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"Don't be letting these b*****s do this to us," I told Robert McCartney

(by Suzanne Breen, Sunday Tribune)

Suzanne Breen, Northern Editor, was in court as prosecution witnesses gave evidence on the brutal beating and stabbing of Robert McCartney

Every day, Brendan Devine was in court. The man with whom Robert McCartney spent his last conscious moments was either in the public gallery, or sitting in the corridor outside, for a fortnight before he was called to give evidence.

When his turn came, he marched into the witness box, immaculate in a black suit and crisp white shirt, his face full of determination. But was Brendan Devine trying too hard? Witnesses are advised to stay away from trials until their evidence has been given.

The defence accused Devine of changing his account of events on 30 January 2005 to match that of another witness. Why, they asked, had he been in court a fortnight before he was required? "My friend was murdered," he said in an emotional voice. "Bert isn't here. I'm here for Bert, I wanted to sit in and hear every single thing."

It was the third week of the Robert McCartney murder trial. Terry Davison is charged with murder; Jim McCormick and Joe Fitzpatrick with affray. All three deny the charges.

Robert and Brendan had been "the best of friends" for 20 years. That night in Magennis's bar, they talked mostly about football but their last conversation was personal, Devine said. Both were living with their girlfriends. Both had sons. They agreed they'd like to "get married and have a (baby) girl each".

Then, Devine told the court, an argument had broken out between Robert and an older, grey-haired man who accused him of making a rude gesture towards a group of women, including his partner. "You're imagining things, your head's away!" Robert had said. He'd been making a 'w**ker' hand gesture to Devine – not to the women. He'd been saying, "Celtic are crap, Liverpool are the only team." The older man demanding the apology was Terry Davison.

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Terry Davison's nephew Jock started arguing with Robert. Devine tried to intervene. "F**k off you police informing bastard!" Jock Davison shouted. He was referring to Devine's willingness to give evidence against "that animal Hugh McCormick" (the brother of Jim McCormick, one of the accused) who had allegedly stabbed a nightclub doorman two years earlier.

Now, the argument in Magennis's turned nasty, Devine said: "People came towards me from all angles. I was struck on the back of the head with a bottle." He recalled kicks and punches and four or five more bottles smashed on his head.

"I remember someone coming from behind, putting his hand over my face, pulling my head back and cutting my throat three times – not like a knife, it was more like a broken bottle." He showed the court the scars still on his neck.

Bleeding heavily and gripping his throat, Devine left Magennis's with Robert. The whole bar – 50 or 60 people – now seemed to be on the street. "Who is Jock Davison, who is Jock Davison? Did he cut my throat?" Devine recalled yelling. "As soon as I mentioned Jock Davison's name, I was surrounded by four or five people shouting 'You're f***ed, you're dead, you're going to get it!'"

Devine and Robert headed into Market Street. A group of men followed them. Devine thought he saw "a blade or something sparkle". He realised, "I have to get to traffic" to be safe. He didn't think his friend was in danger: "I thought they were coming for me. I never thought they were coming for Bert. He hadn't an enemy in the world."

Devine was walking ahead. He turned around and saw Robert with his hands in the air. "Nobody deserves this. He doesn't deserve this," Robert was saying. Devine felt something plunge into his right side. "I turned around and (saw) someone grinning at me in an evil way. The guy didn't have a good set of teeth. It was as if they were crooked. It was an evil, evil grin."

Devine later told police he was stabbed by Jim McCormick. Devine's memory of events after his stabbing was erratic. He remembered seeing Robert slumped unconscious against a fence and a man punching him, then "gouging his face, his eyes. I could actually see Bert's skin moving". He told the court he was shocked to see it was Terry Davison, the older man from Magennis's who, despite the earlier row, had seemed "more respectable, less cheeky" than the others. "I said to him, 'Not you? Not you?'"

Devine managed to help Robert up, pinching his gums to bring him round. Then Devine – overcome with pain from his stab wound – fell himself. He told the court his next memory was of

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Robert lying in the middle of a traffic island: "I said 'come on get up'. There was no reply. I started to pinch his gums again. I got him up and onto the other side of the road.

"Bert fell down again. I said, 'Bert have you been stabbed?' I lay down beside him. I was tapping his face, 'Come on Bert, don't be letting these bastards do this to us.' He said, 'Our Gerard (dead brother) needs me. I'm not going to make it.' I heard these gurgling noises. I started shouting, 'Help! Help! Somebody please help us!'"

Devine was so seriously injured, doctors told him not to go to Robert's funeral, but he "wasn't interested in what they had to say". In the coffin, Robert's "face and head were pretty bad".

Devine admitted his early accounts to police weren't comprehensive. He'd received around a dozen death threats. He was "full to the neck of morphine", he'd an armed guard in hospital, and "different people (were) telling me I was going down a hole". He told the court he was afraid. Jock Davison was "the top man of the IRA". Devine's family business was beside the Sinn Féin centre on the Antrim Road in north Belfast.

Devine had four meetings with the IRA – including one at the Sinn Féin centre and one at Holy Cross church in Ardoyne. He was told to tell the truth and informed that "at this present stage, I had nothing to fear".

Under cross-examination, Devine spoke of being in prison himself. He hadn't wanted his children to know where he was so they'd been told he was at sea on a mission to help "the black babies".

The defence accused Devine of trying to change the location of where he saw Robert beaten to "dovetail" with the evidence of a passing female motorist, Witness C. Would he be questioning his own previous account if Witness C didn't exist? "Probably not," he admitted. As inconsistencies in Devine's evidence were highlighted, Jim McCormick and Joe Fitzpatrick looked gleeful.

There were no smiles during Witness C's evidence. She was screened from everyone bar the judge and lawyers. A video interview conducted in her home in 2005 with police was also played in court. It showed a plump, middle-aged woman with her face blanked out.

Last week, she appeared in court from behind a curtain, Witness C told how she'd been driving to City Hall in her Skoda to pick up her daughter about 10.30pm . She was stopped at traffic lights in East Bridge Street when she saw two men, later identified as Brendan Devine and Robert McCartney, run out of Market Street. A third man with white hair followed. He was "very well dressed" with "nicely pressed slacks" and a beige bomber jacket.

He was quite swarthy.

She saw him grab Robert McCartney and make swiping motions which the prosecution claims was the stabbing. The white-haired man kicked Robert half a dozen times in the lower back. She saw him aim a "very calculated, very deliberate" kick at Robert's head. He "held his foot in mid-air, then lashed out with as much power as he could. I thought Mr McCartney would have been brain damaged, he'd kicked him that hard".

When Robert got to his feet, Witness C told the court, he was so "dazed and disorientated" she thought "he was going to fall on my car". The left side of his

body was covered in blood. Four months later, Witness C picked Terry Davison from an ID parade.

She had told police the assailant's hair was below his ears with a side parting. About 25 minutes after Robert McCartney's stabbing, Terry Davison was recorded on CCTV in the Royal Victoria Hospital. He'd travelled there in a red BMW with his nephew Jock who had a hand injury. In the footage, Terry Davison's clothing was different and his hair was closely shaven.

Davison's barrister, Orlando Pownall, told the court it was "possible but unlikely" he'd got his hair cut and changed his clothes in those 25 minutes. "Nothing would surprise me," said Witness C.

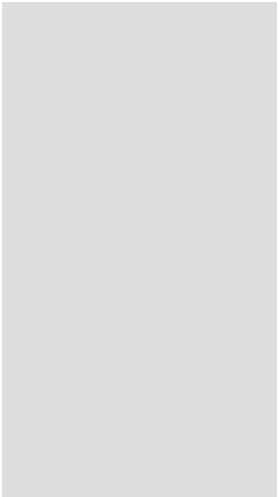
She noted that when she'd seen Terry Davison that night, and recently on TV leaving the court, he'd looked "very smart". But in the hospital footage, he looked "dishevelled" which he would be "if he had changed his clothes in a hurry".

She said she picked him from the ID parade because the walk, the shape of his face, the complexion, and the build, matched the attacker's. "When I was sitting in the car that night, I couldn't do anything to stop what was happening or help so I tried to remember as much as I could about the person," she said.

Despite rigorous questioning from Orlando Pownall, Witness C was unshakeable. "In a public court, in a notorious case, it's very difficult to admit you've made a mistake," he suggested. "No, I didn't make a mistake. It was definitely him," she said.

Of Robert's sisters, Catherine alone could face hearing evidence from the deputy state pathologist, Dr Alistair Bentley. He told the court how, when Robert was taken to hospital, he'd been "very confused and agitated with dilated pupils". He suffered three heart attacks.

Dr Bentley said he hadn't found injuries consistent with a full



force kick to the head, nor eye gouging as described by witnesses. But, as well as the fatal stab wound to the stomach, Robert had a broken nose, a black eye, and facial cuts and bruising. On the lawyers' tables across the courtroom, lay photographs showing the horrific injuries to Robert McCartney.

DATE, 2008

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