

Statement from Mr McArthur.

The police record of interview was wholly inaccurate and the police claim the tapes have been destroyed. Efforts have been made by Mr McArthur to retrieve them (and a complaint made) so this statement is needed.

'I was passing 5 China St where I had lived with my then partner Mrs Julie King for the previous two years, before breaking up with her. I had asked Mrs King to keep her new partner, George Vaughan, out of the house until the end of May 2008 to avoid any problems as I still had some possessions in the house that needed collection. I had paid half the rent until the end of May.

Towards the end of May I saw Vaughan's car parked outside the house and Vaughan walking in so I pulled up, got out and walked quickly past Mrs King into the house and told Vaughan to get out. Words and insults were exchanged but Vaughan started to leave the house in front of me. As he got to the door words were still being exchanged and he turned and thumped me in the chest. I reacted by pushing him out of the door backwards intending to wrestle him to the ground, sit on him and thus restrain him. I did this by dropping down so I was able to wrap my arms round his lower legs, restricting their movement and causing him to topple over on his left side.

I then scrambled on top of him and sat astride him. Mrs King then grabbed me from behind and started pulling at me, finally yanking me to the right and making me fall to the ground.

In those moments I was aware that if King was holding me and Vaughan got up first I would be in a vulnerable position. In alarm and to give myself the chance to get up first, as I was falling I lashed out with my fist and struck Vaughan on the face to shock him. This was successful and I was able to get up first. I didn't want him getting up first in case he came at me again so I bent over to hit him to keep him down and raised my fist a couple of times ready to strike him, but he looked so passive I didn't and straightened up.

Having been assaulted by him I was annoyed with him and I jabbed at him with my foot, (not kicked). This did not break the law as it is accepted that in situations like this these things can happen in the heat of the moment, however no injury must be caused, as it was not in this case. King then grabbed me again turning me to face the North. She had hold of my wrists and was shaking my arms, but wasn't doing any harm so I just relaxed. While I was turned away from him Vaughan got up. I then saw him coming at me again so I dropped down, wrapped my arms round his lower legs causing him to become unbalanced and toppling him to the ground again, and I then sat on him. I was a bit perplexed as to what do do with him, after all this was the second time he had come at me. He looked, and was, helpless again so I didn't want to hit him. It seemed unnecessary and had the potential to cause him serious injury, something I felt would be going to far so I did not strike him.

King then grabbed me from behind again, this time dragging me to my feet, again getting hold of my wrists. By this time people had started to turn up and Vaughan had got to his feet again. When I next looked at him I saw he was leaning against a car with his hand against the left side of this face. More words were exchanged but the situation was calming down. Vaughan and King then drove away. As I was walking away PC Gallier turned up so I flagged him down and went to Llanidloes police house.'

Witness A

Both Vaughan and King stated in court that Mr McArthur tried to bash Vaughan's head into the ground, but the only thing preventing this was that Vaughan had fallen with his arm under his head. Witness A clearly states that Vaughan's head was being held against the pavement, page 12, highlight yellow, with no arm in the way. The reason why witness A would have seen this is because she had slowed down to pass Mr McArthur's car and glanced over as she did so. The position of the cars is shown in the diagram on page 14.

What Witness A saw was Mr McArthur with a hand on Vaughan's head after Mr McArthur had wrestled Vaughan to the ground a second time.

Mr Ellis

Mr Ellis' statement provides crucial evidence of Vaughan and King's perjury.

Mr Ellis was driving towards the incident (see diagram, page 14), none of the participants being aware of this at the time.

Mr Ellis states clearly that he saw Vaughan (the taller man) come out of the door backwards followed by Mr McArthur. He does put a flawed interpretation on this believing that Mr McArthur was assaulting Vaughan, but this is because he is not aware that Mr McArthur was only reacting after being struck.

The important point is that Vaughan and King did not realise that this had been seen by Mr Ellis and so they wrote and stated in court that Mr McArthur dragged Vaughan out of the door in a headlock. Vaughan also states that Mr McArthur kicked his feet from under him causing him to fall over. This is physically impossible if you are holding someone in a headlock and is also contradicted by Mr Ellis who states correctly that both fell into the side of a van as detailed in table 1.

This evidence was ignored.

In court Mr Ellis was asked if Mr McArthur appeared to be aggressive. Mr Ellis thought about this carefully and replied that Mr McArthur was not aggressive, but 'pumped up', an expression used to describe a situation where the adrenalin is flowing. Mr McArthur had not lost his temper, and was not out of control, as claimed by Vaughan and King.

Mr Ellis' movements also give an indication of how long the incident lasted. Mr Ellis movements can be recreated and from the time Mr Ellis saw Vaughan coming out of the door backwards to the time Mr Ellis would have stopped, got out of his car and on to the pavement was somewhere around twenty three seconds.

Dr B

Dr B states that Vaughan's injuries were 'a tender nose which had been bleeding, and a black eye' (page 9, highlight green).

Vaughan and King state that Vaughan was punched and kicked repeatedly, and had a

knuckle rammed into his eye.

Dr B mentions that his nose had been bleeding, however in court and in written evidence this was not mentioned so it is likely that Vaughan claimed this in the surgery. He did not repeat this in court, knowing that none of the witnesses would have seen this.

Witness A and Gary Ellis both spoke to Vaughan at the end of the incident and neither mentioned a bleeding nose. It is just another example of how easily Vaughan lies. There was no nosebleed.

Vaughan and King stated that Mr McArthur deliberately rammed a knuckle into Vaughan's eye causing him to scream out in pain. This is a serious allegation as it could be expected that an action of this type would blind or seriously damage someone's eye yet Dr B carefully checked both Vaughan's eyes and records that there was no damage to either, other than 'some evidence of subconjunctival haemorrhage'. In other words some evidence that a small part of the eye was a bit bloodshot. Pressing a fist against your face so that it is against the forehead and cheekbone will also cause a slight pressure on the eye. It can therefore be seen that giving someone 'a black eye' will have a slight impact on the eyeball and cause exactly the damage described by Dr B. Ramming a knuckle into someone's eye would cause far more damage, and probably a very serious injury.

Dr B summarises this at the beginning of her statement by saying that Vaughan came in 'with a black eye' (page 9, highlight red).

Dr B describes Vaughan as being bruised on the medial aspect of the left eye socket, that is the side of the eye nearest the nose. Only this small area of Vaughan's face has any injury and this is consistent with Mr McArthur's claim that he stuck Vaughan once.

It appears that Vaughan made no other complaint of any other injury and Dr B makes no record of any other injury.

There is nothing in Dr B's statement that contradicts Mr McArthur's statement to the police.

All of Vaughan and King's allegations are listed and compared to Dr B's statement in Table 3.

David Eger.

There are three main points in Mr Eger's evidence.

The first is that he heard Mr McArthur say 'He started it to King' several times, referring to Vaughan. The second is what he didn't hear. The third is that he thought he saw Mr McArthur hitting Vaughan.

Point one. Mr McArthur confirms that he shouted 'he started it' to King a few times, in the heat of the moment. King was aware of this and makes a clumsy attempt to cover this up by claiming that Mr McArthur said 'they'll never believe' before saying 'he started it'. Mr Eger is quite clear about what he heard and he did not hear this crude attempt to twist the evidence.

Point 2. In court and in writing Vaughan and King claimed that Vaughan was punched in the eye causing him to scream in pain.

In his statement Mr Eger describes hearing a noise outside, probably Vaughan and Mr McArthur falling against a parked van. He then heard a voice repeating 'stop it'. Mr Eger continued to listen and after hearing King say 'somebody call the police' went out. It was during this time that Vaughan was struck.

Mr McArthur claims that he did not ram a knuckle into Vaughan's eye and therefore there was no scream. If there had been a scream Mr Eger, who heard everything else, could not have failed to hear it, but he made no mention of a scream in his statement or in court. That is because it didn't happen. An examination of the photos of the shop at No 6 China St, on page 15 will show that the building has old single glazed sash windows that are not in the least sound proof, and this is why Mr Eger heard so much and heard it clearly. He could not have failed to hear a scream and did not because there was none.

Point 3. Mr Eger believed he saw Mr McArthur hitting Vaughan a couple of times to the body.

By the time Mr Eger got out of the shop Mr McArthur had got to his feet and was leaning over Vaughan. Mr McArthur was concerned that Vaughan would attack him again if Vaughan got up. Mr McArthur raised his fist a couple of times to strike Vaughan to make sure he didn't get up, but because Vaughan looked passive and helpless did not actually strike him. Mr Eger saw Mr McArthur raising his fist but in court he could not confirm that he saw any blows being struck.

The most important evidence of this is that Vaughan never made any allegation that he had been struck to the body, and in court neither Vaughan or King made this claim.

The only conclusion that can be drawn is that Vaughan was helpless on the ground, but Mr McArthur showed the proper restraint and did not strike him.

Other evidence.

'Graham at this time was like a madman and had completely lost it', King, page 5, line 6/7.

'This caused Graham to really lose his temper', Vaughan, page 2, line 5.

Both Mr Eger and Witness A describe Mr McArthur either standing over, or sitting on Vaughan, Vaughan being completely passive at this time.

Somehow the 'madman' showed a restraint not normally shown by lunatics who have lost their temper. No independent witness saw any punching or kicking of Vaughan and Dr B found no evidence of any injury other than the one blow that Mr McArthur struck when he felt he was in danger.

The restraint Mr McArthur showed in a violent situation is due to his experiences when he was young. He was heavily involved in activities normally requiring a great deal of self

control, such as potholing and rock climbing.

He was also involved in the training of horses for many years. Usually the animals Mr McArthur trained had been spoiled by inexperienced owners and often acted violently when ridden. Mr McArthur had learned to calm this violence with persistence, patience, gentleness and care. Responding to violence with violence would be counterproductive in most of these situations, and in most situations in life, and Mr McArthur applied the restraint he had learned over many years in his work and leisure to this situation. This is why Mr McArthur's responded to the assault with minimum force, and in a way that kept him within the law.

Other points.

1. Mr McArthur's solicitor advised him of two points, the first being that the person who complains first is most likely to be believed, and secondly that the person who suffers the greatest injury is most likely to be believed.

There is some logic to the first and indeed the first person to speak to the police was Mr McArthur. As he was walking away from China St PC Gallier came by in his car. Mr McArthur flagged him down and told him what had happened.

This is confirmed in Mr Eger's statement, page 7, blue highlight.

Mr McArthur then went with PC Gallier to Llanidloes police house. Mr McArthur was aware that police and court time costs money and as the only real result of the incident was that Vaughan had got a black eye Mr McArthur decided that no further action was necessary. PC Gallier did ask Mr McArthur if he needed victim Support and the offer was declined. PC Gallier then asked where Vaughan lived and Mr McArthur showed him on a map.

There is not much logic to the second assumption, however it is not unusual for someone who had been assaulted and come off best not to bother with the police.

2. In court Vaughan admitted assaulting Mr McArthur. At no point in the statements made by Vaughan and King do they say that Vaughan struck Mr McArthur, however in court Vaughan slipped up. At the end of the incident Mr McArthur took a couple of steps towards Vaughan and the prosecutor asked Vaughan why he thought Mr McArthur had done this. Vaughan replied, 'he probably thought I'd have another go at him'. Vaughan had inadvertently admitted assaulting Mr McArthur. The prosecuting solicitor promptly moved onto the next question.

Mr McArthur looked around the court but it seemed as if nobody had noticed. Mr McArthur stood up, pointed at Vaughan and said, 'he just admitted assaulting me'. To Mr McArthur this was a vital piece of evidence and the last piece in the jigsaw. There was a bit of a kerfuffle. The court was cleared and Mr McArthur left the room. The trial was restarted a few minutes later. It will be interesting to find out how this was recorded by the clerk.

3. Mr McArthur was contacted by the police and asked to go to Newtown police station. When he got there Mr McArthur was very surprised to be told that 'it could all be sorted out in a couple of hours if he accepted a caution'. Mr McArthur immediately refused this, and refused this again a couple of hours later by PC Lloyd. It was not until Mr

McArthur had made a full statement that he found out that Vaughan and King had made false allegations against him. Mr McArthur believes the conspiracy came about because Vaughan felt humiliated by the fact that he had been put on the ground twice after attacking someone much smaller than himself. Mrs King had also been insulted and they decided to make a false complaint to get even. The intention was to get Mr McArthur a caution that would damage his work. The situation escalated out of control when Mr McArthur refused the caution not knowing about the allegations Vaughan and King had made. If Mr McArthur had assaulted Vaughan he would have been sensible to accept the caution, but this was not the case.

4. Mr McArthur also has a conviction for criminal damage, the only evidence for this being given by King. At one point King claimed she had taken photographs of the damage, but then when asked to provide them claimed she had lost the negatives. A letter stating this from the CPS is in appendix 2, section 2, page 16.

This is surprising as King deals in collectables and has sold thousands of items on Ebay, starting in 2004, and has used nothing but digital cameras since then. She has used the same cameras for all her holiday photographs, etc. The problem is that digital cameras don't create negatives that can be lost.

This follows the general pattern that can be seen when examining evidence from Vaughan and King. Everything they claim can be shown to be untrue or implausible.

Conclusion.

It can be seen from an examination of the tables and the notes above that there is no evidence from independent witnesses to suggest that Mr McArthur did anything more than defend himself. It can also be seen that he did that in a way that used the minimum of force and showed considerable restraint, bearing in mind that the evidence indicates that Vaughan struck Mr McArthur first, and that Mr McArthur was then assaulted by King, and then again by Vaughan.

What is also clear from the tables is that Vaughan and King conspired to pervert the course of justice. *Every* claim they make can be shown to be false.