

## Petterson trial Day 2

**Witness 1 Robert Fairburn** Driving the vehicle behind Mr Petterson. Saw a flash of orange in front then a bump. Stopped and got out; saw body in road, bike on pavement and called 999. Arrested, breathalysed, questioned and then released. **Defence** questioned witness about position of sun and affect on visibility; vehicle movements on this stretch of road.

**Witness 2 Lee Cooper** Medic on board Solent Rescue lifeboat. Driving white Reno van in Lane 2 (middle); saw vehicles ahead swerve to right, then body in road. Pulled into Lane 1 and positioned van to protect body. Ran to person in road and started to administer first aid; spoke to David who was semi-conscious and groaning. Joined by fireman (witness 5) who removed David's rucksack and helmet. CPR given until ambulance arrived and paramedics took over. **Defence** asked about affect of the sun's position on visibility and whether glare was a problem Witness said it was not. He also said "I often see cyclists using this road in the morning". **Defence:** "I would suggest they would be on the cycle path" **Witness:** "No, I often see them. I saw one on the way home..."

**Witness 3 Sarah Williamson** Passing Freemantle slip road she saw traffic in front swerve quickly, van in front braked suddenly and she did the same. Saw something in Lane 1, indicated and moved into Lane 2. Saw body in road and people standing around it. She continued and a short distance further on saw a van in the layby. A man got out and walked around his vehicle looking at it then got back in. There was a shoe in the road and she thought he may have been hit by debris.

**Witness 4 Brenda Bullmer** In Lane 2 as she approached Mountbatten Way and saw person lying in the road. Stopped just past the white van, called 999 then went to see if she could help David. Saw the two men treat David and noticed shoe, deodorant can and van wing mirror in road some distance away. **Defence** asked if visibility was affected by low winter sun. Witness agreed that sun was low but said visibility was fine.

**Witness statement from Eric Petterson read out.** Mr Petterson received a call from his son Steve at approximately 8.55 am asking him to go and see what he had hit on Mountbatten Way. Witness saw road closed, rang son and told him it was serious and road was closed. Son said he would phone police. Later partner rang to say a cyclist had been killed.

**Witness 5 Richard Green** Fireman at St Mary's Stn; in summer cycles to work. As approaching Mountbatten Way saw vehicles moving into Lanes 2 and 3, saw body in road and pulled over to offer assistance. Made himself known as fireman with first aid knowledge; assessed David's condition and removed helmet and rucksack. On advice of ambulance gave first aid until it arrived.

**Point of Law raised by prosecution:** Could further evidence be taken from Mr Green about his route to work when cycling? **Judge:** issue is Mr Petterson's behaviour; how was cycle route relevant? **Prosecution:** use of Mountbatten Way by cyclists is relevant because it might be argued that if Mr Petterson had used the road for 6 years and never seen a cyclist he would not be looking out for one **Defence:** may be foolhardy to use this road **Judge:** as there is no time pressure, Prosecution could take the opportunity to obtain a witness statement during the court recess.

**Witness statement from Council officer responsible for cycle routes in this area read out:** Cyclists "routinely use Mountbatten Way to access the city centre" Designated route is along Paynes Rd. If cyclists use the route adjacent to the westbound carriageway there is a "snickett" that allows cyclists to get back on the designated cycle way.

**Jury question:** Are there any photos of the wing-mirror referred to on the road?

**Witness 5 Robert Green questioned about cycle route from Totton to Southampton city centre:**

Has cycled since age 10; regular road cyclist for 12 years; has cycled to work in Southampton for 6 years; twice weekly in summer cycles from Salisbury through NF to Totton and on to Southampton. Follows the signed cycle route under Mountbatten Way

**Witness 6 PC from Hedge End Police Stn:** On 17<sup>th</sup> December 2012 went to 18 Orchard Way to attend Mr Petterson. Looked at minibus; noticed damaged wing mirror and scuff marks where attached to vehicle. Mr Petterson said he “couldn’t see because of the sun, heard a loud bang, saw something red, spoke to father”. Broke down in tears when arrested. Taken to police station and breathalysed. Witness returned to 18 Orchard Way to seize Mr Petterson’s phone. **Defence** asked witness to clarify condition of wing mirror. Witness said wing mirror was intact but glass was broken.

**Expert Witness 1 Malcolm Smith, Project Assistant Safer Roads Unit.** In past has been Hampshire Constabulary PC, Traffic Management motorcyclist, consultant in Safer Roads Partnership. Surveys roads and produces reports on speed, traffic signage etc. Now authorised to speak on behalf of Hampshire Constabulary regarding speed enforcement, signage etc.

No cycling prohibitions on roads used from Commercial Rd in Totton to Mountbatten Way.

Jury shown Southampton Cycle Map, recommended cycle route shown by red dots. Red dotted line on Millbrook Rd West. South of Mountbatten Way an area of red tarmac with bus symbol which is a bus lane. Cycle path marked on pavement underneath the flyover plus access path onto Millbrook Road West. **Prosecution:** “Is there an option to join Paynes Rd under the flyover?” **Witness:** “No”.

Where the slip road from Paynes Rd joins Mountbatten Way there is a circular No Left Turn sign, below this a blue rectangular cycle sign. There is a cut-through for cyclists on Mountbatten Way enabling them to cross early onto the cycle facility. There is a “snickert” off the Mountbatten Way west bound carriageway (to join off-road cycle path) which must indicate that cyclists use Mountbatten Way. On the northern side there is no traffic coming from Paynes Rd to join Mountbatten Way so there is no problem. **Judge:** “But there will be a problem of cyclists being cut-up by vehicles turning into Paynes Rd slip road”

**Prosecution:** What road should Mr Irving have used? **Witness:** the designated route would be Millbrook Rd East - Central Station Bridge – Southern Rd – West Quay Rd **Defence:** the approved cycle route would take him directly to his place of work.

Witness has examined both West and East bound sections of Mountbatten Way. There is no cycle sign between Waterhouse Lane and Mountbatten Way. Appropriate route is on the southern side. No route on north side; cyclists can use the west bound carriageway cycle route and join Paynes Rd.

**Defence:** “If Councils put in cycle routes they would encourage cyclists to use them?” **Witness:** “Yes”

**Prosecution:** The “snickert”: this is where the grass verge narrows to allow cyclists to make the turn? Witness confirmed that this was correct.