

Steven Petterson Trial : Day 3 22-01-14

[Note: Most of the evidence referred to and delivered to the court and jury was also reproduced in "Jury Packs", folders mostly containing photographs, with maps and witness statements which were not available to reporters.]

Witness 1: Scenes of Crime Officer,(SOCO) P.C. Beazely arrived at scene at 11:10am and had recorded positions of David Irving's (DI) body and items found in the road. "Tapings" were taken from vehicle surfaces to establish if contact material could be found. The near-side (L/H) Transit van mirror glass, held together on the back with brown sticky tape, and polystyrene fragments from DI's helmet interior had been recovered and collected into bags from the scene and both items were presented as separate exhibits.

Defence Council: asked if there was not a problem with such "open" crime scenes where items of evidence can be contaminated or moved thereby hampering proper investigations?

Answer :Yes, some people who had stopped had already moved items such as DI's personal belongings and his bicycle from the road onto the verge.

Prosecution Council Question: Was it established that the first call to the police was made at 8:43am ?

Answer: Yes

Def. Cnl. Qu: Was care taken with items of evidence removed from the site?

Answer: This was all done with great care; items were labelled and recorded and taken away to safe storage.

Witness 2: PC Simon (Bricks?), Specialist Collision Investigator. The Transit mini-bus was seized and examined for contact marks. Traces of black deposits and other marks were found on the front wing and bonnet. These were probably from the rubber handle bar grips of the bicycle. Also an area of fabric imprint from clothing, probably DI's hi-viz vest. Damage was also noted to the "scuttle", the top of the bonnet immediately below the windscreen, with marks noted on the "A" frame pillar of the L/H side of the windscreen. Other contact marks were seen on the lower "A" pillar and mirror housing which was intact but the glass was missing. He could only find glass fragments on the L/H door quarter-light cill. Other marks were found along the on-side passenger door and side panel below the fuel cap.

Def. Cnl. Qu's: Whilst the Transit bus was not examined at the scene on the day of the accident and was only initially viewed at Orchards Way, it was only properly examined many days later in the pound by Mr Norris (later witness) ?

PC's Answer: Correct

Are there not many other ways in which these "contact" marks could have come about? Would he not expect lots of marks over time consistent with the age of the vehicle?

PC's Answer: All marks described were very fresh and recent on the existing road dirt film.

Def. Cnl: Could these marks have happened on his way home that day?

PC's Answer: He would struggle to find other ways they had got there, particularly those on the bonnet.

Def. Cnl: Do you agree that the other marks on this side though could have happened otherwise, as the fabric marks were imprints only with no actual fabric deposits found?

PC's Answer: No.

Def. Cnl: All other aspects of the vehicle examined but not underneath?

PC.'s Answer: Correct

Witness 3: Mr Colin Norris, Chief Police Vehicle Examiner. He had arrived at 10:34am and observed a number of vehicles at the scene including a Vauxhall Astra and a Renault van. No contact marks were found on either of these vehicles but orange fibres were “taped” off the Astra tyres by Officer Beazely. He had also carried out full examinations of the Mercedes car, DI’s bicycle and the Transit van.

1

continued:-

Witness 3 continued:

DI’s Bicycle:

He also made a preliminary examination of DI’s “Giant XB” bicycle at the scene and in detail in the secure bay at the recovery company’s premises on 2/01/13. He found “grinding marks” or deep scratches on the handle bars, front wheel hub and front forks. Marks were seen on the handle bars and the remains of a light fitting. Other damage, fractures and deep scratches were found on the brake lever fixing. The H/Bar grip was split and torn. On the L/H side H/Bar some scraping and impact marks noted. The front suspension forks were intact and working. The brakes were good but a cable had become detached. The saddle had contact scraping marks probably from the road surface. The steering was working but the H/Bars were twisted round. The tyres were good but the pedals and crank were damaged. The gears worked but the chain had become detached. The bike had been fitted with lights and reflectors but many of these had been broken and scattered on impact and had been collected up and were presented as an exhibit in one bag. Mr Norris admitted to never having ridden a bicycle himself.

Ford Transit Van:

He found evidence of marks on the bodywork and other damage which confirmed that previously described. All aspects of vehicle condition and safety were assessed and it was found to be serviceable. The off-side door mirror was intact but the near-side mirror glass was missing. The recovered m. glass was not a genuine Ford part but the template made from it fitted into the empty mirror case. No pre-existing faults or failures were found which could have contributed to the accident.

Mr Norris also examined the silver Mercedes car on 20/12/13. It displayed a lot of lower front end damage around the bumper, trim and underside. Traces of torn fabric and body matter had been found and recovered by SOCO.

Defence Qu: So no pre-collision pre-existing defects were found in any of the vehicles involved?

Mr Norris’ Answer: None

Qu: Were there any contact marks on the Astra or Renault van?

Mr Norris’ answer: none found, but he had not examined the vehicles for these himself. He was present when SOCO’s examined the vehicles over a pit and they reported there were no such marks present.

Qu: What was found on the Transit van?

Mr Norris’ answer: black marks and slight marks on the bonnet and wing

Qu: Referring to the mirror template was its shape just similar?

Mr Norris’ answer: this mirror was made as an unbranded replacement for the original Ford part and fitted.

Qu: Does the mirror casing fold in? Mr Norris’ Ans: Yes

Qu: Was there any evidence of metal to metal or metal to painted metal contact?

Mr Norris’ answer: None as such only black marks on the Ford Transit body work from contact with the bicycle H/Bar grip.

Qu: Did the damage to the bicycle H/Bars involve them being “distorted” to the right? Mr N’s answer:

Yes

Qu: Was this a “hybrid “bike? Mr N’s Answer: Yes

Witness 4: Police Sargent R Heard. Chief Accident Investigating Officer.

He had attended the scene at 9:55am. Mountbatten Way was closed and PC Wilson was already on site with the photographer. Conditions were reported as little cloud, sunny, dry and visibility was good. The road surface was damp or wet. Apart from DI’s body there was a lot of small items of debris scattered across the carriageway mainly plastic fragments and small batteries from broken bike lights.

Also reported that DI’s backpack and belongings which included his wallet, watch, phone, broken glasses and other parts of lights had been gathered up already and moved to the side of the road. He had been wearing a hi-viz orange and black Karrimor jacket.

Def. Cnl. Qu: There is no cycle path or pedestrian path on Mountbatten Way? Answer: agreed.

He was also asked about the “sky” and light conditions. PS Heard stated that it was a bright winters day.

2

Witness 5: PC Claire Miller, Road Death Investigation Team, Primary Investigating Officer.

Confirmed the sources of CCTV footage and that it had shown DI proceeding along M/batten Way making good progress and that traffic was not heavy.

The two police “drive thru” video journey reconstructions were timed to coincide with the original journey times.

[Note: The two reconstruction “drive thru’ “ videos were shown again. That of SP’s route showed low sun as a noticeable problem on ascending the bridge ramp bending to the right. This quickly changed as the left bend was followed and the road levelled out leaving the sun off to the right and a clear view of the road ahead restored. These videos terminated 1 - 200m or so from the bridge with no indication to mark the site of the collision.]

PC Miller also outlined the process of identifying the vehicle and Mr Petterson’s involvement. He had called the police and had been informed that a serious RTA had occurred on Mountbatten Way. He was told not to use the vehicle further. Mr Petterson was cautioned and arrested. He was advised by his legal advisor to make “no comment” but instead to make a prepared statement on 17/12/12: As the court had heard before, in essence he stated that “he was driving slowly as there was heavy traffic - he saw something red and heard a bang - he at first thought he had hit a bus stop sign - then he thought he had hit something or someone while his visibility was reduced by the glare of the sun. He had his sun visor down and was wearing prescription sunglasses”

A plan was referred to showing the approximate positions of all the vehicles just before the accident.

There was no evidence of body tissue on the near-side wing mirror of the Transit mini bus.

Judge’s Question: Were there any faults in the road surface causing DI to swerve to avoid them?

Answer: None seen or noted.

Admitted Facts: (Facts of case accepted and agreed between the Prosecution and Defence)

1. 1st 999 call made at 8:43am
2. Julian W. Smith 9:01am SCAT (?)
3. Time taken (for attempts to resuscitate victim?) 10mins

4. 09:10am DI pronounced dead at the scene
5. Mr Petterson was not impaired in his ability to drive
6. Mr Petterson called the Police
7. Police called SP back
8. David Irving formally identified
9. Police reconstruction videos of routes of DI and Mr P
10. CCTV camera date of recording as 17/12/12
11. A35/33 CCTV cameras of ROMANSE GB1 clock correct
12. CCTV compilation
- 13 Not possible to take evidence from all drivers at scene
14. Photos taken by Police photographer.
15. Transit Van was declared road worthy and mechanically sound

End of Day 3