 61?

MRS. BAIRD: 2.

JUDGE COLES: 62. Do you have copies of 62?

C

MR. WALSH: I suspect they probably have not.

MRS. BAIRD: Have not got them?

MR. WALSH: No, I think they have not.

MRS. BAIRD: I have got copies for the jury.

D

JUDGE COLES: Very well.

MRS. BAIRD: Both of Mr. Scotland's statement and I think also of Mr. Jones. Unfortunately they are not stapled because we have not had time to do that. Is there a stapler in Court?

E

JUDGE COLES: Is there a stapler in Court? It is only a moment's work if there is. Is that one at the far end of the papers?

MRS. BAIRD: We have got one. Mr. Forster is asking if he can come and sit down here again so he can hear.

JUDGE COLES: Certainly, Mr. Forster.

F

MRS. BAIRD: While I do this task I could well ask the Officer to do the next thing that I want him to do and have him do that whilst I staple the documents.

JUDGE COLES: Yes. Very well.

G

Q. MRS. BAIRD: Officer, you started to tell us on Friday(sic) about the visit to your Police Station of some South Yorkshire detectives who had showed you some photographs? - A. That is correct, yes.

Q. I think we looked together on Friday at Exhibit 6 and I think also 21?- A. Yes.

H

Q. And you said that neither of those was a book of photographs

A you had seen before. Perhaps if you would look at 21 now because Mr. Walsh is not quite sure I did ask you about 21 and he may well be right.

JUDGE COLES: Yes. You asked about Exhibit No. 6.

THE WITNESS: I do not recall having seen either 6 or 21, either of these.

B Q. MRS. BAIRD: Essentially what I would like you to do, please, is whilst I hand out these statements to the jury look through all the bundles of photographs which are exhibits in this case until you find the ones you have seen before.

MRS. BAIRD: Your Honour, perhaps I can sit down and do this whilst he does that.

C JUDGE COLES: Yes, do.

Q. MRS. BAIRD: Now, you had better go through them in order. - A. If it would help you, I think the book I saw - Constable Brophy and Constable Moore and the prisoner in one of the photographs.

D Q. Would you like to look at again Exhibit 21 then and I think it is photograph 8? Would you show me photograph 8, please? - A. The one

Q. Go back two, I think, toward the front. Show me that one, please.

E Q. JUDGE COLES: Now, you recognise photograph which?

Q. MRS. BAIRD: Could you look at photograph 5? - A. I have not seen one I recollect yet. I recall seeing Constable Brophy in one and the prisoner and Mr. Moore in one.

MR. WALSH: That should be photograph 5.

F MRS. BAIRD: I am obliged to Mr. Walsh.

Q. JUDGE COLES: Look at Exhibit 21.

Q. MRS. BAIRD: You are not looking at Exhibit 21, are you, or are you? - A. Yes.

G Q. Yes. Would you look at photograph 5 in that? - A. This is not the photograph that I recall seeing. It was a clearer one than that. Constable Brophy was especially recognisable.

Q. I see. Then I think you may be talking about a different exhibit.

H Q. JUDGE COLES: Look at 6. No, 4. There is another one clearer than that. Would you look at Exhibit 40? Does

that help? - A. That is not the one but that is Constable Moore on it.

A

Q. MRS. BAIRD: That is not the one though? -A. No.

Q. JUDGE COLES: Look at 40A.

Q. MRS. BAIRD: 40A. -A. I agree it is both of them again but it is not the one I saw.

B

Q. It is not the one you saw? - A. On the one I saw it was difficult to recognise Constable Moore. I did not recognise him. I was told it was him.

Q. Just let me make sure you are absolutely sure neither of 40 or 40A is it. - A. Is not the one I saw.

C

Q. No. Neither is Exhibit 21(5)? -A. No.

Q. That is not it either. So you have seen a different photograph of Brophy and a man perhaps you were told - A. Police Constable Moore, yes.

Q. With a prisoner? - A. With a prisoner I would not recognise any way. It was definitely Constable Brophy.

D

Q. You cannot say if that is the prisoner? - A. I cannot even say, no.

Q. Can you remember what you were being asked about that photograph when it was being shown to you? - A. If we could identify any of the Officers. Constable Brophy identified himself and Constable Moore as being him and Constable Moore.

E

Q. That photograph, was it in a book of photographs? - A. I think it was. Very difficult to remember now. I think it was.

Q. Right. That is certainly one photograph that stuck in your memory, perhaps because Brophy and Moore are colleagues. Do any more come back to you without going back through the exhibits yet, any more Officers? - A. There were other Officers identifying themselves, I think, at the time saying, "That is me and my prisoner," or, "That is us." I do not remember who said it really. About 12 people in the room.

F

Q. Yes. Do you know Mr. Gale, Police Constable from Merseyside, with red hair? - A. Not from 'F' Division, to my knowledge.

G

Q. I think that is right. I wondered if you knew him any way. What about Pimblett? Do you know him? - A. Pimblett, yes, I do.

Q. Do you remember seeing a photograph of him? - A. From memory, no, but if you showed me one I am sure I would recognise him.

H

- A Q. Right. I will try and find it. Would you have a look, please, at Exhibit 31A? That is a single black and white photograph again. Do you remember seeing that? - A. No. Do not recognise Constable Pimblett on it either.
- Q. I think he is at the far side of the man with fair hair. - A. If anyone that would be him, yes.
- B Q. So no more that you can bring to mind yourself before you look through the exhibits? - A. That I recall, no. I think I had seen one of Constable Stannard's prisoner and possibly Constable Stannard but I do not think he has been to the Court yet.
- Q. You thought you saw him with his prisoner? -A. Certainly his prisoner any way. I think I recognise him.
- C Q. I think Constable Stannard's prisoner has a bad cut to his head? - A. That is right. That is why he is easily identified.
- MR. REES: That is Mr. Newbigging.
- D Q. MRS. BAIRD: Could you take up 21 again? Perhaps if you look at 34. Just tell us if that is the prisoner you remember seeing. - A. In this book there are only 23 photographs.
- JUDGE COLES: Come apart again, I think, probably.
- MRS. BAIRD: I think Your Honour did ask for a fresh Exhibit 21 in fact to be provided some time ago.
- E JUDGE COLES: Yes.
- MR. WALSH: There was one there last week securely bound.
- JUDGE COLES: There was. Probably picked up the wrong one.
- F MRS. BAIRD: Perhaps the simplest course just at the moment is if I hand my copy in.
- JUDGE COLES: We do not appear to have a new one but found the rest of the old one.
- Q. MRS. BAIRD: 36 is actually better. - A. 36.
- G Q. Is that the photograph you saw or is that the lad you saw? - A. Quite possibly the photograph I saw. I recognise him as being the gentleman concerned.
- Q. Thank you very much. Any more that come to mind? - A. From memory, no.
- H Q. Were those photographs of Brophy and of whoever it is, I am

A afraid I do not know, with Mr. Newbigging, that young man, were they single photographs or part of a book? - A. It is very difficult to say really. I cannot remember.

Q. All right. But all you were asked was whether you recognised the Officer? - A. Identify anybody.

Q. Would you now, please, go through the exhibits which are photographs and speak up as soon as you find some photographs you recognise? - A. Just having seen before?

B Q. Yes.

Q. JUDGE COLES: You are not being asked to identify people you know. You are being asked to identify photographs you have seen before.

C Q. MRS. BAIRD: Yes. That is all I want you to do, please.

MR. WALSH: I suppose so that my learned friend is aware that the witness is looking at each exhibit one ought to remind him of the numbers.

D JUDGE COLES: Yes. Might be as well to ask him to go through them individually.

MR. WALSH: If he goes through in the order from low towards the high at least we will know he has not missed one out.

E Q. MRS. BAIRD: I think then we have already looked at Exhibit 6 so we need not do that again. I think Exhibit 8 may have been withdrawn by now. Exhibit 9 is another one. - A. 5 here.

Q. Ah, 5. Thanks. - A. I do not recall having seen that before.

Q. You have not? - A. I do not think so.

F Q. Thank you. Can you now find Exhibit 9 which is another blue album? - A. No, do not think I have seen that before.

Q. Right. There are some rather big photographs which are Exhibit 11, A, B and C, two aerial photographs and a photograph of another man with a bleeding head. - A. I have not seen any of those photographs before.

G Q. Right. Thank you. Exhibit 16. I think is a single photograph. - A. Possibly seen that in a smaller version, in the book, as you said. It is the same photograph, I think.

Q. JUDGE COLES: Which number was that? - A. 16.

H MRS. BAIRD: I think Exhibit 17 may have been withdrawn and put into Exhibit 30.

A

MR. WALSH: It may have been but it is possible that at the date when Police went to see him we did not have Exhibit 30, only Exhibit 17, so perhaps he ought to look at it in that form.

MRS. BAIRD: I suspect it has been withdrawn

B

MR. WALSH: It may have been withdrawn but I think my copy of 17 is probably the same as it was. I think it is right. My Exhibit 17 is photograph No. 0 to 5 inclusive and that, I think, is the form in which it was put in.

JUDGE COLES: Oh, Exhibit 30?

MRS. BAIRD: 17.

C

MR. WALSH: Exhibit 17. Your Honour will remember it went in as an exhibit a long time ago in this form and we have It might be possible for the Officer to look at it as Exhibit 17.

JUDGE COLES: Certainly. It was the first few photographs, was not it?

D

MR. WALSH: That is right. Six photographs numbered 0 to 5.

THE WITNESS: I do not think I have seen that before.

MRS. BAIRD: Right. Your Honour, I was just swapping the book:

E

Q. That is Exhibit 17, these. I think Exhibit 18 is an individual photograph? - A. I have not seen that photograph before.

Q. Exhibit 20 is a single photograph. - A. No.

MRS. BAIRD: I do not know whether I am going too fast for the jury:

F

Q. That is a photograph of horses chasing pickets down the street and you have not seen that before? Exhibit 21 is the bundle from which it seems you might have seen at least one photograph? - A. Possibly, yes, possibly.

Q. That is not 21. - A. I do not know whether I have seen that photograph. Yes, it is 21.

G

Q. JUDGE COLES: 21(10)? - A. Certainly recall seeing a car on the road at some time in the day in a similar position to that which was on fire but I do not know whether I have seen that photograph.

H

Q. MRS. BAIRD: You do not? You certainly saw it last week. - A. I know. That is the time the Officers came over.

A

Q. Would you like to take Exhibit 21 and go through it and pick out the ones you have seen before? - A. This is the book I saw.

Q. It is? -A. I remember pictures of Mr. Scargill.

Q. Right.

JUDGE COLES: That is the

B

Q. MRS. BAIRD: Whole of Exhibit 21? - A. I think that is the book I looked at.

Q. JUDGE COLES: The book that has fallen apart? - A. Yes.

Q. You remember the pictures of Mr. Scargill?- A. In particular, yes.

C

Q. MRS. BAIRD: Were there any pictures in that album when you saw it that rang any bells, as it were, with you? - A. I cannot remember really. If I looked right through it all, possibly help you. I do not know.

D

Q. Did you actually see Mr. Scargill on the day? - A. On the day in question not at all. Probably went past him actually. Never noticed him. On the other side of the road to him.

E

Q. Right. That is very helpful. Exhibit 21 you have seen. But you have seen more than that, have not you? - A. Seen a colour photograph of two Officers, Eddie - I do not know his surname - standing over Mr. Scargill and wanted the other Officer identifying which was with him. Nobody was able to identify him.

F

Q. Would you like to look at Exhibit 30, please? That is a bundle of coloured photographs. - A. It is 24 in this set. Exhibit No. 30.

Q. That is 30, yes. Look at No. 9, please. - A. I think I have seen a few of these, similar scenes to that.

G

Q. Yes. 9 is just behind it. - A. I recall seeing that as well.

Q. Is that one you were asked about? Eddie. His name is Austin, I think. You are looking and recognising photographs 8 and 9 in that bundle. Is that correct? - A. 9 and 10. Sorry. 8 and 9. Sorry. 8 and 9. I think they showed me that one in Court on Thursday.

H

Q. I gave that to you, yes. - A. I may have seen that one because I recall seeing it either on the day or on the photograph. I am not sure which.

Q. Which number, please, for the shorthand note?- A. 23.

Q. So that is a photograph of some kind of barricade? - A. I think that is the one I described.

A
Q. JUDGE COLES: I am afraid you are reducing yourselves to a private conversation and the shorthand writer has to make a note. Do you follow? It is very difficult. Could you repeat that last answer, please? - A. I think that is the piece of material I saw and described as a small barricade. As to whether it was on a photograph or on the day in question I cannot really remember.

B
Q. MRS. BAIRD: Right. You may or may not have seen photograph 23? - A. Possibly.

Q. You think you saw the actual things shown in 23? -A. If I did not see the photograph.

C
Q. One or the other. You cannot say which. Did you see photograph 22? - A. From memory, no.

Q. I know this is difficult because we can only say if you saw photograph 23. Can you remember what you were being asked about if you looked at that because there are not any policemen on it so it must have been a different question? - A. Do not remember at all - I do not know -
D
Q. remember if I was shown it whether it was from memory or on the day I saw this piece of material.

Q. I think you already told us some time after you came back from the Command Post having left Mr. Forster you saw something like that? - A. Possibly, yes.

Q. Did you see any other photographs in that bundle or just that, two or three? - A. I seem to recall having seen some of these sort of scenes, pickets going down the embankment towards the railways.
E

Q. Scenes such as those shown in photographs 0 and 1 and 2? - A. Yes.

Q. Again, what were you asked when you looked at those because there are not any policemen on them? - A. I think they were just part of a booklet that was handed around.
F

Q. Were you asked anything particularly? - A. Not individually, of course. Just have a look through the book, etc. See if you could identify anybody.

Q. Do you think there were more photographs as well as the ones you have now identified? - A. I remember at least one bundle of pictures - that is about all I can say for definite - and the colour blow-ups of Mr. Scargill and the Officer I know as Eddie.
G

Q. So the pictures of Mr. Scargill were bigger than that? - A. Yes, slightly bigger than that. Been blown up.
H

Q. Having mentioned the whole of Exhibit 21 and the blow-ups of Mr. Scargill, perhaps the barricade and the ones at the front, do you think that is all the photographs you saw of that episode or might there be more? - A. There was a maximum, I would say, of three lots, including the blow-ups of Mr. Scargill. There were not four or five sets or anything like that.

Q. What interests me, you described the photographs you were shown as policemen with debris. I think we have yet to find a photograph you say you have seen which shows that. I think with the Court's indulgence we will continue.

JUDGE COLES: Yes.

Q. MRS. BAIRD: Can you look at Exhibit 22? - A. I have not seen this photograph before.

Q. You have not. That is Rock on Tommy photograph as we know it, know it and love it. Exhibit 24, that is divided into sections A, B and C, I think E as well now. - A. 24A?

Q. Yes. - A. I do not recall having seen any of those photographs before.

Q. Is that 24? Have you looked at A, B and C? - A. Yes. I have gone through all three sections.

Q. You do not think you saw those. Right. Exhibit 25 does not sound like one you are likely to have seen. That is a photograph of some lumps of wood just lying on the table. Do you recall anything like that? - A. I do not, no.

Q. Exhibit 26. Just a photograph - perhaps I can explain it to you, Mr. Jones - just some photographs of a garage and some vehicles. - A. No.

Q. No people. - A. Not from recollection.

Q. Exhibit 27 which is quite a thick bundle of photographs like that coloured one. - A. Yes. There is also another bundle

Q. I think it is the same thing but smaller. It is easier to look at the bigger one. Just flick through and see whether they mean anything to you, please, in the sense of whether you have seen them before or not. - A. No.

Q. Right. Exhibit 29 is a single photograph. - A. What size is it?

Q. It is, I think, the same size as Exhibit 21. Maybe slightly bigger. It is black and white. Should be a Police Officer almost on the bridge. - A. I have not seen that photograph before.

H

- A** Q. You have not. Right. We have done 30. We have done 31A. 31B is about the size of 31A but a black and white photograph. - A. No, I am sure I have not seen that before.
- Q. Right. That is a photograph of Mr. Foulds being arrested. Thank you, Mr. Jones. Did you see any little photographs of people's faces, Mr. Jones? - A. I do not recall seeing any small.
- B** Q. No photographs of arresting Officers with their prisoner? - A. Saw Constable Scotland.
- Q. With Mr. Forster? - A. Yes.
- Q. What were you asked when you saw that? - A. I do not know to be quite honest.
- C** Q. So that was brought across to Merseyside to you? - A. Obviously, yes. I remember having seen a photograph of Constable Scotland with Mr. Forster.
- Q. You cannot remember more about it than that? - A. No.
- Q. Exhibit 35 is a thicker bundle of photographs the same sort of size as that and coloured. - A. No.
- D** Q. None of that at all? - A. Not that I recall.
- Q. Right. We have already looked at Exhibit 40 and 40A. Exhibit 45 is just a bundle of views. Do you remember being shown any views with no people in them? - A. Not from memory, no.
- E** Q. I should not bother with it then. Exhibit 46 is a photograph, I think, of a man with his head bleeding. - A. I do not recall having seen 46.
- Q. Right. 47 is just a view, I think. - A. I do not recall having seen any of those.
- F** Q. Do you say you do not think you saw any views? - A. Any of those pictures.
- Q. I think at an earlier stage you might have said you did not see any views. Just look at Exhibit 53 any way. That is a bundle of coloured pictures. - A. No.
- G** Q. Right. That, as far as I know, is all the photographs we have got exhibited here and I still do not think we have found any of the policemen with debris? - A. The only thing I can offer as an explanation for that is maybe I have confused what I saw on the day with what I saw on photographs. They are the photographs I have seen from memory any way.
- H** Q. Do you think there were no more than that now? - A. The ones

I have identified seem to be about the number of photographs that were brought over.

A
Q. Right. Thank you for your help on that.

MRS. BAIRD: I now have probably stapled copies of Mr. Scotland's statement and this Officers for the jury.

MR. WALSH: For reference, this Officer's statement will be Exhibit 63.

B
JUDGE COLES: Thank you.

MRS. BAIRD: Thank you. With Your Honour's leave, may I ask the jurors to alter that typing mistake in Mr. Scotland's statement?

C
JUDGE COLES: Yes. That would be a very sensible thing for them to do.

MRS. BAIRD: Members of the jury, the statement of Mr. Scotland on the second page has a mistake on the typed copy. If you count three lines up from the very end of it, it says, "Forster was then taken to reception," and it should be crossed out and "hospital" should be written in. That is what it says on the original. Hospital.

D
JUDGE COLES: And it was a typing error.

E
Q. MRS. BAIRD: Did you tell us on Friday that the way your own statement was made was because you were asked by somebody to make one about the events? - A. Yes. Some time later I was told I would have to furnish a statement of my own independently rather than signing Constable Scotlands.

Q. Was that an Officer in your own Force who told you that? - A. I do not remember how it came across. The message had come from South Yorkshire to this effect. How I got it I cannot remember.

F
Q. I think you went on on Friday to say you asked for a copy of Scotland's statement? - A. That is correct, yes.

Q. And it was sent to you, was it? - A. Through dispatches. I do not remember whether it has been a typed one or photo-stat copy of the original to be quite honest.

G
Q. Are you quite sure this was not the position, that in fact what came through dispatches was your own statement typed? - A. No. I typed my own.

Q. You typed your own out? -A. Yes.

Q. I tell you this just to give you the fullest picture. We have heard from in fact Constable Moore he received a copy

H

- of his statement through the post already typed for him to sign. Was that not the same with you? - A. I think - I can only say I think that I typed it myself from memory. How many months ago was it now?
- A** Q. The 18th of August or the 3th of August. - A. I really do not know. Eleven months ago. I thought I typed it myself.
- Q. Bearing in mind the mistakes we rather laboriously unearthed on Friday is not it more likely you have just had a typed copy sent, signed it and not read it through? - A. It is very difficult to say. As from memory I thought I typed it myself.
- B** Q. If you typed it yourself that meant you would substitute your own name every time Scotlands came up and so on. Can you remember doing that exercise because identical except you have swapped your names around? - A. I really do not remember.
- C** Q. Right. Have you got your original statement there? - A. Yes, the original one that I signed, yes.
- Q. We have dealt with a great deal of it and I am not going to repeat but now the jury are in a better position having copies of their own I think you made it clear almost dictated to you were the first two sentences but you think that 3,000 was your own estimate? - A. Yes.
- D** Q. Are you sure of that? - A. Positive.
- Q. You are. So at that stage you and Mr. Scotland, as it were, stopped listening to the picture that was being given to you and started to discuss yourselves? - A. That was the only picture that was given to us at the time and they told us from then on put into words what happened and why you arrested the person you arrested.
- E** Q. You say in that second paragraph you were standing with Scotland blocking off Highfield Lane, missiles were thrown and a number of Officers were struck and fell to the ground? - A. Yes.
- F** Q. At what stage did you see that? Was that when you were behind the main cordon or when you were a shield man at the front or what? - A. During this period I can identify one Officer who was struck with I think it was a bottle actually on the head. He is one of my unit.
- G** Q. Perhaps you can tell us. - A. It was Constable Barnes. I remember seeing the bits of glass in his riot helmet even after the event.
- Q. And where were you when you saw that? - A. On the bridge, I think. On or near to the bridge somewhere. I cannot specifically remember exactly where. I think Constable Barnes
- H**

was to my left at the time.

A. Because you have got a long shield; I must say I have not got a clear picture of the role you were playing that day. You have told us of three charges, the third one involving the arrest of Mr. Forster. - A. Yes.

Q. On the preceding two had you been with short shield men behind the main cordon and run through or had you been at the front of the main cordon? - A. There was a cordon of Police Officers who were not wearing protective equipment. Initially on the first charge we were deployed to the right-hand side in front of them with short shields and West Midlands were deployed to the left side, as I recall. Each time the horses went through the short shields would go after followed by the long shield men till they returned. They used to regroup and return. Then the long shields would go across the front again to hold the static line.

Q. JUDGE COLES: A little more slowly, please. Remember the shorthand writer.

Q. MRS. BAIRD: I think I know what you are going to tell us about. Let's try and break that down when you see the shorthand writer has caught up. You were deployed at about quarter-past-11, I think. Does that sound right? - A. I really do not remember what time it was.

Q. That is in the P.S.U. booklet in respect of your unit so it is bound to be approximately right. - A. I would imagine so.

Q. When you personally were first deployed you say you were put at the front of the main cordon with your long shield? - A. Yes. There were already long shields there but my unit was a short shield unit and my unit went through. About four or five Officers out of the Officers in my unit had long shields. I was one of them.

Q. Is it your recollection all of those Officers with long shields in your unit were put to the front of the cordon? - A. They went through with us. We all went together.

Q. You say they went through with you. - A. Gap opened.

Q. Went through with you. Then you stood just protecting the cordon, did you? - A. I remember a gap opening for us on one side and West Midlands on the other. I remember the horses charging. I think a gap opened for them possibly as well.

Q. What I am interested in is what you did when the gap opened. Did you charge forward with short shield men - A. Yes.

Q. or simply go to the front of the cordon and stand with your long shield? - A. I followed the short shields through with the long shield.

- Q. When you went through, that is the main cordon of Police, we are talking about six or seven deep. When you went through and ran on were the long shields already protecting the front of that cordon? - A. I think they were, yes, at that stage.
- A
- Q. On the three charges we have heard you mention did you on each occasion act as if you were a short shield man running behind those? - A. I merely followed up the short shield Officers. I did not have any contact at all with any of the pickets.
- B
- Q. So as the cordon opened for the first time then horses went through, your colleagues with short shields went through and you and the other three or four who had long shields? -A. I cannot speak for the other Officers. I remember other Officers with long shields near to me when we reached the top of the road, so I can only presume they came through as well.
- C
- Q. Mr. Brophy had a long shield. - A. That is correct.
- Q. At least at some stage. - A. I think so.
- Q. Did you see him with a long shield? - A. I think he had a long shield.
- D
- Q. Were you conscious of him at any time? - A. After I went into the line, no.
- Q. Having run forward then on the first charge, just so I can really understand your role, the horses went, the short shield men went, you went behind, the pickets retreated, the horses came back? - A. And the short shield men. And by then I think another cordon was being formed possibly 40 or 50 yards up the road. Still on the field at this stage before we had reached the bridge for the second one.
- E
- Q. You ran up the field? - A. Yes.
- Q. The first charge? - A. Yes. I think we may have been on the roadway actually. The whole line was spread across a field as I remember.
- Q. Yes. The horses came back. The short shield men came back. Did you come back or did you stay in advance? - A. I think I stayed at the leading group of long shields.
- Q. What happened then? Did the main cordon come up to join you? - A. No. I do not remember to be quite honest.
- G
- Q. But it sounds as if a few long shield Officers were left as an advance cordon? - A. Each time the other Officers retreated back from having chased the pickets they grouped behind long shields again. I can only presume the original line of long shields had moved up. The Police Officers
- H

A without protective clothing I recall seeing some distance behind as we advanced.

Q. Was it at that stage when they were behind you you saw Officers hit with missiles? - A. No. I think they would have been out of the range of pickets throwing missiles, without protective equipment, once the initial charge had been made.

BQ. If you saw Officers as you describe in the statement struck by missiles and fall to the ground that would be before any charges made by you? -A. No. I remember that happening on the bridge, when we broke out on the first charge from the bridge. Several Officers fell down.

Q. On the bridge? - A. On the bridge, yes.

CQ. Not before? - A. I cannot remember what happened before. I certainly remember it happening on the bridge.

DQ. The way you have put it in your statement is this. We were blocking off Highfield Lane. A large number of missiles were thrown at us. I saw a number of Officers struck by these missiles and fall to the ground. Then I together with other Officers were ordered forward to disperse the pickets. You see, you have put the sequence as men being hit by missiles and falling before you ever charged. Now you are changing that? - A. No. I think possibly some of that happened on the approach to the bridge as well. It was happening all the way through, men dropping around me all the time. I can only say that as a specific instance I distinctly remember certain people falling, in particular Constable Barnes, at or near to the bridge or just the other side. It was near the top of the hill somewhere.

EQ. What is interesting about that is your recollection is strongest about people being hurt later, yet in your statement it is before you ever run and that is a very common pattern in these statements and I wonder whether that is not why it is at that stage in your statement. - A. What is at what stage?

FQ. Before you ran. Is not that because your statement is following a pattern? Much further down than you say? - A. No, not at all. The words in the statement are entirely our own.

GQ. Entirely your own?- A. Entirely our own, excluding the original introduction to it.

Q. Once we get to approximately 3,000, thereafter? - A. Nothing at all was put in the statement other than what we put ourselves.

HQ. The words were entirely your own? - A. Our own.

- Q. The sentence structure and all that, entirely your own? - A.
A All Police Officers are trained in a similar fashion to write statements any way. Obviously certain incidents that happen should be in the correct sequence, I appreciate.
- Q. Are you saying you have got that out of sequence - A.
 No.
- Q. in the statement? -A. Not particularly. I can only say
B I remember Officers falling all the time. At various intervals, as we advanced and as we charged, Officers fell probably on each occasion we charged and particularly remember Constable Barnes falling.
- Q. Why did you put that in at all? What has it got to do with arresting Mr. Forster? - A. It is evidence of what was happening on the day. We were not charging him for no reason
C at all. They were not just a quiet bunch of men doing nothing. We were under bombardment. Considered it relevant at the time.
- Q. What has it to do with Mr. Forster though? - A. Mr.
- Q. Why did you put it in when what you were concerned about was Mr. Forster? - A. He was part of that group.
D
- Q. As a matter of fact the evidence was he was not - long before you charged at all. Do you see - you do not know whether he was or not, do you? - A. He was with the group of pickets retreated from us. I identified him in the field as being the person who threw the missile which hit Constable Scotland's shield.
- Q. Are you telling the jury Mr. Forster was in the group of pickets on the field at the time you have recalled you saw people falling down? Are you? - A. When I saw Constable Barnes falling I was not aware of where Mr. Forster was.
E
- Q. That is what I am asking you. The evidence will be, just as a matter of interest, he was nowhere near this area until he approached the bridge to eat his pork pie. He was in a queue in Asda to buy it. Why therefore is it relevant to him to put in what other people might have been doing further down the road? Tell me that because you put it in. - A. It is part of the reason why I was there.
F
- Q. But you are not required to justify your presence, are you, in order to report you made an arrest? Why is it in? Nothing to do with Forster? - A. It is normal procedure with every job I deal with, with even the simplest jobs such as a burglary, you are deployed to the area and the reason why. I do that on all my evidence. I am trained to write statements that way.
G
- Q. It is puzzling, do not you agree, you bother to put something like that in which has nothing to do with Mr. Forster and yet
H

- A** you completely miss out all this business I went through with you last Friday, you standing and watching him, a long time, struggle in the cornfield, miss all of that relevant to him out and put in something nothing to do with him. Why is that? - A. You could write a statement 11 pages long and put in all the finer details if that was what was necessary. We tend to try and pick out what we consider relevant to prove the job.
- B** You have put something in irrelevant to Mr. Forster, yet left out important matters which completely change what you say you did, do not they? - A. We have proved in our statement at that time there was a large-scale disturbance taking place if nothing else. There was a public order situation. That is why we were wearing riot equipment.
- C** Q. "A number of missiles," carrying on, "struck both my shield and protective helmet as I advanced over the bridge on Highfield Lane." Is that right? - A. That is correct, yes.
- Q. That is exactly the same as in Scotland's statement. Do you and he both agree? - A. It is hardly surprising actually, the number of missiles falling down on us.
- D** Q. I should not worry about that because you were there when this statement was made by Mr. Scotland. Were you discussing that? - A. I was aware Constable Scotland had been hit by what he told me.
- Q. Scotland, when you were writing this out on the 18th of June, when you were with him, Scotland was saying oh yes, he had been hit by several missiles too? - A. We discussed the statement as we done it.
- E** Q. I want to know, is it your individual experience you were hit by several missiles? - A. Yes, certainly.
- Q. Is it also his at the time? Do you understand that? - A. From what he told me, yes.
- F** Q. Not just the one on his helmet? Several? - A. From memory. I do not know. He told me he had been hit by missiles.
- Q. When you advanced over the bridge on Highfield Lane you were carrying that long shield? - A. That is correct, yes.
- G** Q. Was not it quite difficult then to be hit on your helmet by a stone? - A. No. You are told to leave the top part of your helmet exposed. That is what you have a helmet on for, believe it or not. The idea is missiles will bounce over your shield. If you hold the shield off the floor, can bounce underneath the shield.
- Q. Is not that shield 6 feet tall, the one you were carrying? - A. Probably is, yes.
- H** Let me suggest to you if you are going up Highfield Lane with

A a six foot high shield, going to be very difficult, especially on the bridge, to be hit on your helmet. Stones are coming this way, are not they? - A. Further to what I have already said, at one time on the bridge I had the shield - there was a front line of shields - I had the shield over the top of them, protecting the Officers immediately behind them from missiles (Shorthand writer indicated witness speaking too quickly)

B Q. JUDGE COLES: Please watch the shorthand writer who seems to be showing some signs of distress again. - A. The statement, if I can carry on, says the missiles struck us as we moved forward, having broken the initial line.

C Q. MRS. BAIRD: The part we are reading from now where you refer to missiles hitting you says that happened "as I advanced over the bridge on Highfield Lane"? - A. At that point then the static line of shields had broken to let the horses through and also the short shield men at which point the shields in the line would then break up and advance behind the others. That is the stage we are describing.

Q. You continued to have a long shield six feet high in front of you as you advanced over the bridge, did not you? - A. H'm.

D Q. Can I just suggest this to you? It would be virtually impossible if you went over a bridge with a parapet up here, quite high, and the shield in front of you, bearing in mind where the missiles were coming from, really quite impossible for you to be hit on the helmet? - A. Not at all. Depends what angle and elevation the missiles are thrown at. If thrown up in the air, come down like rain which is what a lot of them tending to do. Not going to throw them directly at the shields. From what I can gather, trying to hit us, not the shields.

E Q. You can see the difficulty you are in. If you are right behind the shield as tall or taller than you how are they going to get over and hit you on the helmet? Anything going to go over your shield, straight past you? - A. I do not foresee any problem being hit on the helmet. Obviously you do.

F Q. The fact - like a good deal more of your statement - just a form of words, a pattern. Is that it? - A. I was there on the day. You can choose to believe what you wish.

G Q. Do you want to answer the question or just give me some kind of clever answer?

JUDGE COLES: Now.

THE WITNESS: I am not trying to be clever. I know what happened. I have already told you. If you choose to believe otherwise that is entirely up to you.

H Q. MRS. BAIRD: The fact is that point there, Highfield Lane, where the near dictation starts in that statement? - A.

Not at all, no.

A Q I suggest you very seriously exaggerated how much missiling was actually taking place when you were on the bridge. - A. Not at all, no.

Q I suggest it is quite unlikely you were hit at all at that stage. - A. Do you wish me to answer that?

B Yes. - A. I have already told you in my statement I was hit on the shield and on the helmet.

Q Because all the time you are well behind short shield men you are chasing the stone throwers away, are not you? - A. The short shield men rapidly accelerate away from the front line with long shields. That is why they carry short shields.

C Q As they rapidly accelerate so do the stonethrowers and you do not appear out of the cordon until all that has taken place, do you? - A. Not at all. There were only about 80 Officers on the bridge in the front line, front group, about 80.

Q But you were coming up behind all the short shield men? - A. I have told you already, only 15 short shield men in my unit, only two units to my knowledge in the front line. That is only 30 Officers.

D Q I think there were four P.S.U.s. - A. Possibly you may know better than me.

Q That is a considerable number of short shield men. - A. I was not aware of that

E Q I think you are going to find two in each, two West Midlands and two Merseyside. Is not that your recollection? - A. No. I was only aware of my own unit. I do not know if other Merseyside Officers were in that front line.

Q If the pattern you have described now on three occasions is right the short shield Officers were always in front of you? - A. No. Immediately they broke through, accelerated through a channel and fanned out into the road. No protection at all to other Officers behind them. They are not supposed to be protected (Shorthand writer indicated witness speaking too quickly)

F **G** MRS. BAIRD: Would Your Honour wish to give the shorthand writer a rather better break than the one she is having at the moment? I have noted the time.

JUDGE COLES: Yes. About time we had our morning break. Break for 15 minutes or so.

(Short Adjournment)

H

Pol. Con. PAUL JONES Recalled

A Cross-examined by MRS. BAIRD:

Q. Mr. Jones, I have not got many more questions for you. Would you look at this, the aerial photograph? I cannot remember to be honest whether you have looked at this or not but can you find the field on there where you arrested Mr. Forster? Let me ask you if it is that. - A. I think it is this one here.

B Q. Right. There is the bridge. - A. Yes.

Q. Have you got your bearings reasonably well? Small wall we pointed to in the photographs is running along the roadside. What I want you to tell me is whereabouts in that field was the group of six or seven of which you say Mr. Forster formed part. Perhaps you can put a mark on it. - A. There. Put my finger at a sort of right angle as we come over the bridge.

C Q. You had better turn round and show the jury. - A. Somewhere around there.

Q. So that is not very far away from the road? - A. About 30 yards.

D Q. 30 yards from the road. 30 yards from the nearest point on the road? - A. Oh, no. The nearest point on the road, 10/15 yards maybe.

Q. Right. But some little distance actually into the field toward the houses. How far do you think in from the railway line? Just your best guess. - A. Where he was arrested on the floor, he dropped back actually towards the railway line from where he was initially chased.

E Q. He ran toward the railway line? - A. Yes. That is where the other group had run as well and they ran back towards him.

Q. So do you say the group of pickets you allege were with him had also run towards the railway line? - A. Yes.

F Q. And further down the field, down the lane, to the railway line? - A. Yes. They went further away than the accused. Then they started to return throwing missiles, backed off and went into the field.

Q. So the path of their return would be - what - parallel to the railway line more or less, would it? - A. Not quite. I do not think parallel to it. I think coming back into the field on a hill as well.

G Q. On a hill going down. They would be coming back uphill. I think the road, not quite parallel to the railway, running more to the houses? - A. To where their friend was on the floor. I presume they were his friends any way.

H Q. Could you be completely mistaken about Mr. Forster being in

the group at all? - A. He was at the forefront of the group I saw.

A

Q. I suggest what happened is this. Did you at all see Mr. Forster on the roadside sitting on a wall before the short shield men ran? - A. I did not see him.

Q. When you went along that road over the bridge I suggest Mr. Forster was standing in the field, he had just arrived in the field and he was simply watching the policemen run past on his own. - A. Prior to when I saw him throwing the missile?

B

Q. I of course suggest you never saw him throwing a missile. - A. Prior to him throwing a missile I cannot say I specifically picked him out from the group. It was the arm action I saw, identified him to me.

C

Q. I am suggesting he was on his own and not in a group and, indeed, that is why, I suspect, you ran at him? - A. No, not at all. I never ran at him. Constable Scotland did.

Q. You followed - this is the second thing I want to suggest to you - very quickly after Scotland, within a matter of seconds? - A. Not at all. I never went into the field until Constable Scotland and the accused were lying on the floor.

D

Q. The third thing I want to suggest to you is you actually went into the field right beside the bridge, as soon as you got over it you went into the field, did not go further up between lamp posts 1 and 2 as you described? - A. I do not think so. It is difficult to say exactly where I went over the bridge. I had gone over the bridge and past part of the wall on my right-hand side. I did not immediately go in I think he returned out of the field near the bridge.

E

Q. That accords with his recollection as well. My suggestion is you really just ran over the bridge and went straight over the wall at that man on his own in the field. - A. No, not at all.

F

Q. I cannot say whether you went in front of Mr. Scotland or behind but I suggest he was the leader, as it were, in the expedition. - A. At no time did I go into the field until I saw the accused on the floor with Constable Scotland.

Q. And as to why you went after Mr. Forster, I simply suggest to you not much more than he was on his own and you both were tired out after running and had not you been ordered to make arrests on that last charge? - A. I think we had, yes, actually.

G

Q. For the first time? - A. I think so. I think the first two instructions, as I recall, were to disperse the crowd and the third time it was take prisoners if you could.

H

Q. I suggest you had just had enough by then and take a prisoner is what you did. - A. Hardly. I returned to the scene, what

was going on. As soon as the prisoner was in custody I went back for a further two hours after that at least.

A

Q. Scotland did not of course? - A. No. I understand now he went to the hospital.

Q. I suggest you both ran into the field, Scotland ahead of you, Mr. Forster at once turned on his heels and fled, Scotland got him, pushed him down and said, "Stay down, you bastard," put his truncheon across the back of Forster's neck and I suggest you were right behind when that happened? - A. No. When the accused fell to the floor I was still on the roadway near to the bridge.

B

Q. I suggest Scotland's recollection here is better than yours. You were there to pull Mr. Forster to his feet at once? - A. I pulled Mr. Forster to his feet after a delay. Been on the floor at least five or six seconds.

C

Q. There was no struggle at all? - A. When I pulled him to his feet he did not resist at all.

Q. No struggle at all from his contact with Scotland to being down at the Command Centre? - A. When I ran over they were still struggling on the floor. I think Constable Scotland was on top of him actually.

D

Q. In fact, the arrest was made very, very quickly indeed, right at the start of the first charge over the bridge? - A. I think it was the first charge over the bridge.

Q. And right at the start you would be quite early over the bridge, both you and Scotland, and the arrest was made before any policemen had got as far as even lamppost 2? - A. No, there were policemen as far and possibly even, probably even, beyond lamppost 2 when I went into the field. As I recall Constable Scotland, I do not think he was at the very front.

E

Q. I suggest your story you stood on the road by that wall and watched for a period of some seconds is completely inconsistent with what was happening, that at that stage short shield men were running up the road? - A. Behind the mounted.

F

Q. I have to suggest there were no mounted officers on that charge, none at all. - A. Maybe I am wrong in the fact I thought the officers led each of the three charges. Maybe I was wrong on the third one. I do not know.

G

Q. You told me on Friday when I doubted you on that you were absolutely sure there were mounted that time? - A. From memory. I may be wrong. As I have said, I am not infallible. Can make mistakes.

Q. Fairly large mistakes? - A. Not so big. Long time. I remember mounted officers charging up that road. As to whether the first, second or third I do not know. I do not

H

know how many charges were even made from the bridge. Certainly one at least. Probably two or three.

A

Q. This charge must stick in your mind, does not it, since it was the one that was eventful? - A. The part that was eventful to me, yes. Whether or not the horses charged on the initial charge from the bridge is not very important to me.

B

Q. I respectfully suggest there were no horses at all with that charge and what you told us last Friday you were absolutely sure they were, is just another example of how we cannot rely on your evidence at all? - A. There are photographs in this collection here of horses ahead of the point I went into the field.

C

Q. We are concerned with your recollection. What do you want to say? Were there horses on that charge or not? - A. I do not remember horses on the third charge. I thought horses led each of the charges.

Q. Again, having told us you were sure on Friday that is the difficulty with your evidence, you cannot now really say? - A. I admit I may have made a mistake. Might not have led that charge. I do not know.

D

Q. Are you a man who when he is not sure of things will say he is sure if he thinks it is a good idea even on oath? - A. I have just proved otherwise, have not I, by saying I may have made a mistake?

E

Q. Now, you have seen some photographs, have not you, lots of photographs? Let me carry on. My suggestion is the arrest was very early because you went over the wall right at the edge of the bridge, got him straightaway, he did not struggle and that in fact you brought him back - shall I put it this way - in quite a leisurely way? - A. Not at all, no.

Q. You did not hurry at all? - A. Not at all.

F

Q. So that although the arrest was made very quickly I suggest to you he was actually brought back behind people who had been arrested at a later stage? - A. No other officers in the vicinity of myself and Constable Scotland in the field where the arrest was made. No officers within 20 yards of me on my recollection.

G

Q. There were arrests made up that road on the opposite side and so on and you brought your prisoner down after those arrested further up that road, I suggest? - A. No idea. I do not know anything about the other arrests. I did not see them.

H

Q. That is because really no rush to get out of this field. No group of pickets was running back to stone you at all and that is just a fabrication, is not it? - A. Not at all, no.

A

Q. Are you really suggesting the people you have repeatedly called Mr. Forster's friends were throwing stones at two men rolling on the floor, one of whom was him? - A. One of whom was a Police Officer.

Q. And the other was Forster? - A. Yes.

Q. So just as likely to hurt him as the policeman, are not you? - A. Not for me to say. More than likely are, yes.

B

Q. That is just nonsense. Did not happen, did it? - A. I can only say what I saw. I saw a group of pickets throwing missiles at Constable Scotland when lying on the floor struggling with the other man. That was the sole reason I went into the field at that stage.

C

Q. The fact of it is you and Mr. Scotland have put your heads together to find a reason for arresting a man who just happened to be unfortunately on his own, a bit older than some of them so he could not run so fast away? - A. Not at all.

D

Q. Having grabbed him you have got to justify it and that is what you have been trying to do. You and Mr. Scotland not only put your heads together over the statement but you have also discussed your evidence since he gave it, have not you, since he gave his? - A. No, no time.

Q. I specifically suggest - A. I was placed in a different hotel than Constable Scotland.

E

Q. I suppose there are telephones in Sheffield. - A. I do not know what hotel he was staying at.

Q. I specifically suggest to you you have discussed your evidence with him - A. No.

Q. since he gave his evidence to this Court? - A. Not at all. At no time.

F

Q. If it really happened as you suggest it did, Mr. Jones, you are behind a whole series of short shield men going forward, all around on three sides are pickets throwing stones and Police Officers chasing pickets throwing stones. Why did you notice Scotland in particular chasing? - A. I did not know it was Constable Scotland - at that stage, when he split from the group, I knew it was Constable Scotland then. I just followed his line, where he went.

G

Q. Let's be clear because I think you started to tell us you did not know it was Constable Scotland. - A. I did not know

H

Q. At what stage did you know? - A. I knew when he was immediately in front of me, four or five yards in front of me.

Q. Why were you starting then to say you did not know? What were you going to say? - A. Just confused.

A

Q. Or perhaps about to give one story and quickly rethought and changed that? - A. No, not at all.

Q. How did you know it was Scotland in all the other policemen there? - A. Constable Scotland's headgear is different than anybody else's on our unit. His riot helmet is a different colour.

B

Q. We know it has not the chequered band round. That is what you mean, is not it? - A. His I think is black. All the rest of ours are blue with chequered band.

Q. We did not hear from him. I do not think I asked. - A. Different from mine.

C

Q. There were a lot of other policemen with you who did not have chequered bands round their hats? - A. Yes. I think some had lettering and such at the back.

Q. And some did not? - A. Possibly.

D

Q. So, as we have heard from many an officer, not easy to see who a policeman is when he has got all that gear on? - A. His helmet certainly distinguishes Constable Scotland.

Q. Even as you are moving he is moving and he is surrounded by other policemen without chequered bands on because there were some West Midlands? - A. The West Midlands Officers were on the other side of the road to us.

E

Q. If it is so easy to be sure it was him tell us again why you started to say you did not know it was him a moment ago. - A. I was just confused.

Q. Your story is this too, is not it? A group of six or seven pickets throwing stones and one man on his own goes running into the middle of that? - A. You do not know Constable Scotland as I do.

F

Q. Do you want to make any other comments on that? - A. Not really. I know Constable Scotland is particularly brave.

Q. Your story remains, does it, six or seven pickets throwing stones, one man on his own? - A. Not all throwing stones. Some throwing stones. The accused was at the front of the group.

G

Q. Much more likely, is not it, I am right, one fellow on his own and Scotland on his own who started to chase and you to follow? Is not that the way it was? - A. Not at all.

Q. You told us you were sent a message when Scotland got back

H

A from hospital to say you should go and make a witness statement? - A. I was told to go and see Constable Scotland at the Command Centre where the prisoner had been lodged.

Q. Did you know what for then? - A. Not at all.

B Q. Because there cannot be any way Scotland knew at that stage you had witnessed this incident, can there? - A. I had assisted in the arrest of the man and Constable Scotland knew that.

Q. Assisting in an arrest, particularly when you put it the way you have, joining in some seconds later, does not mean you witnessed the incident, does it? - A. I do not recall whether we even discussed the incident prior

C Q. Let me put this to you. You certainly did not discuss it on the way down the road with Mr. Forster, did you? - A. I do not recall the conversation, to be quite honest.

Q. By the time he came back from hospital Scotland could not know you witnessed the incident at all, could he? - A. Possibly that is why he sent for me, to ask me if I witnessed it. I do not remember.

D Q. Your evidence was much more definite on Friday. You said someone sent for you to make a witness statement. Now you want to say differently, do you? - A. I cannot specifically say I remember someone saying go over to make a witness statement. That was what culminated out of me going over. Maybe I did not put it across clearly.

E MRS. BAIRD: Your Honour, I have a photograph to put before the Court and I am really only putting half a photograph before the Court. I hope that is acceptable for the time being. It is an attempt to enlarge a section of a photograph. In due course I imagine the whole thing will be produced. I am only concerned to look at the enlargement. May I hand it to the Officer?

F JUDGE COLES: What do you say about that?

MR. WALSH: I think if the Officer is going to be asked to look at a photograph he ought to see the whole of it.

MRS. BAIRD: I do not have the whole.

G MR. WALSH: I thought my learned friend would have that from which the photograph has been enlarged.

MRS. BAIRD: I am afraid it is in Nottingham with my instructing solicitor.

JUDGE COLES: What is he doing in Nottingham?

H MRS. BAIRD: Someone else is present but he is dealing

with a trial there as well. Will Your Honour take a look at it?

A

JUDGE COLES: Of course I will take a look at it. Yes. Do you have the other half of it?

MRS. BAIRD: No.

JUDGE COLES: Have you seen it, Mr. Walsh?

B

MR. WALSH: No.

JUDGE COLES: I think you had better. Sorry, members of the jury. It is this old business of proving things. It is a matter which has to be taken extremely seriously. You just cannot look at something unless they are strictly proved.

C

MR. WALSH: I have seen half a photograph.

JUDGE COLES: Yes. I take it the other half of the photograph is relevant to some other defendant. Is that the position?

D

MRS. BAIRD: That may be the view of one of my colleagues, yes. It is certainly not relevant....

JUDGE COLES: If you are going to prove this in due course you prove it by production of the negative unless you produce half a negative.

E

MRS. BAIRD: No, that won't be a problem in due course.

MR. WALSH: I do not want to cause problems. I do not know but I might want to ask this Officer about the whole of the photograph and, indeed, it seems to me he ought to be entitled to see the whole of the photograph in case something else on the rest of it rings a bell in his mind.

F

JUDGE COLES: Well, cannot those difficulties be resolved by reserving the position?

MR. WALSH: I suppose that will have to be.

MRS. BAIRD: I am obliged.

G

JUDGE COLES: Yes. Very well. Upon an undertaking being given. I do not suppose you have any copies either?

MRS. BAIRD: I am afraid I have not at present. Will in due course.

H

MR. WALSH: Make it very difficult for everybody to follow the question.

A

JUDGE COLES: It is rather. We shall do our best for the time being. You must produce the full photograph to Mr. Walsh at least before too long expires. I only hope your instructing solicitor's case in Nottingham is rather shorter than this one.

MRS. BAIRD: It resembles this one with appalling closeness.

B

JUDGE COLES: Oh dear. Let's hope we can have some of his attention. Can you cause the photograph to be produced in the next day or two?

MRS. BAIRD: I am not sure in the next day or so. Not expected to come back this week at all. Try and arrange for it.

C

JUDGE COLES: I am sure not beyond communication.

MR. WALSH: Nottingham, in case my learned friend does not know, is not that far from Sheffield.

MRS. BAIRD: I am not volunteering to go.

D

JUDGE COLES: I was not going to order you to go but I think a message can probably be got through to your instructing solicitor.

MRS. BAIRD: I am sure there are means.

E

JUDGE COLES: I hope any documents which relate to this Court and not to Nottingham are made available to this Court. Yes. Do you want to put the photograph?

MRS. BAIRD: Yes, I do:

Q. I am going to put a mark on this photograph in order to direct your attention to where I want you to look. - A. Yes.

MR. WALSH: Perhaps this should be numbered 64½.

F

JUDGE COLES: That seems fair, does not it?

MRS. BAIRD: Funniest thing Mr. Walsh has said in this trial. I compliment him on that. I think the exhibit obviously is conditional on this Officer saying it makes any sense to him at all.

G

JUDGE COLES: Of course:

Q. Does it make any sense to you? - A. Two people in dark uniform appear to be police officers in the background. Certainly two people behind the two men in white shirts. Could possibly have been myself and Constable Scotland returning the accused to the

H

Q. MRS. BAIRD: If you look with immense care at that group

A MRS. BAIRD: Your Honour, it can be passed along in a moment:

Q. Do you remember what colour of clothing Mr. Forster was wearing that day? If I say royal blue would that be right?
- A. Possibly darker clothing, yes.

B Q. What I would like you to look particularly closely at and if you really look closely - it has taken me several weeks - you can see in the middle of two figures a lighter spot of blue? - A. Between where?

Q. The two people you think might be Scotland - A. Yes.

Q. You can see two taller figures, cannot you? - A. Yes.

C Q. Something smaller between them? - A. Between them?

Q. If you look tremendously closely I think the lighter colour of blue is visible between what I suggest is you and Scotland. Can you pick that up or not? - A. Yes, possibly, yes.

D Q. JUDGE COLES: I think what is being suggested is
- A. there are three people in the photograph.

Q. Yes. - A. Where the dark uniforms appear to be.

E Q. MRS. BAIRD: Yes. I am suggesting the two dark uniforms are very dark like that and there is a splash of something lighter between them. Do you agree? - A. Yes.

Q. And do you think that may well be, looking at the whole scene and having entire freedom to say no if you wish, that might well be you and Scotland bringing Mr. Forster?
- A. It is quite possible.

F JUDGE COLES: Had we better have a look at it now? It looks, members of the jury, as if we might have a hard time finding the blue spot. Now, there are two figures with light shirts.

MRS. BAIRD: Behind them.

G JUDGE COLES: In the far distance behind them there is what is identified by this witness as possibly himself and Scotland and possibly the third figure in between.

MRS. BAIRD: I do not know whether anyone has got a magnifying glass. It does not clarify the figures at all but it might help to spot the splash of different colour in the middle.

H (Magnifying glass handed to Judge)

JUDGE COLES: Well, I make no comment.

A

MRS. BAIRD: May the jury now

JUDGE COLES: Yes, by all means. Mr. Walsh might - would you like a closer look?

B

MR. WALSH: At some stage. I do not mind the jury having it before me providing I can have a look at it at some point.

(Photograph shown to jury with magnifying glass)

MRS. BAIRD: I still have not had the exhibit yet returned to me. Perhaps we can all find it later.

C

JUDGE COLES: Cause a great deal of interest. Yes.

Q. MRS. BAIRD: This is really quite an obvious question, but those figures are very, very small, so the picture is showing quite a large section of field in fact if you look how little the men are? - A. Showing a narrow section of the field actually, the very edge, next to the roadway.

D

Q. Yes. Just let's look at that picture and be quite clear. There are no visible pickets running back towards you, are there? - A. At that stage there were not.

Q. Indeed, there are none anywhere near you? -A. I never said there were. I said they ran back towards us when we were on the floor some 30 yards away to the left.

E

Q. Where do you think you are in that picture in relation to lampposts 1 and 2? - A. Going over towards the very corner of the bridge on that photograph. Going to the corner of the bridge there in the field. Probably only a matter of 8 yards from the wall possibly.

F

Q. On that photograph - we can only see half of it, so the other half probably showed missiles - I suggest there are not any missiles being thrown? - A. This is at the point where the short shield units are chasing them up the road.

G

Q. One thing that is interesting though about that picture is the frontmost policeman shown has only just got to lamppost 3, has not he, and already you have arrested Mr. Forster and you are on your way back through the field with him? - A. We have not established that is definitely us yet. I said possibly is.

H

Q. All right. I accept that. If that is the two of you you have clearly arrested him because there was no time on your story when you were together with him before you arrested him? - A. No.

- A** Q. So before that photograph has been taken there has been this procession of firstly Scotland and then you, you say, right up to near lamppost 2. Yes? - A. I did not say I was near lamppost 2, did I?
- Q. Where do you say you were? - A. I said Constable Scotland ran forwards into the field in front of me. Then doubled back chasing the man who was arrested.
- B** Q. What I am concerned about is where he went into the field. - A. I said it was this side of lamppost 2, did not I? The bridge side of lamppost 2, I think I said.
- Q. He went over there. All that happened before this photograph - must be - all you have told us prior to you arresting him; Scotland has run as far as lamppost 2 or very nearly so, he has gone over the wall, chased him, there has been a struggle? - A. If you recall, lamppost 1 is only a short distance from the bridge. I said Scotland went over the wall between lamppost 1 and 2. I did not state where he went over because I cannot remember.
- C** Q. You said on photograph 21(10) he went over the wall near to lamppost - A. Between 1 and 2, near to lamppost 2.
- D** Q. Yes. That is the photograph you looked at. You pointed to him going over the wall about here? - A. I said I was not sure where he went over the wall. I said the bridge side of lamppost 2.
- Q. I have written down what you said on Friday. In due course the jury can make their minds up. Where do you say you went over the wall now? - A. I went over the wall at least 10 yards behind Constable Scotland, possibly more. I do not know.
- E** Q. Nearer to the bridge than Constable Scotland? - A. Yes, certainly.
- Q. I thought you said it was somewhere around this region near lamppost 2 where you watched? - A. No.
- F** Q. I think you did. - A. If you care to look at your notes I am sure you will find I did not.
- Q. Yes, I have. I am quite sure you did. Do you want to change your mind? - A. I never went over the wall near to lamppost 2. Said Constable Scotland
- G** Q. He has gone over the wall but you have stood somewhere along that same wall for a few seconds, maybe 30 seconds, watching? - A. Certainly not 30 seconds.
- Q. He has got to climb over the wall whilst you watch? - A. Very near to the wall. All he had to do was jump down off
- H**

the wall; up the field.

- A Q. Run at Mr. Forster who stands his ground, turns around and chased for 30 yards, forced to the floor, rolls over and then disappears in the corn. Only after that do you move from a point somewhere on this photograph into the field? - A. Might sound like a long time to you. I assure you when it happened, happened very quickly. Only a matter of seconds before Constable Scotland was on the floor from the point he decided to chase after him.
- B Q. You had to run as well, 30 yards? - A. That took between six and eight seconds, possibly six and eight seconds. I do not know.
- Q. Quell this struggle? Pull him to his feet? - A. I did not quell.
- C Q. All that, two men running 30 yards, a struggle observed by you, it all happened prior to that photograph being taken, has not it, if that is you because that can only be you on your way back? - A. It does appear we have a prisoner, that is on the photograph, if that is us, yes.
- Q. It certainly looks as if, does not it, Scotland and you as well went over the wall before any other policeman had got to that point because still only at lamppost 3? - A. Constable Scotland was a member of the short shield unit and he would have been one of the first people through.
- D Q. I am right, are not I? An arrest was made very, very quickly indeed after Officers first came over the bridge? - A. Within a short space of time, yes.
- Q. That photograph, bearing in mind where the other policemen are, is more consistent with what I say happened, you went straight over the bridge, over the wall by the bridge, than that there was this procession part way up the road and then you watching? Much more likely to be true the way I put it, is not it? - A. You suggested I went over the wall at the same time as Scotland. That is untrue as well.
- E Q. You went over the wall behind him in time. I did not say behind physically. - A. I stood and watched the incident taking place. I watched Constable Scotland fall to the floor before I set foot in the field.
- F Q. Here is another half of a photograph, not the other half of the same photograph.

G JUDGE COLES: I am a little concerned about this, quite seriously. There is a plethora of photographs in this case. It is extremely difficult to keep track of them. It is extremely difficult for the jury to keep track of them. If the Defence wish to use them it really is in your own interest to make sure you have got an adequate number of copies and complete copies too. I am not going to stop you but I really do urge you and I

H

A shall start to stop you unless within the next dew days matters are put in some kind of order so that the jury are not confused because I will not have them confused.

B MR. WALSH: I think it is about time I said something, with respect. My learned friend and her solicitors know how to conduct a case. If a photograph is to be put to a witness a proper photograph is available. It seems an extraordinary thing they are presented in such a way as only half a photograph can be seen, particularly when those instructing my learned friend must have access to the negatives. We submit if the photograph is going to be put to the witness, the whole photograph or not the photograph. There is a right way and a wrong way of doing it and we submit that matter is entirely within the hands of my learned friend and those instructing her. If they do not want someone to see the remaining half of the photograph they cannot just put in the half they like.

C JUDGE COLES: That is clearly right. I am admitting the half I already admitted on the very strict understanding Counsel has given an undertaking the other half will be produced.

D MR. WALSH: There is a proper time for doing it. If a photograph is going to be shown to the Court it should be shown at one go, not in bits.

E JUDGE COLES: Of course that is right. I hope Counsel for the Defence accepts that is right and there will be serious consequences if the undertaking is not complied with.

MRS. BAIRD: I imagine Your Honour has absolutely no doubt the undertaking will be complied with.

F JUDGE COLES: Of course. I realise there are difficulties with your solicitor being in Nottingham. I have got your undertaking the matter will be dealt with in the next two days. I have made some observations about it and I hope they are complied with as well.

G MRS. BAIRD: I really cannot undertake to produce it in the next two days. That would be holding me too rigidly before I know what I can do. Can I explain why these two pictures are like this? It plainly says on the back - Your Honour is something of a photographer - I donot know the size of the film.

JUDGE COLES: Something of one?

H MRS. BAIRD: The negative for this picture is about the size of my thumb nail, not a 35 millimetre negative. Would it be 125 millimetre, perhaps, a 110? This is an attempt to blow it as hugely as possible and it has been done just on one section. It really is quite remarkable

A it has come out as well as that. That is how those two half photographs are in my possession. They were quite meaningless any smaller.

MR. WALSH: I merely observe it still does not make it impossible to take a print from the negative of the whole thing.

B JUDGE COLES: That I understand you undertake to do not within two days but you undertake to do it.

MRS. BAIRD: Of course. It will be produced to the Court. I think really perhaps the fuss is about nothing because I am not sure how helpful the second photograph is.

C JUDGE COLES: One cannot tell that until you see the full photograph. No doubt what you are saying is your solicitor was only interested in that part of the photograph that showed the field and only displaying half a photograph was not done with any intent to conceal anything to the detriment of the Defence.

MRS. BAIRD: No.

D JUDGE COLES: Mr. Walsh says - I am sure that is right - we want to see the whole photograph. He is entitled to see the whole photograph. You have undertaken to ensure he does.

MRS. BAIRD: So far as I recall there is nothing detrimental to the Defence on the other half of this photograph.

E JUDGE COLES: If there is we shall all see it.

MRS. BAIRD: Yes. Can I hand this other photograph to the Officer?

JUDGE COLES: Yes.

F Q. MRS. BAIRD: That photograph I have handed to you second really because this one is clearer. I wanted you to get your references from that. Can you see yourself or Mr. Forster on that photograph at all? - A. No.

G Q. It is a similar photograph to the one I have just shown you but the evidence will be in due course - I really just want your comments now - understanding of course it is not evidence at the moment, just something I am putting forward

JUDGE COLES: Are we going to give it an exhibit number or not?

MRS. BAIRD: I think so.

A

JUDGE COLES: As you have given an undertaking in respect of it it had better be Exhibit 65 or perhaps it will be 64-and-three-quarters.

MR. WALSH: I suppose strictly it will be 32½, half of 65.

JUDGE COLES: 65. 65.

B

Q. MRS. BAIRD: That photograph, the evidence will be, was taken at five or so seconds before the one I have just given to you? - A. I would suggest that photograph was taken after the prisoner was removed from the field and the pickets were starting to regroup and go back to the Police line which was also withdrawing after that first charge over the bridge.

C

Q. JUDGE COLES: Before the other photograph? Taken when? - A. No, after the other photograph I was shown which is 64½, I believe. After we had charged over the bridge the prisoner was taken and returned over the wall.

D

Q. MRS. BAIRD: I think you are wrong. You want to look at the two together just in case it helps? - A. Just after the charge retreated again back to the bridge. I still maintain that photograph will have been taken after that one.

Q. JUDGE COLES: So you say the first one you saw, Exhibit 64, a few minutes ago - A. Yes.

Q. was taken before this one? - A. Yes.

E

Q. And this one was taken some considerable time later after the Police had got to a forward position and then gone back? - A. On the initial photograph there the Police are charging the pickets up the road, moving them further back from the bridge. After they have moved them sufficiently, I think this photograph has been taken, as the Police Officers withdrew.

F

JUDGE COLES: Before going any further, there not being any Clerk in the Court, might we have those two half photographs exhibited and numbers put upon the back so that there is no possible chance of any further confusion?

G

MRS. BAIRD: What was seriously the exhibit number of the first one, Your Honour?

JUDGE COLES: 64.

MRS. BAIRD: 64. I am obliged.

H

JUDGE COLES: Usher, can we have some labels put on these, please? I know it is not your job. Which is 64?

THE WITNESS: 64 is the one with a Police Officer
A (Labels attached)

MRS. BAIRD: Perhaps I could have both back?

JUDGE COLES: Do you want the jury to have a look at
65?

B MRS. BAIRD: I would rather finish the points. Let
him deal with them. Show the photograph

JUDGE COLES: Yes. So would I.

MRS. BAIRD: Usher, could I ask you to retrieve them:

C Q. I suggest Exhibit 65 is taken first. Can you accept that?
- A. No, I would not accept it.

Q. What makes you say not? - A. It appears to me the Police
charge at that stage has stopped and the Police Officers
are regrouping to return to the bridge and the pickets
also have stopped moving away at that stage. Some in fact
have stopped facing the Police Officers and appear to
be turning round again.

D Q. Why do you say that is not before the other one? Have a
look again if you like. - A. I am quite satisfied.

Q. Quite satisfied you have seen enough? -A. Quite positive
that was taken after 64.

E Q. O.K. Why are you so sure this is not before they have
ever been chased away in the first place? -A. On 64 they
are still running and the Police Officers are also running.
No Police Officers running in 65 and also the pickets
appear to have stopped running. Appear to be turning round.

F Q. Another thing that makes it reasonably clear it is not
before 64 may be that there are not any missiles apparent
because on your account if this was taken earlier there
ought to be missile throwers in it? -A. The majority of
the missile throwers stopped when the Police Officers
initially charged at them. Their immediate reaction.
A few remained at the scene to throw a last stone. Some
will retreat further back and throw a stone. I would say
at that stage that is past this point.

G Q. Are not you saying they are regrouping here rather than
that is them before they are ever chased away? - A. No.

Q. Because there are no missile throwers on that at all? - A.
Also long way from the bridge. Very near to us when we
originally charged them.

H Q. You will have to agree with me eventually, won't you, there

are not any missile throwers? - A. I cannot see any missile throwers in that photograph.

A

Q. If that photograph is taken before the other one you are wrong, are not you, about missiles being thrown immediately before the Police charge -A. I assure you that photograph won't have been taken at the stages I have described. That will have been taken after the arrest.

B

Q. You assure me. I have produced the photograph and I know when it was taken. If that photograph is taken before 64 you are wrong, are not you, suggesting there were missiles being thrown from all sides? -A. Even still a lot further up the road from the point where the people throwing missiles - so they have clearly passed that stage any way and this photograph has been taken after the arrest.

C

Q. Will you agree as a matter of simple fact there is no-one at that picture throwing stones? - A. I have not noticed anyone throwing missiles.

Q. In particular there is no-one in this section of field where you are seen? - A. Not where I can see.

D

Q. No-one throwing a stone? No group of six or seven pickets there? No Mr. Forster there? - A. As you can see from the photograph, that is the vicinity from where we brought Mr. Forster down

(Shorthand writer indicated speaking too quickly)

MRS. BAIRD: Sorry:

E

Q. We are going too fast again. If that photograph is taken earlier than the one with perhaps you on it that group of pickets ought to be shown clearly throwing stones at the bridge, you would think, would not you? - A. They are further up the road. I do not remember seeing them up there myself. They are further away than when I was involved with the arrest.

F

Q. When you saw this group of six or seven in this green bit, completely bare, was it? - A. It was certainly further down the road nearer the bridge.

Q. Do you want to put a mark on the photograph here? - A. I do not know whether you would even be able to see them any way. Possibly just out of the picture. There again, having said that, nearer to the bridge than that photograph shows the pickets in that picture.

G

Q. Are you really sure of that? - A. I am positive.

Q. You have told us Forster ran back toward the railway from where he was? - A. Yes, that is right.

H

- A** Q. They must really have been further away from the bridge?
- A. I am talking about the main group of pickets who ran up the road away from the Police line as it advanced.
- Q. I am talking about the group of six or seven I suggest is never there. Certainly not in Exhibit 65, are they? - A. I am not surprised because I do not think that was taken at the time you are talking about.
- B** Q. All right. But if it was taken before Exhibit 64 this group of six or seven pickets should be shown, should not it, if you are telling the truth? - A. If that had been taken when the arrest was made (Shorthand writer indicated speaking too quickly)
- Q. I believe I have slowed down slightly but you have not. Mr. Jones, I know that you are very definitely of the view that the one with no policemen in it has been taken after the one with policemen. I accept that. But if I am right and you are telling the truth that group of six or seven pickets should be shown on that photograph? - A. No. They would be out of - even on that photograph.
- C** Q. All right. Pause there for a second. - A. Can I tell you why?
- D** Q. Certainly. I wanted you to tell me where you said they would be. - A. That is what I am going to do. When Constable Scotland was on the floor with the accused when I went to his assistance I think he was about 30 yards from the wall. The pickets were at least a further 10 to 15 yards further down the slope away from the wall. Talking about 45 yards away from the wall. I do not think that picture even takes
- E** Q. That was after Scotland had gone over the wall? - A. Yes.
- Q. Looking where the policemen are on that photograph, it does not look as if, if I am right, anybody has gone over the wall at that time because no-one has got more than a couple of strides over the bridge, have they? - A. I do not agree. Quite clear to me the photograph was taken after that charge.
- F** Q. I know you keep saying that. That picture of you, if it is you in 64, that should show you nearer the railway line than where Forster was when he, you say, was throwing, should not it? - A. I do not agree.
- G** Q. You see, you have told us quite clearly this morning
- A. That is exactly where I told you earlier in my evidence we returned to the wall.
- Q. I accept that. Nearer the railway line than where Forster was when you say he was throwing? - A. That is right because he had run back towards the line.

H

Q. He had run back towards the line. - A. Yes.

A Q. If this photograph is taken just a little before that one he ought to be in it because he is nearer the camera than than when he is being arrested there, is not he? - A. The whole point is the photograph was not taken

B Q. I know you say that. I want you to agree or disagree with me. The position you say Forster was throwing is clearly shown in Exhibit 65 and he is not there? Do not worry about your view. - A. Could I just have a look at it again?

Q. Yes. Let me give them together because you can take a reference from your own position on 64. - A. I would say the position from which he threw would probably have been in that photograph. I think he was about 10 yards from the wall approximately which would just about take him in.

C Q. Thank you very much. You say the position you saw Forster throwing is in, for the shorthand writer, Exhibit 65? - A. Yes, on 65, yes.

D Q. So it seems to follow the position where you saw the other pickets is also in 65 because they were very near to Forster? - A. No. Initially when he threw the missile they would have been a couple of yards behind in front of the group. They may or may not have been in the photograph. I think Mr. Forster would have been.

E Q. Just for the sake of completeness - please just bear with me - I know you believe that picture to be taken after the other but if it is taken before the other there is no sign of any policeman going over the wall or running through the field on it? Just a "Yes" or "No" to that. There is not, is there? - A. I cannot see any Police Officer.

F Q. No. - A. I could also add when Constable Scotland went over the wall there were also other Police Officers in this field. I do not know where they went. At the same time, around that time, other Police Officers in this field around that area. None in that picture

G Q. Look at where the policemen are on the road. They are only just across the bridge. Setting aside your firm view, if that is taken before the arrest, if it is - please just answer this question - if it is taken before the arrest it looks as if it is taken before any policeman has actually left the road, does not it? - A. I would say that is the point when the Police Officers are returning out of the field.

H Q. I know that. I have asked you to co-operate with me: - A. I am trying to but I find it difficult because I just cannot picture that situation happening. It did not happen like that.

A

Q. Can I just try again? If the photograph 65 is before the arrest then it looks from the position of the Police on the road as if it is before any policemen have gone over the wall because they are only just over the bridge. Do you agree? - A. You are asking me to agree to something that is totally presumptuous. I just cannot agree with you.

Q. I will do it in a different way.

B

JUDGE COLES: He is entitled not to join issue or attest to a hypothetical question which is what this is.

MRS. BAIRD: I accept that.

JUDGE COLES: You have given him plenty of opportunity, I think, now.

C

Q. MRS. BAIRD: What I would like you to answer is this. Looking again at photograph 65 when you saw Scotland go over the wall it follows from your early description Police had got further than shown in photo. 65. Is that right? - A. It is very difficult to say where the other Officers were when Constable Scotland went over the wall. As I have said, I was watching Constable Scotland. Was not watching how far up the road the other Officers had gone.

D

Q. I would like you to see the photograph in a moment. What is important, you have told us Scotland was not at the front, others in front? - A. I think there were other Officers in front of him.

E

Q. The jury can see how far the Officers have got in that photograph.

MRS. BAIRD: May they see 65 I think with the other one just to help them get bearings?

(Shown to Jury)

F

(Shown to Mr. Walsh)

Q. MRS. BAIRD: Just so my case is clear to you, Mr. Jones, I suggest that photograph 65 is taken just before photograph 64 and that it does not show a group of pickets in the area you have described a group in? - A. I can understand why you are saying that but it is not the case.

G

Q. And Mr. Forster, if he is in this photograph at all, is concealed, just standing on his own, the small man, behind these figures in the middle ground there? - A. I think that was taken after Mr. Forster was arrested. He would not have been in the picture any way.

H

Q. Can I just deal with one more point? You have told us

categorically today you have not put your head together with Mr. Scotland since he gave his evidence. - A. That is correct, yes.

A

Q. Can I suggest you have put your heads together in exactly this way? You have told this Court of a visit from South Yorkshire policemen when you were shown photographs? - A. That is right, yes.

Q. You have told us Scotland was only present for a short time? - A. That is right, yes.

B

Q. Came in late and left after you? - A. That is right, yes.

Q. I suggest that is a prime example of you putting your heads together. Mr. Scotland, I suggest, said to you that he had made a mistake by denying in the witness box that he had ever seen any photographs. Did he tell you he had made that denial? - A. Not aware of this. I do not know what he has done in the witness box.

C

JUDGE COLES: Well.

Q. MRS. BAIRD: Then did he tell you this, that the Prosecution have asked for photographs to be seen? Did he tell you that? - A. The Prosecution had?

D

Q. Asked for photographs to be looked at. - A. I have not discussed the case at all with Constable Scotland.

Q. Let me suggest one more thing to finish this conversation I say has happened. You and he came to an understanding you would support each other, saying he had only been present for a short time at that meeting with South Yorkshire officers? That is the position, is not it? - A. 11 or 12 other officers in that room to say exactly what I have said.

E

MR. WALSH: If my learned friend is putting this on instructions she ought to put the basis for it.

JUDGE COLES: Well, I was wondering.

F

MR. WALSH: Particularly when the two Officers on the matter she is alleging they have put their heads together have given entirely different accounts.

MRS. BAIRD: I am very grateful to Mr. Walsh for a second time during this trial pre-empting my jury speech. I have put it. I suggest this happened. That infers to an experienced advocate it is not put on instructions but is a suggestion and that is the way I put it:

G

Q. Officer, what do you say about that? You have agreed you told this Court he only stayed for a short time. Is that the case? - A. I think we can prove that with the computer. On Merseyside we have a computer which tells you where

H

A

Officers are deployed what time. You will find on the call on my radio - be on the log sheets on the computer - and asked for the position of Constable Lutas and Constable Scotland, both of which in another part of the Subdivision covered by another station assisting with some fair or something. Were not able to arrive at the time

Q. Slow down a little.

B

Q. JUDGE COLES: You are talking now of the day on which the South Yorkshire Officers arrive? - A. That is correct, yes.

Q. You say you had no opportunity to see them that day because they were elsewhere? - A. I did see them in the room.

C

Q. Until the late stage when you saw them for a short time? - A. That is correct, I never saw them

Q. MRS. BAIRD: What I am suggesting to you is - I hope it is clear because I have been interrupted - Scotland made the mistake of denying he had seen photographs; then learned everybody was supposed to have seen photographs.

D

MR. WALSH: Is that a question for Scotland? Not this witness?

MRS. BAIRD: I am really just recapping.

E

JUDGE COLES: I realise what you are doing. What you are doing really is drawing inferences from the evidence we have heard and inviting this Officer to agree with them.

MRS. BAIRD: No. I am asking this Officer to tell me whether this conversation ever took place.

JUDGE COLES: He said it did not.

F

MRS. BAIRD: I am anxious to summarise it because Mr. Walsh interrupted in the middle. That is really all I am doing so he has no cause to object at this late stage.

JUDGE COLES: What he is objecting to is your asking this Officer about the state of mind of another which is a step back from the step we already got to.

G

MRS. BAIRD: I had thought I made it quite clear the Officer only asked because my suggestion is Scotland communicated his state of mind to this Officer.

Q. JUDGE COLES: Did he communicate his state of mind? - A. No.

H

Q. MRS. BAIRD: Do you understand what I am putting? - A. Suggesting Constable Scotland and myself got together and

discussed what he had seen and had not seen. At no time is that true.

A

Q. Suggesting you knew from him, you knew why he said did not see photographs because he was only there a short time? - A. Not at all.

Q. You tried to agree with him. Opposite end of the meeting from his arrival? - A. I do not know what Constable Scotland looked at in the room. I looked at the pictures on my own.

B

Q. Your evidence is quite clear Scotland was only in that meeting for a short time not because he had to leave but because he arrived late and left after you? Is that your evidence? - A. Yes. He was still in the room when I left and only been in it a couple of minutes before I left.

C

MRS. BAIRD: Thank you. No more questions.

JUDGE COLES: That is a very convenient moment. We will adjourn until quarter-past-two.

(Luncheon Adjournment)

Pol. Con. PAUL JONES Recalled

D

MR. GRIFFITHS: Before cross-examination continues may I mention one matter to clear my mind so far as the status of some of these exhibits is concerned? With regard to the last two exhibits, 64 and 65, there are no copies available so they are original exhibits, so to speak, and I am very concerned so far as possible that photographs that are produced are not more than is absolutely necessary shown to witnesses who are coming to give evidence in the sense of by taking instructions perhaps they become forewarned as to matters that are going to be put to them in the course of the case. Of course once copies are made nothing can prevent anyone doing what they like with those copies. So far as there exists only one copy of a photograph then, in my respectful submission, it is an exhibit in the case and ought to remain in Court unless an application is made to Your Honour that it should be released so at least in some way we can keep track of what happens to exhibits and some, as Your Honour knows, have gone astray.

E

F

JUDGE COLES: It never entered my head anyone would remove any exhibit from Court.

G

MR. GRIFFITHS: I am sure that is the case. With photographs we have tended to deal with so many, perhaps a reminder to us all as to their status.

JUDGE COLES: I have already made observations about the plethora of photographs and the difficulty they give

H

A rise to, particularly in the absence of a Clerk, and I also know one exhibit has already gone missing in this case. Let it be clearly understood the exhibit is in the possession of the Court. Anybody who removes it does so at their peril.

MR. GRIFFITHS: Indeed.

B JUDGE COLES: Yes. Now, who wishes to cross-examine now? Yes, Mr. Taylor.

Cross-examined by MR. TAYLOR:

C Q. Mr. Jones, I want to ask you some general questions about your attitude in two respects. Firstly, your attitude to the day when you were there on the 18th of June of last year. Did you feel throughout the day that you were under threat and in personal danger? - A. Not until I went into the cordon.

Q. You spent three hours, you say, in the cordon? - A. Yes.

D Q. So that there is no misunderstanding about that, the jury in this case know that at the front of the main cordon during the day there was a line of 100 or so Police Officers all with shields like that, long shields. Did you ever take part in that line? - A. No.

Q. So that although you had a long shield on every occasion that you went into action you were with your P.S.U? - A. Yes, that is correct.

E Q. Right. Now, secondly, I want to ask you about your attitude towards the compiling of evidence. Before you come into Court you will have made notes or a statement and that is the usual procedure, is not it? - A. That is correct, yes.

Q. And it is important for you to have your evidence in your statement and in your mind in order, is not it? - A. Hopefully, yes.

F Q. Can I ask you to keep your voice up, please? I am - A. Hopefully, yes.

Q. Now, over the weekend have you thought about the evidence that you gave last Friday? - A. Probably, yes. I would imagine so.

G Q. And gone over it in your mind. It would be a natural thing to do, would not it? - A. I would think so, yes.

Q. Thinking to yourself did I say the right thing there; was that a good answer? - A. Yes, that is correct.

H Q. Could I perhaps have phrased that a little bit better? - A. Yes, in one particular instance.

A Q. And what was that instance? - A. I think I referred to as a twopenny-halfpenny job rather than a minor job. I regretted saying that later.

B Q. Yes. You regretted saying that because it was put to you in this context, was not it? Mrs. Baird was suggesting that part of your evidence when you saw Mr. Forster in the field being in a group of people and using the over-arm action and so on she accused you of lying, did not she? - A. That is correct, yes.

C Q. And your response was well, I am not telling lies. My salary is too important to go to Court over a twopenny-halfpenny case? - A. I think what I tried to say was that I consider my job, the things I receive out of doing this job, obviously financial security, a home, a car, etc., too important a thing as well as morally to come to Court and tell lies.

Q. Right. - A. I did not probably explain myself as well as I could have done.

D Q. So in the first instance you would agree this is not simply a case which is about throwing a stone? - A. Certainly not, no.

Q. Because we have already had established via Mr. Walsh with Mr. Scotland that there is no such offence a throwing a stone. You had in mind unlawful assembly, did not you? - A. I had nothing in mind. I did not arrest the gentleman concerned.

E Q. No. But if you had arrested anyone on that day it would have been for unlawful assembly? - A. Not necessarily, no.

F Q. That is what you discussed in the van? - A. This was one of the subjects discussed in the van under Public Order, Section 5, threatening behaviour, breach of the peace and other things were brought to light. In fact I have a thing in my notebook I carry round with me at all times I was issued with at Nottingham, refers to powers of arrest for public order situations for our assistance which was the P.S.U. I went on prior to coming to Orgreave.

G Q. Now, was not it agreed by you and your P.S.U. in the van before you set off into action that if anybody was going to be arrested then unlawful assembly was the most appropriate thing? - A. No.

Q. That was never agreed? - A. Never agreed, no. Unlawful assembly was one of a number of arrestable offences that were discussed in the van.

H Q. Right. Now, you have said as far as you are concerned that when Mr. Scotland arrested Mr. Forster you were not

- surprised about that because it had been discussed? - A. That is right, yes.
- A**
- Q. You define unlawful assembly - this is your understanding of it at the time - as an unlawful gathering of three or more to effect a common purpose? - A. Yes.
- Q. Something like that? - A. Summary, yes.
- B**
- Q. Who was it later on that told you to go and make a statement? - A. I have no idea at all. I know a message came across - someone called in the van - "you are wanted in the Command Centre. Go and see Constable Scotland."
- Q. It was not Police Constable Scotland who called you over himself? - A. No. He was not in the van at the time.
- C**
- Q. Was it a Senior Officer? - A. I do not know. No idea at all. I think if it had been a very high Senior Officer I would have remembered.
- Q. Was it a person in plain clothes? - A. I think a uniform person. Possibly someone on my own van. I do not know whether they had been given a message to tell me or what or whether it was someone who had returned from the Command.
- D**
- Q. One of the answers you gave last week was this, talking about the statement that you made, and you said this. Perhaps I can ask you if you would like to reconsider this as well. "I am satisfied that an offence had been committed and that we put in our statements" - sorry - "and what we put in our statements is enough to prove the job." Do you recall saying that? - A. I think I did say that, yes.
- E**
- Q. And you said very much the same thing this morning, saying we tend to pick out parts of the evidence to prove the job? - A. Which are relevant.
- Q. Which are relevant. - A. Which we consider relevant any way.
- F**
- Q. Now, the relevancy in your mind, you seem to be saying, is what is relevant to prove the job? - A. Yes.
- Q. To prove the case against a particular person? - A. Yes.
- Q. Can you see anything wrong in doing your statement in that way? - A. Possibly it does not present as full a picture as might otherwise be presented.
- G**
- Q. Yes. Because the truth is the whole truth, is not it? - A. Yes, I agree.
- Q. It is not selected parts of the truth? You agree with that? - A. I agree, yes.
- H**
- Q. It was put to you that the group of people that was around

A Mr. Forster, that you say was in the field with him, is not in your statement and that is true, is not it? - A. Sorry?

Q. The group of people that you have mentioned in evidence. The jury now know you are talking about Mr. Forster being in a group of people in the field and that was not in your statement? - A. No.

B Q. And you said it was not in your statement because it is not central, not to prove the case? - A. That is probably right, yes.

Q. Yes. Now, what is wrong with that? What is wrong with leaving it out? - A. It does not present the full picture. That is all.

C Q. Right. Does not present the full picture but that is not all, is it, because have you heard of the difficulties that courts and juries have in identification cases? Are you aware of that? - A. Well, obviously, being a Police Officer there are times when people need to be identified and this is difficult.

Q. Yes. And how long have you been a Police Officer? - A. Five years nearly.

D Q. And if you give the impression which your statement does that the person is on his own it is a different case altogether from saying he is one of a group, is not it? - A. He was at the front of a group I think I said.

Q. Not all of that group were throwing, were they? - A. No.

E Q. Do you see how the difficulty creeps in? - A. I understand what you are trying to say. It does not present a totally full picture.

Q. Is this why, do you think, you and other Merseyside Officers have had a course recently on how to make statements? - A. It was not a course entirely on that. That was one of the lessons during the course I was on.

F Q. Who was teaching the course? - A. I was on (Inaudible) Constables course, not everyone goes on, and Police Officers actually instructed.

G Q. What I am concerned with in this particular case is your reason for going into that field. Right. Now, can I approach it in this way? At the beginning of your action were you given general instruction along with everybody else in the P.S.U.s you were working with to work in pairs? - A. No, not at all.

Q. You were not? - A. No.

H Q. Was that part of the training that you had in P.S.U. work?

- A. No. It bears no relevance at all.

A Q. No. Were not Police Officers in fact on that day from beginning to end working as much as possible in pairs?
- A. I cannot speak for other Police Officers. To my knowledge, no.

B Q. You have seen photographs of people being brought back and by and large they are being brought back by two Police Officers, are not they? - A. The majority of them, yes.

Q. The majority of cases. Does that accord with what you saw that day? - A. Probably a lot of the arrests did have two Officers bringing the prisoner in.

C Q. I am going to suggest to you there were two reasons why you went into the field and that is one of them because you saw a lone Officer? - A. No. I went into the field because I feared for the safety of my colleague.

D Q. What was happening to him? - A. He was struggling with a man on the floor and there were other people throwing missiles at him. I thought it more important to assist him in getting the prisoner out of the field as quickly as possible.

Q. This was a one to one situation, was not it, and you were quite happy for that to continue, one to one? - A. Up to a certain point.

E Q. And what was that point? - A. The point at which the Officer fell on the floor and did not get up immediately.

Q. Right. And you say then, do you, that the rest of this group came back and started to throw stones? - A. As they hit the floor there was a number of - the remainder of the group had gone further down the field. Started throwing missiles and running towards the Officer on the floor.

F Q. And running towards him? - A. Yes.

Q. How far away were they? - A. Only about 15 or 20 yards from him.

G Q. Did not they get there before you? - A. As soon as they saw me jump into the field and start running towards them they stopped where they were.

Q. Right. Or is it, and I put this second suggestion to you, that it came into your mind at that time that this group of people - well, let me ask you this first. How far you say they were. 15 yards from - A. my colleague.

H Q. The two on the floor? - A. Yes. On the opposite side to me.

Q. Down towards the railway line itself? - A. Not far from it.

A Q. Not far from it. - A. On the start of the embankment.

Q. They would have to run back up the field? - A. Upwards, yes.

Q. Are you sure this group of people existed? - A. I am positive. Unquestionable.

B Q. It is not in your statement, is it, any of this? - A. No.

Q. The group being there. Them coming back. Nothing like that? - A. No.

C Q. Have you realised since you made the statement that in fact you do need three or more people for an unlawful assembly and that is why you have invented this? - A. No. It was discussed, as I say, in the van that day as a power of arrest. I did not arrest him for unlawful assembly. All I did was assist a colleague I believed to be arresting someone at the time. It is not for me to decide what he was being arrested for.

D Q. Just before you went into that field you say everyone was standing around on the bridge; nobody was going to take any action so you decided to? - A. Yes.

Q. Now, at that point when you were standing around on the bridge had you made any advance up the hill from the bridge or was this your first time over the bridge? - A. I think it was the first time over the bridge, this.

E Q. So while you were standing around just watching what was going on in front of you up the hill? - A. Well, I was watching Constable Scotland from the point when the missile struck his shield and the point when it was thrown.

Q. You were watching Constable Scotland from the point the missile struck his shield? - A. When it was thrown, prior to striking the shield.

F Q. Are you sure you saw that missile being thrown? - A. I am positive, yes.

G Q. You were not concentrating 100 per cent on that, were you? You can give a general description as to what was going on in front of you. What was it? - A. Possibly, yes. Other Police Officers obviously running up the road towards the pickets and I was aware other Officers were going into the field further up on the right-hand side.

H Q. The Officers running up the road, were they being led by Inspector Bennett? - A. Inspector Bennett is my Inspector and part of our Police Support Unit. I was not aware of where he was but I knew he would be somewhere among that group.

- Q. So your P.S.U. ran up the road? - A. Yes.
- A** Q. Mixed up with West Midlands P.S.U? - A. Probably, yes.
- Q. In no particular order? - A. Basically, as I have said before, the Merseyside contingent were on the right-hand side of the road, as far as I was aware any way.
- B** Q. And what happened to the demonstrators when the Police ran up that hill? - A. Some stopped for a number of seconds, continued throwing missiles and others turned and ran.
- Q. Did you see any people being knocked over by Police shields during that run? - A. No.
- Q. None at all? - A. I am aware of the allegation Mr. Scargill has made but I did not see it. It was on the other side of the road to me.
- C** Q. I am not concerned solely with Mr. Scargill. You may be asked other questions about that. In general when the Police ran up that hill the idea of the short shields after regrouping on the bridge was to go out fast, was not it? - A. Yes.
- D** Q. Do you recall who was in charge at that time? - A. No.
- Q. Do you recall if any particular person was in charge? - A. I was aware of an Officer with a megaphone coming up. At what point he came up on to the bridge I do not know.
- E** Q. Did you hear him giving any commands to short shield officers that they should not hit people on the heads? No heads. Bodies? - A. I think that was referring to staffs.
- Q. Yes. Staffs out. - A. I think I do recall that, yes.
- F** Q. The exact - I am sorry; better not say exact - the paraphrase of the order given at that time went like this, did not it, "Staffs out. Staffs out. I do not want anyone on heads. No heads. Bodies"? That sort of thing? - A. Possibly, yes.
- Q. What did that mean to you? - A. That if you were going to strike someone with a staff for whatever reason you did not strike them on the head.
- G** Q. And when you say for whatever reason what would have been the reason? - A. Did not have any bearing with me because I did not have my staff with me that day.
- Q. No, but if you were going out. - A. If I was one of the Officers - basically you are instructed never to strike a person on the head with your staff. I was aware of that. I did not need telling:
- H**

Q. I am sorry. Can you say that again, please? - A. Basically I was aware of the fact that all police officers are instructed not to hit people on the head.

A

Q. Yes. Well, that order was reinforced at that time, was not it? - A. that is correct, yes.

Q. What was the manoeuvre you were carrying out that time? Dispersal of the crowd, was not it? - A. Basically, yes.

B

Q. What I want you to deal with is this. Dispersal of the crowd involved the use of shields and batons, did not it? - A. In some instances I believe so.

Q. The actual use of them? - A. I would say so, yes. It was quite obvious from injuries I saw some people appeared to have been hit with staffs.

C

Q. You appreciate we have all been here a longer time than you in this Court dealing with this case. There has been evidence given about this subject. What I want you to deal with is did you see, firstly, the use of shields to push people out of the way? - A. I cannot say I did. I was not immediately in the front line of the charge. I was behind.

D

Q. Did you see the use of batons, not necessarily to the head but to part of the limbs and so on? - A. I cannot even say I saw that.

Q. Not at all? - A. I do not dispute the fact it went on but I personally did not see it.

E

Q. When you later on met back up with your colleagues did you discuss the use of these shields and batons in the van on the way back? - A. Cannot say I did, no.

Q. Did anybody? - A. I do not know.

Q. You were listening, were not you? - A. To be quite honest, a lot of sleeping gets done in the van when you are travelling. You are on long hours.

F

Q. You said this at one point and I am not quite sure whether it is the Police Officers were up and down from the bridge to the brow of the hill and back and whenever they came back the pickets came back and you charged again? - A. The short shield units and the mounted officers basically charged.

G

Q. Was this before Mr. Forster was arrested? - A. No, this was after, I think, Mr. Forster was arrested on the first charge of the bridge.

Q. So on the first time you went over the bridge on the first charge you did not take part in it? - A. I did not. I started to follow them through but immediately Constable Scotland I saw was struck by the missile.

H

- A** Q. Then you went back to the Command Centre with Mr. Forster?
- A. Having assisted, yes.
- Q. When you came back up what was the position then? - A. I think that by then there had been several other charges up into the housing estate and back. I do believe basically held a static line then for some considerable
- B** Q. When you came back did you take part in any of those charges up to the brow and back down, maybe not as far as the brow? Did you go up in any subsequent charges?
- A. I do not think I ever went further than the second lamppost up to the bridge at any time.
- Q. Did you join up again with the rest of your P.S.U? - A. By this time a lot had intermingled. There were a lot of officers there. I was aware of certain officers around me. Some were trying to stay grouped together but
- C** Q. Who were you with? - A. I really do not remember now. I remember seeing an Officer called Colin Rimmer. I do not think he arrested anyone.
- Q. Police Constable Rimmer? - A. Yes.
- D** Q. Did you ever get to the brow of the hill at all? - A. Over the bridge where the housing estate is?
- Q. From the bridge up to the brow? - A. No time.
- Q. You never did. All right. You have said that you know Police Constable Austin? - A. That is right, yes.
- E** Q. Did you know him before the meeting you had in Garston?
- A. No.
- Q. It is only from that you know him? - A. Yes.
- Q. And the fact he said when looking at the photograph that is me by Mr. Scargill? - A. Yes.
- F** Q. Did you know that Mr. Austin was part of Inspector Owen's P.S.U. from 'C' Division? - A. I knew he was in 'C' Division on the day in Garston. I did not know who he was with.
- Q. Do you know any other officers from 'C' Division? - A. No. Possibly one or two I may have joined with but I have no contact with them generally.
- G** Q. Do you know any of them by name? - A. You are asking me do I know any police officers in 'C' Division by name personally.
- Q. Yes. - A. I think one called Vincent Whittingham or Whittacker. Not sure what his name is. I joined with him.
- H**

- A** Q. Let me just give a couple of names. Not simply doing this to see how wide your circle of friends is. Just want you to say if you know these names. These were people in Mr. Austin's P.S.U. on the day. If the names mean anything to you just say so, please. Do you know Sergeant Gradwell?
- A. No.
- Q. I mean when I say know even by sight. - A. I do not know what he looks like.
- B** Q. Right. - A. No.
- Q. Mr. Austin? - A. I know him now, yes.
- Q. Mr. Rutherford? - A. Cannot say I have ever heard of him before.
- C** Q. Shelton?
- JUDGE COLES: What was the last name?
- MR. TAYLOR: Rutherford.
- THE WITNESS: Shelton, no.
- D** Q. MR. TAYLOR: Browning? - A. Is his name Fred?
- Q. Yes. - A. I know who he is.
- Q. Do you know him because he is a witness in this case or before? - A. I knew him from a previous P.S.U. to North Wales.
- E** Q. You knew him from a previous P.S.U.? - A. Yes.
- Q. Do you know - A. I do not know him to speak to. I know who he is. That is all.
- Q. Know him by sight? - A. Know him by sight. I would recognise him.
- F** Q. Do you know Mr. Gray? - A. I do not think so.
- Q. Kearns? Gale? Graham? Mulcahey? Beattie? No. All right. Sergeant Hillhouse? McQueen? Moore? - A. David Moore in my own Police Support Unit. Not from 'C' Division.
- G** Q. These are all 'C' Division. Johnson? Wright? Halsall? Evans? Anderson? - A. I may have seen some of these officers once or twice but would not know them by name even.
- Q. Morton? - A. No.
- Q. Lynam? Hamilton? They do not mean anything to you? - A. To be quite honest, the Divisions have very little contact
- H**

with each other. I know a lot of people but in my own Division. That is all.

A

Q. JUDGE COLES: What about a lot of names? You bump into a couple in North Wales.

MR. TAYLOR: Yes.

JUDGE COLES: Yes. Does anybody else wish to cross-examine?

B

Cross-examined by MR. MANSFIELD:

Q. Mr. Jones, are there any circumstances in which you are prepared to lie? - A. As a police officer in a court of law?

Q. Yes. - A. No.

C

Q. Well, if there are not why did not you say that last week? - A. What did I say?

Q. Well, it is the one thing you have regretted saying, you see. - A. That was not a lie.

D

Q. What was not a lie? - A. I do not consider saying - referring to the remark a twopence-halfpenny job - I do not consider that to be a lie.

Q. When you are accused of lying your answer was not there are no circumstances under which I would lie, was it? - A. No, probably not.

E

Q. You remember your answer? - A. I gave examples of why I would not or certainly one example.

Q. The only example you gave was that the money was too great in comparison with a twopenny-halfpenny job. That is how you put it, was not it? - A. I have already explained I regretted saying that later.

F

Q. I know you have now. Why was not your immediate reaction there are no circumstances under which I would lie as a police officer? Why did not you just say that? - A. I was not asked that question.

Q. I know you were not asked any question. You were accused of lying. That was your response then, was not it? - A. It was, yes.

G

Q. Why did not you say there are no circumstances under which as a police officer I would lie? - A. Never entered my head at all.

Q. It never entered your head. - A. At the time.

H

Q. JUDGE COLES: When you made that reply were you

A

intending to convey to people, notably to the jury, there were certain circumstances where if the job was big enough or the issue at stake was great enough or the amount involved for your benefit was great enough you would be prepared to tell a lie on oath? - A. Certainly not. That was not my intention.

B

Q. MR. MANSFIELD: No. I daresay it was not your intention. What I want to investigate is why your immediate reaction was the one that came out last week.
- A. The first thing that came into my head.

Q. The first thing that came into your head. - A. It is a defensive action, is not it, when someone accuses you of doing something?

C

Q. I want to ask you whether in fact you are being defensive about much more that happened over the bridge. That is why I began with the question now. I want to ask you this. Are you covering up for other things that your unit or other Merseyside officers got involved in over the bridge? Are you? - A. Not at all, no.

D

Q. Would you be prepared to do that though if in fact it would save the face of Merseyside officers? - A. No. I do not see how other officers and what they have done affects me really.

Q. Do not you? - A. I believe in telling the truth.

E

Q. Do you? Did you see the short shield squads - and your recollection is there were only two, that is Merseyside and West Midlands. Right? One of each? Yes? - A. That is what I said. I have been told since there were four.

Q. You obviously have a recollection to be saying that. Is that fair? - A. Yes.

Q. Standing on the bridge you watched them go up ahead, did you? - A. That is right, yes.

F

Q. It is not a very wide road, is it, above the bridge? - A. No. It is on a slight bend actually immediately you come over the bridge.

Q. Are you saying you could not see round the bend? - A. Initially, yes.

G

Q. What stage could you see round? - A. Until I cleared around the corner.

Q. Can you just give us an idea on the photograph of where you were standing so we can get how much of the road you could see? - A. The cordon, I believe, was half-way across the bridge approximately.

H

- A** Q. Yes. That is where you were? - A. Yes. I was probably, as you look at the photograph, on the left-hand side of the bridge so I would be able to see more of officers who were on the other side.
- B** Q. Right. Taking not the aerial - would you look at Exhibit 9, please, and would you tell us where in that bundle? It is a blue bundle, looks like this. Just look through there and tell us, would you, if there is a photograph which gives the jury an idea of the view you had when you were in the cordon? It may be that there is not one. I do not know. Perhaps you would just look. - A. Probably No. 6.
- Q. No. 6. - A. Give a fair idea.
- C** Q. Right. Now, at what point did you move out of the cordon? When the short shields had already disappeared up the road or at the same time as they were going round the corner? - A. Once the last of them had cleared the line the long shields then followed them. I was part of the long shields.
- Q. You are only shortly behind the short shields going up the road? - A. Correct.
- D** Q. As you go round the corner the next photograph is No. 7. That is the view you would get as you come round behind the short shields, is not it? - A. Yes, if it was not obstructed by police officers and horses, if the horses were there in front of me.
- E** Q. I am going to suggest you had no obstruction between you and the short shield units going up the road. If there were horses they were much further up, if there were any. You had a clear view, I suggest, of the short shield units going up the road, did not you? - A. Spread in front of me, I would say, some of them, yes.
- F** Q. Now, the wording you used this morning, I think, was something to the effect the short shield units fanned out. Remember? - A. Yes.
- Q. That is a description because you remember seeing it? - A. When I said they fanned out, a little gap appears in the line and everyone goes through it and spreads in the road. They do not stay in the middle two yards of the roadway.
- G** Q. When you got round on to photograph 7 effectively and had that view the fanned out officers were going up the hill on the grass and on the road, were not they? - A. Probably, yes.
- Q. I want you to think. - A. I tended to - it only happened

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A shortly over the bridge when I saw the accused throwing a missile. I then become involved in that rather than what was happening up the road.

Q. Just tell us what the scene up the road was roughly like as you came over the bridge. Just describe it. Just generally, what did it look like? - A. Basically police officers running towards a large group of pickets, starting to run away, some of them.

B Q. Basically police officers running towards the pickets. Now, do you say you did not see any police officers come into contact with pickets, very short distance away from lamppost 2, Officer? - A. At no time did I see anybody - I was not looking by the time the officers had reached that lamppost 2.

C Q. Just look at photograph No. 7. The lampposts have been numbered, have not they? - A. 1, lamppost 2.

Q. Yes. - A. Must have seen officers there.

D Q. If you look in the photograph you will see between 2 and 3 there is a sort of stained area in the road. I am going to suggest not far from the stained area - there are reasons for suggesting it - there was a car there. Do you remember seeing that? - A. Very difficult to say, to be quite honest.

Q. So it can be located, I am suggesting not far away from lamppost No. 2 on photograph 7 there was at least one serious incident occurring which I suggest you could not possibly have missed if you were there. - A. I do not know what you are relating to.

E Q. Do not you? - A. No.

Q. You have looked at some photographs, have not you? - A. Yes. A lot.

F Q. Quite a lot. I want to turn just to this particular incident. So far not a single witness has said very much about the particular incident and we may yet hear of one possibly. Now, would you take Exhibit 30? First of all go straight to one you have already dealt with today, No. 9, if you would look at that. Do you recall being shown that a few weeks ago? - A. Yes.

G Q. Because that is the photograph you say Mr. Austin said in your presence, "That is me" effectively. Is that right? - A. I do not think that is the exact one to be quite honest.

Q. I am sorry? - A. I do not know whether that is the exact one.

H Q. JUDGE COLES: You said it was a bit bigger? - A.

- Q. With Mr. Austin in the room? - A. Probably.
- A** Q. Probably. - A. I do not remember but he was probably there. I do not remember him going out.
- Q. Now, when you saw that photograph - first of all I am going to ask you directly, are you in that photograph? - A. No. I was on the opposite side of the road to that incident.
- B** Q. Did you see any incident like that? - A. No, at no time.
- Q. And I make it clear it is near the car in the road which you do not remember, near the stain on the road near lamppost 2. - A. No, I do not recall seeing this situation.
- Q. JUDGE COLES: See anybody taking a photograph? - A. There were a lot of photographers around on the day. Most of them were just behind the Police line actually.
- C** Q. MR. MANSFIELD: This photographer, as His Honour has pointed out, is very near lamppost 2? - A. I did not see anyone.
- Q. I think I may be wrong. He is standing on the wall at one stage but certainly on the pavement near lamppost 2, wearing a black jacket. Did not see that? - A. Do not recall seeing him at all.
- D** Q. You are not in the photograph. You do not recall seeing anything like it or a photographer taking photographs of such an incident. Do you recognise anyone in it? - A. No. You cannot even see the faces.
- E** Q. No. I appreciate there are difficulties with it. And the enlargement, was it easier or about the same? We have not got the enlargement. - A. It was not much larger actually. You cannot see faces clearly on it.
- Q. So you obviously were not able to help about that photograph in any way. Just turn backwards again to photographs 7, 6 and 5. They are all taken in order. Just look at them carefully, those three together, 5, 6 and 7 - now, once you have just glanced at them - and just take them in. Have you had sufficient time just to look at those? - A. Basically.
- F** Q. What I want to suggest to you is when you came over the bridge behind the short shield units the scene that confronted you was not dissimilar from that, particularly photograph 7. In other words, a lot of people standing about in the road and then running for their lives because they are being chased. Now, is not that the position? - A. The people I could see when I went round the corner were immediately in front of me, basically the front cordon, and then I could see just the multitude ahead, the other people. Some of them were throwing stones. Others were
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