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# Judge to consider McCartney verdict as trial ends

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Saturday, June 21, 2008

By Ashleigh McDonald

The judge presiding over the Robert McCartney murder trial said he will reveal the outcome of his conclusion "in the not too distant future".

Mr Justice Gillen made the comment yesterday as the month-long trial came to an end.

After hearing closing arguments made by the Crown and the defence, he said: "I will have to spend some time reflecting on it before I reach my final conclusion. I will do that as soon as possible and that will be in the not too distance future."

Terence Davison (51) has been charged with murdering the 33-year old father of two who was beaten and stabbed on January 30, 2005 following a brawl in Magennis's bar. Davison has also been charged with affray, as have co-accused James McCormick (39) and Joseph Fitzpatrick.

Fitzpatrick has also been charged with assaulting Mr McCartney's friend Ed Gowdy. All three defendants deny the charges against them.

Speaking on the final day of the trial, Mr McCartney's sister Paula Arnold said listening to the evidence had

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been "horrendous."

She said: "It has been very very difficult for us, especially listening to the brutality that Robert suffered."

During the final day of the trial, Crown prosecutor Ciaran Murphy QC told Mr Justice Gillen: "The evidence before the court is sufficient to prove the charges beyond reasonable doubt."

The prosecutor also said the case before the court was one where "inferences could properly be drawn" by the refusal of all three defendants to give evidence at the hearing.

He said that Davison accepted he was in Magennis's when a fight broke out which resulted in Mr McCartney's friend Brendan Devine having his throat cut.

Mr Murphy said the accused also accepted his nephew, Gerard 'Jock' Davison, sustained a hand wound in the brawl and there were "aggressive exchanges" outside the bar.

The prosecutor said Davison also admitted confronting Mr McCartney outside the bar, telling the court the accused "faced up to a 20-stone man in a very tense and aggressive situation".

Defence barrister Orlando Pownall said the "extraordinarily diverse" evidence of the three main Crown witnesses "exposed the shortcomings in the Crown's case".

He said there was "no dispute" about Davison's presence in Magennis's, but said the issue was whether or not his client had been in Market Street and Cromac Square.

Saying the case has been "fraught with difficulties", Mr Pownall urged the judge to acquit his client on both the charges of murder and affray.

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