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Jury 'must decide if McIlveen accused did not participate'

By Maeve Connolly

19/02/09

SEVERAL of those standing trial for the murder of Ballymena teenager Michael McIlveen claim they were present during the attack but did not participate, the judge has said.

During the second day of Mr Justice Treacy's summary of the case against four men charged with the 2006 murder and a fifth who faces lesser charges, he dealt with evidence of three of the accused.

The judge told the jury that Christopher Andrew McLeister (18), of Knockeen Crescent in Ballymena, Co Antrim, had maintained in police interviews that he was present in the alley during the attack which led to the 15-year-old's death but did not take part – that "in essence his presence there was entirely innocent".

Several of Mr McLeister's co-accused have made the same claim, the judge said.

The jury heard that the prosecution had "fastened" on to Mr McLeister's claim that he "didn't really touch him" and argued that if he had not harmed Michael there was no need to qualify his statement with the word "really".

Whether or not the jury attached significance to the word was their choice, the judge said.

Turning to Aaron Cavana Wallace, from Moat Road in the town, the judge said the 20-year-old had consistently denied any role in the attack throughout police interviews and the jury could decide whether this was the truth or "a consistent lie".

Mr Wallace told police he knew his co-accused, Christopher Francis Kerr, had taken a baseball bat from his home moments before the attack on Michael and the judge asked why Mr Wallace had then continued into the alley where the assault took place and what he thought the bat would be used for.

In his interviews the defendant agreed with a police officer's assertion that information had to be "dragged" out of him and the judge said it was up to the jury to decide whether the police had succeeded in getting all the information.

Dealing with the evidence of Paul Edward David Henson from Condiere Avenue, the judge said the 18-year-old had admitted kicking a garden gate and said he had seen someone hit Michael with a baseball bat.

Mr Henson is not charged with murder but with affray and criminal damage.

The jury was reminded that, asked by police what he had done to stop the assault, Mr Henson had replied: "Not much".

When asked to elaborate he had added: "I said 'wise up, come on, let's go'... as in stop trying to kick him when he's down, stop trying to beat him up."

The judge said "this was another example of a defendant claiming to have acted as a good samaritan" and that if this was Mr Henson's state of mind he wondered why he had "bothered participating" in the attack on the gate that followed.

In his seventh interview, the jury heard, Mr Henson told police he had been handed the baseball bat after the attack on Michael and the gate and had carried it for a moment before passing it to someone else.

“You wonder how on earth

it had slipped his mind that

he had taken control of the murder weapon,” the judge said.

He will continue with his summary of the case today.

One man, Mervyn Wilson Moon (20) from Douglas Terrace, has already pleaded guilty to murder. The other accused are Jeff Colin Lewis (19) from Rossdale and Mr Kerr (22) from Carnduff Drive.

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