

Q Right. I think somebody knows but we can deal with that later on. You don't recall anyway?

A No.

A Q Thank you. Anything else? No. Thank you, officer. That's all. I would like you to remain at court, please, and I would like you to produce all the notes that you've relied upon this morning and hand them to Mr Pottinger. Thank you.

A Yes, your Honour. Thank you.

Q You may leave the courtroom but don't leave the building, please.

B A Yes, your Honour. Thank you.

(The witness withdrew)

C THE RECORDER: Anything else, Mr Pottinger, you wish to call?

MR POTTINGER: No.

THE RECORDER: Any other evidence?

D MR POTTINGER: No.

THE RECORDER: That's it, is it?

MR KENNEDY: There's five minutes before lunch. I've got a submission. It's a ^ very short one. I can fit it in the five minutes.

THE RECORDER: Yes. Thank you. Fire away.

MR KENNEDY: Well, the burden is on the Crown to establish beyond reasonable doubt that Mr Cordell was working that day. They've only called one witness. I p suggest to you that he was a problematic witness and that in terms of the factors that he records that would suggest that he was working, they don't reach the threshold of beyond reasonable doubt. You've got that it was a work day during working hours but that doesn't really take the case anywhere. We've got a suggestion of paint on clothing. Well, you've heard that it's been challenged. It's a matter for you how much credibility you give that witness, but it doesn't take the G case to the threshold, I suggest. The same for cards. And there is - there's an absence — aside from that there's an absence of — of the sort of thing that you might expect to be produced to prove somebody was working. Your Honour just raised a couple but the list is long, isn't it? There's ladders, paint pots, tools, any paraphernalia. Not even a search of the van and no enquiries, it appears, made with — at the scene of the person he — it's — with anybody, no — no enquiries at the ® scene to establish that he was working.