

Witness for the prosecution - apologies to Agatha

Agatha Christie's book 'Witness For The Prosecution' is a wonderful book.

Set in the Old Bailey in London, England, it weaves a suspenseful tale of intrigue and high courtroom drama.

The rapier minds of both crown and defense counsels thrust and parry to score telling points with a jury of the accused's peers.

The surprise ending leaves you tingling with excitement, and wanting to jump up and applaud the author with even a bravo or two thrown in.

Watching the late movie on television is not a must for me. However, when I saw the movie listed once again, I marvelled at Christie's creative literary genius.

Splendid book, wonderful movie, brilliant author, why not delay the sleeping pills and watch it again.

Fat chance of falling asleep once the film started. It would keep you wide awake.

Funny how things jog your memory.

Thinking about her book and movie brought back to me an incident which resulted in me appearing as a witness for the crown.

Maybe I was 23 or 24 at the time and with army training still in my veins. I was no match for the enemy on that lonely spring morning at approximately 11 a.m.

At this point in time I hadn't read her book or watched the movie, so I had no idea what a courtroom looked like.

As I look back now, the trial of the accused was held in the old council chambers. It was easy to see this was a makeshift courtroom even to a novice like me.

The judge used the mayors office for his robing room and his chamber.

A sparse wooden table would serve as the centre of legal operations for the crown.

The defence counsel had to operate his important-looking folio from his knee with a plain wooden chair beside him.

Naturally, a council chair for the clerk was already positioned.

The judge would occupy the mayors chair. A chair naturally for the accused and witnesses.

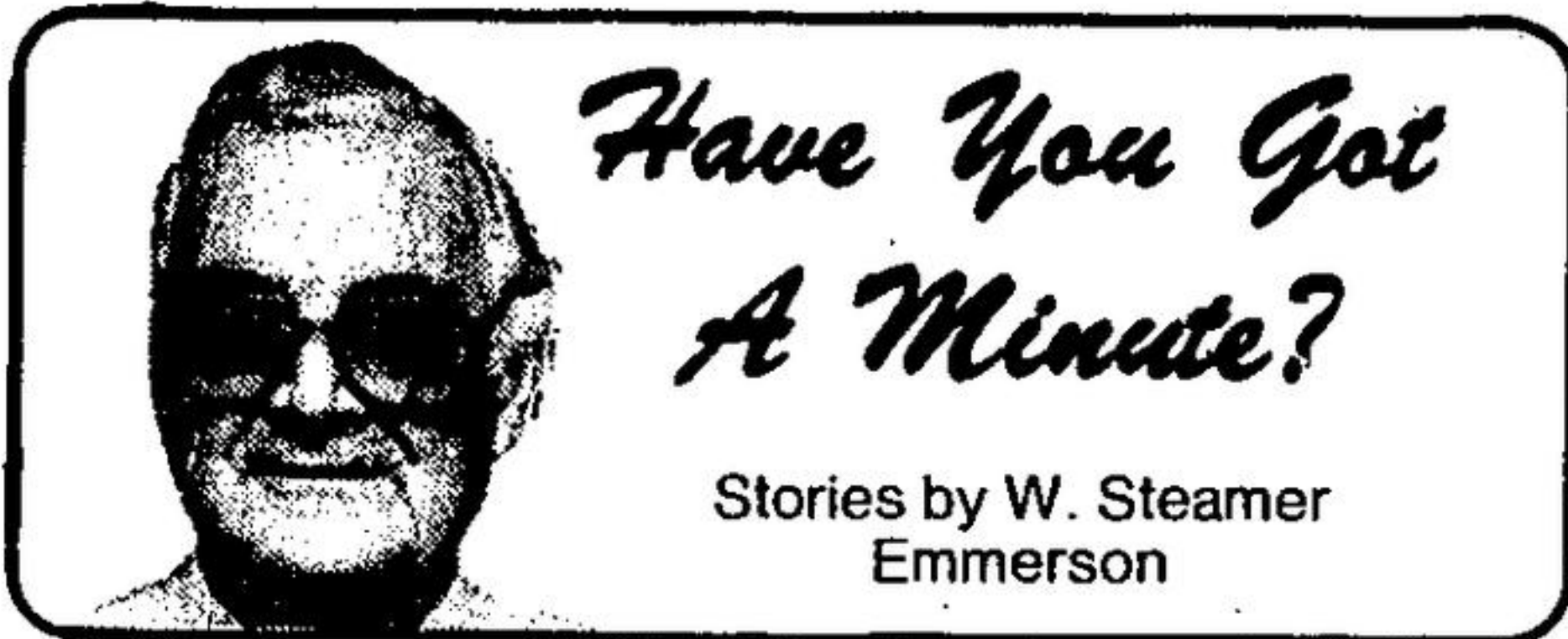
This first-time experience for me was rather exciting but after Agatha's book. I realized that in no way could it compare with her research and description of the Old Bailey.

There was no Sheriff adorned in tri-cornered hat, sword worn at the waist, no lace sleeves or frilly jabot. No white wigged Justice on the bench. No silken gown worn by either crown or defence counsel to signal they were Q.C.s.

No sir Wally Thompson the clerk had on a navy blazer as did Tom Grieve the bailiff. Simple but dignified.

Everyone in town knew Wallace and called him Wally and Thomas of course was just Tom.

This was a criminal trial and although Wally and Tom's duties were mainly to do with small claims it was a cost-saving measure to have them act as clerk and bailiff rather than bringing someone in from Milton. Wally and Tom acted in a truly professional way. I was quite impressed. It seemed to me everything was in order.



The subpoena commanded that I appear as a witness at 10 a.m. on that date and I was there. My Old Bailey experience was about to begin.

Tom shouted order with a military authority that old soldiers were accustomed to.

With a disapproving look from Tom and Wally, I suddenly realized I was to stand to attention while the judge, in a black flowing gown, whirled in and took his seat.

The accused was marched in by Cpt. Joe McBain, O.P.P. senior W.C.O. of the local detachment and seated beside me.

He was much cleaner and quite amiable as he leaned over and whispered, "Hey Steamer, I guess you will be testifying against me today."

"Order," shouted Tom. Tom represented law and order so I refrained from replying to my former adversary.

Wally read "Oyez, Oyez, all persons having anything to do before Her Majesty's Judge at this setting of the County Court Criminal Trial division draw near and ye shall be heard. God Save The Queen."

Wally stood up and asked the accused to stand and proceeded to rhyme-off the never-ending list of charges under the criminal code, section so-and-so and sub-section, theft, assault, resisting arrest, and sundry items relating to no drivers licence, ownership, etc.

Now everybody who knew Wally knew he had poor sight and a bit of a cast in one eye.

Wonderful fellow but a slight affliction in one eye. When the charges were read the looked over his glasses with what appeared eye-to-eye contact with me and said, "How do you plead?"

I was a bit taken back but slid back in my chair with relief when my courtroom neighbor said, "not guilty to the charges."

Mr. Lloyd Dingle, the Crown Attorney, from Milton, got up and proceeded to summarize for the judge the violent actions of the accused in committing these offences and that witnesses would be called.

Joe was called first as a witness and was sworn in by Wally.

Mr. Diagle then asked Joe to describe in his own words what happened that beautiful summer day to cause the accused to be placed under arrest and charged.

Joe explained how he spotted the accused passing through Georgetown in a stolen car which

had been reported stolen earlier in the day.

The chase was on and it was on the top of Silvercreek hill before Joe was able to cut of the escaping law breaker and attempt an arrest.

Painstakingly, Joe examined the accused's wallet for proof of ownership, drivers licence, etc. None was found in the wallet.

Next, Joe explained how he discounted an open case of beer partly consumed. Damaging evidence I thought.

But this was dull stuff compared to what was to come.

Just as Joe was placing the accused under arrest, I pulled up and stopped across the road from the flashing light of the cruiser.

The courtroom was silent as Joe went on, "at this moment as I was taking the handcuffs out of my pouch on my Sam Brown belt, Mr. Emmerson, over there, asked me if he could help. Momentarily I took my eyes off the accused to tell Mr. Emmerson to stand by and, by George, in that split second he ran. This was the first time my name was mentioned and I know Joe meant well, but he left the impression, I felt, with the court that I was responsible for the fleeing of the accused.

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In his clean blue serge uniform with gold corporal stripes, Joe seemed on the stand the epitome of those well-chosen few who pledged to Serve and Protect.

My mind slipped back to that day when I was called upon to help a mud-covered policeman in a deep dirty ditch overpower a raging bull.

The evidence Joe gave was an accurate and stimulating account of a violent struggle put up by a big guy who had no intention of being handcuffed, arrested and placed in the slammer by either Joe or me.

No doubt Joe's evidence was damaging to the accused.

The accused's lawyer carried out a rudimentary cross-examination and sat down.

The Crown called me and Wally asked me to take the Bible in my right hand and proceeded to administer the oath.

The Crown asked me to tell in my own words what happened. I pretty well told the same exciting story as Joe.

Counsel for the accused cross-examined. He shouted at me "you were trying to arrest my client, weren't you?"

Me: "No sir."

Counsel for the accused: "No! If you weren't trying to arrest him

what were you doing so close?" Me: "An old friend who was an expert horseman told me, 'The closer you get to a kicking horse the less chance you have of getting hurt.'"

Counsel for the accused: "I see. You stayed close so you wouldn't get hurt is that it?"

Me: "Yes sir, I was leaving the arresting up to Joe. He was the policeman."

The Judge: "Before you step down Mr. Emmerson, how did you know the accused was drunk?"

Me: "I smelled beer on his breath and his speech was slurred, your Honor."

Judge: "What did he say to you while you and the corporal were struggling that gave you an indication his speech was slurred?"

Me: "He said he could lick two guys like me."

Judge: "And then what?" Me: "He did your Honor. He licked me and then Joe."

After the culprit got out of jail I got to know him quite well.

Maybe Agatha wouldn't have cared for him but I kind of liked the guy. I still do.

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