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Local & National

McCartney trial evidence 'influenced by IRA probe'

Wednesday, June 18, 2008

The murder of Robert McCartney and the alleged involvement of IRA members had "significant ramifications" for the peace process, Belfast Crown Court was told yesterday.

Patrick Lyttle QC, the barrister defending 47-year old Joseph Fitzpatrick, spoke of the "parallel investigation by a paramilitary organisation" which he said influenced the evidence of one of the main prosecution witnesses.

Ed Gowdy, a friend of Robert McCartney, has given evidence at the trial and claimed Fitzpatrick hit him on the face with a stick in Market Street. Fitzpatrick has denied the assault charge and a further charge of causing an affray on January 30, 2005.

Making a 'no case to answer' application to the court, Mr Lyttle said the only evidence against his client was identification evidence by Mr Gowdy. The barrister said it was unfair to try Fitzpatrick as Mr Gowdy's evidence "has been entirely filtered through the prism of an IRA investigation that has influenced this witness."

Speaking of the six to eight hours of meetings Mr Gowdy claimed had taken place with IRA members in the wake of the murder, the barrister said Fitzpatrick "cannot get a fair trial" because the contents of the meetings were not before the court.

Mr Lyttle said: "This was an incident that had very high publicity and very serious ramifications for what was then known as the peace process."

He also spoke of the credibility of Mr Gowdy's evidence, especially he said since the witness admitted drinking up to 32 pints that weekend. The barrister said that since the murder, Mr Gowdy has "given completely contrasting views" rendering him "unreliable".

Also making a 'no case to answer' application to the court was Eilish McDermott QC who is representing James McCormick (39). The accused has been charged with but denies causing an affray.

Ms McDermott said that while there "probably was an affray of some kind" in Market Street which followed from a row in Magennis's pub, Mr Gowdy's evidence did not establish "whether Mr McCormick was a party to it".

Mr Gowdy claimed he saw McCormick walking down Market Street with a group of men armed with bottles and sticks following Robert McCartney and his friend Brendan Devine. He claimed the last he saw of the two men was them about to walk onto East Bridge Street at the top of Market Street. This evidence, Ms McDermott said, provides "no support for the allegation of affray".

She told Mr Justice Gillen: "The Crown has got to prove that Mr McCormick unlawfully fought... there is no evidence whatsoever that he fought." At hearing.

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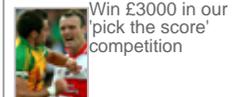
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