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POLICE SERGEANT KELSEY Recalled

Cross-examined by MRS. BAIRD:

- Q. Mr. Kelsey, just a couple of questions, very similar to the ones I asked your colleague, about things you might have seen in passing. Can you take a look at the aerial photographs, please? - A. This one?
- Q. Yes. I don't think you have looked at that before, have you? - A. No, I haven't.
- Q. Right in the middle is the railway bridge, to the top left is the coking plant, to the bottom right is the industrial area leading into the village? - A. Yes.
- Q. You can see the railway line clearly coming from left to right? - A. Yes.
- Q. My understanding is that with your colleagues you were some of the first officers on to that railway bridge on the first advance over it that morning? - A. Yes, Ma'am.
- Q. I am interested in what ~~at~~ that time was happening in the field immediately to your right as you got on to the bridge, this field here. - A. I really don't know, Ma'am.
- Q. Was there anything on that field that attracted your attention at all as you got there or as you moved off to advance? - A. Nothing at all, Ma'am.

MRS. BAIRD: I'm grateful.

Cross-examined by MR. GRIFFITHS:

- Q. Officer, a few points of detail you may be able to assist me on. First of all, there was a particular Superintendent you mentioned who, in your words, always seemed to be there and seemed to be giving orders. Do you remember? - A. Mr. Clarkson, sir, yes.
- Q. That's right. I don't think you have given us a description of him as yet. Would you listen to this description and see if I am very far out? Fairly tall man, fairly well-built, who on the day - 18th June - was using a megaphone, giving instructions at or about the Police cordon, wearing a white shirt but having the normal Police hat on as opposed to a riot hat. How does that accord with your recollection of Mr. Clarkson's appearance and activities on the day? - A. That would fit in that it is a general description, sir, yes.
- Q. Would you take Exhibit 30, please? - A. Yes, sir.
- Q. And would you look at photograph number twelve of those colour photographs? The numbers are printed on the reverse. - A. I have it, sir.
- Q. Look carefully. You see the person, clearly a senior officer, wearing a white shirt, of reasonable build, speaking into a megaphone and clearly giving instructions to a large body of men. I appreciate it isn't as

close as one would have liked but do you see anything inconsistent in that photograph in that person who might be Mr. Clarkson? -  
A. Not any difference, no, sir.

Q. We have seen a person very similar to that on the video, but I don't want to go through it today. It isn't ready and set up ....

JUDGE COLES: Arrangements are being made for you, are they?

MR. GRIFFITHS: Well, the problem is I don't have very many questions. It could be about eleven o'clock, I understand, your Honour.

JUDGE COLES: You could reserve your position, if you want to.

MR. GRIFFITHS: Well, indeed, your Honour. May I put it this way ....

MISS RUSSELL: I might assist my learned friend. It might well be that I, in the course of a later cross-examination, have arranged with the officers this morning to show a particular part of the film that my learned friend has referred to. As this officer is in court today, if my learned friend wants to reserve his position on that so the officer can see it when it is shown later?

JUDGE COLES: Yes, by all means. Do you reserve your point on that?

MR. GRIFFITHS: Yes. I am very grateful. I will deal then in a little more detail with Mr. Clarkson, dealing with his activities:

- Q. You can put that down now, officer. It is your understanding that Mr. Clarkson was in direct charge of the units around and about the cordon, certainly when you were there? - A. As I understand it, on that day, sir, he was in charge purely of the cordons top-end. I think Mr. Clement was in overall charge.
- Q. We know Mr. Clement's position, but certainly your understanding was on the day - I think I have used this expression before, but it puts it aptly - the person calling the shots on the ground as to what units were to go out, the person giving such instructions was Superintendent Clarkson? - A. That would be my best recollection, yes, sir.
- Q. I don't suppose you had observed anything to do with another officer called Superintendent Hale? - A. I don't remember the name.
- Q. Pardon? - A. I don't remember the name, sir.
- Q. You don't even remember the name of Superintendent Hale, but you were in the same operating, short shield unit, you were in charge .... - A. I was in charge of the section, yes, sir.
- Q. Well, I suppose I had better tell you, officer. We have been told, you see, that Mr. Hale was supposed to have been in charge of the short shield units, but you certainly didn't know that, did you? - A. No, I didn't, sir.
- Q. And you were a member of a short shield unit? - A. I was, sir, yes.
- Q. Let me move to something different. Exhibit 31, the bundle of coloured photographs that you have, I would like you to look at a photograph I

think you have already been shown. That is photograph number four, numbered on the reverse. Those are officers on the bridge? -  
A. Yes, sir.

- Q. Now, to recap what you have told us or what we have heard so far, the Sergeant who is looking directly at the cameraman and who is situated in the centre of that photograph is Sergeant Biddell. Now, Sergeant Biddell is a member of your PSU. Am I right? - A. I don't remember if he was in my PSU or Mr. Bennett's, sir.
- Q. Well, you would not disagree, would you, if at a later date the PSU booklet for your unit and Inspector Bennett's were produced and Biddell is put as being the other Sergeant to you in the PSU under Acting Inspector Darnell? - A. I wouldn't dispute that if that was the case, sir, no.
- Q. The other person who has been identified as the other Sergeant standing near to the metal of the bridge is Sergeant Darnell, but Acting Inspector on the day. - A. Yes, sir.
- Q. And he was in charge of your PSU? - A. Yes, sir.
- Q. He was over and above you, and the other Sergeant would be Sergeant Bidell? - A. Yes.
- Q. Now, will you look to the right of Sergeant Darnell and you will see, do you not, an officer with a round shield just to the right? -  
- A. Yes, sir.
- Q. Let's look at him with some care, can we? First of all, he has a round shield. That means, from what we have heard and from what you have said, I think, that he is a West Midlands officer? - A. Yes, sir.
- Q. Right. His helmet also supports the fact that he is a West Midlands officer? - A. Yes, sir.
- Q. Look carefully. What rank do you think that he is? - A. I could tell you what he is now I've looked closely. That's Mr. Bennett.
- Q. I thought it was. Let's be absolutely clear about it. We are talking about Larry Bennett? - A. Yes, sir.
- Q. I stress that because we do have another Mr. Bennett who was an Inspector for the Merseyside PSU. So, that person is Inspector Larry Bennett, who was head of the other West Midlands short shield PSU? - A. Yes, sir.
- Q. And to re-enforce that fact, the other PSU from the West Midlands - you were shown a photograph by Mr. O'Connor yesterday showing a person right at the end .... - A. P.C. Goucher, sir.

JUDGE COLES: Exhibit 31C.

MR. GRIFFITHS: I am grateful:

- Q. Now, in the PSU booklet which the Crown have kindly provided the Defence with in relation to Inspector Larry Bennett's PSU, there is Mr. Groucher in his PSU. - A. I wouldn't argue with that, sir.

- is
- Q. So, does it come to this? What I am anxious to deal with now/to help the Jury as to how many men, Police Officers, would have been doing whatever they were doing at or about the brow of the hill, and that is what I would like to see if we can clear up. From the indications that we have here and from your own recollection, does it follow that we have two West Midlands PSUs, save and except anybody that might have been injured or disappeared, but basically two West Midlands short shield PSUs in operation above the bridge? - A. Yes, sir.
- Q. Well, that is a total of 46 men or thereabouts? - A. Yes, sir.
- Q. Many of whom are equipped with short shields? - A. That's correct, sir.
- Q. Not all? - A. No, sir.
- Q. But each and every one of them in possession of a truncheon? - A. Yes, sir.
- Q. And if our understanding of the position is right, all of them would have had truncheons drawn? - A. Yes, sir.
- Q. So, we have got 46 people operating in that way, equipped in that way, above the bridge. 46 Police Officers. Would you look, please, at the same bundle, Exhibit 30, Photograph 9? That is the one we have all looked at many, many times. Not the blurred one, members of the Jury. I am putting these matters in the hope it will help your recollection as to the total number of persons who in all probability were in operation at or about the brow, you see. We have a photograph there with certain officers from Merseyside. Do you see? - A. Well, they aren't West Midlands officers, sir.
- Q. Take it from me, it has been evidence in this case, not challenged. - A. Yes, sir.
- Q. Now, two persons have been identified in this photograph. The person nearest the camera being another Inspector Bennett, but this time the Merseyside Inspector Bennett in charge of a particular PSU from there. - A. Yes, sir.
- Q. Also identified is Police Constable Austin, standing over or leaning over Mr. Scargill. - A. Is he the one furthest away?
- Q. Yes, I think so, and he is from yet another Merseyside PSU, headed by a person who we have yet to hear from, an Inspector Owens. - A. Yes, sir.
- Q. That is another 46 men or thereabouts, if they came from two different PSUs? - A. If they were all there. Some may have taken prisoners before.
- Q. Yes, I accept that. We are doing the best we can to help the Jury. That is just about approximately the sort of Police numbers who were in operation? - A. Yes, sir.
- Q. So, making allowances for the odd person who may have gone astray for one reason or another, we are dealing with another two PSUs, another 46 Police Officers kitted out with short shields and drawn truncheons, or many with short shields, not all of them? - A. Yes, sir.

- Q. So, it comes to this, doesn't it, that although nobody would expect you to be able to be precise about it, officer, would you agree the likelihood is that deployed at or beyond the brow of the hill, that is, above the railway bridge, we are talking about over 80 officers, probably over 90 officers, all with truncheons drawn? Right? - A. If we agree with those figures you quoted, yes, sir.
- Q. I have been very careful in doing so and I am putting to you - and I don't think anybody will disagree - a fair summary of the evidence that we have heard and from what you have been able to give us and the identification of Mr. Bennett on that bridge. - A. Yes.
- Q. Now, your description of what was happening at or about the brow of the hill, at some stage, I think to my learned friend, Mr. Taylor, was that it was chaotic up there, Police Officers were chasing pickets with shields and truncheons drawn. That is my note. - A. Yes, sir, that's correct.
- Q. If we are right about the sort of numbers, we are talking about something in the order of 80 or 90 Police Officers chasing pickets with shields, some of them with shields, but all of them with truncheons drawn. That is the reality of this, isn't it? - A. Yes, sir.
- Q. The final matter I think you can help me with is this: You see, I am asking questions on behalf of Mr. O'Brien and there is a dispute as to where, or there will be a dispute as to where he eventually was arrested. I am anxious to establish, if I can, how far the Police Officers went into the village. I have said that so the members of the Jury can follow these questions and why they are relevant. Now, will you take, first of all, the overhead aerial photograph, please? We can arrive at it in a number of different ways. Let's see if we can arrive at it in this way. You have looked at this before, orientated yourself? - A. Yes, sir.
- Q. You see the bridge and then looking on, the sweep up the hill into what we have called the village, with the houses there? - A. Yes.
- Q. Will you follow in your mind's eye along the road past the first two factory premises on the left? We then go, as you come into the road, into the village, on the left-hand side a line of trees which are opposite the houses? - A. Yes, sir.
- Q. Do you see something white and what seems to be shining fencing halfway along, just towards, adjacent to the road, the white dotted .... - A. I think somebody has thrown that out.

JUDGE COLES: There may be another aerial photograph there. Yes. Try that one.

THE WITNESS: Yes, I've got that one, sir.

- Q. MR. GRIFFITHS: Well, if you would like to turn to photograph nine at the same time, photograph nine of Exhibit 9. I may be wrong about this but it may be one way of dealing with it. - A. Photograph nine, you say?
- Q. Yes, of Exhibit 9. Now, we see the road sign? - A. Yes, sir.

- Q. You have identified that, have you not? - A. Yes, sir.
- Q. On the left and it is approximately opposite you, you are level with that. You have told us you came up and that is where Mr. Wysocki was arrested? - A. That's my best recollection.
- Q. According to you. It is disputed, but dealing with your account, do you remember getting that far when you apprehend Mr. Wysocki? - A. Yes, sir.
- Q. Now, look carefully at that photograph nine. Do you see on the left-hand side another sign which faces at 90 degrees to that? You can just .... - A. Looks like some sort of notice board, sir.
- Q. Yes. I don't know, but it may be that that is what we see, that little white dot facing the right direction for the camera-man? - A. Yes, sir.
- Q. You wouldn't be able to see your road sign because it would be side-on to the camera-man in the plan? - A. Correct, sir.
- Q. And to get at it in another way, I've just noticed this, and it may be a better way: Look now at Exhibit 3, which is the plan. - A. Is it 3A?
- Q. Yes. I think it's the long one. You should have a longer one. Yes. Now, what I am - we have a problem with photographs because they tend to fall short of things. What I am trying to do is to see if we can get a better idea of just how far into the village that road sign is. We have done it one way with the aerial photograph. Look at the plan as you go over the bridge up the road with the houses, therefore, on your right. - A. Yes, sir.
- Q. Now, "TP" on the left-hand side. That is "telegraph pole". I think "ELS" means lamp-post? - A. Electrical Lamp Standard, yes, sir.
- Q. But, if you go a little further along, do you see "SP"? - A. Yes, sir.
- Q. Now, I suspect that that is meaning to show that road sign. Would your Honour excuse me for a moment ....?

MR. KEEN: It is obvious "RS" stands for road sign in some places. I will see if I can enquire what "SP" means. It might be "sign post", but obviously I will have to find out.

JUDGE COLES: I can think of something else, but I won't say it.

MR. GRIFFITHS: So can I, but I have told my learned friend.

JUDGE COLES: Yes. Sign post makes sense.

- Q. MR. GRIFFITHS: Officer, it would be approximately, would it not, in the correct place, bearing in mind it would be adjacent to that gap between the factory units which you can see on the plan or the aerial photograph?
- A. I would agree it is in approximately the right place, yes, sir.
- Q. Right. So, looking at it - my learned friend will, I'm sure, be able to go back to whoever drafted this and we can check it, but let's assume for the moment it is in the correct place. That is, I think, how far you got when you apprehended Mr. Wysocki? - A. Yes, sir.
- Q. And if you look at the plan, that is directly opposite a pair of semi-detached houses, is it not? - A. Yes, sir.
- Q. And that is the last pair of semi-detached houses before you get into the two blocks of four houses? - A. Yes, sir.
- Q. Now, would you look at Exhibit 45, which is the non-contentious bundle showing recent views, and if we go to photograph eleven - I call them semi-detached houses, but two houses together should have been more precise. Do you see photograph eleven? - A. I do.
- Q. The view back down the road, looking towards the brow of the hill and beyond that, the bridge. Now, the last pair of houses before the terraced houses, we can see there, can we not .... - A. Scaffolding.
- Q. Yes, Georgian bay windows and scaffolding on the far side of it? - A. Yes, sir.
- Q. So, in respect of this photograph, you yourself, if we have got the sign post in the correct place, would have apprehended Mr. Wysocki about level with these two houses, and so that there is no misunderstanding, this is the last pair of houses before we get to the first line of four - does your Honour see that?

JUDGE COLES: I'm not sure I do. May I make a suggestion? I am not sure it will be a matter of agreement. When we had our view I made a note on my plan of the numbers of the houses.

MR. GRIFFITHS: I have done that as well, your Honour.

JUDGE COLES: I wonder if the Crown and Defence can agree that and perhaps then the Jury can put it on their plan and it will save a lot of this pointing.

MR. GRIFFITHS: Yes, I have done it, your Honour, and indeed I passed that on to my learned friend, Mr. Keen.



MR. KEEN: We have done likewise. If anybody wants numbers creating we certainly will do that.

MR. GRIFFITHS: Your Honour, it will only take a few minutes. If I have got it right, if I could read out what I have got, my learned friend can follow it. If there is no disagreement, it can be written in now.

JUDGE COLES: All right. Members of the Jury, you have your pen. Start at the left-hand at the Orgreave Lane.

MR. GRIFFITHS: I think, with respect, it would be better to start with the bungalow.

JUDGE COLES: Very well.

MR. GRIFFITHS: The bungalow is number 37, the next house is number 35, the next house is 33. Then, your Honour, adjacent as we look at it, next to where I have indicated number 33, we have a block which I have left blank and my learned friend, Mr. Walsh, has left blank because it forms part of either 33 or 32.

JUDGE COLES: This is one of the reasons I think it would be better to ....

MR. WALSH: I think it is simple after that, your Honour. It is just unclear to either of us whether that particular block is part of 32 or 33.

JUDGE COLES: It doesn't matter as long as we have it the same.

MR. O'CONNOR: It is, in fact, a garage, your Honour.

MR. WALSH: It doesn't matter for the purposes of this exercise, your Honour, because we have agreed about the remaining numbers.

JUDGE COLES: Yes, thank you. Will you let the Jury have a quick look at that?

MR. WALSH: May I suggest as a simple remedy, instead of us laboriously reading it out, if the Jury want to copy from that document on to theirs the numbers as they pass that round?

MR. GRIFFITHS: I think there are other things marked on the plan which I don't have objection to the Jury seeing, but I think perhaps they ought not to.

JUDGE COLES: In that event, put it away, members of the Jury, there are things upon it which you should not see, apparently.

MR. WALSH: The simplest answer might be if we find a clean copy of the plan with numbers on and let the Jury have it.

JUDGE COLES: Yes. Homework now, members of the Jury.

MR. GRIFFITHS: If we can just go this far for the sake of my cross-examination: We have the bungalow at 37, then 35, 33, 31, where we are leaving that little gap. Now, 29 being immediately to the right of ELS, then we have 27, - which has disappeared - there is no number 27.

JUDGE COLES: Who said it would be easy?

MR. GRIFFITHS: Then we go to 25, the two houses that are opposite the sign, "SP", 23 and 25. Then we start the first block of four terraced houses and reading from the right downwards is 21, 19, 17, 15 and then, reading down from right to left, the second block of four terraced houses, 13, 11, 9, 7. Then we move to the last pair of semi-detached houses, 5 and 3, and that is all the numbers I have, your Honour.

JUDGE COLES: Well, the one in the corner is "1".

MR. O'CONNOR: Can I just mention the fishpond? Does your Honour remember that in the gap between 29 and 23?

JUDGE COLES: I spend my whole life making notes of fishponds. Where was the fishpond?

MR. O'CONNOR: In the gap between 29 and 23.

- Q. MR. GRIFFITHS: Now, officer, feeling a little left out on your own, if we look at photograph eleven, which is the one we were looking at? - A. Yes, sir.
- Q. The house which has the bay windows, Georgian type bay windows - you see that, do you? - A. Yes, sir.
- Q. Those houses are numbers 25 and 23. Right? - A. Yes, sir.
- Q. Now, if we have got, according to your evidence, the position of the sign correctly, you are arresting, according to you, Mr. Wysocki there, although it is in dispute. That is where you say? - A. Yes.
- Q. Now, you had charged, not just independently, but you had got to that point along with all the other officers who were said to charge at the same time? - A. They were behind me, yes, sir.
- Q. But, am I right in saying that you got to Mr. Wysocki at the end of your, certainly the first part of the charge, with not only you participating in it, but everybody else who was there participating in it? - A. Yes, sir.
- Q. The only instructions you have, as I understand it, are to charge? - A. Yes, sir.
- Q. Did you hear who said, "Charge"? - A. I believe it was Sergeant Darnell, sir.

- Q. And then the officers move off en masse? - A. Yes, sir.
- Q. So, if I am right in my earlier questions, we are talking about, or we could reasonably be talking about a total of 80 to 90 officers charging up that road? - A. Yes, sir.
- Q. Now, you stop because you say you had come up with your prisoner? - A. Yes, sir.
- Q. Do we take it then that other officers hobbled past you? - A. Other officers did overtake us when we stopped, sir, yes.
- Q. So, it would be reasonable for the Jury to work on the basis that, looking at photograph number eleven, we have got a large number of officers sweeping down the road past the first block of terraced houses that we see there, right in the middle of the photograph, if we have got your position right, the position of the sign in relation to the house? - A. Yes, sir.
- Q. It must follow, mustn't it? - A. Well, they could have gone off the road into the factory estate, sir, rather than just go up the road.
- Q. Yes, some of them could have done that. - A. Yes, sir.
- Q. But, do we take it that some would have gone off to the left, some would have gone into the alleyways we can see, chasing people? - A. They may well have done. I don't know.
- Q. But, also, they would have run up the road, wouldn't they? - A. Yes, sir.
- Q. So, we can take it as being a reasonable proposition that when you were dealing with your arrested person, other officers sweeping down the road certainly pass that first block of terraced houses? - A. Yes, sir.
- Q. Right. Driving the pickets in front? - A. Once I had arrested Mr. Wysocki I turned round with him to walk away so I didn't see what was going on on the other side.
- Q. No, but the whole object was to disperse the pickets? - A. Yes, sir.
- Q. The whole object of the charge being to drive them back? - A. Yes, sir.
- Q. And, of course, pickets would have been driven back, the pickets who were nearest to you in this charge, against whom you charged, would have been driven back against the pickets behind them, and so forth all the way along down the road? - A. That may have happened, yes, sir.
- Q. You were there, officer, ....

JUDGE COLES: With his back to it. What he says is, "I had my back to it by that time".

MR. GRIFFITHS: I am talking about a little earlier, your Honour:

- Q. You weren't running backwards, officer, but forwards? -  
A. Yes, sir.
- Q. And when you are running forwards you can see what is ahead of you? - A. As I said yesterday, I was watching Mr. Wysocki.
- Q. But, he wasn't standing, so to speak, he was running en masse with a large number of other persons, according to you? -  
A. Yes, sir.
- Q. And is this a fair picture, that when you got to the point, if you weren't already there, that you were over the brow, your view up the road - go back now to Exhibit 9, so we can see the sort of thing you have got - it would be fair to describe the pickets as almost a sea of people going away from you up towards the estate? - A. I don't remember that, sir.
- Q. Well, I think you had better describe what you do remember, then. You are not suggesting he was an isolated person? -  
A. I was watching him. I wasn't concentrating on where others were going.
- Q. I know that, with great respect, but you have got eyes, you should be able to help the Jury as to other persons generally. I am not suggesting you should give a description of them, but surely you are able to tell the Jury it was packed with pickets there? - A. I can't remember. There were other people, but I can't say, with respect.

MR. GRIFFITHS: I must not make any comment. I will leave it there.

MISS RUSSELL: Your Honour, I lost my plan at the beginning of that. I didn't manage to get everything. I won't ask my learned friend to repeat his questions, but could I just follow it?

JUDGE COLES: Yes.

Re-examined by MR. WALSH:

- Q. Officer, just a few matters. First of all, you have been criticised for the way in which you came to sign your colleague's statement. Do you recall questions about that? - A. Yes, sir.
- Q. And it was put to you that normally entries are made in an officer's notebook? - A. Yes, sir.
- Q. Can you just help with this? When two officers make pocket book entries do they always use two pocket books, one each, or do they sometimes use just one? - A. Sometimes we just use one, sir.

- Q. And when two officers use one pocket book to make notes, what do they do at the end of the notes? - A. They put an endorsement, "I have read and agree with these notes", and sign them, sir.
- Q. I think you used a statement form. Was the procedure you used any different from that when officers use just one pocket book? - A. No different, sir.
- Q. I want to ask you something else about the statement that you eventually signed on the 16th July. Do you have that statement? - A. Yes, sir.
- Q. Now, on the last page of that statement you deal with Mr. Wysocki's injury. Is that right? - A. Yes, sir.
- Q. I just want to ask you which came first, the making of that statement or your telling a superior officer of how Mr. Wysocki got his injuries? - A. The statement, sir.
- Q. Just so the Jury know, because I don't think they have a copy of this, does it say this in your statement: "On our way to the Police Detention Centre we had to break through two Police shield cordons. We had difficulty breaking through the first cordon as the shields were tightly wedged together"? Does it say that? - A. Yes, sir.
- Q. Then, "On arrival at the prisoners' reception, I noticed that Wysocki had bruises under his right eye and a small cut to his nose"? - A. That's correct, sir.
- Q. You see, it has been put to you that after you had made that statement and seeing those notes about his injuries, you have then gone along to the superior officer and said that he sustained the injuries in a struggle during his arrest. Do you understand that is what is being put to you? - A. Yes, sir.
- Q. Does it make any sense to say two different things about that injury? - A. No, sir.
- Q. If you put that down, please? It has been put to you that there may have been 80 - 90 Police Officers over the bridge moving up the road. - A. Yes, sir.
- Q. Now, let's assume that that is right. Can you tell the members of the Jury from what you saw, how many pickets those 80 - 90 Police Officers were having to face? - A. I've said in my statement, "a large number", and it was well over a hundred.
- Q. And as you are moving up the hill, would you have been able to see over the brow at that time? - A. No, sir.
- Q. Are you able to help with the numbers once you got to the brow? - A. No, sir.
- Q. You mentioned something about seeing a motor car rolling down a bank into the road. Do you recall saying that yesterday? - A. Yes, sir.

- Q. You weren't asked any more about that. Can you describe to the Jury what you saw happening? - A. This is while we were on the Highfield Lane, before we went over the bridge. We could see a number of pickets man-handling a car down the bank and on to the road. We got the impression they were going to try and roll it up the cordon.
- Q. Where was the cordon at that time? - A. I don't remember where the cordon was, sir. We were behind it but I can't recall exactly where it was.
- Q. What about the pickets? - A. They were on the other side of the bridge, sir.
- Q. Whereabouts were they in relation to this car that was being rolled down the bank? - A. They were all round it. They were on that bank overlooking where we were standing, sir.
- Q. Other than rolling the car down the bank what, if anything, else were the pickets doing? - A. They were throwing metal nuts off cars. They were coming over, down on the road, hitting Policemen and a BBC camera crew.
- Q. Do you have Exhibit 30 there? - A. Yes, sir.
- Q. Could you just turn to photograph eleven? - A. Yes, sir.
- Q. I think we have already established that that is on the left-hand side, Mr. Wysocki together with yourself and your colleague? - A. Yes, sir.
- Q. And you are walking down there towards the bridge? - A. Yes, sir.
- Q. Could you just turn to the next photograph, please, photograph twelve, and we understand that when these photographs are proved we are going to be told that they are taken in sequence. Do you see a number of officers carrying shields, moving up the road? - A. Yes.
- Q. Just flick back to number eleven, would you, so that<sup>is</sup>/you going down and then number twelve, then going up. Do you see? - A. I do, sir.
- Q. Did you ever see anything like the scene on photograph twelve? - A. I don't recall it, sir, no.
- Q. Did you ever see those officers lower down moving up the hill? - A. No, sir. They were all stationary when we went through.
- Q. Just have a look at photograph thirteen, would you, please? It's rather blurred, but on the other side of the railway embankment there is a thin line of Police Officers. Can you see those? - A. Yes, sir.
- Q. And what is that we can see behind that thin line? - A. I would say that is a cordon, sir. It looks like more Police Officers and I think there is a mounted branch there as well.

- Q. Now, you told the members of the Jury you had to go through two cordons with your prisoner. Does that photograph help you to tell us where either of the cordons were? - A. Well, the first cordon, sir, would be the far side of the bridge on the coking plant side of the bridge, and the second one is further down.
- Q. Does that photograph help you or not? - A. Yes, sir.
- Q. So, where was the second cordon that you had to go through? - A. From this photo, I believe it was this one here, further down from the bridge, 50 yards behind the first one, which would have been across the coking plant side of the railway bridge, sir.
- Q. Very well. Whilst you have those photographs in your hand, could you turn to photographs five, six and seven?
- JUDGE COLES: All the same bundle?
- MR. WALSH: Yes, the same bundle, your Honour, Exhibit 30.
- Q. JUDGE COLES: I didn't quite get what you said about those cordons, officer, in photograph thirteen. Did you agree that there does appear to be the two cordons through which you passed? - A. Yes, sir.
- Q. MR. WALSH: Just to remind you, Sergeant, and the members of the Jury, you were shown these photographs by my learned friend, Miss Russell, and it was put to you that those were scenes of the crowd just before the short shield units went forward and up the hill. Do you remember that? - A. Yes, sir.
- Q. Perhaps you could direct your attention to photograph seven in particular, please? It was put to you that that photograph, amongst other things, showed people taking a car off the scrapyard. It was suggested that may have been what they were doing? - A. It was, yes, sir.
- Q. I don't think you had time to give an answer. Well, you saw the car being rolled down. Was that the scene at the time? - A. It is certainly similar to it, sir, with the blokes all up on the bank, and there is certainly a group in the middle towards the right, who appear to be doing something to something on the bank.
- Q. What about that group on the left? - A. They're all watching them as well, all looking over to their right, sir.
- Q. And it was put to you, you see, that at that time you can't see any arms raised, throwing things. Do you understand? - A. Yes, sir.
- Q. That is what was being put to you. I wonder if you could take up another bundle of photographs, Exhibit 27? - A. Yes, sir.
- Q. Have you got the small version? - A. Yes, sir.

- Q. They are not particularly good. Have my larger version, would you? (Handed) They are unmarked. Perhaps I can just have the exhibits for a moment while I ask you just a few more questions? Would you have a look, please, once again at photograph 26, which you have already been asked about? - A. Yes, sir.
- Q. Just so we can get the chronology right, because it is being put to you that that is Mr. Wysocki being arrested. I think you have told us it is probably after he was arrested, which puts it, in time, shortly after the charge? Is that right? - A. Yes, sir.
- Q. We are told that these photographs are in order. Could you turn to photograph 24, please? Do you have that? - A. Yes, sir.
- Q. Can you see on photograph 24 a "bend" sign and a "road narrow" sign, towards the bottom left? - A. Yes, sir.
- Q. Just help us fit it in. I don't think we need to look at other photographs to know where that is taken. Just look at those people towards the bottom of the photograph, would you? - A. Yes, sir.
- Q. Did you ever see a scene like that? - A. Yes, sir.

MISS RUSSELL: If it assists my learned friend in this line of re-examination, let me make it quite clear that there is absolutely no dispute on behalf of me for the Defence or, I think, amongst any of the Defence at all, that at the time when the Police charged stones were thrown.

MR. WALSH: Well, that is very helpful. In that case perhaps I can lead:

- Q. Looking at photograph 24, we can see people at the bottom with their arms in the air? - A. We can, sir.
- Q. What are they doing? - A. Throwing stones or missiles, I think.

JUDGE COLES: Do the members of the Jury have the same as I have?

MR. WALSH: Yes, your Honour.

JUDGE COLES: Just let the Jury have a quick look at this photograph.

MR. WALSH: I would be grateful, your Honour. (Handed)

- Q. MR. WALSH: Just have this back now, officer. These people appear to be throwing towards the sky, particularly in the area below the telegraph wire. What do you see in the sky? - A. Missiles, stones and the like.
- Q. Did you ever see the air looking like that whilst you were in this vicinity? - A. I did, sir.



- Q. Just have a look at the one over the page, would you? Do you see the telegraph pole? - A. Yes, sir.
- Q. And do you see the sky to the left and right of the telegraph pole? - A. Yes, I do.
- Q. What is in the sky? - A. More missiles, sir.
- Q. I'm sorry, I can't hear. - A. More missiles, sir.
- Q. Did you see the sky looking like that? - A. I did, sir.
- Q. When do you say the sky was like that, because it appears that the Defence agree that there was stone throwing going on when the Police started to charge? When do you say the stone throwing was going on? - A. That was as we moved through the shield cordon behind the mounted branch and the mounted branch had come back through us and the pickets came back towards us, throwing missiles. That's when I saw the sky like that.

MISS RUSSELL: Not when they start to charge, but when they were charging. I make it quite clear. In other words, the Police really were charging up from the cordon and that was what created the stone throwing. I didn't really make it quite clear.

JUDGE COLES: Miss Russell's admission about stones is limited to the time after the Police charged.

- Q. MR. WALSH: So, may I ask you about before the Police started to charge? What was the air like then, when you looked up? - A. When the mounted branch went through and we formed this cordon behind them there were no missile actions because the mounted branch had cleared the pickets off.
- Q. I want to know about the time when the Police line was stationary, before you moved forward, do you understand? - A. Yes, sir.
- Q. The Police line and the pickets in front of them. What was happening then? - A. They were throwing stones at us, sir.
- Q. Very well. Put those down. Unless your Honour has any questions?

JUDGE COLES: No.

- Q. MR. WALSH: Thank you, Sergeant. But, would you not leave the building? You may be asked to look at some video film later on. Do you follow? - A. Yes, sir.

POLICE CONSTABLE LEE STEPHEN HOLMES Sworn

Examined by MR. WALSH:

- Q. Your full name and rank, please? - A. Police Constable Lee Stephen Holmes, West Yorkshire Metropolitan Police, currently stationed at Keighley, your Honour.

- Q. Last year, on the 18th June, were you in the vicinity of the Orgreave Steel Coking Plant, near Sheffield? - A. That's correct, yes.
- Q. And were you a member of a West Yorkshire PSU? - A. That's correct, your Honour.
- Q. Had you been to Orgreave before that date? - A. We were there on the day, your Honour.
- Q. No. Had you been before 18th June? - A. I can't remember that.
- Q. Have you been there since? - A. Yes, I went on one day after that, I think.
- Q. One day after that? In relation to Monday, 18th June, when was that, approximately? - A. I think the same week. I'm not certain about that, your Honour.
- Q. Can I just say something? Before you start giving more detailed evidence, some witnesses have found that this is a court in which it is difficult to be heard, so would you try to speak up in a much louder voice than you would normally use? So, apart from possibly one other occasion at the same time, have you ever been back to Orgreave or Highfield Lane? - A. No, your Honour.
- Q. Have you ever since seen any photographs of that scene? - A. None at all, your Honour, no.
- Q. Or any plans? - A. No.
- Q. Did you go there from your base early in the morning or did you stay overnight the previous day? - A. We travelled that morning, your Honour.
- Q. And, doing the best you can as to times, about when did you arrive? - A. About seven in the morning, about 7. a.m.
- Q. If I were to ask you details of times of events through that morning, to what extent would you be able to give me accurate answers? - A. Only approximate ones, your Honour.
- Q. Very well. Do we assume that you, like others, arrived in a vehicle? - A. A transit van, your Honour.
- Q. With other members of your PSU? - A. That's correct, yes, your Honour.
- Q. And were those people with whom you had previously done public order training or not? - A. Yes, your Honour, they were.
- Q. And how much experience of public order matters, or training, had you had by the 18th June? - A. I had been on several days' public order training, your Honour.
- Q. Over a period of? - A. Since May, 1981, your Honour.

- Q. So, several days over a period of about two and a half years?  
- A. That's correct, your Honour.
- Q. And when you went on that training was it always with the same people or with different people? - A. It was always with different people, your Honour.
- Q. Right. Now, we all know that a PSU comprises 20 men, two Sergeants and an Inspector. - A. Yes.
- Q. You, obviously, would go in perhaps more than one vehicle?  
- A. That's correct, your Honour, yes.
- Q. Once you arrived at Orgreave, were you immediately called into some sort of active service or did you have a period of waiting? - A. No, it was almost immediately, your Honour, that we went and were deployed on the line.
- Q. Wearing? - A. As I am now.
- Q. At the moment you don't have any form of head gear on.  
- A. The normal Police helmet.
- Q. Do the words "topside", "bottom side", mean anything to you?  
- A. No, your Honour.
- Q. Where - if you can, describe where it was you went on duty to form part of the line. - A. The first time I think I was on the grass verge. There was a big grass field and we were above a line across the grass.
- Q. We know that the main road is on a hill. - A. Yes.
- Q. Was it above or below the main gates? - A. Above, your Honour.
- Q. You say that was the first time. About how long did you spend on that line? - A. Almost all the morning, your Honour.
- Q. Were you in the front rank or some other rank to begin with?  
- A. I'm not sure at the beginning where I was, whether I was at the front line, second or third, but we were near the front.
- Q. Did you ever have a break, either short or long, when you were sitting down and then went back to where your vehicles were? - A. I don't think so, your Honour. No. I think we remained there all the time because we were at the front.
- Q. Were you in the line when the coking lorries came up the road and went into the coking works? - A. Yes, your Honour.
- Q. Were you in the line about an hour or so later when the lorries, now laden, came out of the coking works? - A. Yes. I was there all morning, your Honour.
- Q. And, just very briefly, what happened when the lorries went in, so far as you could see from where you were standing in relation to what was in front of you? - A. How do you mean? I'm not sure what you mean.

- Q. Right. Now, what happened at this point? - A. It was obvious that there were not enough Policemen in the line to cope with what was happening so those who had gone off for their meal were quickly retrieved, your Honour.
- Q. Just pausing, at that point, before those who had gone were quickly retrieved, can you tell us anything about the front line of the Police as to whether they had any protective equipment with them or not? Are you able to help us on that? - A. Yes, I think they did have some shields with them, your Honour. I know they did to the right of me and I'm not sure about to the left.
- Q. And you are standing on the field or in the road? - A. On the field, just away from the edge of the road.
- Q. So, there is quite a large section of field to your left in that case? - A. Yes, your Honour.
- Q. Right. I interrupted your course of events. You have got the missiles being thrown and those who had gone for refreshment being called back? - A. That's correct, your Honour.
- Q. Please continue. - A. It was some time before the officers came back and in this time, as I said, all those missiles were continually being thrown at the few remaining Policemen. Then, we waited until everybody who had left came back.
- Q. And what happened then? - A. One of the commanders was asking the miners to disperse.
- Q. How was he doing that? - A. Using a microphone, a loud-hailer type.
- Q. Did you know who that commander was? - A. I couldn't be certain.
- Q. And did you see him or just hear him? - A. I just heard. There were several high ranking officers there that day, your Honour.
- Q. He was asking the miners to disperse. What was their reaction? - A. They totally ignored this, your Honour, and carried on throwing missiles.
- Q. Yes. - A. This carried on for some time until even more Policemen who were on standby, to my knowledge, arrived back at the line and we were several rows deep of Policemen, your Honour. The command was then given to disperse the miners to stop, obviously to stop us getting, having the missiles thrown at us.
- Q. Yes? - A. I think the horses went through the Police lines first, your Honour.
- Q. You say you think? - A. Yes. Well, I'm nearly certain about that, your Honour.

- Q. Right. Now, what happened at this point? - A. It was obvious that there were not enough Policemen in the line to cope with what was happening so those who had gone off for their meal were quickly retrieved, your Honour.
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- Q. And you are standing on the field or in the road? - A. On the field, just away from the edge of the road.
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- Q. Yes? - A. I think the horses went through the Police lines first, your Honour.
- Q. You say you think? - A. Yes. Well, I'm nearly certain about that, your Honour.

- Q. Was that on the field or in the road? - A. That was on the field, your Honour, to my left.
- Q. Could you see whether anything like that happened on the road or were you not looking, or what? - A. I wasn't looking at the road at the time.
- Q. Very well. Yes? - A. Following the horses, your Honour, were other uniformed officers on foot.
- Q. How were they dressed or equipped? - A. I think they were wearing riot helmets, your Honour, the motorbike helmet type with shields, short shields. Some were, some weren't, your Honour.
- Q. What did you do? - A. We waited.
- Q. I see. Well, what happened after that? - A. We then followed on and tried to disperse the miners who were still throwing missiles, your Honour. There was that many of them it had no effect immediately.
- Q. When you say, "we followed on", who is "we" and how many? - A. It was at least my unit, several other units of officers, of Policemen.
- Q. And were you all part of a cordon? - A. Do you - how do you mean, cordon?
- Q. Well, the line. You said there had been a line of Police several rows, I think you said, by this time, quite a number of rows deep. - A. Yes.
- Q. I'm sorry. We have been calling that a cordon. Perhaps I didn't tell you. - A. Okay.
- Q. But, if you want to use a different word, use whatever you like. - A. Well, not everyone moved forward, only the front four or five rows, to my knowledge.
- Q. Do you know why that was? - A. To disperse the crowd, your Honour.
- Q. And can you say why the remaining rows didn't? - A. That I can't say, your Honour. They may have followed later. I can't remember that far back.
- Q. Right. Well, as you moved forward, you and your colleagues, what happened? - A. My partner and I ....
- Q. Now, that is who? - A. That is P.C. Grundy, your Honour. We saw the Defendant Bell.

JUDGE COLES: Shall we leave it there for a short break?

MR. WALSH: Very well, your Honour.

(Short Adjournment)

JUDGE COLES: I can tell you now, so far as can be certain at the moment, the probability is that this Court will not be sitting a week on Friday.

MR. WALSH: Your Honour has just answered a question we were all canvassing ourselves. I am obliged, your Honour. Your Honour, perhaps while we are still dealing with other matters, the statement of the last witness hasn't formally been made an exhibit, but it should be.

JUDGE COLES: Yes.

MR. WALSH: And so it will have the next number, 58, if my memory serves me correctly.

JUDGE COLES: Yes.

- Q. MR. WALSH: Now, Constable Holmes, we had our mid-morning break at the stage when you say you saw the Defendant Bell? - A. That's correct, your Honour.
- Q. Now, just so that we can get it correct, where were you and what were you doing at the moment when you first saw him? - A. I was still on the front line, your Honour.
- Q. Yes, and you told us you were with your colleague, P.C. Grundy? - A. That's correct, plus other members of our PSU.
- Q. So, would it be right to take the picture that you were still part of a line of Police Officers, or had the line broken? - A. No. I was still part of a line of Police Officers at that time, your Honour.
- Q. And were you in any way linked with officers to the right and left of you or not at that point? - A. That I can't remember, your Honour.
- Q. Very well. Now, you saw him. What was he doing? - A. He had a bottle in his hand, your Honour.
- Q. Was he on the road or in the field? - A. He was in the field.
- Q. Ahead of you or to the side? - A. Ahead, your Honour.
- Q. And about how far away? If it helps to point to something in this courtroom, do it that way. - A. I would think about 30 or 40 yards. I'm not certain of that, your Honour.
- Q. Does that mean there is nothing here you can point to, or what? - A. No. It would be further than the entrance.
- Q. Very well. Now, he had a bottle in his hand? - A. Yes, your Honour.
- Q. Did he do anything with it? - A. Not at that time, your Honour, no.
- Q. Not at that time, but some time? - A. He did later, when the officers moved from the line in order to disperse.

- Q. I see. So, do we gather that the time you saw him you were still stationary? - A. That's correct.
- Q. And can you give us any idea of how long went by between you seeing him and the Police line moving forward? -  
A. Not very long, your Honour. It wasn't so much a move forward as a slow walk forward. The front lines almost chased up the hill, your Honour.
- Q. And you were part of that, from what you were saying? -  
A. Yes, your Honour.
- Q. Now, you say that it was when you began to chase on your move forward that you saw him do something? - A. I saw him throw the bottle, your Honour.
- Q. At what, or at whom? - A. Towards the Police, your Honour.
- Q. And towards you specifically or to your left? - A. No, the general direction of the Police.
- Q. Very well. What did you do then? - A. Nothing at that time, your Honour. We were still moving. We then began to move forward as part of the other units who were moving forward, your Honour.
- Q. JUDGE COLES: You were still stationary when that happened but others ahead of you were chasing? - A. Well, it happened so quickly, your Honour, some were moving forward, the ones behind hadn't had a chance to move yet, so I can't remember whether I was stationary or walking or running forward at that time, your Honour.
- Q. MR. WALSH: Well now, continue the story, please. -  
A. I then found P.C. Grundy and stuck with him. We were told to stick together throughout the day, so this I did, and there were so many miners there they were running in all sorts of directions, throwing missiles and things, so we were looking about all the time for safety reasons, to make sure we didn't get hit because we didn't have a shield.
- Q. Pause there. Yes? - A. We would run for a while and stop and make sure that there was plenty of other officers nearby, for safety reasons, your Honour. Then, we would move forward again, making the miners go back up the hill towards the railway bridge. We travelled some distance near a flat building, your Honour.
- Q. Are you still on the field? - A. I can't remember whether the building is on the field, but it isn't on the road, I know that.
- Q. Perhaps it's the way I put my question. In your move forward had you remained on the grass or had you gone on to the road? - A. We may have done, we may have not. I can't answer that, your Worship.
- Q. Was this flat building still to the left-hand side of the road? - A. Yes, your Honour.
- Q. I wonder if you would like to look at Exhibit 9? There is



a bundle of photographs in an album like that with "Exhibit 9" on the top right-hand corner. Yes, that's it. Would you go to the front, please? Open it at number one. Now, I can tell you that this is Highfield Road, looking up from the direction of the gate of the coking works towards the bridge and that the field is on the left-hand side. - A. Yes, I recognise that, your Honour.

- Q. Both before and behind the camera. You can see a flat-topped building in the distance on the left? - A. Yes.
- Q. You can see it more closely if you look at photograph two and three. Do you see? - A. Yes, your Honour.
- Q. Now, is that the building you are talking about or some different one? - A. Yes, that is the same building, your Honour.
- Q. Right. Now, you have come into the vicinity of that building, if I understood you correctly?

MISS RUSSELL: He has not actually as yet said that.

JUDGE COLES: "We travelled some distance until we reached a flat-topped building".

MR. WALSH: Yes.

MISS RUSSELL: I thought he said "came near".

MR. WALSH: I said "in the vicinity". That is the same thing:

- Q. Right. Well, what happened there? - A. I saw the Defendant Bell again, your Honour. I recognised him from the clothing he was wearing, your Honour.
- Q. Had you seen him between the occasion when he threw the bottle and the occasion when you saw him near the flat-topped building? - A. We had seen him near to the building just before where we have got to now, your Honour. I'm sorry, I saw him. I can't speak for P.C. Grundy.
- Q. No. Quite. You have seen him near the building? - A. Yes.
- Q. And when you saw him on the next occasion where was he? - A. He was by a wooden, broken-down fence. I think it was wooden, your Honour, but it was some sort of fence near there.
- Q. Would you like to look at either photograph two or three and see if either of those help you? - A. Well, it's to the left of photograph three, your Honour.
- Q. Yes. We can see a fence there. Is that it or some other fence you are talking about? - A. I can't say that. I don't know, your Honour.
- Q. These are photographs which were taken many months after the 18th June, so the situation might be slightly different. - A. Yes.

Q. Does photograph two perhaps help you, although it is taken from a much greater range? - A. No, I can't say, your Honour.

Q. Very well. Just to see if any other photographic aid helps would you like to look at the large aerial photograph? Now, to familiarise yourself, we are looking, as it were, the wrong way round. We are looking backwards. Do you see the coking works at the top left? That is the coking works and the main gate. - A. Yes.

Q. And you're going uphill as you go down the photograph? - A. Yes.

Q. And the flat-topped building, is this it, the one as we are looking at it, the right-hand side of the road? Does that photograph in any way help to say where he was when you saw him for the third time? - A. All I can say for certain, your Honour, is that it was somewhere near this building. I can't remember whether it was the front or the side of the building.

Q. You have in your recollection a fence? - A. Yes, your Honour.

Q. Which you say seemed to be broken? - A. Yes, your Honour.

Q. Right. Well now, were you alone or in company at this point? - A. I remained with P.C. Grundy throughout the morning, your Honour, and didn't leave his side.

Q. Do you mean by that from the beginning to the end of the whole morning or only during a part of the morning? - A. No, the whole morning. I was near P.C. Grundy the whole morning, your Honour.

Q. You have told us you had been ordered to stick together? - A. Yes, your Honour.

Q. Who gave you that order? - A. Several months before, on PSU training, your Honour. It was number one and two, three and four, etcetera, to stick together.

Q. So, do we gather from that that you were always Grundy's partner? - A. No, that isn't correct. At the beginning of each day's work we were given a number and, obviously, you stuck with the partner whose number you were given to work with.

Q. JUDGE COLES: That is what you mean when you talk about one and two, three and four? - A. Yes, your Honour.

Q. MR. WALSH: And so the numbers that were allocated that morning meant that you and Grundy had to be together? - A. Yes, your Honour.

Q. Well now, you come upon Mr. Bell? - A. Yes, your Honour.

Q. About how far away from you is he at this point? - A. Some way, your Honour, and I could see that he was limping.

- Q. JUDGE COLES: You say he was some way away? - A. Yes.
- Q. MR. WALSH: About how far from you approximately?  
- A. 20 to 30 yards, approximately, your Honour.
- Q. Had you noticed the limp on either of the previous occasions when you had seen him? - A. Yes, your Honour.
- Q. On which occasion? - A. The second, I think it was.
- Q. JUDGE COLES: Well now, the first occasion was when you saw him with a bottle. Did he do anything with it?  
- A. He was stood stationary, your Honour.
- Q. The second occasion was near the building by the wooden, broken-down fence. Is that right? - A. On the way to the wooden fence, your Honour, yes.
- Q. And the third occasion? - A. By the building, either the front or the side, your Honour.
- Q. MR. WALSH: You say you recognised him as the same man you had seen throw the bottle? - A. Yes, your Honour.
- Q. What did you do when you saw him on this third occasion by the building and limping? - A. Several other Police Officers were, in fact, in front of P.C. Grundy and myself, your Honour.
- Q. Did you know them or not? - A. No, I couldn't see who they were, your Honour.
- Q. Or from what Force? - A. I have no idea, your Honour. At this point Bell either sat down or fell down on the ground of his own accord. As we approached him he just put his hands up, like that, your Honour, but still on the ground.
- Q. Did you say anything? - A. I think I said something to P.C. Grundy.
- Q. JUDGE COLES: We had better just make a note that you were putting your hands up in a gesture of surrender. Is that right? - A. It could have been, your Honour, yes. He put his hands up like that.
- Q. How would you describe it?
- Q. MR. WALSH: It has to be described. Hands up, palms out, hands at shoulder level or thereabouts? - A. Yes.
- JUDGE COLES: Thank you very much indeed.
- Q. MR. WALSH: Yes. I'm sorry, but I asked you if you said anything? - A. I briefly spoke with P.C. Grundy.
- Q. Would that be something that would be within earshot of the Defendant or not? - A. No.
- Q. Then, I can't ask you about that. - A. I understand that.

- Q. Having spoken to Grundy, what next? - A. I then approached the Defendant Bell, your Honour. I cautioned him and told him he was under arrest.
- Q. Did you touch him in any way? - A. Yes. I took hold of his arm and P.C. Grundy took hold of the other arm, your Honour, and we lifted him up.
- Q. When you cautioned him and told him he was under arrest, did he make any reply? - A. He replied, "Okay", your Honour.
- Q. Did you get him to his feet? - A. Yes, we assisted him to his feet, your Honour.
- Q. And in what condition did he appear to be? - A. It was very obvious that he had been injured. His leg, in some way or other, your Honour. In what way, I couldn't say.
- Q. Did he say anything about how he had injured it? - A. I don't think so, at that time, your Honour.
- Q. Does that mean he said something at some stage? - A. He did later, your Honour.
- Q. When was that? - A. I can't say when it was, but I do remember him saying that he had already broken a leg previously. It must have been at the hospital later, your Honour, because he must have been informed where the leg was broken and he told us it was the same place that he had broken it before.
- Q. Meaning on a previous occasion? - A. Yes, some time before, your Honour.
- Q. Now, we are still out near that building at the moment and you have got him to his feet, but he is obviously in pain? - A. Yes, your Honour.
- Q. So, what did you do? - A. Well, for our safety and his safety we immediately took him to an ambulance, your Honour, not the First Aid bus but an ambulance, and we requested ....
- Q. How did you get him there? - A. We just held him one arm apiece and walked him through. He was limping, but he could manage okay.
- Q. If he hadn't been able to manage, would you have lifted him? Did he ask to be lifted or not? - A. No.
- Q. Do you remember where the ambulance was? - A. It was on the road, your Honour.
- Q. About how far away? - A. Halfway up the road, I would think, your Honour, from where the original line was and the building that I've mentioned.
- Q. Right. Thank you. - A. There were several ambulances there, your Honour. We went to the one which was nearest to get away first, if you know what I mean, your Honour, without having to manoeuvre around any other ambulances.

- Q. So it may have, in fact, been not the nearest ambulance to you? - A. Yes. There was more than one ambulance there, your Honour.
- Q. Was there a medical attendant there with the ambulance? - A. Yes, there was a driver and his attendant, your Honour.
- Q. And did you assist Mr. Bell into the ambulance? - A. We did, your Honour.
- Q. Did someone examine him there and then? - A. I can't remember that, your Honour.
- Q. And did you go with him to Rotherham General Hospital? - A. Yes, your Honour.
- Q. Do you happen to remember whether anybody else apart from you and your colleague and Mr. Bell and the ambulance attendants were in the ambulance? - A. I can't remember. No, I can't remember, your Honour.
- Q. So, on arrival at the hospital was his injury investigated by medical staff? - A. Yes, your Honour.
- Q. And you say at some point you became aware that there was a fracture and that he was saying he had fractured it in the same place some time before? - A. Yes, your Honour.
- Q. I don't know how long all this procedure took at the hospital .... - A. Quite a long time, your Honour. Several people in the hospital, Policemen and miners.
- Q. Yes. Did a time come when either the treatment was completed or he reached a stage at which you were permitted by medical staff to speak to him? - A. Yes, your Honour.
- Q. How was that? Were you with him all the time or what? - A. No. We tried to stay with him when we could, your Honour. He was placed in a private room on a ward and that's when we really had a chance to speak to him together alone again, your Honour.
- Q. And did you do that? - A. Yes, your Honour.
- Q. Are you able to tell us what time of day it was by now? - A. I think it was about 2.15, your Honour. I have that written down in my pocket book, the time I spoke to him.
- Q. Have you got your pocket book with you? - A. I have, your Honour.
- Q. Did you make a record at the time or later, or when? - A. At the time, your Honour.
- Q. And was Mr. Bell in a position to see you making a record of it? - A. Yes. P.C. Grundy and myself made our notes up to and including the time that we spoke to Mr. Bell in this ward, your Honour, in his presence.

- Q. So, let's see if I understand you. All the while he is there you made your notes of what you, of what happened up until the moment of his arrest? - A. Yes, your Honour.
- Q. In relation to the questions and any answers that he gave, when did you write in your pocket book? - A. I wrote the questions down before I asked him the questions, your Honour. I then noted his reply after he had given me the answer, your Honour.
- Q. And then what did you do, next question? - A. I then wrote the next question down before I asked him it and wrote the reply.
- Q. So, each question and answer written, as it were, as it happened? - A. Yes, your Honour.
- Q. And what happened when you finished? - A. I then formally cautioned him, your Honour, and told him the facts would be reported, to which he replied, "Okay".
- Q. Had he seen you writing the questions and answers? - A. Yes, your Honour. P.C. Grundy was also writing the questions and answers in his pocket book at the time.
- Q. And, I don't know, did you ever give the Defendant an opportunity to look at the questions and answers once that had been completed and written? - A. I insisted that the Defendant look and read over my pocket book, your Honour.
- Q. And did he do so? - A. Yes. I then requested him, or rather I asked him if he agreed with the contents of the pocket book, your Honour.
- Q. Yes. - A. He said he did and I requested him to sign my pocket book.
- Q. And what response did you get? - A. He did, your Honour.

MR. WALSH: Your Honour, might the officer use his pocket book to refresh his memory?

JUDGE COLES: Of course, by all means.

- Q. MR. WALSH: Do you have your pocket book there? - A. Yes, I do, your Honour, yes.
- Q. Thank you. Now, there is a time when you are talking to him and there are questions and the answers. How did you begin? - A. It was at 2.20 p.m., your Honour.
- Q. That is the record you have got in your notes?-- A. Not 2.15, as I said.
- Q. Yes, thank you. - A. And I interviewed Mr. Bell in the presence of P.C. Grundy. I reminded him that he was under caution and said, "Do you understand why you have been arrested". He replied, "Yes, it's obvious". I then said to him, your Honour, "Do you admit throwing missiles at

the Police and not dispersing when you were requested?" He replied, "Yes". What can I say?". I then said to him, "What were you throwing?", and he replied, "Stones". I then said, "We saw you with a bottle", and he replied, your Honour, "Yes, but I didn't throw that. I only threw stones. I threw down the bottle". I then said, "So, you admit throwing stones at the Police who are on duty?". He replied, "Yes", and as I have said before I then formally cautioned him, your Honour, and told him the facts would be reported and he replied, "Okay".

- Q. And did you then leave him? - A. Yes. He signed my pocket book after he had read it over, as we have mentioned, and then we left, your Honour.

MR. WALSH: Thank you.

Cross-examined by MISS RUSSELL:

- Q. Might I have a look at that pocket book, officer? (Handed) I wonder if the Court would give me a moment?

JUDGE COLES: Yes, of course.

- Q. MISS RUSSELL: Yes, thank you, officer. When you make up the pocket book, officer, it is to provide you with a rough note to refresh your memory later in Court? - A. Yes, your Honour.
- Q. When you make a witness statement that, of course, is to be served on the Defence if matters come to trial? - A. Yes.
- Q. You know that, don't you? - A. Yes, your Honour.
- Q. And the witness statement is something which you have time to prepare? - A. In usual circumstances, yes, your Honour.
- Q. Well, are you suggesting that after, it must have been some time after three o'clock on the 18th June, that you didn't have sufficient time to prepare a witness statement? - A. That's correct. I did prepare one, your Honour, but it was a rushed statement, your Honour.
- Q. Why? - A. I wanted to get back home.
- Q. Are you saying, officer, that on the 18th June you made a rushed statement concerning a matter as serious as this because you wanted to get back home? Is that your evidence? - A. I made a statement, your Honour, to the facts that I thought were relevant to that date and then handed it over to a fellow officer, your Honour.
- Q. At the beginning of your evidence you were asked whether you had seen any photographs, weren't you, officer? - A. That's correct, your Honour.
- Q. Why did you lie to the Court and say you hadn't? - A. Because I have not, your Honour. I'm not lying.

- Q. Are you sure about that? - A. I'm one hundred per cent certain about that, your Honour.
- Q. What about the video, officer? Have you see that? -  
A. Which video?
- Q. Well, you tell me which videos you have seen. - A. I've seen the T.V. report the same year, the following day, your Honour.
- Q. What about the Police video? Have you seen that? -  
A. No, I have not, your Honour.
- Q. Did you know one was being taken? - A. I had no idea at all about that, your Honour.
- Q. You only come from West Yorkshire, don't you? - A. Yes, correct, your Honour.
- Q. No South Yorkshire detectives been to see you in the last week or so? - A. No.
- Q. To show you photographs and ask you questions about photographs? - A. No, your Honour, no-one has.
- Q. Just answer me this, do you accept that what you have told the Jury gives an entirely different impression to Mr. Bell's actions and arrest from that contained in your notebook and statement? - A. I have no idea, your Honour.
- Q. Well, I expect you have looked at your notebook before you came into Court, didn't you? - A. That's correct, your Honour.
- Q. I expect you were handed a copy of your statement when you reported at Police Headquarters, didn't you? - A. Correct, your Honour.
- Q. Well, you looked at them and you have given your evidence. Do they differ? - A. Not as far as I am aware, your Honour.
- Q. Not at all? - A. Not as far as I am aware, your Honour.
- Q. Is there one word in your statement that suggests from the time you saw Mr. Bell throwing something that there is a large gap in which there are several movements of Police before you come on him again? Is there one word of that in your statement or notebook? Look at your notebook, if you want to, and you can be handed a copy of your statement. (Handed) If you follow with me, I want the Jury to hear it while it is still fresh in their minds, what you have just told them. You follow with me what was in your statement about Mr. Bell. - A. Yes.
- Q. You describe being on the Police line in front of the pickets. All right? - A. Yes.
- Q. Got that? - A. Yes.
- Q. That is the opening paragraph. Then, you go on in the second paragraph: "At this time the missiles were being thrown at us, the Police, by a large number of pickets"?



- A. Yes, your Honour.

Q. It is true to say that your notebook says "several pickets" which is crossed out and "large number" then put in, isn't it? - A. Yes.

Q. You thought it was better to sort of increase the number when you were making your notes, from several to large? - A. It was more nearer to the truth, your Honour.

Q. Anyway, "large number of pickets throwing missiles. These missiles varied from large stones to bottles and wooden sticks"? - A. Yes, your Honour.

Q. "At this point I saw the Defendant Bell"? - A. Yes, your Honour.

Q. "He was throwing a bottle at fellow Police Officers some 20 yards in front of us"? - A. Yes, your Honour.

Q. "Police Constable Grundy and myself gave chase after Bell"? - A. Yes, your Honour.

Q. "....., who was now limping"? - A. Yes, your Honour.

Q. "He fell over and was caught"? - A. That's what it says, your Honour, yes.

Q. Is that anything like seeing him throw a bottle, finding P.C. Grundy in the line, the line moving up three times, other officers there, seeing him by a wooden fence, seeing him sit down and going up to him? Is it anything like that at all? - A. Slightly different, your Honour.

Q. Given to understatement, are they, in West Yorkshire, officer? - A. Pardon?

Q. I'm sorry. It was probably by way of comment. What is different about it, officer, is it seems to suggest you chased and caught him, doesn't it? - A. Yes, your Honour. We did chase him ....

Q. I will ask you ....

MR. WALSH: Let him answer the question.

THE WITNESS: We did chase him when we saw him for the third time, your Honour.

Q. MISS RUSSELL: There is nothing about the other two sightings in there, is there? - A. No, your Honour.

Q. You seem to suggest quite clearly that it was a continuous action; you see them throwing, you gave chase and you catch him. - A. That would have been impossible at the time.

Q. It would have been impossible now you have seen the video. - A. I have not seen the video, your Honour.

Q. Or a black and white photograph? - A. I have not seen any black and white photograph, your Honour.

- Q. I will turn to that after lunch, but you are changing your evidence because somebody else tipped you off. -  
A. That's not correct, your Honour.
- Q. Well, I will come to it in some detail. Is there a word about the building in your statement, where you caught him?  
- A. No, your Honour.
- Q. Why not? - A. I can't say, your Honour.
- Q. Will you think about it? It's pretty important, the location, particularly in a day which is a bit chaotic. You catch somebody by a building. Why not on earth put it in your statement? - A. I have no idea, your Honour.
- Q. In that statement you suggest he fell over and was caught, don't you? That isn't what you have told the Jury, but it is in your statement. - A. Yes, we caught up with him.
- Q. "He fell over and was caught by P.C. Grundy and myself. I took hold of him". - A. Yes, your Honour.
- Q. Anything in there about him sitting down and you just walking up to him and him putting his hands up? - A. We weren't walking up to him, your Honour. We had been running at the time.
- Q. Answer me this question, officer. What sort of time gap was it then between throwing the bottle, which you allege you saw him do, and catching up with him? - A. I can't say, your Honour, to be exact. I can't say.
- Q. Officer, how long have you been in the Police Force? -  
A. Seven years, your Honour.
- Q. So, you are not a new, young Constable. You have been around a time? - A. Yes, your Honour.
- Q. You know one of the things, particularly if there is a gap between seeing somebody doing something and then catching them, is identification cases which cause Courts a lot of problems, don't you? - A. Yes, your Honour.
- Q. Therefore, that is of tremendous importance, to be quite accurate when making a statement as to whether or not there is a gap in sighting someone? - A. You have made me aware of that.
- Q. JUDGE COLES: Didn't you know that before, officer?  
- A. Yes, your Honour.
- Q. MISS RUSSELL: You knew if there was such a gap, particularly in a crowd situation, that to be fair and honest as a Police Officer you should put down in your statement, "I saw somebody doing something. I then lost sight of him. I then saw him again". You know that, don't you? - A. It was a continual thing happening. It wasn't as though we saw him two or three hours later. It was fresh. I remembered what he looked like and I remembered

what he was wearing and I can still remember what he was wearing, your Honour.

- Q. Didn't even put that in your statement, did you? It's so important in the identification, you didn't put it in your statement, did you? - A. No, your Honour.
- Q. What was the gap in time, officer? - A. I can't say that. I've no idea.
- Q. You didn't have continual sight of him, did you? - A. That's correct, your Honour.
- Q. You know from seven years in the Police Force it is extremely important to indicate that in a statement, don't you? You're not pretending that just because I've mentioned it it's the first time you've heard of it? - A. That's correct.
- Q. So, why didn't you put it in a statement? - A. I can't say, your Honour, why not.
- Q. And I will say to you again, officer, you didn't put it in the statement because at that time you were unaware of certain photographs and the video which would prove you are lying in that description, and you are now aware of them and that is why you are changing your story ....

JUDGE COLES: I'm not sure that I understand that.

MR. WALSH: Nor I. Nor, I suspect, the Officer.

MISS RUSSELL: Well, I'm glad my learned friend feels he can answer on behalf of his own witness. Perhaps my learned friend could explain how the officer could have written this statement deliberately falsely because he was unaware of the fact that there was a photograph? Perhaps that might need some explanation?

JUDGE COLES: It is a little difficult to understand.

- Q. MISS RUSSELL: Let me put it like this, Officer. The video, I am going to suggest to you, taken by the Police, shows Mr. Bell's action after and during the move up of that third Police line, quite clearly. The Jury have already seen it. They probably haven't seen the bit that has been pointed to them. (sic) Right? - A. Yes, your Honour.
- Q. And, apart from that video, officer, just answer me this ....

JUDGE COLES: I don't want you to disclose your hand unless you want to. Did you say that when we look at the video we shall be able to see what Mr. Bell is doing?

MISS RUSSELL: Yes, your Honour.

JUDGE COLES: And what you put to this officer is that not only have you seen the video but you have also seen exactly what it is said Mr. Bell was doing on that video?

THE WITNESS: I have no idea about the video or any photographs, your Honour.

- Q. MISS RUSSELL: Well, just answer me this: At the time of arrest, how many officers were present? - A. Two, your Honour. P.C. Grundy and myself.
- Q. So, at the time you take hold of Mr. Bell, two officers are present? - A. Yes.
- Q. Any more officers? - A. There were several officers in the area, your Honour, several.
- Q. What were they doing? - A. Pardon?
- Q. What were they doing? - A. Still trying to disperse pickets or miners, your Honour.
- Q. Really? - A. Yes.
- Q. Did you have your truncheon out? - A. Yes, your Honour.
- Q. Why? Who had given the order? - A. There was no order, your Honour. I saw that everybody else who was nearby had taken his truncheon out.
- Q. But, you were a cordon officer, you weren't a short shield man. Even they were given specific instructions as to when to draw their truncheons. - A. That may have been, your Honour.
- Q. Are you saying all the cordon officers who went in were taking their truncheons out as well? - A. No. I saw some officers with their truncheons drawn, your Honour and at the time and the climate of what was happening I thought it in my interests that I draw my truncheon and keep it in my hand. I didn't use my truncheon, your Honour.
- Q. If I were to suggest to you that Mr. Bell was a victim of a rather nasty game of cat and mouse by officers when they came upon him sitting by the wall, who were teasing him and following him around, what would you say to that? - A. That is absurd, your Honour.
- Q. According to you, he puts his hands up straightaway? - A. He did, your Honour.
- Q. Totally peacefully? - A. Yes.
- Q. I am going to show you a photograph now, officer. There are copies ....

JUDGE COLES: This is a new exhibit again?

MISS RUSSELL: Yes, your Honour. There are copies for for the Jury. (Handed)

JUDGE COLES: Exhibit 59.

MR. MANSFIELD: It is all part of a series, 31A, B and C. It is the same photograph, so I don't know whether ....

JUDGE COLES: So, this is 31D. Yes, I see.

Q. MISS RUSSELL: Which of the officers in that photograph is you? - A. The one on the left of the Defendant, your Honour.

Q. What are you laughing about? - A. No, that's not me. Next to him, I'm the one .....

Q. About to take a truncheon out of his pocket?

JUDGE COLES: Just a moment, please.

THE WITNESS: I am the one putting my truncheon away, your Honour. I already had my truncheon out.

Q. MISS RUSSELL: Any suggestion, officer, that what was going on there was having come across when the line had stopped, right the way up to the embankment, having come across an injured boy sitting by a wall - any suggestion that officers were just following him around saying, "Get up, move off", and when he fell forward and pushed against an officer it was then, "Ahh, Ahh, Ahh", and then you arrest him? You would no doubt deny that? - A. What it doesn't show in the photograph are several other people who are also nearby, miners.

Q. Ch, really? Can I ask you then to turn to Exhibit ....

Q. JUDGE COLES: Before we leave this one, can we just make sure I understand what we have established? The man in the white shirt is Bell, is it? - A. Yes, your Honour.

Q. And you are the officer not facing us, with the moustache? - A. No, I am the other officer, the one next to the left, next to the Sergeant.

Q. Next to the Sergeant, second from the left of the photograph? - A. Yes, your Honour.

JUDGE COLES: Yes, thank you.

Q. MISS RUSSELL: Other pickets in the vicinity: Turn to Exhibit 35, please, photograph B15. That is a colour photo, is it, of you helping an injured Mr. Bell down towards an ambulance? - A. Yes, your Honour.

Q. We see the kind of helpful hold that the officer - are you on the left or the right? - A. I'm on the left, your Honour.

Q. JUDGE COLES: Our left as we look at the photograph? - A. Yes, on the Defendant's right.

Q. MISS RUSSELL: What sort of armlock is the other officer having on Mr. Bell at that point? - A. That is not an armlock.

- Q. Forgive me, isn't he holding the wrist and the arm so the elbow is kept rigid? In other words, a straight armlock? - A. If you look more closely, he has his hand under there and he is lifting him up, your Honour.
- Q. You think that is the case, do you? - A. Yes, your Honour.
- Q. JUDGE COLES: That is Grundy? - A. Yes.
- Q. You think that is you and Mr. Grundy helping a man with a possible fractured leg down the field, do you? - A. Yes, your Honour.
- Q. Let's just be clear. Don't rush. He doesn't have an armlock. He has his right arm under Bell's right arm? - A. Yes.
- Q. Supporting him? - A. Yes, your Honour, in my opinion.
- Q. MISS RUSSELL: If you are supporting someone with your arm under there the normal way that you would expect the other person - forgive me if I am stupid, but the hand would be underneath that elbow, out like that, to give support. What is happening there is his arm is back rigid, like that. - A. That is not the case at all, your Honour.
- Q. The Jury can make up their own minds about that. - A. Yes.
- Q. What I am interested in, officer, is the background scene because you can see that is not very far away from the building, is it? - A. No, that's correct, your Honour.
- Q. Where are the pickets that you described everyone being so worried about a couple of minutes before? - A. If you look at the photograph in your right hand, that is a side of the building, the side which is on the left on this photograph, not facing us, but round the side. Can we see what is round there on this photograph?
- Q. Are you suggesting there is a little mass of pickets hiding behind the building that we can't see? - A. I am suggesting you can't see where the pickets are because that is not on the photograph.
- Q. I suppose we could take the view that by a somewhat relaxed attitude of the officers in the background there, there can't be anything much of a threat going on behind? - A. How long do you think it's taken P.C. Grundy and myself to bring that man to where he is?
- Q. How long do you say? - A. A couple of minutes.
- Q. Yes. Just have a look at the attitude of the other officers. You say there are pickets around causing this worry. You have got long shield men just standing there looking at what is going on - one long shield man - and he doesn't seem to be bothered by anyone else in the near vicinity, does he? - A. No.
- Q. You have another uniformed officer who seems to be carrying - I don't know quite how the photos work - we have part of

an arm of this officer there, just walking by or walking around having a look at what is going on with Mr. Bell. - A. It's a stationary photograph.

- Q. How can you say whether they are stood or running? - A. It's a stationary photograph.
- Q. You are saying because it's a stationary photograph it doesn't catch the fact that those officers are all running round? - A. The Sergeant is obviously running, the chap with the shield isn't stood still, he has got one foot in the air.
- Q. You, I think, are finding this officer in front of the chap with the shield who looks as if he is moving into play as well? - A. Yes.
- Q. And the chap who is in the immediate foreground, he is looking round, isn't he? - A. Which one is that?
- Q. The one in front of the shield man. - A. He has obviously seen what is going on, yes.
- Q. What was going on, which was just a straightforward arrest? - A. Yes, your Honour.
- Q. Just have a look at the expression on Mr. Bell's face. A minute before he was stood there with his hands up saying, "Okay", according to you? - A. Yes, your Honour.
- Q. What had happened to make him look slightly terrified in that photograph? - A. He is injured. He has broken a leg. He won't be smiling with a broken leg.
- Q. Exactly. What do you think is causing him to be raising his arm in that sort of motion? - A. Ensuring that the leg isn't further injured.
- Q. So, if I have got a broken leg, my natural instinct is to walk around with my arm in the air saying, "Don't, my leg is broken"? I will tell you what is going on there, officer. He had already been subjected, as he was sat down, to an officer kicking or treading on his leg, being told to get out of it ....

JUDGE COLES: Well, which? Whilst sitting down? Forgive me, but you said, you were putting to this officer that Mr. Bell had already been subjected to, whilst sitting down, I think you went on to say to a kick or having his leg stood upon. Do you mean both or either?

MISS RUSSELL: Mr. Bell was more aware of the results of it than the actual action. He is on the ground, talking about his leg, and an officer puts his leg up and puts his foot on the leg and says, "Get out of it", in other words, "Clear the area", and Mr. Bell is then dragged up, and that is the sort of scene that occurs when Mr. Bell is dragged up from the ground by the Police who, at that stage, are telling him to go away, not really making an arrest, just telling him to clear off.

THE WITNESS: Who's that? Myself?

- Q. JUDGE COLES: What do you say about that? First of all, somebody - could have been you or somebody else - either stood upon or kicked his leg when he was sat down and said, "Get out of it" and then dragged him to his feet? - A. I didn't do that, your Honour, and I didn't see anybody

do that and I didn't hear anybody say that.

JUDGE COLES: That has the merit of clarity.

- Q. MISS RUSSELL: Then he was dragged to his feet by officers who were, in effect, telling him to clear off and just after this he stumbled forward and pushed against the chest of an officer. - A. Can you repeat that, please?
- Q. Yes. He was dragged to his feet? - A. He was lifted up, your Honour.
- Q. I see. You normally lift up an injured man by his tee-shirt? Do you see the way that Mr. Bell is lifted up? - A. In these circumstances, we lifted the person as quickly as we could to get him away from what was happening and to get ourselves away from what was happening. I didn't enjoy being there, your Honour.
- Q. What do you say was happening, so far as that building was concerned officer? - A. You can't see on the picture, but there were several pickets further up still throwing missiles and some were fighting with the Police, your Honour.

MISS RUSSELL: Your Honour, I see the time and if that is a convenient moment?

JUDGE COLES: Yes. Presumably, you will want the video set up after lunch?

MISS RUSSELL: Yes. That has already been done, your Honour.

(Mid-day Adjournment)

- Q. MISS RUSSELL: Officer, before lunch we were discussing your explanation of the black and white photograph. I want to go back, if I may, to when you first saw, or say you saw Mr. Bell. Where were you? - A. the first time I saw him, the very first time?
- Q. The very first time you saw him where were you? - A. I was on the Police line, your Honour.
- Q. Were there shields there or not? - A. I can't say for certain about that, your Honour.
- Q. Well, think about it, officer. What was the situation when you first saw Mr. Bell? - A. It was when missiles were being thrown at us, your Honour.
- Q. And you say you were at the front of the cordon? - A. No, I've never said I was at the front of it, your Honour. I was towards the front.
- Q. Towards the front? How many lines in? - A. I can't say. I wasn't on the front line, your Honour. I know that because I did not have a shield yet. It depends, you see.
- Q. If there weren't any shields you might have been on the front line, mightn't you? - A. No. I definitely wasn't on the front line.



Q. You are definitely in the second line, are you? - A. Behind the front line, your Honour.

Q. We know, according to some Police Officer, at some stages of that day the line went back about 20 lines. So, how many lines near the front do you say you were? - A. Two or three, your Honour. I wasn't certain at the time.

Q. Would you see the two or three lines in front of you? - A. No. I was only the second or third line. It varied throughout the day. I can't remember at that time where I was.

Q. Had the lorries left or arrived by this time? - A. Yes, they had left your Honour.

Q. I will ask you again. Were there shields being used at the time you first saw Mr. Bell? - A. There may have been, your Honour. There may not have been. I can't remember.

Q. I wonder if you could take a riot shield, please, the big one? (Handed) Take it into the witness box. Now, turn and face the Jury and put the shield in front of you, please.

Q. JUDGE COLES: Can you manage in there, officer? - A. It's a bit difficult, but I'll manage, your Honour.

Q. MISS RUSSELL: It isn't that difficult. Turn and face the Jury and put the shield in front of you.

JUDGE COLES: Put the exhibits behind you. Yes.

Q. MISS RUSSELL: All right? - A. Yes.

Q. Now, that shield, so far as you're concerned, is taller than you, isn't it? - A. No.

Q. You are holding it some distance away, officer. Put your arms through the shield as if you were holding the shield. - A. I wasn't holding a shield, though.

Q. I appreciate that. I just want you to put your arm through it as if you were. - A. Yes.

Q. Without standing on tiptoe or raising your eyes to the ceiling, look straight ahead. What are you looking through? - A. I can see through it.

JUDGE COLES: He indicated the plastic in front of him.

THE WITNESS: And I can see over there.

JUDGE COLES: And he was looking diagonally above the top of the plastic.

Q. MISS RUSSELL: Now, think carefully to when you first saw Mr. Bell. Were you having to peer over the top of a riot shield or not? - A. No, because it's on a slight hill so I could see up the hill quite some way.

- Q. Right. Where was Mr. Bell when you first saw him? - A. Some, maybe 30/40 yards away.
- Q. Where was the nearest Police Officer to Mr. Bell when you first saw him? - A. In front of me.
- Q. How far in front of you? - A. Almost directly in front of me.
- Q. So, we're talking about .... - A. Can I move this, please?
- Q. Yes, surely. - A. Thank you.
- Q. We are talking about a matter of two or three feet, four feet? - A. Yes, your Honour.
- Q. Even being generous on a hot day, a couple of yards at the most? - A. Yes, your Honour.
- Q. Where was the cordon - and you understand what I mean by the cordon? - A. Yes, the line of Policemen.
- Q. Yes, the main line of Policemen. - A. I was in it, your Honour.
- Q. Yes. Where was it? - A. Stretched from the road to the left of me, your Honour.
- Q. Was it in the same position as it had been when you first joined it that morning?

JUDGE COLES: When he first saw the Accused?

MISS RUSSELL: Yes.

THE WITNESS: I'm sorry. Can you repeat that, please?

- Q. MISS RUSSELL: Was it in the same position, the cordon, when you first saw Mr. Bell as when you joined it? - A. I don't know whether it had moved or not, your Honour. I'm not certain about that.
- Q. Well, I want you to think about it. Have you made any move as a cordon up the field when you first saw Mr. Bell? - A. I can't remember, your Honour.
- Q. Apart from the Police Officer directly in front of you in the cordon... - A. Yes.
- Q. Who, you have agreed, could possibly be more than a couple of yards away - any other Police Officers between you and Mr. Bell? - A. There may have been, there may have not been. I can't answer that.
- Q. Well, I want you to think about it. - A. As I explained earlier, your Honour, I've been on several lines or cordons, as described, and I can't remember the one in question, your Honour.
- Q. Yes, but it isn't every day, officer, you arrest somebody who ends up with a broken leg, is it? - A. That's correct, your Honour.
- Q. And, apparently, the Prosecution case is that Orgreave was unlike any other day. - A. That's correct. No, that's not correct, your Honour.

I have been on several lines where it was the same sort of atmosphere and the same sort of things were going on as they were that day. It was just on a larger scale, your Honour.

- Q. Now, will you think about the question? Mr. Bell is throwing something, you say? - A. Yes, your Honour.
- Q. And you saw him do that? - A. Yes, your Honour.
- Q. Was he stationary at the time or was he moving? - A. I can't remember whether he was making his way backwards or whether he was stood still.
- Q. What do you mean by making his way backwards? - A. Ready to turn away.
- Q. And you saw him throw something? - A. Just up into the air, your Honour.
- Q. Well, above his head? - A. No.
- Q. Or what? - A. Towards the Police, your Honour.
- Q. Which Police? - A. It could have been one of the several that were there.
- Q. Was he throwing towards the cordon that you were on? - A. Yes, your Honour.
- Q. And does it follow from that, logically, officer, that it must be, then, the cordon officers, of which you are one, who are the nearest to Mr. Bell? - A. I can't remember where the horses were, whether they were near, whether the dogs were near or whether the team of officers with short shields were near. I can't say.
- Q. Were the dogs on that field, officer, when you were on the cordon? - A. I know there were dogs there, present that day, your Honour. I don't know where they were.
- Q. So, you are saying that really so far as the Jury are concerned, they can make a decision based on the fact that Mr. Bell was either throwing at the cordon, the dogs, the miners, mounted officers or the short shield officers, because you really can't help them as to what he was throwing at? - A. He was throwing away from where the miners were, towards where the general mass of Policemen were.
- Q. What I am interested in is this: If there were mounted officers and short shield officers, they would have been ahead of you, wouldn't they? - A. Not necessarily. They were to our left. They may have been ahead or they may have been stationary.
- Q. You, obviously, watched what he threw, didn't you? - A. I saw him with a bottle, yes, your Honour.
- Q. You must have followed it with your eyes and got an impression of where, who and what it went near? - A. No, that's not correct, your Honour. Every time you see a missile in the air, you duck down. There were things being thrown all the time.
- Q. What sort of things? Bottles, or what? - A. It was a glass bottle.
- Q. If you formed enough of an impression to know it was a glass bottle, you must have watched it for more than a moment or two, officer.

Where did it go? - A. Your Honour, I don't know where the bottle went. I think it was a two-pint or quart bottle that Mr. Bell threw. I immediately ducked down along with every other officer who was nearby because missiles were being continually thrown up into the air and landing on our helmets, shields and wherever, your Honour.

Q. How many injuries did you yourself receive that day? - A. I didn't have any at all, your Honour.

Q. You are good at ducking, are you? - A. I am, yes.

Q. Just help with this: Presumably, that must help you too, if there were shields in front of you. If there were any of these missiles coming at you and they weren't shields in front of you, that must have been absolutely terrible. Now, can you remember whether you had shields in front of you when you saw Mr. Bell for the first time? - A. I can't say for certain, your Honour.

Q. Mr. Bell, at that time, was he one of a mass of pickets, by himself, or what was the situation? - A. There was a mass of pickets, your Honour.

Q. So, he is one of a crowd? - A. Yes.

Q. Is this right, that you, basically, duck down immediately, you see him for what must be a split second? - A. I saw him before he threw the bottle and I saw that he had the bottle in his hands. That's when I noticed him. Of course, I turned away when he had thrown it, so it was only a split second afterwards, but beforehand that's how long I had seen him for, your Honour.

Q. Well, let's discuss, officer, how long you had seen him before. You see him with the bottle which is in his hand? - A. Yes, your Honour.

Q. Was he moving at the time or stationary? - A. I can't remember that, your Honour.

Q. Well, try, officer. This is the first time you have seen the Defendant. You see him with a bottle in his hand. Is he just stood stockstill or running forward or stepping back? What is he doing? - A. I'm unable to say exactly, your Honour.

Q. You see, officer, would you agree with this proposition: When we remember something, for example, if I am going to remember a witness who gives evidence, or who gave evidence last week, sometimes we may forget things, but if you actually have a memory of it you have a little picture in your mind's eye, don't you? - A. That's correct.

Q. And you have known for a long time that you were going to come to give evidence in this case, haven't you? - A. That's correct, your Honour.

Q. Can you help the Jury in any way as to what Mr. Bell's movements were that caught your eye amidst all this mass of pickets? Were you trying to watch? - A. Your Honour, where the missiles were coming from, if possible, if we knew the stone was not going to hit us, we tried to see who was throwing missiles. As I was looking forward, I saw Mr. Bell with the bottle.

- Q. Forgive me, officer, but that completely contradicts what you have just told the Jury a moment ago about when things were going over and you were ducking down away from them, you have said. - A. Yes.
- Q. You can't explain where the bottle went because you were ducking down. - A. That's correct. What I just said is that if I knew a missile I saw was not going to hit me then I would look.
- Q. But, you have just said that you did immediately duck down, so what was going to hit you, apart from the bottle, that caused you to duck down when the bottle was thrown? - A. Probably a stone, your Honour.
- Q. Right. So, you were probably ducking for a stone and that's why you didn't see where the bottle went. How long had you seen Mr. Bell before it was thrown? - A. For a short while, that's all, your Honour.
- Q. Well, I have only been asking you questions for a short while this afternoon, after the break. Was it for as long as that? - A. No, a few seconds, your Honour.
- Q. So, literally, you see him for a few seconds? Is he right at the front? - A. I can't remember that, your Honour.
- Q. Presumably, after you ducked down you looked back into the crowd again to see if you could see him, did you? - A. I probably did, your Honour.
- Q. And did you, as you stood in that cordon, see him again at all before you came up near the building? - A. I don't think so, your Honour, no.
- Q. And can I understand this from your evidence: Are you saying as you made a move up, there was that last move up, that there were thousands of people in front of you, as you moved up towards the building, or is it hundreds, or what? - A. Initially, when everyone started to move, there were thousands, your Honour, but by the time we had got to the top there weren't so many, probably hundreds. Most of the other miners had gone up by the railway bridge, I think, then, and out of the way.
- Q. I wonder if you could take the aerial photo for a moment, officer. All right? - A. Yes.
- Q. Hold it in front of you so you can see it properly. Got that? Can you orientate yourself on that at all? - A. Quite well, thank you, yes.
- Q. Jolly good. First of all, tell us approximately where the cordon was when you saw Mr. Bell? - A. Between, I would think, there and somewhere up there. I can't say exactly where it was.

JUDGE COLES: Did you see that, members of the Jury?

MISS RUSSELL: I'm sorry, I didn't either, your Honour.

- Q. JUDGE COLES: You are pointing, in fact, between what we have called the third and fourth tree. Would you put your finger back? - A. Yes, your Honour.

- Q. Yes, that's it. - A. That's correct, your Honour, between the third and fourth tree, a little clump of trees. I can't say for definite.
- Q. MISS RUSSELL: Where do you say it was when you first saw Mr. Bell? - A. I can't say for definite.
- Q. Well, you were standing ~~there~~ for quite a time, weren't you? - A. Yes, it moved more and more throughout the day, did the line.
- Q. I appreciate that, but the bit where you start off from you can remember because you must have stood at that view for quite a time. - A. Initially we were down there by the bottom when we were first deployed, your Honour.
- Q. You remember me asking you right at the beginning of the afternoon - I'm sorry, to re-cap it, where had the cordon moved when you first saw Mr. Bell? - A. I can't answer that question, your Honour. I can't remember that, I'm afraid.
- Q. Where was the cordon on the aerial photo first of all that day? - A. Somewhere near where the first tree is, I think. I can't say exactly, your Honour. I didn't take that much notice. I know it was above the road which stretches across.
- Q. Yes. A few yards in front of that road? - A. I can't say, I'm afraid.
- Q. Let's try it another way, officer. Take Exhibit 9. Well, let's do it on the photographs. It may be easier. Exhibit 5. 9 and 5, officer. - A. Yes.
- Q. Now, we can see the bush on photograph one of Exhibit 9, on the left-hand side of the road? - A. Yes, that's correct.
- Q. And we know there are bushes further down and if you look at Exhibit 5, photograph two, you can again see part of the view up, and if you go to photograph one you can see the view back down. Right? - A. Yes.
- Q. Now, does that help you to orientate yourself as to where the cordon was, first of all, first thing in the morning when you joined it and stood there - and we know it didn't move for a very long time - and, secondly, whether it was in the same position when you first saw Mr. Bell, or a different one? - A. As I've said, I can remember the cordon was at the bottom when I first joined it, your Honour. I can't remember whereabouts it was when I first saw Mr. Bell.
- Q. Well, does it help you to say where Mr. Bell was when you first saw him? - A. He was on the grass in front of me, your Honour.
- Q. That covers, as we know, quite a sizeable field. Was he to the left or right or the middle? - A. He was in front of me, your Honour.
- Q. Where were you then? - A. I was on the grass, forming part of the cordon.
- Q. To the left or the right, near the road, in the middle, or to the trees on the left, officer? - A. I can't answer that. All I can remember is that I was on the grass. I wasn't on the road.

- Q. Officer, just help me with this: Every time I ask you a question of detail are you going to say you can't remember or are you going to try and think about it? - A. If you want me to make something up, I can only tell you what I can remember.
- Q. I don't want you to make something up. - A. I don't want to make something up when I'm not certain whether I remember it or not.
- Q. Well, my suggestion is a great deal of what you have said is made up and compared with your original statement you have managed to remember an awful lot of detail which you have told this Jury about, haven't you? You have mentioned broken fences, buildings and things that weren't in your statement, haven't you? - A. Because I didn't think they were relevant.
- Q. I will come to the relevance of them in a little while. You have managed to remember all those details just at about the most important moment, really, of your evidence. Initially, the moment when you first saw Mr. Bell, has the cordon moved or not, or can't you really say? - A. I can't really say, your Honour.
- Q. If the cordon - well, let's try something else and see if that jogs your memory. If you had been, in a sense, just on the grass, you would have been looking up immediately past the bushes on your right-hand side, wouldn't you? Turn to photograph one in either bundle and you can see that. - A. I'm not sure what you mean there.
- Q. Well, if you were just on the edge of the field, in other words, the cordon stretched across the road and field, at whatever point you put it, you would have been looking up past the bushes, wouldn't you? - A. If we were below them, yes. If the line at that time was below the bushes, yes.
- Q. Well, looking at photograph one, is there any possibility that at the time you first saw Mr. Bell you had cleared all those bushes on that right-hand side? - A. I've no idea at all about that, your Honour.
- Q. What drew your attention to Mr. Bell? - A. The bottle in his hand, your Honour.
- Q. But, I thought you were being showered with wooden sticks and bottles and stones. Why, particularly, Mr. Bell? - A. You can see an awful lot if you look around and I saw a bottle and then I saw Mr. Bell.
- Q. You saw a bottle? - A. I noticed the bottle and immediately saw who was holding the bottle.
- Q. Where was the bottle when you immediately saw it, then? - A. It was in his hand, your Honour.
- Q. Good. I assumed he wasn't holding it in his feet. Go on ....

JUDGE COLES: There is enough to do without being ....

MISS RUSSELL: It's a hot afternoon. I'm sorry, your Honour:

Q. Go on. - A. I'm just trying to remember, your Honour. It was initially in his hand, there.

Q. Right. So, it is in his hand there? - A. Yes.

JUDGE COLES: By his side.

Q. MISS RUSSELL: And it is his right hand? - A. Yes.

Q. And is he standing face-on when you then look at him, side on? - A. I can't remember, your Honour, whether he was facing us or whether he was turning away from us.

Q. And how many people do you say were round Mr. Bell at this point? - A. Several, your Honour.

Q. Do we take it - we know in your notebook that "several" means, crossed out, "large" - can we take it when you give your evidence it means the same thing? Does it mean a lot of people, a large number? - A. It means a lot of people, your Honour, yes.

Q. Hundreds? - A. It depends, your Honour, on how close to Mr. Bell you mean.

Q. Well, officer, I am not talking about 100 miles radius, I am talking about the topside field at Orgreave. Let's just confine ourselves to that. How many people in that vicinity? - A. He was in a field where there were thousands of pickets or miners, yes, your Honour.

Q. So, the first time you see Mr. Bell with a bottle, he is in a field with thousands of miners. That is your evidence? - A. Yes, your Honour, but now can we further go into that? He wasn't stood in a group with people all around him. He was on his own. There was nobody blocking him, so I saw the bottle in his hand.

Q. Right at the front, then? - A. No, I haven't said he was right at the front. There were thousands of people there, but there was no-one directly in front of him.

Q. So, if you drew a line up, you wouldn't come across another picket until you came to Mr. Bell? - A. Can we go back to what I said earlier? The field is on a slope. I am a tall Policeman. Okay? I could see Mr. Bell quite clearly and distinctly.

Q. Right. Now, officer, the question. Were there any pickets between you and him in, as it were, a line? - A. Not directly in front of me, your Honour, but maybe a few yards in front of him there were.



- Q. And at that time when you see him there are thousands of people there? - A. Yes, your Honour.
- Q. I'm sorry, officer, <sup>if</sup> this is irritating you and boring you, but for Mr. Bell it is a very important case. He is charged with riot. It isn't a light matter, so could you try and bear with me while I ask you questions? - A. Of course.
- Q. Thank you. Now, thereafter, and correct me if I am wrong - you do not catch sight of Mr. Bell again until he is near the sub-station? - A. That's correct, your Honour.
- Q. Because, obviously, if there was a time when Mr. Bell was, in effect, almost single in the field, the only picket for many yards around him, you, on the cordon, could hardly have failed to see him again, could you? - A. I noticed it was the same person that I had seen earlier, your Honour.

JUDGE COLES: The evidence is quite clear. He didn't see him in between, Miss Russell. So, if you wish to comment later to the Jury that he must have, in a crowd of pickets, I shan't stop you.

MISS RUSSELL: I think your Honour will see a little later on the reason for the point.

JUDGE COLES: Yes. I won't stop you.

MISS RUSSELL: I think it will become very clear in a little while:

- Q. I am not suggesting that he was single in the field before he was up near the building. Do you follow me? In the near vicinity of the building is a nonsense, isn't it? - A. That's correct, your Honour. There were several, as I have explained earlier, miners in the vicinity of where he was.
- Q. All the time? - A. Yes.
- Q. Because you didn't see him after that first time because he was up near the sub-station? - A. I've already said that.
- Q. Could you now turn to the aerial photograph and try and help the Jury with a rather important question of where Mr. Bell is the next time you see him? - A. He was somewhere near the sub power station. I've now found out that's what it was, somewhere near where the arrow on this photograph is.
- Q. So, that is the next time you see him? - A. Yes.
- Q. You have been in the cordon, not fallen asleep or anything like that? - A. I think it highly unlikely I would have fallen asleep that morning.
- Q. And up until that point you had no opportunity of seeing him, presumably because of the large number of people that were there at all times? - A. Yes. There were several

people between P.C. Grundy and myself and Mr. Bell at all times, yes.

- Q. Could you just indicate, and I would like you to mark - and I appreciate it may be feet out, it may even be ten or twenty yards out, but just indicate where you saw Mr. Bell the second time on that aerial photograph. I want you to mark it. Have you got a pencil?

MR. WALSH: Can I give him something that will mark a photograph?

JUDGE COLES: Yes.

THE WITNESS: Will a circle be okay? Somewhere in that circle?

- Q. JUDGE COLES: As near as you can, officer. I understand what you mean. You have ringed the arrow which some earlier witness has put there at the coking plant end?  
- A. Yes, your Honour.

MISS RUSSELL: I wonder if the Jury might see that?

JUDGE COLES: Yes, of course. (Handed to the Jury)  
I just indicated for the benefit of the shorthand note.

- Q. MISS RUSSELL: What is he doing when you next see him?  
- A. He was making himself away from us. I was some way away from him, your Honour, the next time I saw him.
- Q. You have put in the vicinity where he is on that photograph. Right. What is he doing? Just describe to the Jury what he is doing. - A. He was limping and making himself, trying to get away from where we were.
- Q. How was he limping? - A. I don't know. How do you limp?
- Q. Well, you show me how he was limping, officer. - A. Well, I put it another way. He wasn't running, your Honour.
- Q. But, you have told us he was limping. I want you to demonstrate to the Jury. Come down in front of the witness box. I don't expect you to run, but sort of limp, show us the sort of limp you say you saw, and it doesn't matter which leg, I won't catch you out on that. All right?

JUDGE COLES: The trouble is that such demonstrations - I notice, you don't, but I notice that they can cause a degree of amusement in the public gallery, which is regrettable, and that may inhibit the witness.

MISS RUSSELL: Let me say this, for the benefit of the public gallery, this is not meant to be a funny demonstration, it is a very serious point for Mr. Bell and I would like the officer to demonstrate what he means by limping. Can you please do so?

Q. JUDGE COLES: Can you do so? - A. I'm going to try. I'll think what it was like.

JUDGE COLES: Would you like to leave the box to demonstrate?

Q. MISS RUSSELL: You may need to move a couple of paces, officer. - A. I don't know which foot. I think it was his left foot.

Q. I will help you. It was the left foot. - A. Like that.  
(Witness Demonstrates)

Q. So, it is the left foot going down on the ground and a limping movement ....

JUDGE COLES: The right foot being favoured for the left.

MR. WALSH: Carrying the left foot might be the proper way of describing it.

THE WITNESS: That's what I can remember. I can't be exact about that, your Honour.

Q. MISS RUSSELL: Yes, and I think, officer, you know the word "hop", right? He wasn't hopping, was he? He was limping? - A. I can't say, your Honour.

Q. Well, there is a difference, you see, there is a wholly different movement between hopping and limping. Which was it?

Q. JUDGE COLES: We had better have a definition. "Hopping" is not putting one down on the ground at all? - A. Absolutely.

Q. Well, I think on this demonstration you put his left foot on the ground. You say he wasn't hopping? - A. Yes, your Honour.

Q. MISS RUSSELL: Any suggestion that he was hopping away from you isn't really accurate. He was more limping, carrying the left foot, that's what you saw when you saw him? - A. He wasn't running and he wasn't walking and it was obvious that he had some injury to his leg.

Q. He was hopping at speed or was he, as it were, running slowly or limping on a leg? Which was it? There are two very different pictures. If you saw it you should be able to remember which it was. - A. He wasn't hopping, your Honour.

Q. JUDGE COLES: Was he limping slowly or quickly? - A. Quickly, your Honour.

Q. MISS RUSSELL: Limping quickly? Were you able to say whether he had been limping before? - A. No, your Honour.

- Q. JUDGE COLES: You mean you can't say or he wasn't?  
- A. I can't say, your Honour.
- Q. MISS RUSSELL: Could I have your notebook for a moment, officer? - A. I haven't got it.
- Q. I'm sorry. I have it. Both in your notebook, officer, and in your statement, I want to read you a phrase that deals with this point: "At this point I saw the Defendant Bell. He was throwing a bottle at fellow Police Officers some 20 yards in front of us"? - A. Yes.
- Q. Can you clear this up? Were the Police Officers some 20 yards in front or was Mr. Bell some 20 yards in front? - A. Mr. Bell, your Honour.
- Q. So, in fact, your recollection today, of him being 30/40 yards away, was wrong, going on that? - A. I couldn't exactly say how far 20/30 or 40 yards is.
- Q. Is it now 20/30 or 40 yards? - A. It was between 20 and 40 yards.
- Q. "Police Constable Grundy and myself gave chase after Mr. Bell"? - A. Yes.
- Q. "... , who was now limping". Right, you have got the word "now"? - A. Yes.
- Q. That seems to suggest you had seen Mr. Bell at a time when he wasn't limping? - A. That's correct, your Honour.
- Q. So, would you help with this: Had you seen Mr. Bell that day when he wasn't limping? - A. Now I have looked at my notebook, it was obvious from reading this that he would have been limping the first time I saw him.
- Q. He what? - A. He would have been limping the first time I saw him.
- Q. I'm sorry. I don't understand the logic of that, officer. Perhaps you could explain it to me. - A. What was the question you asked, please?
- Q. The question was, when you put somebody is now doing something, right? - A. I understand what you mean now. He was stood still when I first saw him with the bottle.
- Q. So, what you mean to say is you now remember that he was stood still. Does that just come back to you in a flash? - A. This has assisted, yes.
- Q. The phrase, "He was stood still" is there, is it? - A. The words, "was now", have assisted.
- Q. Explain how that has assisted you.
- Q. JUDGE COLES: What do you say it assists you to remember, first of all? - A. What I mean is when I first

saw him he wasn't limping. When he turned round, or the next time I saw him, he was limping away from us, your Honour.

Q. MISS RUSSELL: How does that help you in any way to remember that he was stood still the first time? There are two explanations, officer. - A. Why would I have written that?

Q. Because the first time you saw him he might have been moving quite normally and now you have seen him again and he is limping. Do you follow? That is one explanation for that. - A. No, I didn't. If I had said, I would have seen him running and then limping, I would have mentioned that, but I didn't. I only saw him limping.

Q. Now, you saw him somewhere in that circle. How far away are you?

Q. JUDGE COLES: I'm sorry. Before you leave this, I am trying to understand this and I just don't. "I now saw him limping" could mean several things, that when you saw him before he wasn't moving or that when you saw him before he was moving but he wasn't limping. - A. That's what I mean. He wasn't moving the first time I saw him. Then, when he turned away from being stationary, the next time I saw him he was limping. Because I ducked down, I didn't see this and then I looked up again.

Q. What you say is you didn't see him move at all the first time? - A. No, your Honour.

JUDGE COLES: Very well.

Q. MISS RUSSELL: Now, how far away are you when you see him this second time? We know approximately where he is. Where are you? Take the aerial photo and show us in what vicinity you are at that point. - A. Somewhere near to the building, your Honour.

Q. Which is marked approximately and, again, I will allow you, officer - we can all put something in ourselves, but just mark where you say you were when you saw him. - A. I couldn't say approximately. I was just in the area of that building the next time I saw him. I wasn't noticing exactly where I was.

Q. Look at the aerial photograph. - A. Yes.

Q. You can see in the roadway going uphill, two little white cars? - A. Yes.

Q. If we draw a line across from those cars, were you as far away as that? - A. I can't say, your Honour.

JUDGE COLES: When he says he can't remember, in fact, I won't stop you if you say it really is important to go into this detail with him, but this is the umpteenth piece of detail and each time you have asked, the officer has replied, "I don't remember". Isn't that good enough for you?

MISS RUSSELL: I think it will become clear as to why this detail is so particularly important.

JUDGE COLES: Very well, but we really must have an eye not to the clock but to the calendar in this case.

- Q. MISS RUSSELL: Take the photograph. Did you help him down the field with your hand? - A. Yes.
- Q. Now, we accept that all the photographs show a certain amount of shortening. Were you - and accepting that for the moment, because obviously that is always difficult with still photographs, but looking at the building there and looking at the size of the police officers who are by that building and then looking at the size of yourself and of the other officer helping Mr. Bell down to the ambulance, were you nearer then the camera-man must have been in this photograph when you next saw him? - A. Your Honour, I can't say. I can't remember whereabouts I was.
- Q. Well, was he a tiny figure or was he someone who was quite near to you? You must be able to answer that ....
- JUDGE COLES: He says he can't. Again, can't.
- Q. MISS RUSSELL: Can't help us at all? - A. Sorry.
- Q. Not trying to avoid answering questions? - A. No, I'm not, your Honour. This is a long, long time ago. It's over a year ago, your Honour.
- Q. Yes. So far as the next question, officer, is concerned, how long a time interval was it between that, then, and seeing Mr. Bell by the broken fence? - A. A few seconds, your Honour.
- Q. Are you moving in those few seconds? - A. Yes.
- Q. What are you doing? - A. Going forward, trying to disperse the miners, your Honour.
- Q. Were you running? - A. We would run and then we would stop and look around.
- Q. Officer, I am not interested in any earlier movement. I am interested only in this last movement. So, the last movement, was that a continuous run up ....? - A. I may have been stationary. I may have been moving, your Honour. It was not a continual run. I would run and we would stop. We would run, we would stop and I can't remember whether I was stationary or whether I was running.
- Q. When you saw Mr. Bell? - A. Yes.
- Q. How long, then, did it take for you to get to him? Are we talking about five minutes? - A. No, your Honour, no. Not very long, not very long at all.
- Q. Well, seconds? - A. I can't be exact about time, your Honour, but 30 seconds maybe. I don't know. I can't

remember. There was so much going on. If I had known at the time that this was relevant I would have made a note of it, but I didn't.

- Q. You have given us a reason a little while ago for not putting all this detail you told the Jury about in-chief into your statement, that it was because you just wanted to get off duty. - A. No, what I said ....
- Q. To get home. - A. I put in what I thought was relevant and so did P.C. Grundy.
- Q. You didn't put the interruption in your sighting of Mr. Bell, didn't think that was at all relevant? - A. Your Honour, if you are chasing someone and they run round a corner you don't mention the fact that he ran round the corner, it's a continual thing of evidence, is that, to my mind, your Honour.
- Q. In your statement the continual chase starts immediately after he was throwing a bottle, doesn't it? - A. Well, that's how I would normally write that, your Honour, yes, "and some time later I saw the Defendant", I would write "so far away", to keep him in contact.
- Q. But, you didn't write, "some time later I saw the Defendant" or anything like that in your statement, did you, officer? - A. No, your Honour.
- Q. Can you help with this? You say he ran round a corner .... - A. Have I said that?
- Q. Yes ....

JUDGE COLES: I haven't made a note of that.

MR. WALSH: No, your Honour. He said, "If I was making a statement about somebody running round a corner and it was all part of one chase I wouldn't write that down". That's what he said.

JUDGE COLES: Yes, I remember something like that.

- Q. MISS RUSSELL: Officer, you have heard it. Did you chase him round a corner? - A. No, I was just raising that as an example.
- Q. All right. So, did you chase him in a direct line? Do you follow the difference? - A. The next time I saw him, your Honour, was at the side of the building.
- Q. Had he gone over the fence? - A. I have no idea.
- Q. JUDGE COLES: Was he the other side of the fence? - A. When I caught him, yes he was, your Honour.
- Q. Did you see him get over it? - A. No, it was broken was this fence, it was not a continual fence.

- Q. MISS RUSSELL: I appreciate that, but did you really see him get over the fence where it was broken down or he went through the gap or whatever? Did you see it? -  
A. No, your Honour.
- Q. Did you lose sight of him again? - A. Yes, I did, your Honour.
- Q. So, this is the second time we have lost sight of him, not mentioning any of this in your statement at all? -  
A. Yes, your Honour, it is.
- Q. And when you next see him where is he? - A. He is at the side of the building, your Honour, and this is where he falls down. It's on that photograph there.
- Q. That is where he is. This is where he falls down, yes or no? - A. Yes, that's correct, yes.
- Q. How does he fall down? - A. I can't remember, your Honour. I can remember him being on the floor and putting his hands up. I wasn't continually watching this man. I was watching about, P.C. Grundy and myself and other officers. It was very dangerous and I wasn't keeping my eye fixed on one thing. I was continually looking around for my own safety.
- Q. I suppose, officer, it must follow from that, then, that it was not a question of there being a huge line of police officers moving up and just a few straggly pickets, the last to get away up by that sub-station? Can you, I mean ...
- Q. JUDGE COLES: What is being put to you, I think, is this: That you were, in fact, in a solid, steadily advancing line of policemen in the face of whom the pickets had fled save for a few isolated pickets who were sheltering near the sub-station. - A. No, your Honour, I don't think that is correct. There were policemen scattered all along and they weren't knee-deep in policemen, as you might say. There were gaps between each of us. We weren't in one continual advance, to my knowledge.
- Q. MISS RUSSELL: You are running up the field, aren't you? - A. No, we were winding around like that, I would say, looking about, down, round, in a straight line.
- Q. Did you run in the road or field? - A. We started off on the field and I ended up on the field at the top. I can't say whether I ran left or right, your Honour.
- Q. I mean, any suggestion that the cordon moves up - you do know what I mean by "cordon" - that it moves up as a mass, up the field? - A. It wasn't like that, to my recollection, your Honour.
- Q. All right. He is round the side of the sub-station. Is that right? - A. Yes.
- Q. And so far as you are concerned, do you actually see him fall or not? - A. Yes, I saw him fall, your Honour.



Q. Does he fall frontways, backwards, to the side? Does he trip? - A. I can't say, your Honour.

MISS RUSSELL: Your Honour, I wonder if that is a convenient time? It is terribly hot in here.

JUDGE COLES: Yes.

(Short Adjournment)

Q. MISS RUSSELL: Officer, before I turn to certain exhibits in this case which we have already had, I want to ask you this question: Is it your evidence that from the time you saw Mr. Bell throw a bottle, that thereafter he disappeared into the crowd, as it were? - A. Yes, your Honour.

Q. And that you had no sighting of him on your cordon until he was in the near vicinity of the power station? - A. Yes, your Honour.

Q. And there never was a time when there was a large gap before a few straggly pickets in which he, as it were, stuck out like a sore thumb? - A. I don't understand what you mean.

Q. There never was a time when you saw him, from the time he threw the bottle when he was part of a large crowd, to the time that you saw him up by the electricity sub-station? - A. That's correct, your Honour.

Q. One appreciates you were looking around, as you said. You were looking in front of you most of the time? - A. Yes, your Honour.

Q. I want you to turn to Exhibits 27 and 35. Just have those bundles with you. They are two bundles of colour photographs.

MR. WALSH: Your Honour, I suspect that Exhibit 27 may not be there, for some reason or another. None was ever provided by the Defence for the witness box, so I lent my copy some days ago, which I have ....

JUDGE COLES: I have for some days actually had two copies. My apologies. (Handed to Witness)

Q. MISS RUSSELL: Exhibit 27, officer? - A. Yes.

Q. If we start Exhibit 27 off right we can see a cordon down by the bushes, can't we? - A. Yes.

Q. A few pickets with a large gap between them and the camera-man? - A. Yes, your Honour.

Q. And then if we turn over to photograph two we can see horses in a group of trees and pickets sitting on the grass? - A. Yes, your Honour.

- Q. And then if we turn through to photograph three we can see rather more pickets? - A. That's correct, yes.
- Q. Standing in the field and on the road. That's right, isn't it? - A. Yes, your Honour, yes.
- Q. Now, at the time when you saw Mr. Bell throw the bottle, would it be right that there are more pickets than are depicted in that photo? - A. Yes, your Honour.
- Q. Turning to photograph four, we can see some officers who appear to be in the front of the cordon. That's right, isn't it? - A. Yes, your Honour.
- Q. Slightly out from it, and we can see the cordon stretched across the road in the field? - A. Yes, your Honour.
- Q. And, again, at the time Mr. Bell threw the bottle there would be more pickets than that? - A. Yes, I would think so, your Honour, yes.
- Q. Turn through to photograph five where - if you turn to photograph six we can see shields have come out and if you look down the road, right down the road near the ambulances, you can see, obviously, groups of Police moving up. Do you agree with that? - A. Yes, that's correct, your Honour.
- Q. And we can see that there are pickets at that stage in the road, standing there and standing in the field. One person appears to be running back? - A. Yes.
- Q. Turn now to the next photograph. We can see the horses breaking through the cordon, can't we? - A. Yes, your Honour.
- Q. Anything else catch your eye about that photograph? - A. The Defendant, your Honour.
- Q. There is Mr. Bell ...

JUDGE COLES: I'm sorry?

MISS RUSSELL: Mr. Bell, your Honour, some distance away from the wall.

JUDGE COLES: Which do you say is he?

MISS RUSSELL: It is the man in front of the bush, your Honour:

- Q. White tee-shirt? Remember the phrase I used before, "sticking out like a sore thumb", nobody between him and the line? Do you see that? - A. Yes, your Honour.
- Q. Turn over to the next photograph, photograph eight. All right? - A. Yes, your Honour.

Q. Mr. Bell is standing by a wall on this one, isn't he? -  
A. Yes, your Honour.

Q. Watching the horses go up? - A. Yes, your Honour.

Q. And, again, apart from who I am going to refer to, for obvious reasons, on later photographs as a photographer, Mr. Bell is at that moment completely alone in the field, isn't he, in the sense that there is no-one there near him? - A. Yes, your Honour.

Q. Photograph nine in that bundle shows the horses further up the road, doesn't it? - A. Yes, your Honour.

JUDGE COLES: Is that still Mr. Bell in that photograph or not?

MISS RUSSELL: No, he isn't .... I would like to have the witness's evidence on that.

THE WITNESS: No, your Honour, he is not in that photograph.

Q. MISS RUSSELL: Photograph ten and turning on to eleven we can see the horses coming back? - A. Yes, your Honour.

Q. And we can see the man by the wall with the denim on? - A. Yes, your Honour.

Q. And that is in photograph eleven in Exhibit 27. Now, I want you to turn from there, if you will, to Exhibit 35, photograph B8, and who do we see in that photograph, officer? - A. Mr. Bell, your Honour.

Q. JUDGE COLES: Whereabouts? Which do you say is him? - A. In the middle, your Honour, at the rear of the horses. By the last horse, your Honour.

Q. MISS RUSSELL: And at this stage, officer, it would be fair to say that he is in a very isolated position, wouldn't it? - A. Yes, your Honour.

Q. Leaning against the wall, clearly visible and no-one in the field? - A. Unless someone was behind the bushes, your Honour, on the cordon.

Q. Well, you see, officer, you may remember a little while ago, and it seemed rather tedious at the time, I asked you whether at any time, looking up, your view was obstructed by the bushes and at the time you seemed to think it was a rather silly joke question ....

JUDGE COLES: He said he couldn't remember.

MISS RUSSELL: Well, I am referring to the officer's manner.

MR. WALSH: Perhaps my learned friend would ask questions and not comment.

JUDGE COLES: Yes.

- Q. MISS RUSSELL: Are you understanding this now, officer?  
- A. I'm not saying that at all, your Honour, but certainly some officers' view would be obstructed by the bushes. I can't remember exactly where I was at the time, your Honour, like I said.
- Q. If you go on for a moment with Exhibit 35, we have got the photographer and we can see that from the photographer's position, if you like, in Exhibit 27, photograph eight, the man in the denim by the wall, we can see how close to you Mr. Bell was at that point and by the time he is in Exhibit 35 he has moved up some distance away from the photographer. - A. Yes, your Honour, that's correct.
- Q. You didn't see him at all in any of these positions, did you? - A. I don't know what stage of the day these photographs are so I can't relate to them. If you tell me when they were I may be able to relate to them.
- Q. I will help you with that in a moment, officer. I suppose what you are perhaps suggesting is that that happened before the bottle incident? - A. I've no idea.
- Q. Photograph B9 of Exhibit 35, we can see the horses coming back? - A. Yes, your Honour.
- Q. Now, to turn to Exhibit 27, photograph eleven, again we see the horses going back on the road, only not on the field at this stage? - A. Yes, your Honour, yes.
- Q. And then we see the horses in the very next photo, coming out again? - A. Yes, your Honour.
- Q. If you turn to the next photograph, photograph 13, you will see those horses further up still by this wall, and who do you see in that photograph, if anyone? - A. The Defendant, your Honour.
- Q. JUDGE COLES: Where do you put him there? - A. The man at the front with the white shirt.
- Q. Right in the foreground? - A. Yes.
- Q. That's Mr. Bell? - A. Yes, your Honour.
- Q. MISS RUSSELL: And although it is always difficult, officer, from a still photograph, it would appear that at that stage Mr. Bell has his back to the cordon. That's right, isn't it? - A. That's correct, your Honour, yes.
- Q. And certainly so far as the cordon is concerned, it hasn't yet reached the wall, has it? - A. That's correct, your Honour.

Q. But whatever we can say about Mr. Bell - take the aerial photograph - at this stage he is still in, as it were, that topside, arrow-shaped field, isn't he? - A. Can you show me, please?

Q. This area here, by the trees that were mentioned earlier, one, two and three and four - follow up from the road that goes across? - A. Yes.

Q. You see the three bushes? - A. Yes, I'm with you.

Q. The wall Mr. Bell was leaning on is by the first single bush by itself, isn't it? - A. If that is a wall I can't make it out looking at the photograph.

Q. I am suggesting it is. - A. I accept that.

Q. And at the point that this photograph is taken he is somewhere in here, and if we take, if we do a triangle between that single bush, the big tree and the road, he is somewhere in that triangle, isn't he? - A. Yes, your Honour.

JUDGE COLES: The top half you have described, and that is the holding field?

MISS RUSSELL: Yes, the holding field:

Q. At the time he is some distance away from the wall and you didn't see him there either, did you? - A. That's correct, your Honour.

Q. Now, if we turn in Exhibit 27 through that photograph, which is 13, through 14 and 15, 16 and 17, to photograph 18. All right? - A. Yes, your Honour.

Q. The cordon by now, there, is in the position, if you turn to the other exhibit we have been referring to, and if you turn to B11, the cordon has now moved up past that wall to the trees in both those photographs? - A. That's correct, your Honour.

Q. When we turn to our aerial photograph, the cordon is approximately by that tree that I said was the top half of the triangle ....

JUDGE COLES: Which tree is that, Miss Russell?

MISS RUSSELL: I'm sorry, on the aerial photograph, the one that sticks out. There is a gap through to the big field and that is a line of trees there, that one.

JUDGE COLES: I follow, yes.

MISS RUSSELL: Because that is a sort of separation point between the two fields:

Q. Have you looked at photograph 18? - A. Yes.

Q. If you look at that photograph, and I think this is where those in Court who have magnifying glasses will be better off than those who have not. If you look to the left there is a flagpole, isn't there?

JUDGE COLES: On 18?

MISS RUSSELL: Yes, on 18:

Q. Do you see a sort of great post that sticks up that doesn't look particularly like a lamp-post? Do you see that? -  
A. Yes.

Q. To the left of that there is a lamp-post? - A. That's correct, yes.

Q. This is a view, officer, down from that sort of angle, down the top field. Do you follow? Now, I appreciate from the point of the photographer and allowing for foreshortening, look very carefully at the lamp-post. -  
A. Yes.

Q. Do you see a sort of elbow sticking up that white tee-shirt there? - A. Yes, I do.

Q. Right at the back? - A. Yes, it's very difficult to see.

JUDGE COLES: An elbow with a white tee-shirt? I can see two, actually, one on each side.

MISS RUSSELL: If your Honour goes down the lamp-post, in effect, at the bottom of the lamp-post there is an arm with a white tee-shirt?

JUDGE COLES: Yes, I see. I think I see it.

MISS RUSSELL: I am referring to that one:

Q. I am going to suggest to you, officer, just for the sake of clarity, so we get the positioning, that that is Mr. Bell, right at the back, nearest the cordon and still, because we can see the roadside there, no wall, still quite some distance away from the sub-station? All right? -  
A. Yes, your Honour, if that is Mr. Bell.

Q. If that is Mr. Bell ....

JUDGE COLES: Clearly, you are not being asked to say it is.

Q. MISS RUSSELL: Anybody would be able to identify somebody from that sort of angle. What I do suggest, though, is this: That if that suggestion is right and it is Mr. Bell, he is right at the back of the crowd and must have been one of the people most easily visible at that stage to officers on the cordon. Do you follow? -  
A. Yes.

Q. You didn't see him at that stage, did you?

Q. JUDGE COLES: Well, did you? - A. I don't know what

stage of these photographs that I did see Mr. Bell, your Honour.

- Q. MISS RUSSELL: Well, officer, look at the distance from the cordon just down by the trees at this point, look at the distance from the cordon up to the electricity sub-station where you have drawn your circle. - A. Yes, it's quite some way.
- Q. Yes. Turn to the next photograph because on the next photograph, officer, I am going to suggest to you again that you can see Mr. Bell. - A. Yes, I would say so from that one.
- Q. This is on 19. - A. By the flagpole.
- Q. JUDGE COLES: His head turning round, looking behind and an elbow behind him as well? - A. Yes, that looks like him, yes, your Honour.
- Q. MISS RUSSELL: And indeed if we look at photograph 20 in that same exhibit, apart from the man in the red tee-shirt and blue denim and the man in the green and a couple of other people with bottles of pop, who is shown on that photograph? - A. Mr. Bell, your Honour.
- Q. JUDGE COLES: Still got his elbow in that fairly typical way? - A. Yes, sir.
- Q. MISS RUSSELL: And we can see the distance between him and the cordon at that point? - A. Yes, your Honour.
- Q. And in the next photograph we can see officers coming up the road that look like short shield officers? - A. Yes, your Honour.
- Q. And the very next photograph after that shows officers actually having reached the embankment, doesn't it? - A. Yes. I don't know where that is, though, I'm afraid.
- Q. Are you sure, officer, because it's just behind the electricity sub-station, the embankment? - A. I never got that far. I have not seen that at all, your Honour.
- Q. Now, if we turn back for one moment to the photograph I referred to in exhibit 35, the cordon is at those trees. All right? - A. On B11?
- Q. I'm sorry. Exhibit 35, B11. Absolutely right. - A. Yes, your Honour, yes.
- Q. What it comes down to is this, officer, just so we can get the distance quite clear in our minds, for the distance from the other side of those bushes, the first bush there? - A. Yes.
- Q. Got that one? - A. Yes.

- Q. The single bush up the side by the wall, that bush, from the distance there, the other side of that, past those trees, right up to the area immediately in front of the sub-station, you failed at any time to see Mr. Bell. That's what your evidence amounts to, isn't it? - A. Yes, your Honour. If I did see him I didn't notice it was him.
- Q. I'm sorry? You did see him? - A. No. If I did see him I didn't make a point of realising it was the same person.
- Q. Now, officer, I would like to show you a little of the video ....

MR. WALSH: Could I remind the Court that the last officer is still waiting. I don't know if he could usefully be in Court while that is being done. I don't know what my learned friend, Mr. Griffiths ....

JUDGE COLES: We are not going to start a new officer on a day like this.

MR. WALSH: No. I meant the last witness who was stood by so he could see the video. Whether this is the same section?

MISS RUSSELL: Yes, it is the same.

MR. WALSH: Yes. I wonder if Miss Russell has any objection if that last officer, Sergeant Kelsey, is allowed to stand here so he can watch the video and at a convenient time ....

JUDGE COLES: He ought to be given a chance of watching it by himself.

MR. WALSH: That is what I meant, ask him to come in and look at it and to come then at a convenient time ....

JUDGE COLES: That is a point, in fairness to the witness. It is fine to allow them both to see the television at the same time, but if, as appears to have been the case, counsel find it useful to make the odd comment in the course of the running of the film as to what witnesses should be looking at, then it must be right that you should have an opportunity to do that with him. So, if that means running through the video twice, so be it. Let's do it.

MR. WALSH: I am anxious that the officer isn't down here overnight unnecessarily.

JUDGE COLES: Certainly. Let's have the film.

MR. GRIFFITHS: Before it commences, may I, with the agreement of my learned friend, Mr. Walsh, ask Sergeant Kelsey, so it is on the transcript, to look at this passage and to look at the white-shirted officer in authority using the magaphone? It is that person I would like him to concentrate on.

JUDGE COLES: Do you hear that, Sergeant Kelsey?

SERGEANT KELSEY: I do, sir.



JUDGE COLES: Splendid. (Video Film Shown)

MR. GRIFFITHS: May I simply ask Sergeant Kelsey, so it can be recorded?

JUDGE COLES: Yes.

Q. MR. GRIFFITHS: Sergeant Kelsey, you saw the officer in the white shirt with a flat hat with a megaphone, giving instructions? - A. I did, sir.

Q. Is that Superintendent Clarkson? - A. It looked like him, sir, yes.

MR. GRIFFITHS: Thank you.

MR. WALSH: Can you, Sergeant, now go back to your unit? I don't think you will be required by anybody any further in Court.

JUDGE COLES: Yes. Thank you.

Q. MISS RUSSELL: Now, officer, did you notice anything about that part of the film - it may be we may have to hear it again - I tried to see if we had a freeze-frame and for some reason the VHS Video hasn't gone up to this point ....

MR. WALSH: I think, in fact, I have got one, the one I lent to the Court the other day, but I haven't got it with me at the moment, but it is possible that tomorrow morning I can get my copy video, which is the VHS one which I think you can freeze-frame. If I had known I would have brought it.

JUDGE COLES: I see one being given to somebody there.

Q. MISS RUSSELL: Well, let's see, first of all, on the one that is moving, did you notice anything in that, anything at all? - A. No.

Q. What did you think you were looking for? - A. I was trying to look for the Defendant, your Honour.

Q. I wonder if we can do it again, please? Look and see if you can see a figure amongst those running away, hopping? - A. Yes, I will, your Honour.

Q. To the right-hand side of the screen and, if it helps you I will mention it when we first see it. - A. Yes.

JUDGE COLES: Which reel is that?

MISS RUSSELL: Reel 4, just before the end. (Video Film Shown Again):

Q. Can you see a single bush before the wall there, officer? - A. Yes.

Q. Now, look for the figure hopping. Now, stop the film there. Somewhere in this area here, officer, you look carefully and you will see a figure hopping ....

JUDGE COLES: Not near the wall? In the middle?

MISS RUSSELL: Yes:

Q. Under the chimney. If you see the chimney to the right of the sub-station, just under there, if you go in a direct line, if you look there you will see someone hopping, that figure right at the back, quite clearly, right at the back there, hopping? - A. Yes.

Q. Looking back, stopping, hopping on? - A. Yes.

Q. If we can take it back, I don't know whether the Jury have seen it ....

JUDGE COLES: Let's just run that through again now that figure is accepted. (Video Film Shown Again)

Q. MISS RUSSELL: A figure hopping all the way up, not near the sub-station that ....

MR. WALSH: May we have an interval so the questioning and the sound and everything else isn't going on all at once?

JUDGE COLES: I had my hand up at that very moment. If you wish to ask a question may I suggest that you do likewise, put a hand up, and then perhaps the operator would be so kind as to stop the operation of the tape? Now, the tape has stopped. Would you like to ask the question?

MISS RUSSELL: I am grateful, your Honour:

Q. Officer, we can see from that video - and remember, this is a video taken from a long distance back, nowhere near the front line of that cordon or the second line of that cordon - we can see, quite isolated, only about halfway up that top field, a hopping figure. Do you agree? - A. Yes, your Honour, I do agree with that.

Q. And you agree that that figure is the Defendant? - A. Yes, I do agree with that.

Q. How do you think you missed seeing him there? - A. It's quite obvious. If you play that back, your Honour, I will show you why.

Q. All right. I wonder if that could be played back? (Video Film Shown Again)

Q. JUDGE COLES: Could you just explain what we are looking for? - A. Your Honour, I think I am in this group across there, your Honour. I assume I am in that group there.

Q. You are pointing at a group .... - A. To the left of the bush.

- Q. That is no good, because we can't reproduce this frame for descriptive purposes. You are pointing to a group some few yards from the left of the retaining wall on the right - just listen for a moment. Can we agree on how you position this group? It is some yards, is it not, from the wall at the left-hand side of the road, looking towards the bridge? - A. Yes, your Honour.
- Q. It is perhaps a dozen officers from that wall to the left or a little more, that you are indicating? Indicate again. - A. About a dozen, sir, somewhere there, sir.
- Q. That's the sort of area in which you say you were? - A. Yes.
- Q. And you indicate about six officers just there? - A. Yes.

JUDGE COLES: Do counsel agree with that?

MR. WALSH: For the assistance of the Jury, we are, in fact, looking at the film. At the moment the officer is pointing to a spot, as he has said, almost directly below the chimney seen in the distance.

JUDGE COLES: Thank you:

- Q. Well now, you say that is roughly the area you were? - A. I remember that because Bell was to my front when I first saw him. If that is taken round about the same time I would have been in that group there, but I am tucked behind officers at the front of me with riot shields because we were getting stoned and missiles were being thrown at us so how on earth I could possibly see him when I am tucked behind somebody, hiding - if you look, people are bent down, moving forward and they keep ducking out of the way.
- Q. Do you remember that that advance is after the time when you say he threw the bottle? - A. I think that's correct, your Honour.
- Q. MISS RUSSELL: And after the time that he was by the wall? Yes? It must be. - A. Obviously, yes, your Honour, yes.
- Q. And you had missed him there, hadn't you, by the wall? - A. Well, I hadn't made a note of him at that time. I had no reason to.
- Q. Why? - A. Because I didn't think that he was by the wall. That's the time he threw the bottle.
- Q. Are you saying he threw the bottle between the photograph of the wall and this photograph of him hopping? - A. Your Honour, earlier on when I was being shown the photographs, there was a photographer ....

Q. JUDGE COLES: The still photographs? - A. Yes, the still photographs. The photographer, he has disappeared from the later photographs. So, is this the sequence of photos, because I am misled? I don't know. I can't say. If this is the sequence of photographs, it is misleading.

Q. MISS RUSSELL: Officer, if you accept they are in sequence - and there will be evidence on that - are you suggesting one of the problems is that these videos aren't in sequence? - A. No. I'm saying one minute the photographer is there, the next minute he isn't there.

Q. In which photograph do you say that is the case? - A. When you first showed me the photographs, you kept mentioning the photographer. I don't know where he is.

Q. JUDGE COLES: Do you mean someone who appears - I think it is a lady? - A. No, next to the wall.

MISS RUSSELL: In photograph eight of Exhibit 27.

Q. JUDGE COLES: The person in denims, you are referring to? - A. Yes.

Q. MISS RUSSELL: Shall I show you where he is in photograph 18? - A. I can't find the photographs, your Honour.

Q. Exhibit 27, the coloured bundle, photograph 18, that is the one of the elbow in front of the lamp-post which I wouldn't accept I wouldn't be able to identify? - A. Yes.

Q. Look at the tree, the rather straggly tree next to the one that leads on out from the three or four trees in a row. - A. Yes.

Q. The first two seem to have branches, the next one doesn't and this one, almost by itself, with no branches - look in front of that ....

JUDGE COLES: Which photograph?

MISS RUSSELL: 18 in Exhibit 27.

JUDGE COLES: Thank you.

Q. MISS RUSSELL: This is the one of the crowd running up that top field. - A. Yes.

Q. Along past the wall, if you look to your left, about two or three people in front of that tree? - A. Yes.

Q. Do you see a figure in denims with a sort of dark top on and light sleeves just like the photographer by the wall? - A. With a white patch on the shoulder?

Q. Yes. It looks like a darker jacket with denim jeans and a tee-shirt underneath. - A. If you say so, yes.

Q. If you think he looks completely different - admittedly, it is difficult on small photos, but it does appear to be someone similarly dressed. - A. Could I see the photograph of this photographer again, please? I don't know whereabouts it was.

Q. Look at eight, the same bundle. In fact, look at ten because I think you will find that ten is even better. In ten you can see the colour.....

JUDGE COLES: Ten in the same bundle?

MISS RUSSELL: Yes:

Q. Sleeveless jacket; white, short-sleeved shirt of some kind and blue denim jeans, and if we look by that tree in photograph 18 there are people running and then, if you like, roughly at the point, in a sense, that the video picks up with the cordon down by those trees, you can see just by that tree someone who is dressed in a very similar manner to that - A. Yes.

JUDGE COLES: Which tree?

MISS RUSSELL: The one with no branches. It is difficult, I appreciate, without a blow-up, but the one with no leaves.

JUDGE COLES: Yes, very well.

MISS RUSSELL: Just to the left of that there is a flash of white which you can see that looks like somebody with a darker jacket, one of the sleeveless ....

JUDGE COLES: He has moved well away from the wall if it is him.

MISS RUSSELL: Yes, indeed, the whole cordon has passed that wall at that point. This is now the top field.

JUDGE COLES: That all started because you were worried about sequence.

Q. MISS RUSSELL: Now, you know the sequence is right, officer. How do you explain missing Mr. Bell's movements from that bottom field into the top field and across most of the top field? - A. As I have explained, your Honour, I was behind the cordon on the initial pushes forward to disperse the pickets and I hadn't seen Mr. Bell. He disappeared from my view, your Honour. I was behind the shield men at this time.

Q. You are lying about this, officer, you are lying about ....

JUDGE COLES: Could be mistaken.

MISS RUSSELL: There is the faint possibility of that, but if I can deal with it in this way ....

JUDGE COLES: Well, you must put your case as you choose to put it.

- Q. MISS RUSSELL: Well, let me ask you, officer, do you think that there is the possibility you may have made a mistake identifying Mr. Bell? - A. Highly unlikely, your Honour.
- Q. Bearing in mind you lost sight of him for such a long time and over a large distance and didn't pick him out at all as he travelled all the way up to the sub-station, do you think there is the possibility you might be mistaken? - A. Your Honour, the last thing in my mind was watching somebody continually whilst we were following the miners. That was the last thing. The main priority that I had at that time was my own safety and the safety of fellow policemen.
- Q. JUDGE COLES: Notwithstanding that you didn't follow that man with your eyes, you are satisfied you got the right man? - A. Yes. I recognised what he was wearing when he had the bottle and I saw the same man at the top by the sub power station.
- Q. MISS RUSSELL: If there had been another man there with a white tee-shirt and sort of camouflage trousers with that dark hair, just assuming out of these many thousands of people that somebody else was dressed like that, do you think it is possible then that you could have made a mistake? - A. Of course it is, but, look at the photographs and if you can pick one out who is near there who is wearing the same sort of clothing, I'll accept that. I didn't see any.
- Q. You didn't see him at the time of the photographs, you have told us. He was part of a very large crowd, so you didn't see him in any of these times when he could be picked out individually. - A. On photograph 18 there are a large number of people. It could have been that time I saw him. If you tell me what time this was and pinpoint him on there I will tell you exactly the time I saw him. I can't possibly do that. I can't say exactly what time it was when I saw Mr. Bell.
- Q. JUDGE COLES: The very first time? - A. The very first time, your Honour.
- Q. MISS RUSSELL: Are you sure about that, officer?
- Q. JUDGE COLES: You can't say where in the sequence of these photographs you saw him for the first-time? Is that what you mean? - A. Yes, your Honour.
- Q. MISS RUSSELL: Are you sure, officer, you can't say what time it was? - A. Not exactly, your Honour, no.

JUDGE COLES: Well now, whatever time it was then, it is now 4.32 and I think that we have all had enough on this hot afternoon.

MR. GRIFFITHS: May I ask what your Honour's intentions are as far as tomorrow is concerned?

JUDGE COLES: Apart from being entirely honourable, do you mean? I think we will adjourn at the usual time on Friday.

MR. GRIFFITHS: I am grateful, your Honour.

(The Court adjourned until 10.30 a.m.  
the following morning)

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