

IN THE CROWN COURT SITTING AT BELFAST

THE QUEEN

-v-

MICHAEL STONE

DEENY J

[1] The accused in this trial comes before the court on an indictment preferring fourteen counts against him. The first count is of attempted murder of Gerard Adams on 24 November 2006. The second count is one of attempted murder of Martin McGuinness on the same date. The twelve other counts all relate to the same events at Parliament Buildings, Stormont on that day.

[2] The date of 24 November 2006 was of significance in the ongoing process leading to agreed devolution of Government in Northern Ireland. It had been fixed by Parliament as the day on which the Northern Ireland Assembly would be prorogued unless the First and Deputy First Ministers were nominated by the parties in accordance with the legislative requirements. It was anticipated that the Reverend Ian Paisley would be nominated on that day as First Minister and Mr Martin McGuinness as Deputy First Minister.

[3] There was no dispute that the defendant was strongly opposed to these developments and I will turn in due course to some of his hostile remarks about this sharing of power between Dr Paisley and the leadership of Sinn Fein. The issue at the trial was whether the Crown had proven beyond reasonable doubt that the accused had the intent to murder the two Sinn Fein leaders and the necessary intent to justify some or all of the other counts or whether as he contended, through his then counsel Mr Arthur Harvey QC who appeared with Mr Charles McCreanor, that his actions on that day merely constituted performance art and that he had no such criminal intentions. I sit as the tribunal of fact in this matter pursuant to the provisions

of the Justice and Security (NI) Act 2007 and the Certificate of Sir Alasdair Fraser CB QC of 10 December 2007. Mr Charles Adair QC led Mr Gary McCrudden for the prosecution.

[4] On the morning of 24 November 2006 at about 9 a.m. Mr Daniel Heggan, a taxi driver, went to his depot at the junction of Newtownards Road and Ribble Street, Belfast. He there collected a fare, whom we now know to be the defendant. Although the driver had been told the fare was for the Stormont Hotel the defendant told him to drive to Stormont entrance gates.

[5] Mr Hagan noted that he walked very slowly with a limp and was moving from side to side. He wore a hunting type hat and a scarf round his face, a jacket and carried two bags, a tripod and a walking stick. He got into the front passenger seat of the car, the door of which the driver opened for him, with some difficulty. As he went up the Newtownards Road he asked the driver to post two letters for him. One of those was addressed to Lindy McDowell at the Belfast Telegraph and the other to a newspaper in England. Mr Heggan thought he was a photographer and asked who he worked for. He replied "I work for myself". He asked the driver to stop just before the entrance of the gates of Stormont and got out with all his baggage. He gave the driver £20 although the fare was only £4.50 which helped fix him in the driver's memory when he saw subsequent media coverage of events.

[6] Alexander Hoy worked for Federal Security Services of Lisburn who were responsible for security at various venues in Northern Ireland. On 24 November he was detailed to Stormont and arrived at about 8 a.m. There was a briefing for him and other FSS staff. He was with Thomas Stitt and they were assigned to patrol the perimeter of Parliament Buildings. He returned from a tea break at 11 a.m. and let his companion go. He made his way from the back of the building to the front and it was only two minutes after eleven when he saw a man writing graffiti on the second pillar of the portico at the front of Stormont. The man was dressed head to toe in dark clothes and did not notice Mr Hoy approach. Mr Hoy asked him what he was doing and he turned towards Mr Hoy, he reached into the left hand side of his jacket with his left hand, because he had a spray can in his right hand and he produced a handgun and pointed it at Mr Hoy's face so that it was only 2 feet from him. He recognised him as Michael Stone. Stone said "You had better run or you are a f---g dead man". Mr Hoy was indeed going to run to the east side of the building but Stone told him to go down the steps. As Mr Hoy very properly wanted to raise the alarm he persisted in heading towards the east of the building where he knew there would be security personnel. He ran in a zig zag fashion because he was very worried that Stone might open fire and felt in danger of his life. When he got to the east entrance to Parliament Buildings it took him a few moments to persuade his colleagues that he really had seen Michael Stone with a gun and that they should raise the alarm. In cross-examination he said that Stone looked unsteady on his

feet. When he saw him a little after the initial confrontation he was being held by other security personnel and was shouting obscenities although he described Mr Hoy to his face as "a brave soldier". Counsel put to him that he had interrupted Mr Stone in spraying graffiti and that he had not finished. The witness said that was correct.

[7] On 21 May the court heard from Ms Sue Porter another employee of Federal Security Services assigned to Stormont on 24 November. Following the briefing she took up a role at the main front revolving door on the south side of Parliament Buildings. There were a considerable number of visitors to the building on this day in particular, including a party of secondary school children with their teachers.

[8] At about 11 o'clock the witness noticed through the glass doors a figure who looked frail and soaked to the skin on what was a wet day. She went to help him in thinking he was a photographer but as he came through the revolving doors and lifted his eyes to her she recognised him as Michael Stone. She put her hand up to stop the door and sought to put her foot in the door also and asked him what he was doing there. At first he rather timidly said "Love" but then he pulled out a gun and held it to her face only inches away. He told her to move back or he would f.....g shoot her. She took a step back. She discovered a week later that she had broken a bone in her hand which would indicate a degree of forcefulness on the part of Stone in pushing the doors round to cause this injury to her. After threatening the doorkeeper Stone threw a bag on the ground with a fuse coming out of. He produced a green lighter and succeeded in lighting the fuse which sparkled. He seems to then have kicked the bag away. The witnesses recollection was that she then struggled with him and the gun but I will return to this in the evidence of the next witness. The accused was shouting remarks about Sinn Fein and Paisley as this went on. The witness when she grappled with Stone felt that he was very hard around the stomach and she thought he was a human bomb. Her colleague Mr Peter Lachanudis came to her assistance. When she got hold of the gun from his hand she realised from her experience from her previous employment that it was not a real gun but an imitation firearm. He was still struggling with her colleague and so she struck him with the gun and at some point kned him in the groin to try and restrain him in the circumstances. These were acute as she asked him what was in the bag at one point and he said "grenades and everything". She said "You're going to get hurt, blown up too" but he said "so be it". At another point he said to get out of there because the bomb was going to go up. I consider the force used by the security guards was entirely reasonable in the circumstances. Ms Porter and her colleagues managed to wrestle him to the ground where she tied his shoelaces together to prevent him moving away. He was taken out through adjoining doors where flares and a knife were removed from him. He continued to shout "No surrender" and make remarks about Sinn Fein and Dr Paisley. After police arrived it emerged that under his zip up jacket he had on

a flak jacket. He was searched and items removed from him under the portico.

[9] In cross-examination Mr Harvey began by saying that his instructions were that the witness had behaved impeccably throughout but there were some modest inaccuracies in her evidence. She agreed that Mr Stone had some difficulty in bending down to light the fuse but pointed out that he was still holding the gun in his other arm at the time. It was put to her that he took out the gun with his right hand rather than his left hand. She agreed he kicked away the bag after the fuse was lit. At the suggestion that he was trying to back out of the doors she said she did recall something of that sort but he was already out of the door and in the hall before that movement occurred. I find, taking the evidence together that this was after Mr Lachanudis arrived. Stone's legs appeared to be buckling counsel points out on a press photograph which was disclosed in court and he was still gripping a hand rail on the door. While the witness acknowledged that was correct that must be seen in the context of Mr Lachanudis trying to force him to the ground while holding on to his arm. Ms Porter denied that the bag was not taken seriously by her and her colleagues. He was taken out although it did take perhaps five minutes to do so which seemed ages to her. It is clear that he was only partially searched inside the building. I find also that it was entirely understandable for the staff to change from trying to take him out of the rather tricky revolving doors to the other conventional doors nearby which in any event were further away from the improvised explosive device. She agreed that she cut his laces outside the portico and that when he was being searched for knives he warned the staff that there was a sharply pointed knife inside his jacket. In re-examination she was asked whether she regarded her confrontation with him including the black bag as something which was a farce or serious. She said that it was very serious indeed and that she was definitely frightened. While she had agreed that the accused looked rather sad by the end of the matter that was most definitely not the case earlier on.

[10] She was followed in evidence by Mr Lachanudis who was a member of the permanent staff at Stormont as a doorkeeper. On the day in question his job was to sit behind the machine for x-raying the belongings of persons lawfully admitted to the building. After they had put their bags and articles on the machine they would pass through a scanner. The scanner would have been as in defendant's photographs 7 and 21 and not as in the Crown photographs after the event. He heard a noise but did not note the time of it. There was a lot of commotion and shouting from the main door. He looked and saw Sue Porter in a frozen stance just inside the door. He made his way to the door himself without remembering how he did so and saw the intruder with the gun pointing it and making his way out of the doors. The witness was quite distressed at this point in giving his evidence, that the accused was pointing the gun at or slightly above his head. With undoubted fortitude and

courage, as in the case of his colleague Ms Porter, he confronted the intruder and got his gun arm and lifted it up as he did not want Mr Stone shooting him or anyone else. He thought he was going to fire the gun. He struggled with the accused, for it was he, who was shouting "no surrender" and showing resistance. He seemed to think it was then that the witness threw something in but it may have been slightly earlier. He told Sue to get the gun several times which she did out of Mr Stone's hand as one can see to some extent on the television footage which by then was being taken. He heard Stone say "There's a bomb - it's going to go off in five minutes". It was only when he got him to the ground that he recognised Michael Stone who repeated that the bomb would go off saying this time in three minutes. It took more than that to get him out of the building but for part of that time the doors would have been shielding the security staff "a wee bit". His colleagues Mark Smith and Lee Barrett arrived. The staff searched him and pulled tubes off him from his body. This witness thought that the accused was equipped like a suicide bomber with the tubes being ripped from his body. These tubes of silver foil with, it transpired, a form of gun powder can be seen in the various photographs. They made a decision to try and get him out as soon as possible because of the bag which he said was going to go off. They got him outside where further searches went on. The witness received a bump on his head at some point and was shocked and upset. He said in cross-examination that the event had changed his life. He did not accept counsel's suggestion that the tubes were not strapped to Stone's body but in the pockets of his jacket. He did not see Stone light the fuse coming out of the bag but he did see him lob a bag across the floor. Counsel was trying to suggest that if the security staff really believed that he had a bomb in the bag in question they would have removed him with more alacrity from the vestibule and removed themselves. But he said that that was hindsight. The revolving doors had to be opened. They thought he was a suicide bomber and were trying to hold his hands in case he would set off some trigger mechanism. Furthermore he was a considerable weight and there was only two men a woman to get him out. Mr Harvey asked for the BBC footage item AA1 to be replayed to the court and, inter alia, suggested there was no reference to the bomb. The witness pointed out that he himself could be heard shouting bomb on the tape and when it was played back that was indeed the case.

[11] I find that these witnesses were in genuine fear that Mr Stone had lit the fuse of some explosive device. Their attention was concentrated on him whom they believed, correctly, to have other explosive devices on or about his body. He was not co-operating with them but struggling. I consider that it is indeed hindsight that they might have done things a little differently to get away from the black bag more quickly. It is true that on the footage one sees people running up to assist who must have been running past the black bag. But those people by definition on arrival at the scene would not be apprised of its nature. The conduct of a supervising doorkeeper in pushing

back the media away from the steps at the foot of which the bag was more consistent with the belief that there was some risk to the press who were present in the Great Hall of the building.

[12] Among the staff on that day was Doreen Graham another doorkeeper officer. She saw Stone pinned to the ground by her colleagues still inside the doors. He was shouting "No power sharing with IRA, no power sharing with Sinn Fein". Mark Smith took a gun away which she then put in a locker in the armoury of the vestibule. She was going to do the same with a knife but Mark Smith told her to leave it as there was a perceived threat from the bag. When her memory was refreshed by the video she agreed that she had taken the gun from a table where Mark had left it. She agreed it was possible there was a poster on the mat inside the revolving doors. Both she and a Clerk to the Assembly, Paul Carlisle, gave evidence about the internal layout of the building. Counsel for Mr Stone was seeking to show that there was no real or true threat to Messrs Adams and McGuinness from his client. One aspect of that was to establish with Mr Carlisle who had ordered the evacuation of the Great Hall after the commotion started, that those MLAs sat at the end of the Chamber close to the Speaker which was the further end from the Great Hall. Getting to them would not have been straightforward as they were in the front row and there were different levels in the Chamber. This was particularly so as Mr Stone was a man of limited mobility. Furthermore to get into the Chambers one had to pass through doors which would have had attendants. Outside the Chamber there was a rotunda with more doors leading out to the Great Hall and more attendants at those doors. Taking the evidence of the witnesses together there clearly were doors just at the top of the steps facing Stone's incursion. If one went through those and went a little way down a corridor you could then turn right and get into the rotunda which served as an ante-chamber to the Chamber in which the Assembly sat (the old House of Commons Chamber). I will return to this when dealing with the accused's account to the police but I note that once one went up the few steps from the vestibule the Chamber was on the same level and no further steps were required. Furthermore while the MLAs were evacuated from the far end of the Chamber past the Speaker it is by no means inevitable that that would have happened and not demonstrated that Stone would have known that in any event. The court later heard of a further route which would have brought Stone right to the exit likely to have been used by the Sinn Fein leaders. The building, said Mr Carlisle, was open to the public in the months preceding the sitting of the Assembly. Tours of the Chambers had to be sponsored by a member but as the doors are normally left open when the Assembly was not in session persons in the Great Hall could see through to the Assembly Chamber. At various stages in the earlier part of the hearing footage was played which had been taken by the media present on that occasion. The format was mostly DVD but with at least one video tape. Although this had been produced lamentably late the defence were given an adjournment to allow them to absorb, consider and deal with it.

[13] Mark Smith was a Senior Doorkeeper at Stormont on the date in question. In mid-morning he was supervising the public gallery when he first of all heard the fire alarm go off briefly and then heard a commotion from the front door. He moved round the balcony of the first floor until he got sight of the revolving door where he saw his colleague Mr Lachanudis struggling with a male. He very properly went to assist him in forcing the male, who was the defendant, face down inside the revolving doors. He and Mr Lachanudis then removed objects from the body of the accused. There were two devices of a cylindrical nature which appeared to them to be pipe bombs which he took from the waistband of his trousers. He was clear that that is where they came from. One knife came from a pocket of the jacket and another he found in the loop bands of his belt at the back. He threw these items away from himself. The pipe bombs looked similar to those in photographs 27 and 28 and I find that that is what they were. He recognised the accused who was shouting about matters already referred to. In removing one of the knives he received a wound to his hand and the accused apologised for that. It is a relevant reminder as to how dangerous knives can be and particularly knives of this character that an experienced man could be injured even accidentally by one. At one point he had the gun and got rid of it and indeed he can be seen on video placing it on a table from which it was removed by Mrs Graham. He could recall Peter Lachanudis saying twice that there was a bomb. Mr Smith then asked Stone whether there was a bomb and he said there was and it would go off in two minutes. Mr Smith then took the decision to remove his staff and Stone from the area to avoid injuries if a bomb went off. The accused was taken out onto the portico. At first this was opposite the revolving doors but in case of an explosion he was then moved to one side as can be seen on some of the footage. He gives the impression of having gone out through the revolving doors in an open position which differs somewhat from a previous witness but not, I consider, in any materially significant way. He had thought a knife that he removed out on the portico was sewn into the inside of Stone's jacket but he accepted in cross-examination that it might have been in an inside pocket and then slipped down. Out in the portico he also removed a small axe, a small pair of gold scissors, two pairs of glasses and a lighter as well as the knife and these can be seen in photographs. Once this was done he tried to calm Stone down. He asked him what he was doing and the accused replied that he planned to have a go at Adams and McGuinness. He also said to Mr Lachanudis in this witnesses' hearing that if he had had a real gun he would have plugged him (Peter Lachanudis). He actually told the witness about the presence of the axe on his person. In cross-examination he said that he did not see any items strapped to the chest of the accused but he did recall removing items from his waistband. When Stone asked for his spectacles they were given to him. He was courteous to the doorkeepers out in the portico but the witness was emphatic that he did say to Lachanudis that he would have plugged him if it had been a real gun. He said to the court that while inside the revolving door

he did not see a lighted fuse. It seems likely that this went out not long after the accused had lit it.

[14] Lee Barrett was another doorkeeper at Stormont. He too heard a commotion and from the hall saw Peter Lachanudis struggling with a male and came to assist. He helped pull the male to the ground. In fact he arrived before Mr Smith and it seems to have been he that did that. Sue Porter was there holding the door and Mr Barrett assisted his colleagues in putting Stone to the ground. He was shouting "No sell out, no surrender". He said something about a bomb and Mr Barrett went to look for it and saw the black bag and was aware of a burning smell. He believed there was a wire or a wick protruding from the bag. He was concerned that it could indeed be a bomb. He went to the rotunda outside the Chamber and assisted in evacuating people out to the west having informed the senior doorkeeper of the presence of a device in the front hall. He went outside to direct cars and only returned into the building after it was declared safe. In cross-examination he said that the CCTV monitors were controlled by a different organisation in a different room elsewhere in the building. The doors at the top of the steps lead into the First Minister's corridor and there was no security there but there were doorkeepers at both the doors of the rotunda outside the Assembly Chamber. He agreed that he looked measured and controlled in the video but that he then speeded up and he said that was after he had spotted the bag. He went to tell others of a possible bomb at that stage.

[15] Samuel Wallace was a further doorkeeper who was actually in the reception room off the vestibule close to the doors. He became aware of a male in the revolving doors with a gun in his right hand pointed at Sue Porter and a black holdall in his left hand. The male put the bag down and removed a lighter from his left hand pocket and lit a fuse or wire protruding from the bag. It ignited and started to burn. The intruder lifted the bag and threw it underarm to his left. Mr Wallace said he froze and then looked at the bag and looked at the intruder several times at which point the intruder said "That's a bomb, that's a bomb you have to get out of here". Mr Wallace then warned his remaining colleague in the reception area and then ran up the stairs to set off a fire alarm beside the doors already referred to. However the fire alarm only rang for two seconds because, apparently, when the Assembly was sitting there was an override of the alarm to the control room in case of false alarms. It was then their duty to investigate to see whether or not it was a false alarm. Ms Agnes Bradford was another doorkeeper who gave evidence to similar effect.

[16] Mr David Lynn was the Head of Estates who said that the damage caused to the revolving doors and the application of red paint to the pillar cost £1,500 to repair.

[17] Constable Michael McDonald was an officer of the PSNI on mobile car patrol with a Sergeant Singleton. They received a radio transmission saying that a man carrying a ruck sack and shouting bomb was at the Stormont Buildings and that they should go there. However when they arrived at Stormont Estate they were told not to go to the building itself but to wait at the Massey Avenue gate. It was only when another car, which included Constable Brown, went past them that they turned and followed the other police car up but to the west side of the building. This concurred with the instructions they were getting from Belfast Regional Centre. It became clear to the constable that this was not the seat of the trouble but at the same time he was summoned back to the car where the sergeant had remained and she then drove him round to the foot of steps outside the building and he then made his way up those steps. I mention this apparent confusion which emerges from the evidence of Constable Brown also as relevant to a point being made by Mr Harvey. He was seeking to establish that the persons in Parliament Buildings did not really believe this was a real bomb consistently with his clients claim that it was a mere performance. The thrust of his cross-examination was that their responses were not fully consistent with such an apprehension. However the misdirection to the police show, that even the trained law enforcement persons directing the police to the scene were uncertain what was going on. People placed in a stressful situation do not always act in the optimal way.

[18] Constable McDonald recognised Mr Stone when he saw him. He heard him say there was a bomb inside with a 30 minute timer. He was flushed. Constable Stephen Brown arrived at almost the same time. He was not the senior officer but he had the greatest experience and he gave thorough and professional directions which were largely carried out by him and Constable McDonald. Among other things they noted when taking custody of Stone that he was wearing a flack jacket with a tee shirt underneath and a tee shirt over it.

[19] Mr Stone told them there was a blast incendiary in the building saying: "Get the people out, you do not want to be here when it goes off". Constable Brown arrested him for possession of an explosive device with intent to endanger life and possession of a firearm with intent to endanger life and possession of offensive weapons in a public place. He cautioned him as follows: "You do not have to say anything, but I must caution you that if you do not mention when questioned something which you later rely on in court, it may harm your defence. If you do say anything it may be given in evidence." He could not remember Stone's response. On being searched he found Stone was soaking wet. He found his laces to be tied together but as mentioned above Mrs Porter then cut those with a knife. Stone told him that he suffered from muscular dystrophy and his legs were sore. He directed the sergeant to bring her car round to the side of the building so he could remove Stone. He said that part of the reason for shielding Stone from the press was

that he was not sure that the apparent photographers pointing cameras at them were indeed that. The prisoner was then in his custody and he wished to ensure his safety. As they passed press on the way to the car Stone again shouted no surrender and similar sentiments.

[20] Mr Stone complained of pains in his chest and the officers were then directed by radio to bring him to the Ulster Hospital at Dundonald. On the way he said to Constables Brown and McDonald that he had unfinished business with Adams and McGuinness. As they got to the hospital Stone said that he was all right now but the officers said they would get him checked out. A secure area within Accident and Emergency was acquired and the prisoner was examined and tests carried out while there. They proved negative and he was not admitted.

[21] While Mr Stone was in the car the officers were instructed over the radio to find out what sort of devices were at Stormont and Mr Stone was asked this. He said: "There's eight bombs in total." He said that three were in the black camera tripod bag which were round shaped. He told the police that the other four were in his coat and they were cylindrical in shape. He said as far as he could remember two were taken off him in the foyer and two more at the front of the building. Constable Brown asked him: "What about the blast incendiary you were talking about?" He replied with the question "Is everyone out of the building?". The officer said he did not know but surmised they were at which Stone said the incendiary was: "A blast incendiary made of black powder, diesel oil, fire lighters and gas canisters". He was asked how it was ignited, was it electronic? He said "No, there is no electronic ignition and no timer". Again counsel asked him how the bomb was to be initiated and he said "There is five lengths of fuse wire tied together and lit". I asked him if he had lit the device and he said yes, he said something like: "They had better watch, if they move it there might be glowing embers, which could restart the fuse." He said something like: "They should drag it out of the side door along the flat corridor and it should be all right". The police formed the view that he knew the layout of the Stormont Building very well or was giving that impression. That conversation was on the way from the hospital to Antrim Serious Crime Suite. However at one point in the hospital he was alone with Constable McDonald. He told him that he had been going to enter the Debating Chamber at Stormont and use a smoke bomb as a diversion and then use close quarter tactics to slit the throats of Messrs Adams and McGuinness. He made references to Dr Paisley of an unflattering kind. He told the constables that he had come to Stormont by public transport and that it had taken two hours to walk up the driveway because of his physical ailments.

[22] At Antrim Serious Crime Suite, by now in the afternoon, Constable Stephen Brown arrested Mr Stone under Section 41 of the Terrorism Act and cautioned him again. Mr Stone made no reply and signed the relevant

statement. Mr Stone did not stop talking but talked incessantly and kept saying that he was only there at Stormont “to get Adams and McGuinness” calling them murdering b-ds. He also said that he should not have got near to the place and that if police had been there they would have stopped him.

[23] I consider this evidence to be of significance and weight. It was clear that the police officers were treating Stone with a degree of solicitude and that he was comfortable with them. It was clear that he was expressing extreme hostility to Mr Adams and Mr McGuinness. It is also clear that by then he did not want any harm caused to other persons including, it seems, army technical officers, from one of his remarks. All that is entirely consistent with an intention to murder Gerard Adams and Martin McGuinness. It is quite inconsistent with his belated claim to have been engaged in some kind of performance. If that was the case why did he not tell the police that in the course of his prolonged conversation with them over a period of some hours in the police car and in the hospital and at Antrim?

[24] A letter was produced which had been written to Ms Lindy McDowell at the Belfast Telegraph newspaper, one of two posted on behalf of the accused on his way to Stormont on 24 November 2006 and bearing that date. In it he predicted to the journalist addressed that he would be dead or in police custody when she read this. He said that his primary targets were “Provisional Sinn Fein – IRA war criminals Adams and McGuinness”. There was no dispute about the authenticity of the letter. Appended to the letter was an appendix entitled Equipment (Improvised) which referred to the seven nail bombs, three knives, one axe and one garrotte and also to him wearing a body armour vest. Detective Constable Andrew Coard also produced a letter of the same date written to Keith Dovecant of the Evening Standard Features Department in London. It was almost identical. In the course of it he said that if Messrs Adams and McGuinness were not in the Chamber “I will take action against the second security team stationed at a desk”. In cross-examination Mr Harvey QC was, understandably, critical of the delay in the police obtaining in one case and in both cases disclosing these letters to the defence. He drew attention to the fact that the equipment appendix in the letters was signed “Flint”. The police officer agreed that that was the name of a film of the 1980s in which James Coburn played a “spoof agent”. He accepted that was the nature of the movie but he did not know if Stone’s actions could be so described. Some other evidence was read to the court of no significance.

[25] Detective Constable Leslie Murray read to the court the transcript of two interviews (Exhibit 6 and 7) of the accused which were held on 24 November at the Antrim Serious Crime Suite. The first part was from 2025 to 2130 and the second from 2131 to 2206 on that evening. He was accompanied by DC Paul Hamilton and the accused was accompanied by his solicitor Mr Kelly. At the beginning of the interviews the police officers introduced

themselves. I think it worthwhile to read out the caution as delivered by DC Murray.

“Before I ask you anything at all in relation to those what I am obliged to do by law is caution you okay now I would like you to listen carefully to the wording of the caution. It is important. You do not have to say anything but I must caution you that if you do not mention when questioned something which you later rely on in court, it may harm your defence and if you say anything it may be given in evidence. And what that basically means is if you tell me anything in here that can be used as evidence in court. If you don't tell me anything now and then come up at a later stage with an excuse or an answer to a question that I have already asked the court may be less likely to believe you. Do you understand that? Stone answered yes.”

The police then commenced to ask the accused about what had happened earlier that day in Parliament Buildings. Stone said that before he would “willingly partake in your interview I would like to make a statement”. In the course of that statement he said he was a dissident Loyalist freelance.

“I went to the Parliament Buildings today specifically to assassinate Gerry Adams and Martin McGuinness and to disrupt an event which could have betrayed Ulster in that a certain shade of Unionism may have voted to share power with Sinn Fein IRA. The two individuals Adams and McGuinness I see as Republican war criminals. I went there today to assassinate the two men that was my only reason to go there. The disruption, that was a bonus, the disruption they cleared the building they had to end their debate.”

When DC Murray quoted back to him that he had gone to Parliament Buildings with the intention of assassinating Gerry Adams and Martin McGuinness the accused replied: “That's correct”. The accused described making his way through woodland on the Stormont Estate to bypass the security. He described being interrupted when spraying with his aerosol paint can. He described walking through the rotating door: “and there was female facing me. To my surprise she asked me could I I/D or something and I produced the rep gun.” He then described the other security guard arriving but him taking his gas lighter in his hand and igniting one of the two fuses coming out of the blast incendiary device in the bag that he had brought

with him. He went on to say that he did not want to shoot security people in the legs who were just doing their jobs. He had seen the Chamber televised and knew it was on the left hand side down the corridor. He intended to set off the incendiary device to cause confusion and would then enter the Chamber:

“And upon opening look for the side that Adams, McGuinness and the rest of Sinn Fein IRA were sitting and I would have lobbed several nail bombs in and they would have went off, caused confusion, injury, smoke, ah, I would have went in and stabbed Adams, McGuinness cut their throats, I had three knives with us. I had a military type blade with them two fishing knives for gutting fish, very sharp, and that was to cut their throats. It was personal. I was wearing a bullet proof vest. I was counting that they had had to book their weapons, their personal firearms into some sort of secure unit. They weren't allowed them in the Chamber so I was counting on that. That's why I wore the vest as I said I was going in there to assassinate those two individuals who I see as war criminals for past crimes against the people of Ulster.”

[26] At page 8 of the exhibit he repeated that he purposely went there to assassinate those two individuals. He said that he had done a dry run several weeks beforehand and knew it would take him an hour and a half to walk up the length of Stormont to Parliament Buildings. He was asked to and did describe the improvised explosive devices which he had with them. I will quote the forensic evidence on those in due course but it is important to note that he himself said that there were three inch nails in the centre sections of several of the devices with six inch nails in other devices and that those centre sections were the weakest point. “They would have been lethal.” He had seven nail bombs in all. He had covered the end of the fuses with cling film and tin foil because there had been a forecast of rain. Also it made it easier to pull the various nail bombs out from his clothing. The replica gun was an old one which he had apparently hidden in a rural area from the 1980s. He said:

“Could have took an active weapon but no. Cos I knew the security cos I'd a wee bit of intel and they said to me 'they'll try and have a go those people'.”

[27] He returned at one point to the spraying of the aerosol paint on the pillar of the building. He told how he threatened the security guard with the replica gun. “And he run, and then went in the building and then there was no time to do the, you know, it was to be political. It was a politically

motivated action.” He described again encountering the female security guard who recognised him. At page 24 of the exhibit there are a number of relevant matters. He said:

“I set the flight bag down and lit the fuse, it started to kick off and as the guy ran from where the metal detector was, I lifted it and threw it in the direction of the metal detector. And because there was no way I was getting up them stairs, then I looked at the stairs a small flight of stairs, physically I couldn’t of got up. Plus it was packed full of press. A wall of them. They’d never got out of the way. So I actually threw it in the corner type place, you get my drift?”

Later he said:

“I held on to the handrail on the rotating door, cause I was trying to get back out, cos I’m waiting on it going bang.”

[28] It can be seen from those quotations that he did believe the incendiary device in the bag would go off hence him trying to get back out the door. He had also formed the view that he couldn’t get up the modest flight of stairs, particularly as there was a significant number of press representatives at the top of the stairs. This comes across fairly clearly from the video tape. It seems clear that he had not anticipated so many press or in that location when he was making his plans. He then described some of his exchanges with security guards and later the police in the portico outside the building. At page 27 of the exhibit he repeated that the nail bombs were viable and that they were for “Adams and McGuinness specifically”. He said that they had a five second defuse.

[29] There is another passage on that page of the transcript of the interview which has some modest relevance to the defence advanced. The police were asking where he had come from on that morning and he was reluctant to say but mentioned that he moved about and had a number of friends. He then said: “Some Nationalist artist friends, that’ll be good if you turn them over. But heh art transcends politics, so they say.” The first sentence presumably refers to the possibility of the police questioning some of these artist friends of the accused. But what is interesting about both is that he is there adverting to the question of art, he having been a painter since his release from prison but he makes no attempt to suggest that what he had been doing on that very day had anything to do with art, let alone being an exercise in performance art.

[30] At one point he explains that the garrotte referred to in this list of equipment was a wire trace used in sea fishing.

[31] Finally at page 52 he said, inter alia:

“I would appreciate you coming back with a charge of conspiracy to murder Martin McGuinness and Gerry Adams, because I’m f-d. I’m not ashamed why I went there the day. I was willing to give my life for my beliefs if I had to, so, and take life. But that’s why I was there. Specially to take those two men out.”

[32] In cross-examination Mr Harvey put to the detective constable some remarks attributed to the Chief Constable of the PSNI in the Irish News of 25 November 2006. They are not currently in evidence before the court. So far as the knowledge of the witness was concerned the Chief Constable had not been briefed. He did not know conclusively. However without saying that such press comment would be appropriate to take into account in any event I note that the interviews only terminated after 10.00 pm and it seems unlikely that someone could be fully briefed with those in time to contribute to the publication of a newspaper presumably being printed overnight.

[33] When asked about the physical difficulties of the defendant the witness understood those to relate to walking. He also said that there was downstream monitoring of interviews in Antrim Serious Crime Suite so his superior officers could listen to the interview as they proceeded.

Forensic evidence

[34] The statement of John Logan, Forensic Scientist proved that the three gas cigarettes lighters found on the accused were all working and lit first time of testing. The statement of Leo Rossi, Forensic Scientist, made clear that the pistol used by the accused was indeed a replica. It was an Italian Umarex RG40 pistol that could only fire blank non-bulleted cartridges. It had no magazine and was not in his opinion a firearm. Count 11 charges the accused of course with possessing an imitation firearm with intent.

[35] Captain Matthew Paul Wilson was an Ammunition Technical Officer of the Royal Logistical Corp who was stationed at Holywood on 24 November 2006. He was called to Stormont arriving at about 11.00 am. He carried out remote control procedures with a “wheel barrow” device used in the safe disposal of explosives and ordinance. After a safe period of time he proceeded to dismantle the devices but only after they had been x-rayed to ensure that they had no victim operated switch or other booby trap built in. With regard to each device he wore a different forensic suit and gloves to

avoid cross-contamination and relevant items were placed in separate forensic bags. It was he who also unloaded the BBC camera at the scene for the CSI team. There were eight devices in all which he located. Five of those were in the portico while the flight bag and two other devices were inside in the vestibule. He confirmed that the large flight bag was not as shown in the photographs but was near the table to the left of the revolving doors when he first arrived. The evidence of this witness in discussing the explosive devices was important. The Crown relied on it showing that these devices which were made by Michael Stone were intended to kill or cause serious bodily injury (with the possible exception of the flight bag) and not to be merely for demonstrative purposes.

[36] When discussing this matter I will follow the enumeration of the devices by the witness as set out in his statement of additional evidence of 16 May 2008. The first device was one of several found in the camera tripod bag in the portico. It can be seen in photograph 13 and was RG9, item 8. The brown heads visible in that photograph are the exploding heads of fireworks without the sticks. Green fuses can be seen attached to the yellow rocket motor section which would propel the brown head into the air where it would explode. The firework composition in the yellow section would vent through a piece of thin paper at the bottom of the rocket section acting as a propellant by the emission of gas. The brown head on the other hand was a stronger cardboard and being unable to vent would explode. In normal circumstances it would explode well up in the air with a profusion of colours. If one confines a low explosive such as this the solid will turn rapidly into gas and cause a greater explosive effect. The use of tape on this device would add to the confining effect. Taped to it were some 7 or 8 six inch nails and perhaps 10-15 two and a quarter inch nails. Furthermore there was a polythene bag of galvanised roofing tacks approximately $\frac{3}{4}$ inch in length. The witness pointed out that the six inch nails were wrapped around the firework composition. The roofing tacks were at the base not readily visible on the x-ray photographs. The two inch nails were confined in the toilet roll inside. One can see as well as the tape and kitchen foil around the device some cling film but the witness could not say whether the cling film had been over the green fuse when he first encountered the device. In his opinion it was a viable explosive device which would have functioned as it was intended. After the initial delay following ignition the firework heads would have thrown out the nails in a radial pattern. The tacks would not have been thrown out if they were in the ground under the device but would have been if it had fallen on its side. The device had a potential blast effect. The severity of the explosion would depend on the timing of the fuses. If they all went off simultaneously then there would be a greater blast effect. If independently, the first one would break up the device and reduce the element of confinement and therefore the explosive effect. But even if that happened it would throw out nails with enough force to puncture flesh and skin, in his opinion, while not being a medical practitioner. If the three fireworks inside

the device all went off together it could cause death. He could not rule out the cling film having been over the green fuse as put forward by the defence experts but in any event it would be easy to tear the cling film off or to melt it with a gas cigarette lighter. His opinion that the nails would be propelled outwards in a radial direction was not altered by the comments of the defence experts on their reports. A commercially produced firework does not have pieces of metal in it.

[37] The second device which can be seen on photo 15 and on the right hand side of x-ray one is item 13, RG 29. It was also in the tripod bag and was an almost identical device but it had only two fireworks rather than three. The witness pointed out that the fuses were knotted together tending to encourage their simultaneous explosion. Again there were six inch nails and smaller nails placed between the rocket heads with taping and foil. Again there was a bag of tacks at the bottom of the device. Foil and adhesive tape not only keeps the device together but adds to the confinement effect. He presumed the cling film was to guard against rain. He contradicted the suggestion in paragraph 2.5 of the first defence report that the six inch nails were not confined in the toilet roll between the fireworks and pointed out that they were visible in that position on the x-ray. He also contradicted the suggestion that the nails were beside the lifting rocket part of the firework and not the explosive head. That was wrong. This device would also throw out nails with enough force to ensure injury or possibly death.

[38] The third device was the last of three found in the tripod bag and was item 8 RG10. It can be seen in photograph 14 and also on the right hand side of x-ray 2. It consisted of a Tupperware box which on the photograph had its lid open. The lid had a hole in it for the fuse to pass through. There was also greaseproof paper. Inside the box there was a lattice of small tubular items from fireworks. These were largely plastic but with an explosive pyrotechnic element in the firework composition. In the images one can see that there is loose firework composition as well and bits of fuse lying on top of the lattice work. That would all aid ignition and combustion. The lid of the Tupperware box would have been closed with the fuse passing through it. Silver foil and cling film then held two bags of nails on top of the box. It was all heavily taped with adhesive tape. The confinement effect of the box would be to give a blast effect. On the x-ray one can see the grey lines of the fuse and the two bags of nails on top. There was about 1 cm thick of firework composition loose. This proved to be important as the device exploded by the defence does not seem to have had that element in its composition. The witness was of the opinion that the severity of this device would be less than the first and second devices but that the nails would still be thrown out with sufficient force to penetrate flesh and skin within one metre of the explosion.

[39] The fourth and fifth devices dealt with in page 3 of his statement are visible in photographs 16 and 17. You could not distinguish them now but

the overall evidence assisted by Dr Murray would show that item 8, RG13 was visible in photograph 16 at item 30. RG 11 was visible on photograph 17. The former of those is the fourth device and the latter the fifth device. The witness here drew attention to the thickness of the cardboard tube which had been used. It was significantly thicker than the cardboard tube of a domestic toilet roll. All four of the pipe bomb devices which he found had this thick cardboard. Furthermore they were wrapped in silver foil and at either end they had not one but approximately five layers of adhesive tape confining each end of the tube. The greater the measure of confinement the greater the detonation is likely to result. Grey firework composition was the explosive here which also had a fuse and again had the same mixture of six inch and two inch nails. He thought there were 2 or 3 layers of foil. Again there was cling film. Upon ignition of this device there would be significant and rapid build up of heat and pressure leading to a reasonable size detonation which would scatter the nails with considerable force. One would feel the blast 10-20 metres away without nails. One would need to stand 50-100 metres away if demonstrating such a device which he had often done in the past. He had also encountered them in the course of his operational duties. Mr Harvey objected to this evidence but once it was clarified that the witness was not speaking of a body of written material scientifically recording the effects of various demonstrations but of his own professional experience I admitted this in evidence. The witness pointed out that a commercial detonator is less than two grams of explosive. The army used thunder flashes with 6-12 grams of black powder as substituted for grenades in training. Black powder is like gunpowder.

[40] As before the more compression and more confinement of the explosives the greater the explosion will be. This comes from the rapid expansion in volume which is not linear but exponential. Gun powder is very similar to fireworks composition. These devices were most certainly enough to cause a considerable blast with a radical projection out of the nails. If the nails hit someone within 5-10 metres they would have the force to rip flesh and break bones depending on what the victim was wearing.

[41] The witness then turned to the sixth and seventh devices. These were similar to the last devices and all four are covered by Counts 9 and 10 on the indictment. They were the pipe bombs found inside the building. It matters not that they cannot be distinguished one from another on the x-rays. They are item 23, RG42 and item 10, RG26 visible in photographs 27 and 28 of Exhibit 1. They have a similar composition to the blast devices ie. firework composition in a thick cardboard tube which has been taped and with 2 inch nails around them. They would have an identical effect of blast and projection to devices 4 and 5 and his opinion was the same about them.

[42] The eighth device was the flight bag. It was intact when he x-rayed it, although its contents are disbursed when seen on the photographs such as

photograph 22. There are about a dozen rocket type fireworks head to toe bound together and a fuse joining them all. They were wrapped round a 2 litre bottle which subsequently transpired to contain petrol and firelighters. The witness said there were smaller bottles of fluid as well and a butane gas canister visible in photograph 26. These were taped together as can be seen from his x-ray photographs. The large bottle of petrol had pieces of firelighters in it. Contrary to a view put out by the defendant the gas canister was not empty but about half full. In photograph 30 these smaller bottles and inflammable items and a sockful of "ammo pellets" can also be seen which were also from the flight bag. When the pyrotechnics would ignite they would be projected outwards. The fuses were joined to the fireworks and would ignite the rockets which would heat and fire. They would burn the bag and melt the plastic compartments and could melt the fuel bottles. In any event the explosive heads of the rockets would disintegrate any plastic bottles in the bag and would ignite the fuel. There was no shrapnel in the bag but there would be fire and exploding rockets and depending on the precise order of ignition there could be a fireball capable of burning or igniting carpets or furniture. The bag was not noticeably wet when he dealt with it. Nor would the rockets be hindered by a wet bag. This device was capable of causing a real danger of severe burns to anyone nearby or who was struck by burning fuel. The fireworks could cause severe injury. Captain Wilson, contrary to the report of the defendant's witnesses which was put to him, considered that the construction of this device while rudimentary was not very poor. Although not professional it was effective. The construction may have been crude but it would not affect the ability of the device to function for which it was well built. The materials were household materials. There was cling film present which would not add to the explosive effect but would have tended to waterproof the devices. It is important to bear that in mind that subsequently the defendant seemed to rely on the cling film as part of his argument for the devices not being effective. He said that if he ignited it the cling film would melt in his hands. He repeatedly said later that he was well aware that the forecast was for rain on that day. That would be an obvious reason why he would wrap cling film around a number of these lethal devices if his intent was indeed to use them against human beings. Captain Wilson, who was a calm, convincing and impressive witness went on to make a number of comments about the defendant's reports. These two gentlemen were not subsequently called by the defence. By contrast the DVD of the demonstration which they carried out was played to the court and it is accepted by defence counsel that it is in evidence before the court. In the circumstances I do not propose to go into the detail of Mr Wilson's criticisms of the defence evidence. On the afternoon of 29 May the witness described his considerable experience to the court. He also informed the court that he was in fact leaving the army for the private sector. He was critical of the defence preparations for the demonstration as shown on the DVD to the court. Nevertheless even allowing for those criticisms it was quite striking to see two of the four devices explode with considerable force and flames. In

one case he said, and I accept his evidence, that one could hear one or more nails being flung out with sufficient force to be heard striking the ground. At least one, he said, and I accept, was landing out of shot of the camera ie. it was flung some distance. Cardboard screens, which he had not seen used before, were knocked over by the force of two explosions. However they were clearly more flimsy than a human being who would have absorbed the force of the explosion, being burnt by flames and struck by nails if they had been as close as the cardboard screens.

[43] Following the evidence of Mr Wilson I was informed by the defendant's counsel and solicitors that the defendant had withdrawn his instructions from his counsel. I was informed that the relationship had emphatically broken down. His solicitor asked for an adjournment of the trial to allow him to instruct fresh counsel. I noted the gravity of the trial. I took into account that the accused had not previously changed his representation. I took into account that the Public Prosecution Service, or the police assisting them, were late in serving some relevant and significant material. I noted that there were no vulnerable witnesses waiting to give evidence and no co-accused. I noted that with the best will in the world it would not be feasible for new counsel to master the case in time to complete it in the second half of June, in the events that transpired. The trial was therefore adjourned, ultimately, until Monday 15 September 2008.

[44] The trial resumed on 15 September with Mr Orlando Pownall QC and Mr Charles McCreanor for the defendant. Mark Smith was recalled at the request of the defence and cross-examined by Mr Pownall. He produced a document which had not hitherto appeared at the trial namely a plan of the ground floor of Parliament Buildings at Stormont. The witness said or agreed that there were effectively three routes from the foyer which the accused had entered to the Assembly Chamber where Mr Adams and Mr McGuinness were. He could go up the steps into the Great Hall and through double doors into the rotunda and then double doors into the Assembly Chamber. Or he could go through the double doors immediately at the top of the foyer steps and make his way down the First Minister's corridor and take either the first right or the second right and enter the chamber that way. In any event he would have two more sets of doors. The second right would bring him into the chamber at the Speaker's end at which the two Sinn Fein leaders then sat.

[45] The location of CCTV cameras and of lifts and stairs were established with the witness. He confirmed that some police officers from the Close Protection Unit of the PSNI were in attendance either in the rotunda or in the rest room. He confirmed that just inside the door of the Chamber there were two steps up but that to get back down to the front row where Messrs Adams and McGuinness sat there would also be two steps down. That would involve going round the backs of the seats which could be seen in a photograph exhibit D4 which was handed in. Otherwise one would have to

get over the bench, I observe, facing the Speaker. There was a distance of some 40 metres from the top of the steps in the foyer to the Assembly Chamber via the Great Hall. The witness confirmed that there were staff inside the doors of the First Minister's corridor and in the Great Hall. There would be 2 or 3 staff on a sitting day in the rotunda outside the Chamber. There would be two more staff inside the doors of the Chamber. The witness informed me that while this plan would not be readily available, he having obtained it from the works department, it would be right to say that the First Minister's corridor was sometimes used by invited visitors including school groups even when the Assembly was sitting.

[46] Matthew Wilson, the explosives expert was recalled. (He had left the army since the earlier hearing). He was skilfully cross-examined by Mr Pownall but - equally skilfully re-examined by Mr Adair. He did not accept that Mr Aldred had the same degree of qualifications or experience as himself because he had been an army ATO in Northern Ireland whereas Mr Aldred had served with the RAF and would not be called in to deal with explosives in Northern Ireland. He agreed the devices made by Mr Stone were very simple devices. They could have been built either by an expert bomb-maker or one less expert but one would build what one needed. If he were making pipe bombs for demonstration purposes he would have used thin metal rather than cardboard but thick cardboard could be used for these purposes. The cardboard here was thicker than a toilet roll but less thick than the roll which would be inside a carpet. He denied that there was greaseproof paper on the inside of the cardboard tube in RG13 and nor indeed was that visible when he showed this to the court but such paper was to be found more generally in the device. It would serve no function and was neutral in his opinion. Counsel elicited that there was a mark, apparently by a biro, which was probably L on the tube on RG11. The fuses used were igniferous fuses which could be bought to make fireworks. Counsel put to him that there was no reason to tape these fuses but he pointed out that they could be used to hold the fuses in place or to bind more than one strand of fuse together. They can also be used, but not here, to separate electrical contacts where an operator wished to prevent an explosion but that was not applicable in this circumstance. He agreed that photograph 14 Exhibit 1 showed cut down ammunition whistles, as Mr Pownall called them. He believed that the fuses on the devices projected out with the tape which bound them together and therefore were capable of ignition. He agreed that the device 8 had some things in common with "thunder flashes" used by the army.

[47] He was asked to examine RG32 the flight bag which witnesses said Stone had lit in the foyer of the building. The fuses had projected through holes which were visible at each end of the bag. He said that there was no evidence that either fuse had been lit on his examination. He was cross-examined vigorously about this because in fact Dr Murray, the forensic scientist had found that some ends of a fuse did show signs of burning.

Counsel also pointed out that witnesses had heard fizzing. The witness accepts that he had apparently missed that. However he pointed out that his examination was for the purposes of rendering the device safe. It was carried out while wearing a bomb suit. Whether or not a tiny part of the fuse was charred or burnt was irrelevant to his duties. Dr Murray had been working in a lab at his leisure and had more time to detect that detail. He believed that moisture which might have been present on the fuses from having been carried through the rain outside should not have affected their operation.

[48] He was cross-examined about the comments about the experiments conducted by Messrs Aldred and Dyson. He maintained that he was satisfied from the sound that one or more nails had been flung out by the force of the explosion. Partly in the cross-examination and partly in re-examination he gave evidence that it was certainly not possible to count the smaller nails visible in photographs 27 to 31 and it was quite possible that one of them was thrown out. The larger nails were more visible but he could not count them exactly.

[49] With regard to the devices he agreed that if polyfilla had been put at each end that would make them more effective. He was cross-examined to the effect that the device in the flight bag in the foyer was something that might have been seen on television and agreed that it would make a bang and a flash. He did not however agree that it was not dangerous. He maintained the view in his report that it could cause serious or severe injury and, logically, therefore death. When asked by Mr Adair QC in re-examination whether the thunder flashes referred to by Mr Pownall would have had two litre bottles of petrol or firelighters or gas canisters which could explode, he answered no in each instance. With regard to the items that he had been taxed with missing in the flight bag he confirmed that as far as he could see there were two very small plastic tubes empty of any explosives or anything else. (Later, Dr Murray pointed out there was powder inside but having seen the devices myself I do not consider the matter of significance.) They had no bearing on his examination which, in any event, had been preceded by x-ray photographs. He confirmed that as well as the two pierced holes for the fuses to come out there was a cut in the bag above the zip about 7 cms long. He agreed that the fuses projecting out from the bag potentially could get wet if exposed to the weather in question. One would get varying results if one lit a number of wet fuses of this type, as opposed to military fuses which were designed to be lit even under water. He maintained his view that the sound confirmed to him that nails were thrown out in the defence demonstration. He could not see where else the sound had come from. That completed his evidence.

[50] By consent Mr Adair read a statement to the effect that the fingerprints found on the letter to Lindy McDowell and the letter to the London Evening Standard posted on the day of the incident were those of Michael Stone. He

also, by agreement, sought and obtained leave to make minor amendments to Counts 7, 8, 9 and 10 of the indictment to clarify the description of the explosive devices.

[51] On Wednesday 17 September Constable Michael McDonald was recalled. He said that he had not searched the defendant at Stormont but Constable Brown had. His evidence was entirely consistent with his earlier evidence and with his later recall to the witness box on Friday 19 September. Constable Stephen Brown was also recalled on the application of the defence. (It seemed proper to allow that in the light of the change of representation.) He denied removing £30 or a key or a lighter from Mr Stone in the course of his search. Mr Pownall subsequently made it clear that this suggestion was a misunderstanding of his instructions on his part and that his instructions were that Constable McDonald had removed the items. Nor, he made clear, was he accusing that officer of being a thief on the occasion in question. Constable Brown's search of the arrested man was to ensure that there was nothing on his person that would injure him or injure other persons or assist him to escape. He denied finding any items. On the application of both counsel Constable Brown was recalled again on Thursday 18 September. On this occasion he was asked to go through the items which had been removed from the accused at the Ulster Hospital Dundonald before he was moved to Antrim Serious Crime Suite. The witness said that matters were somewhat chaotic there as they arrived with the prisoner and subsequently a tactical support group arrived also. As Constable McDonald later explained their car had been on supervision duties and did not have evidence bags in it so hospital bags were used initially for the prisoner's clothing. This was taken from him not by the police but by hospital staff to facilitate examination and, if necessary, treatment of the prisoner. SB1 was a control bag. SB2 was a new looking blue flack jacket designed to cover both the chest and back of the person wearing it, in this case Mr Stone. Subsequently Constable McDonald said it was somewhat lighter and of a different colour than the police would wear. SB3 was a black t-shirt. The witness said that he had merely looked into the hospital bag when he placed the entire hospital bag with the t-shirt in an evidence bag later in the day. He did not see anything else in the bag at that time and hence that is all his exhibit label referred to. However he now found a lighter, a key on a keyring and some disintegrating money. It transpired that this was a £20 note and a £10 note although there was also a £1 coin. Constable Brown had not seen this before. SB4 was Mr Stone's parka and scarf and SB5 were his shoes. All of these exhibits were later given to DC Coard.

[52] Mr Pownall drew attention to the custody record of 24 November at Antrim where at 17.19 hours the prisoner was recorded as saying that he had had £30 approximately and asking about it. It was put to the witness that the prisoner had had a black t-shirt underneath the flack jacket and another one on top of the flack jacket but underneath his parka jacket. The witness did

not recall that. The point was made to him that one might have expected that the items found in SB3 would have needed to have been in a pocket ie of the jeans which were not removed or of the parka jacket. The witness said that he had run his hands across the pockets but he had not searched down the front of the prisoner's jeans. He had searched the parka so he concluded that the items must have been in the jeans. He did not know anything about gloves or where the prisoner's socks were. The witness said that Constable McDonald had not searched Stone so far as he was aware at Stormont or otherwise.

[53] On Friday 19 September Constable McDonald was recalled again on consent. He did not know why he was recalled. He remained with the prisoner at all times in the Accident and Emergency Department of the Ulster Hospital. The accused was mostly in a curtained area but he was moved to another area for x-ray. The prisoner remained with him. The green parka and the blue flack jacket and t-shirts were put in hospital bags. He never saw any money or the other items to be found in SB3. He said, in cross-examination, that Constable Brown had patted down the parka jacket as opposed to putting his hands into the pockets. It will be recalled that the other Constable was only trying to prevent harm or escape rather than searching for evidence. He had patted down the man's trousers and checked his waistband but had not gone further. It was put to him by counsel that the prisoner had been moved for his ECG test but that was firmly rebutted by the Constable who said he was only moved for the x-rays. An examination of SB3 confirmed that the t-shirt was still wet and that Stone had been soaking wet on the day in question. The keyring attached to the key had a crest and the name Stone upon it. He does not know how these items ended up in the bag with the t-shirt. I thought him a palpably honest witness, as was his colleague and believed them about these matters. The prisoner was lying down for an extended period of time on a hospital bed while the staff checked him. It seems to me from the evidence of Constable McDonald that although he had no recollection of this he is right in saying it was possible that the prisoner pulled out the key and lighter and a member of the nursing staff, of whom several were present, put it with the t-shirt and thus into the hospital bag. Even if one of the defendant's versions were correct it would not affect the outcome of the case.

[54] The Crown called Mr Richard Greer, a Scenes of Crime Officer attached to the Police Service of Northern Ireland. He went through a long series of exhibits of items largely found after Mr Stone had been removed from Stormont buildings and after the ATO had ensured that the devises were not a continuing danger. RG2 was a black hatchet but on the blade of the hatchet there was a rubber protective strip. The witness had not put that on and could therefore accept the defendant's claim that it was there already. It did not come off all that easily but it was removable. RG22 was a knife found inside the doors of Stormont and visible on photographs 21 and 20 of

exhibit 1. The handle of RG22 was wrapped in tape. It had a symmetrical hilt and was of the stiletto type and the point was very sharp. It was painted almost all over in black. The blade was approximately 16cm long with a sharp point. RG3 was another knife again painted in part. While it was of a different type it too had a sharp point. Indeed the witness was careful to put a sponge on the tip before handing it over. Its blade was approximately 7 inches and was serrated but had quite a sharp edge with a very sharp point. RG24 was another knife visible in photograph 31 of Exhibit 1 on the x-ray machine. The handle was the same as RG3 ie rubber and indented with a good grip and the blade was about 6 inches long. However it was a narrower blade than RG3 and semi-serrated but while the blade was not as sharp it was very pointed. It was also painted black. It and RG3 might be described as filleting or boning knives and he agreed that a fisherman might find that type of knife useful. He had never encountered ones painted black before. He also referred to a number of the other devices dealt with in more detail by Dr Gerard Murray subsequently. The Umarex pistol used by Stone, RG40 was again black. It was realistic in weight and appearance. The hammer and trigger operated. Mr Pownall pointed out and the witness agreed that where the magazine might have been there was a piece of sponge painted black which he had not seen before. It will be recalled that this was a weapon designed to fire blanks.

[55] There was a lanyard or tether round the axe which appeared not to be original to it. The scissors seen in photograph 7 and 8 were nail scissors or decorative scissors in the shape of a stork. He had not seen the poster on the mat which was visible on the video. An example of the poster which was from a series produced by the Belfast Telegraph newspaper, and depicted events at the time of the Anglo Irish Agreement in the 1980s was either missed by him or had been removed or had blown away. He said it was a very blowy day. He did not know whether there was any letter to the Chief Constable with the poster as he had not seen that either. Having seen the blow-up of Mr Darren Thompson, the photographer and heard his evidence I am satisfied that the item to be seen on the map might well be the poster described by Mr Stone's counsel.

[56] The prosecution called Dr Gerard Murray, BSc, PhD, Chartered Chemist, FRSC, RFP, a principal scientific officer at the Forensic Science Laboratory of Northern Ireland at the time of these events. He has since retired. In over 30 years in the laboratory he had been an examiner of explosive devices. He read out the list of devices which he had received from Detective Constable Coard which bore the reference number of the SOCO Mr Greer. At the time of his examination he had not seen the x-rays taken by Captain Wilson. As a general statement he was able to say that he had been in court for all of Captain Wilson's evidence. His opinion was that the devices were viable with the potential to cause serious injury to anyone

within effective range of the device eg. if struck by a nail. The injury could be minor or it could be very serious.

[57] Given the detailed descriptions provided by Captain Wilson I think it is sufficient to summarise his evidence. Device three RG10 was viable and capable of causing serious injury. The materials would blow off the lid of the box and melt the plastic box and the nails on top would be projected outwards with the gravity of their impact depending on where the person was standing. There were two small packages of nails.

[58] Device one RG9 he also described. He pointed out that the nails were across the exploding heads of the fireworks and not around the lifting charge where they would be less forcibly projected. The lifting charge, of course, would tend to be the component that would lift the rocket into the air where the head would then explode. There was an internal fuse to the ball of the firework.

[59] Device five RG11 was a viable nail bomb capable of causing minor to very serious injuries, as before. RG26 had components similar to RG13 and as mentioned above these devices six and seven were difficult to distinguish. Again they were viable and capable of causing serious injury.

[60] RG30 is from device eight, the rocket heads. RG31 was a 300ml butane gas container. At first he had thought it was a separate and independent explosive device taped as it was to bottles of petrol some containing firelighters. If these were exposed to a burning event the pyrotechnic plastic tubes would be flung out ie RG41. They were pyrotechnics not explosive devices in themselves. He listed all the materials in the flight bag confirming that the bottle contained petrol and not just home heating oil as Mr Stone had claimed. The flight bag was a viable explosive device. There would be a significant burning effect but there was also a risk of explosion from the rocket heads. It was a danger to anyone in the vicinity. The flaming liquids could impregnate clothes and continue burning after they had struck a human being. There was one litre of petrol and 2½ litres of paraffin which together would cause a considerable fire. He had seen people injured through such devices.

[61] As indicated above RG31 the canister was not empty. He discussed the workings of it and I am satisfied that it could have been either a viable incendiary on its own or would have exploded with the rest of the device.

[62] Device six RG42 he also described. He read into the record his comment at pages 53 and 54 of the depositions. One important aspect of that comment was that fireworks and their explosive contents and fuses have frequently been used, either by themselves or in combination with each other or with other materials, in various pipe or nail bomb type improvised

explosive devices encountered in Northern Ireland. The four nail bomb devices were capable of explosion and projecting out the nails around them causing serious injury or death to persons within the effective range of this "shrapnel".

[63] He confirmed that four strands of fuse on the flight bag, device eight, were blackened at the end. This is consistent with the evidence of the security guard that Stone lit the fuses at one end of the bag and that it fizzed at the time that he tossed it some yards across the foyer. When asked why they did not ignite he said it could be a manufacturing fault as he had found variations before in the lab in connection with these fuses. He did not think they would be very damp from the evidence that he had heard. It would have to be very very wet for it not to work at all. He confirmed that all the devices were viable explosive devices with the potential to cause severe injury. Whether death occurred would depend on the proximity of the person affected to the flight bag device and/or nail bombs but he said that potentially, yes, they could cause death.

[64] There were some 17 rockets, he believed, in the flight bag although he never had the bag. Fuses were bound together with masking tape which would be consistent with there being more than one strand of fuse. That tape is actually made of paper and it would not inhibit the burning of the fuses. In any event the ends appeared to be exposed in all the fuses which he had seen. He could not discount the real possibility that the masking tape and moisture together prevented ignition but he would have expected at least one of the fuses to light. There could have been a fault in the fuse chain. He had not seen this particular type of device with two fuses before. With regard to the pipe bomb, RG42, he said that if he had been making it for a demonstration himself he would have used a metal pipe. He could not recall Polyfilla being used to plug the ends of such a pipe. Cardboard from kitchen rolls was uncommon for these purposes but he recalled a few such uses. He agreed there was some kind of greaseproof paper lining the tube which must have been put in there but he said it was ignitable. The two small pyrotechnics found in the bag were live. They were roughly like ink cartridges with an open part, a sealed white powder part, an inert part and then a pyrotechnic plug. There would be a thin linear fuse inside. The analysis of item 22, RG41 showed it to be a very powerful oxidizing agent frequently found in fireworks. He would not like to be anywhere near a box of them exploding. In the Tupperware box they appeared to be cut down. This would be consistent with the emptied plastic parts being cut off. He agreed there was very little of the fuse in at least one device projecting beyond the tape. Bearing in mind that the fuse continued inside the device there was enough to allow one to ignite and throw it. On consideration of the evidence he did not think one could get 6 or 7ozs into the tube as Stone had told the police - perhaps half or less than half of that was more likely. Item 24, RG43 was another oxidising agent, potassium nitrate, which also had sulphur as was

commonly found. Again the chances of injury would relate strongly to proximity to the exploding device. In re-examination he said that the two fuses on the flight bag, device 8, did not render it ineffective. It was possible one would need to light both but probable that lighting one would be sufficient to spread to other fuses. That concluded his evidence.

[65] At the conclusion of the Crown case Mr Pownall QC applied for a direction in regard to three counts on the indictment. I rejected his application in regard to Counts 1 and 2, of attempted murder. I will deal with the legal issues arising out of his helpful oral and written submissions at a later stage in this judgment.

[66] Mr Pownall also submitted that I should find that his client had no case to answer on the fourteenth count of assault occasioning actual bodily harm, contrary to Section 47 of the Offences Against the Persons Act 1861 on 24 November 2006 whereby he assaulted Susan Porter. The evidence of that lady was that the alleged assault upon her caused her to break a bone in her hand which would thereby constitute actual bodily harm. The Crown maintained that by pushing open the revolving door of Parliament Buildings the accused was guilty of intentionally or recklessly assaulting her and causing that injury, as her hand was on the door to restrain his entry. Mr Adair relied on her evidence contained at page 17 of the transcript of 27 May. I have considered her evidence in that regard but I note that she says that this incident was at the very very start of Stone's incursion into the building. It was before he produced a gun or threatened Mrs Porter. She had dealt with the incident earlier in her testimony at pages 6 and 7 of the transcript of the same day. She had stepped forward to assist Stone who appeared to be "laden down with equipment and soaked to the skin". She then recognised him and realised who he was and put her hand up to stop the door and her foot in the door. She wanted to ask him what he was doing there. She then said that he said "love - it was very timid at first: love and then he pulled a gun and held it to my face". But to have done that he already had to have got through the door and it seems to me therefore that her courageous action in stopping the door with her hand was more consistent with the door already rotating with his earlier impulsion than from any intentional or reckless act on his part to catch her hand in the door. Indeed because of the mechanism the door had already to be moving for him to enter. I was satisfied that I could not safely conclude beyond reasonable doubt that he was guilty of intentional or reckless conduct at this moment in time and I entered a verdict of not guilty on Count 14.

[67] The defendant, Michael Anthony Stone was called by his counsel to give evidence on Monday 22 September. He had first been in court when he was 16 years of age and was now 53 he said. He had last been in court in 1989 but had never previously given evidence in court. He had instructed his

lawyers in 1989 not to defend him as a gesture of not recognising the court but he did recognise this court, he said.

[68] He labours under a disability which required him to use a crutch for support and to assist with balance, he said. Even then he would have had difficulty in climbing the few steps to the witness box, he said, if there had not been a hand rail. His condition has deteriorated "not so much" since 24 November 2006. He expects to end up in a wheelchair in 5 or 6 years time. His left arm is adversely affected but his right arm is strong. He said that he had neither friends nor family in court at any time during the trial, although he later mentioned that he had nine children and ten grandchildren. He said that he was a Loyalist paramilitary from the age of 16 and in prison had learnt about firearms and explosives. He was sufficiently proficient in improvised explosive devices as to "train other volunteers". He had never made such a device with fireworks nor instructed anyone else to do so as they were not seen as viable explosives. He volunteered that he had been sentenced to life imprisonment for a number of murders at Milltown Cemetery in 1988, among other things. He had been in custody from his arrest on that charge until 2000 when he was released under the Good Friday Agreement. He said that he had been approached to become involved in politics but after a visit to a Committee at Westminster decided that was not for him. He had not become involved in paramilitary activities since his release but fully supported the Good Friday Agreement and devolution. He would discourage any young person from becoming involved in the "armed struggle" and point himself out as somebody who had made a fool of himself on 24 November.

[69] When asked when he had developed his ideas for that date he began by saying it was 1½ years before. As a very political person he had perceived that there was a political impasse leading to a vacuum. The two extremes, in his words, Sinn Fein and the Democratic Unionist Party, were collectively culpable. They were creating the sort of vacuum into which he had stepped as a 16 year old and which he did not want his children or other kids getting involved in. He was asked specifically about when he had the idea about the fireworks and he answered that with regard to the performance art work that was perhaps 5 or 6 weeks before 24 November. When asked his intention he answered with the question "In an artistic context?". He said it was to protest with graffiti type art. His props, as he called them, eg the nail bombs, would be placed at the base of walls and by igniting the flash bang devices he would clear the building. He referred to the rank hypocrisy of those inside and his wish to put " a rocket up the backside". He denied any intention of injuring anyone or risking injury. His end game was to convey that both of those parties are responsible, hence the two fuses in the flight bag device. They should ask as a result why a man who had supported the Good Friday Agreement and promoted peace had done the opposite. It would have been easy for him to buy metal tubes for the pipe bombs or to acquire engine oil or

icing sugar to put in them or to obtain an electrical detonator. He still had contacts, he said, with various proscribed organisations. The fireworks were sold to him door to door by salesmen from the south of Ireland and he bought about £70 worth in all. There were rockets and other things including a large mortar device with black crystal for which he could have bought electrical ignition. He took an hour a day for 4 or 5 days to make the devices. When asked whether the other devices apart from the flight bag would have ignited he said that he had covered the ends in $\frac{3}{4}$ inch artist's masking tape. It will be recalled that the prosecution witnesses said that in each case a part of the fuse protruded. He then claimed to have shaken the black powder from the core of the fuses so that he would just have been lighting an empty piece of paper. That was not put to the prosecution witnesses. He also said that he had sealed the items in cling film and while it was possible to light the fuses through them molten plastic would have melted onto his hand. He could have used some innocuous substance and indeed had thought of putting tea in the devices but he did not do so because he wanted to be taken seriously and for it to be seen that there was some component there even if it was just from a Roman candle. Pausing there for a moment it is hard to see how that component could be identified until after the devices had been disarmed. If these were props to stand at the base of the columns of Stormont and not to be ignited why was there any need to put any explosive mix within?

[70] Mr Pownall went on to give his client an opportunity to answer another difficult question which was why there were nails and tacks in the devices. The defendant's answer was to say that they were known in his time as a paramilitary as "confetti" and they were a symbol of nailing the truth. He claimed that he did not expect them to be propelled outwards. This is of course a completely wrong use of the word symbol. This was not a symbol but the reality of something which had been designed over the troubles and was capable of causing serious injury and possibly death. Nor does his claim to be nailing the truth hold water. The more customary phrase is nailing a lie but what lie was he purporting to nail? The knowledge of the nails would either emerge from the devices being exploded or, if they did not explode, from an examination by an ATO or forensic scientist in due course. The idea that they were some kind of symbol was a wholly untenable one.

[71] He was asked about the three hand painted knives which he described as prop knives. Again they are not props. There are such things as theatrical properties including blunt knives which are not going to cause harm to the actors who are using them. He did not choose to use those. He gave evidence that the stiletto belonged to his late father who kept it for protection. (That might well be the sort of weapon that he might be expected to carry with him when attempting to assassinate men whom he clearly thought were the enemies of his community.) He said that the other two knives were fishermen's knives which he had bought from a fishing shop in Larne. He

had painted them with black acrylic paint as part of a monochrome palette. The knives and other items would be black. The explosive devices were grey and Stormont was white. This was all a protest or act of performance art and there was no other reason for painting the devices. Likewise he painted over the rubber cover on the blade of the hatchet he had with him. He had added the lanyard to the hatchet which he had bought from a retailer. His answer as to why he had put the lanyard on was of interest. He said that such a lanyard had been put on a revolver given to him by Ulster Resistance for the 1988 incident. However if it was symbolic of that it was of assistance to the prosecution case because in that incident he committed murder, as he freely admitted in his evidence. He said he set off on the 24th with six lighters so that there would be one at the base of each of the six columns outside Stormont but had dropped one on the way up the nature trail at Stormont. He said the wire which could be seen on a number of photographs also came from the fishing shop in Larne. It was symbolic of a painting which he had presented to Archbishop Desmond Tutu and entitled *The Precarious Path to Peace and Reconciliation*. I was shown a black and white image of this painting, which the defendant in the circumstances no longer had, which showed a circus artist cycling on a high wire, as far as one could see. He denied that it was a garrotte, but I note that he had described it as that himself in his letter to Lindy McDowell. The shoelace round it visible on photograph 27 in Exhibit 1 was to make the wheel shape visible in the painting given to the Archbishop. It was for visual effect and would be put on top of gloves. However inspection of the item shows it to be carefully constructed. If it was just for show why make it of strong wire? Why lap the looped ends with tape which would allow it to be pulled tightly by him if using it?

[72] The Umarex pistol RG40 he had owned for several years before 24 November 2006 and it could not discharge a bullet. He agreed that it looked realistic and was relatively heavy. He claimed that it too was a prop that he used many times in paintings, one of which had been reproduced in the *Belfast Telegraph* about a year before. He had removed the magazine and thought he had thus shown that he had removed any intent. He put in a piece of bath sponge the end of which he painted black. This was an allusion to the speech of the then Prime Minister Harold Wilson in 1974 accusing Unionists of being spongers. His own mother had worn a sponge as a reference to and rejection of that speech. During the Assembly suspension he had heard more than once on radio talk shows members of the public accusing the members of the Legislative Assembly of being spongers. When asked how he imagined others would understand this matter of the sponge, he said what could be more harmless than a sponge. The fisherman's hat visible in photograph 19 had originally been blue and he had painted it with Mars black acrylic paint. He said that the passionate and romantic were said to wear their heart on their sleeves so he was wearing his art on his head here. It was part of his performance art. The reference to a fisherman was a

reference to Martin "The Fisherman" McGuinness. He said that several months before there were suggestions in the newspapers that Mr McGuinness had been a security forces "asset" and that that was his nickname (or codename). He then suggested that if he really had been a fanatical Loyalist McGuinness therefore would have been the last man he would have sought to kill as he was a security forces asset.

[73] The black scarf was both to disguise himself and because it was a frosty day. The green jacket was a paramilitary style uniform which he had bought from Argos two weeks before. It had had fur trim on the collar as was customary but he had cut it off as a symbol of the lion motif which apparently was on the sleeve of the coat. This is very hard to follow. What the lion had to do with what he was doing was not explained. If he wanted to emphasise that lion "symbol" why not leave the fur trim on? When asked he said the rampant lion was "depicting the fantasy of the whole work my Lord". But that was his first reference to fantasy. The alleged acts of performance art were in the nature, he was claiming, of a protest against Sinn Fein and the DUP equally, which is a very different matter from some fantasy involving a lion. He said that when he had spray painted "Sinn Fein IRA war criminals" on the first pillar he would have placed the small pair of scissors as a begrudging salute to Irish Republicanism because the shape of it looked like a phoenix. And when he had reached the sixth column he was to spray "DUP Ulster Resistance war criminals" and he would place the poppy there as a mark of genuine respect to Loyalists who had lost their lives during the troubles, his "fallen comrades". I note that the claim to be writing that on the sixth column of the building was contrary in important respects to a claim he put forward to police at the time. At p23 of his interview record on 24th November, in the presence of his solicitor he said :

"I think there are five large columns there before you walk through to go in, and ...I was gonna (inaudible) "Sinn Fein" "IRA" "war" got to the criminals and that wee guy, but I was gonna go "never never never" across the other three and "for God and Ulster" on the far one, you know."

It can be seen therefore that he thought there were five columns not six. This contradicts his claims in evidence that he had chosen props to be distributed specifically at the foot of six columns. It is also inconsistent with his claim that he painted the second column in mistake for the first. Thirdly, on the day he was saying that he was doing this for God and Ulster, not that he was putting the DUP down as war criminals.

[74] He described the black trainers and black gloves which were in keeping with his palette he said. He had a pair of dark glasses which was in keeping with a paramilitary style Loyalist uniform such as he himself had

worn at a protest against Sunningdale at Stormont in 1974. The reading glasses also with him were returned to him and still in his possession.

Contrary to what he had told the police on 24 November he claimed the water bottle was not for him to drink or to increase his appearance of normality but was to pour through a hole he had cut in the flight bag to ensure that the devices would not explode. The tripod bag was to give the impression he was a photographer. It also held nail bombs.

[75] The defendant had written a letter to Lindy McDowell of the Belfast Telegraph (exhibit 14). He gave it to the taxi driver to post in order to have an independent witness to that. She had come to interview him in prison and he alleged that he had passed her answers to questions secretly in a box of chocolates. He had had no dealings with her since leaving the prison though he had met her husband, another well-known journalist. This letter and the evidence of Mr Stone warrants careful examination. His contention on oath was that the letter was to add to the theatre or drama of the work. Telling her that he had intended to kill Adams and McGuinness was to maximise coverage of the work. The letter does indeed say that it was written to ensure there was no confusion as to the objective of his mission. "My primary targets are the Provisional Sinn Fein - Irish Republican Army war criminals Gerry Adams and Martin (the Fisherman) McGuinness." He also says in the letter: "I set out to assassinate the Irish Republican war criminals Gerry Adams and Martin McGuinness." But if what Mr Stone was telling the court was true the furthest he would have gone would have been to ignite the flight bag inside the door of Parliament Buildings and then return to lay the other devices at the foot of the columns outside having completed his spray painting earlier. The claim that he was trying to assassinate Messrs Adams and McGuinness would be palpably false when this letter was read a day or two after such an incident.

[76] I record that the witness seemed particularly nervous and uncomfortable during this passage of his evidence in chief, perhaps because he realised how hopelessly unconvincing his explanation was. I think this is effectively conveyed by quoting a passage from the transcript at p101 of 278. Counsel had read a passage from the letter about the flight bag (device 8). I quote.

"Q. Was that your intention, to ignite that bag?

A. No My lord."

I pause to point out that of course he did ignite the flight bag when he got into the building.

"Q. Well why tell Lindy McDowell that it was?

- A. The, as far as the confusion, as far as I say, I picked a lot of words, I actually sound confused when I see it myself, but the eh, it was to give some semblance of this was the intention, the whole idea of a flash bang, rather than in a whole list of props that I have put down as equipment and improvised – a flash bang in a military term is a thunder flash, it is a simulation, it is not an explosive device. Eh, it's just on close examination I ... I believe I said in my police interviews: it will be a reverse for SOCO. The reverse meaning the opposite of what they expect to find. They expect to find a bomb, they are going to open it up and see there's a lot of damp squibs inside it, my Lord."

He has clearly failed to explain this inherent and major contradiction in his defence.

[77] He described his claim that he would have gone upstairs to the Sinn Fein office if he had not achieved his object in the chambers as "puerile boys own parody". He was known for his eccentricity, he expected ridicule and he had not set out to harm anyone. The letter was signed by him with his fingerprint which he said he always put on works of art. It had a two page appendix entitled "Equipment (Improvise)". It described what his plan was having ignited the flashbang device in the centre of the large hall. It lists his equipment as:

"7 x nail bombs, 3 x knives, 1 x axe, 1 x garrotte, body armour - vest."

I observe in relation to his other evidence that this does not make up 6 weapons corresponding to the 6 columns which he later put forward. This appendix is signed Flint. It was suggested by his counsel and by him in evidence that that was a reference to a film starring James Coburn as a parody secret agent. However Mr Adair QC subsequently in cross-examination drew to his attention his own published autobiography in which it appears that this was his schoolboy nickname, perhaps from the Flintstones, which persisted, at least, into his teenage years. It was put to him that the suggestion that it was a reference to the parody agent was merely an afterthought, which he disputed.

[78] When asked what the journalist would do with the letter he said she would look at it, show it to her editor and give it to the police. He believed it would arrive on the Tuesday and it would be in her column on Wednesday

and it is all fantasy and contradicting of the letter to Hugh Orde. It is very hard to see and at no point was an adequate explanation given, as to why the letters to the journalists should be admitting to the intent to kill the Sinn Fein leaders while the letter to the Chief Constable, according to Stone, would claim the whole matter was performance art. Why would one letter be part of the performance and the other not?

[79] The defendant was asked to describe the actual day of the incident and his arrest. He claimed to have left at his address in Newtownabbey a locked suitcase containing £2,400 and clothes and a wallet and the draft of his second autobiography. He alleges that these have gone astray after a police search. He had earlier published a book, with the help of a ghost writer, called "None Shall Divide Us". His new book was to be called "Lex Talionis", the Law of Retaliation. He said more than once in his evidence that he had an umbrella but left it behind intentionally as he had not wanted to keep his powder dry. He left his address in the Rathcoole estate and took a cab to the Hollywood Road. That he said was symbolic of the Land of Make Believe. It was a few hundred yards from the gallery where he had first sold a painting. It was 50 metres away from another gallery. He said that he went to see the sculpture of C S Lewis Opening the Wardrobe at the Hollywood Arches. Even though he did not have an umbrella he had the flight bag and the tripod bag with devices and the tripod with him. As the court had already been told he took a taxi, telling them he was going to the Stormont Hotel. His conversation with the driver did not differ from the driver's account in any meaningful way. He was dropped off just before the gates of Stormont. While he said he had set off with £70 and a few coins that morning he had given £20 to the first taxi driver and another £20 to this taxi driver; leaving him with £30.

[80] He entered Stormont through the gates but then took a sharp left up the nature track through the trees. There was a light constant drizzle and quite a strong incline. He took this course to avoid the security post on the main road. It took him about $\frac{3}{4}$ of an hour before he rejoined Prince of Wales Avenue the straight road leading up to Parliament Buildings. He said he had last walked this in 1974. He put in evidence at that point a painting which he said had been painted in October 2006 after the style of the American artist Jackson Pollock and entitled "My Last Long Mile". He said this represented his intentions in the month before the events of 24 November. He was the orange dot at the base of the painting. The green amongst the black and white paint splatterings represented the trees of Stormont through which he walked. Blue paint at the top represented the sky. The red splashes just below the top represented his intention to spray red graffiti on the columns of Parliament Buildings. Prosecuting counsel said that this was in fact a self-serving statement but he did not challenge the dating of the painting at October 2006. In those circumstances I feel it appropriate to briefly address this. It seems to me there are two aspects of it which point against the interpretation which the accused was putting forward to the court. Firstly on

his own evidence and as appears from the back of the frame it is entitled "My Last Long Mile". (Exhibit D7). Why was it his last mile? If he was only there by way of protest or performance art why should he not walk a mile at some date in the future albeit after some short return to prison? His use of the word last in the title points more towards his intention to make a serious attempt on the lives of the Sinn Fein leaders in which he himself might perish. I observe that it is consistent with his wearing of a protective armour vest on the day in question. Why wear that if he was not going to do anything that might attract gunfire or other retaliation upon him? Secondly, it must also be observed with regard to his evidence about the painting that the red splashes upon it do not correspond with the six columns on the exterior of Stormont. There are two rows of four red splashes and five red splashes respectively. The more obvious interpretation of that might be the shedding of blood in Parliament Buildings. It does not seem to me therefore that this assists the accused at all.

[81] He claimed that he had several spare coins in his pockets which he dropped deliberately on the way so that he would have only £30 when he arrived. This was symbolic of "betrayal, Lundy, traitor, directed at both Sinn Fein and the DUP - 30 pieces of silver". He was not aware where the £1 coin found with the £30 in SB3 came from. He was wearing Nike ankle and knee supports because of a previous accident to both feet. He said it took him some 10 minutes to climb up the sixty steps of Parliament Building at the top of Prince of Wales Drive. He could not have done it without the handrail. He said he had never been inside Parliament Buildings before, although he had been outside it on numerous protests and also for a television interview. He said that he expected there to be armed police there including armed protection units for the senior Unionist MPs. He got to the top of the steps and extended the tripod with him and leant his stick against it. As he also said that he was using it to lean on to spray the wall, this is a little surprising. He was writing "war criminals" on the wall with one hand on the wall and the other holding the spray can, in the fashion of an installation by the artist Banksey. He then intended to put props at the base of each column. He started at the second column by mistake thinking it was the first as he was exhausted from the walk which was the equivalent of a marathon to him. He then put in a further painting, (Exhibit D8) illustrating "props" at the foot of each column. But he admitted that this was painted in prison since his arrest and I consider it to be a completely self-serving statement of no evidential value. He said that he had never heard of any paramilitary, Loyalist or Republican stopping and spray painting his target before an attack. One would lose the element of surprise. He wanted to get caught. He thought there would be people outside the building, to smoke, or press or security.

[82] The defendant then described how the security official (Mr Hoy) came upon him and how he pulled out the replica weapon and "chased him". The accused had got as far as writing Sinn Fein IRA war and the next word was to

be criminals. But after the interruption by Mr Hoy he went into the building. He described in evidence what he would have done if he had not been interrupted. This involved, he claimed, leaving a series of what he called props at the foot of each of the six columns. He had missed the first column because he was exhausted. Among his claims was that he would leave the pair of scissors in the shape of a stork as "a begrudging salute to IRA war criminals, who I don't see as war criminals, because in the past I was the flip side, if they are war criminals, I was a Loyalist guilty of taking life, I'm a war criminal." He would then have written or sprayed never on the next four columns and on the sixth and last column "DUP Ulster Resistance war criminals." This was to support his claim that he was not going there to murder Messrs Adams and McGuinness but as a protest against both Sinn Fein and DUP. It will be recalled however that he told the police on the evening of the incident at page 23 of the statement that there were five large columns and that he would paint "never, never, never" across the middle three and "For God and Ulster" on the far one. I am entirely satisfied, having heard his evidence, that what he said to the police is infinitely more likely to be the truth than this elaborate and strained explanation of why he had a number of explosive devices with him. It will be recalled that he had started at the second column spraying before he was interrupted. Although no doubt angry with Dr Paisley and his colleagues for consorting with the Sinn Fein leaders his attempt, incoherent at times, to try and paint them as war criminals on a par, in his view, with the Sinn Fein leaders was again wholly unconvincing and I place no credence on it.

[83] The witness knew that Mr Hoy would inform security whom he said would then interrupt his spray painting. But what he actually did at that point was then to make his way into the building. He went through the revolving door. He did not take his stick with him "because I had to come back out and finish the installation and the spray painting". He described coming through the door and lighting the flight bag (without reference to Mrs Porter I might add). Although igniting the bag he claimed that it would not go off and he based that claim on a suggestion that that morning before he left Newtownabbey he had "sponged down the heavy knot that was inside the bag, and all fuses leading to the centre of the prop flash bang". This had never been put to any of the Crown witnesses. It was clearly an invention by the accused in a crude and belated attempt to deal with the evidence of Dr Murray to the effect that carrying the bag on the wet morning would not have prevented the fuses from working. It is inconsistent with what he told Constable Brown on the day and with the wrapping of cling film around several devices.

[84] He claimed that he had cut a slit roughly in the centre of the bag, which had indeed been pointed out to the prosecution witnesses earlier on by his counsel. He said that his reason for doing so was to pour the full bottle of water which he had with him in to soak the fuses further to ensure they

would not ignite. Waterproof lining he said had been removed from the bag. Again this contradicted what he had told the police i.e. that the water bottle was to give an appearance of normality. He described that assertion, which he himself had made, as "ludicrous". Counsel then asked him what was the state of the fuses on the nail bombs and pipe bombs which he had with him. He mentioned that they were taped in with masking tape but he said also, acknowledging that there was a small piece of a fuse sticking out of them, as Dr Murray had pointed out when that contention had been put to him earlier, that he had also hit the fuse a flick with his finger so that the black powder fell out. He claimed they were more or less empty. Again this was obviously a dishonest attempt to counter at a very late stage the evidence of the prosecution witness. Again it had not been put to Dr Murray or Captain Wilson.

[85] I also note, that he said (page 188 of 287 of transcript) that he had intended to ignite both ends of the flight bag. In my view, despite the careful and highly competent approach of counsel to his examination-in-chief his evidence in these matters was inconsistent, incredible and verging on nonsense. I reject his claim that he did not intend the flight bag to ignite.

[86] He said little about his dealings with the security guards but described threatening that the device would go off claiming that that was "playing it up". Outside he was asked about being searched. He claimed that one police officer had shouted in his face that he was a Celtic supporter. That officer emphatically denied either saying or being that. He alleged that Constable Brown removed £30 precisely out of his pocket and put the money in his trousers pocket. It will be recalled that counsel had corrected himself earlier in the case and indeed apologised to Constable Brown for putting to him that he had done this when in fact his instructions were that Constable McDonald had removed the money. The accused's evidence was therefore inconsistent with the case that had been put on his behalf. The two officers differ markedly in age, appearance and accent. He claimed that they did not find the poster which he said was in his back pocket and which I accept may have been left on the mat inside the building. He claimed that inside it was a letter addressed to Mr Hugh Orde as he preferred to call him. He claimed that the letter stated that he was carrying out a work of performance art. This letter, if it existed, has never come to light. He was then taken away by Constables Brown and McDonald and because he was complaining of chest pains was taken to the Accident and Emergency Department at the nearby Ulster Hospital at Dundonald. He was brought into a curtained area. His clothes were removed to allow medical staff to put sensors on his chest. He agreed to a blood test which was carried out. There is a small mystery as to why the crumpled up £30 and the small coin turned up in the bag of his clothes. It seems extremely likely that they were put in with the clothes before he went to Antrim Serious Crime Suite. Whether he himself took the money out of his trousers or a member of medical staff did does not seem to me important.

The evidence of Constables Brown and McDonald was not only convincing in itself but entirely consistent with the evidence of other witnesses dealing with the accused before they dealt with him and further police witnesses dealing with him after they had been parted from him. I accept that he did have £30 in notes in his jeans at Parliament Buildings but it would also appear that he had a £1 coin. I do not see that that assists. He was asked about his statement to detectives at Antrim Serious Crime Suite that he had gone to Parliament Buildings on that day "specifically to assassinate Gerry Adams and Martin McGuinness and to disrupt an event which could have betrayed Ulster in that a certain shade of Unionism may have voted to share power with Sinn Fein IRA." The statement goes on in like character as above. He agreed that he said that but he did so because he was remaining true to the script that he knew was on the way to the Belfast Telegraph. His answer to the question as to why he did not tell the police that this was all performance art and a publicity stunt was as follows:

"It was to, along with the letter to Hugh Orde, it was to let individuals know that I was serious about the content to Hugh Orde, My Lord."

Whatever that is meant to mean it totally fails to explain why if he was only there to protest, whether as performance art or otherwise, he did not take the opportunity to tell the police that at the time. He had had time to calm down by then. He had seen his experienced solicitor, who still acts for him. If this really had been a mere protest that was the time to tell the police. His answers to various other pertinent questions put to him by counsel read as hopelessly as they sounded in court at the time. He admitted that he had told the police that the devices were lethal and at another point viable but he denied that that was true. His attention was drawn to a statement by him at page 29 of the interview exhibit: "You live a double life and you have to deceive." Again at page 28 he said "But that's it, its deception, that's the way I am, you know?" However he not only did not deny that he had said these things to the officers but he did not answer to his own counsel why he was deceiving the officers at that time, although he did claim that he was playing.

[87] In describing leaving his Newtownabbey home that morning he said that he was cleanly shaven and showered and had worn makeup and touched up his moustache and hair: "So I would look well in the press". He was taken through the indictment by his counsel and denied that he had the intentions alleged by the Crown including any intention to endanger the lives of others with the devices or cause serious injury to property. He denied that he had the imitation firearm to prevent himself being arrested or that he did use it to prevent himself being arrested. But of course he had already heard the evidence, which he did not contradict, that he had brandished it at the security staff and threatened them. He said that was to give him the seconds needed to ignite the flight bag and make his way back outside. It will be

recalled that in the same evidence he had denied an intention to ignite the flight bag which he claimed he had rendered incapable of ignition by sponging as he left home hours before that morning and in other ways. Again his evidence is self-contradictory.

[88] The accused was cross-examined by Mr Charles Adair QC. Given the views I have expressed I do not think it is necessary to set out this cross-examination in detail. He elicited from the defendant that he was drawing an analogy with the events of 1988 and Stone admitted that his intention on that day was to assassinate the leadership of Provisional Sinn Fein/IRA. He regretted that he had taken the lives of three total strangers. Counsel sought to point out the similarities between that murderous attack and this attack. I observe that the prosecution had not sought to make any application to put in evidence the bad character of the accused and in the circumstances therefore I do not find this matter of analogy one that really assists me.

[89] But on a different point, although being warned by me that he was not obliged to incriminate himself, he admitted that he had regretted not having assassinated Messrs Adams and McGuinness on that occasion. He said that it was one of his greatest regrets that he had failed to assassinate them and Mr Ken Livingstone, then a Labour MP, whom he said he had conspired to kill. When put to him that he was completing that work of killing these men he said that Northern Ireland was awash with illegal weapons and he could have dug one up. He declined to say where he could have dug one up. It was put to him that he had said that he was reformed and had ceased to be a Loyalist paramilitary after his release from prison. He then went on to admit that he would not know the precise location of a real firearm. He claimed however that £500 would have bought him one anywhere in Great Britain. Under further cross-examination he agreed that he was no longer a Loyalist and he would not know where to dig up a weapon but might ask a former Loyalist to get him one for his own protection without telling him what he was up to. Again it can be seen that his answers are inconsistent here.

[90] An issue arose as to the extent to which, if any, the expertise of Mr Stone with regard to bombs could be probed by Mr Adair. Certainly the defendant volunteered that in January 2006 he had gone to a police station and made a statement admitting to having constructed a 50lbs beer keg bomb in Craigavon in the mid 1980s. A statement had been sent to the Public Prosecution Service but he had heard no more about it. Following legal argument the court was told that the Public Prosecution Service had not made any decision on foot of this statement, although it had been made two years before. Indeed leading counsel had been instructed, but only in the previous few days, to advise on the matter. Counsel for the prosecution was instructed to ask the court to make an order restricting reporting of Stone's evidence both about his admission to possessing a beer keg bomb and his alleged conspiracy to murder Mr Livingstone. The latter had already been

reported by the Press Association and this application was withdrawn. I rejected the former application having considered the statute and the importance of open reporting of proceedings in a court of law for the information of the public.

[91] I considered there was no risk to the administration of justice for two principal reasons. Firstly, any prosecution with regard to possession of these explosives must be based on the statement or statements of admission in 2006 which the tribunal of fact trying him for those offences would inevitably have to hear. Secondly, given the Director of Public Prosecutions had exercised his powers to have this prosecution of Mr Stone heard by a judge alone it was almost inconceivable that he would take a different course with regard to prosecution for the possession of explosives by the same accused. I also took into account the significant delay in arriving at a decision in connection with this matter.

[92] Counsel played the tape which had come to hand of Stone's interview in early November 2006 with a freelance journalist working for ITN. Counsel pointed out that although he had a stick with him he was walking fast enough on the video. I reject the defendant's claim that he was walking with great difficulty. I would describe his walk as fairly normal albeit with a stick. Counsel put to him that he was an egocentric killer with a penchant for publicity who had unfinished business in Stormont. He denied that and denied that he liked publicity but admitted or rather asserted that all artists were publicists. He was a self-publicist he admitted. It was put to him that his intent to murder could be seen from his bringing of real bombs to Stormont on the day in question. He claimed they were fireworks only and he disputed the evidence of Captain Wilson and Dr Murray. However in due course no evidence was called on his own behalf to contradict those witnesses. He said of the demonstration in which two devices can be seen to explode that they had not soaked the devices with a sponge as he had and not saturated them. He then admitted that if they were not so doused as he claimed he could see that the consequences would be an explosion. However counsel pointed out that even if he had sponged the fuses that morning the effects of that would have passed in the period of several hours which would have elapsed. Counsel asked why if he had sponged these fuses he had not told his own experts that for their demonstration. He admitted he did not tell them and said that was an oversight on his part. He now claimed that although he had not used the bottle of water to pour it into the bag that every time he rested on the way up to Stormont water from his hat had run into the open slit in the bag. I observe that this slit was of very modest proportions.

[93] When cross-examined about the flight bag he claimed again that it contained low ignition home heating oil in what he said were squibs. He said the gas canister was empty. Those assertions are untrue on the evidence. In fact of course he had warned the police officer to warn the ATO that all he

had to worry about was the gas canister, again a striking self-contradiction of his own evidence. When pressed again about his defence he fell back again on asking what active service unit ever stopped to spray a building on an operation. That might well be true. However it does not seem to me that it greatly assists the accused. The violent may vary in the efficiency with which they carry out their crimes. There are, no doubt, many people walking the streets of Northern Ireland today who would not be if those who previously assailed them had not made errors. The fact that Stone stopped to spray one or more pillars with paint was certainly less than optimal from the perspective of achieving his main object. But I accept the contentions of the prosecution that he was a person who clearly sought out media attention, as can be seen from him seeking out Mr Jervis for an interview earlier in the month and applying make up and hair dye for the cameras. Spraying the pillars would have given something for cameras to photograph if, as he might have anticipated, he had been arrested or injured at some point within the building. He could not have anticipated that one of the cameramen in the building would have left his camera running to film Stone being held by unarmed security staff. To this extent the earlier incident in 1988 is relevant as showing him as someone prepared to use violence not covertly but in the presence of media and cameras. It is also noteworthy that when Mr Hoy disturbed him he then abandoned his graffiti, knowing that Mr Hoy would set off the alarm and he pressed on with his attack.

[94] He could not explain why he had not given some of the information he was now putting forward to his own experts. He was unsure whether or not he had read the report, which I find surprising in the circumstances. Although he had claimed that he was more expert with regard to improvised explosive devices than Captain Wilson, under cross-examination on the afternoon of 23 September, he admitted that he was not an expert in these type of devices. He had never made a device with rockets before. He had no expertise in pyrotechnics. He tried to deny that he had placed the nails around the exploding heads of the rockets rather than, in a less lethal way, around the lifting charge. He claimed that when he cut the fuse powder ran out. Subsequently Dr Murray was recalled to give evidence about this and he demonstrated to the court the very tiny amount of powder that had come out when he had cut a fuse to test this assertion. Counsel pointed out his contradictory descriptions of this process, at times described as shaking out and at times flipping with his nail. He admitted that he had not told his experts of this. He claimed that his earlier evidence had been that he flipped the fuses with his nail but, in fact, that was not the truth. He continued to claim that none of the devices were viable. He then disputed that he had said that it was Constable Brown who had searched him and said it was Constable McDonald. But my own note and the transcript both make it clear that he had alleged it was Constable Brown. His answers to counsel's questions as to why he was telling Lindy McDowell of his intention to kill the Sinn Fein leaders while his alleged letter to Hugh Orde was saying it was a spoof

simply did not make sense. When pressed he said he did not wish to disclose the contents of the letter to the Chief Constable. He told the police as well as the Evening Standard and Ms McDowell that he was killing Mr Adams and Mr McGuinness because that was remaining in character. His performance only ended, he said, when he contacted the media after consulting with his legal representatives on 11 or 12 December. No comment is really necessary upon that answer.

[95] He was re-examined by Mr Pownall. He said that he had ceased to regret failing to assassinate Adams and McGuinness after they had signed up to the Good Friday Agreement. He had no burning desire to do so. These were comic parodies. He did not want a return to violence because he was a father of nine children and a grandfather of ten. Counsel drew his attention to a number of significant respects in which the events of 1988 differed from the events of 2006 which I accept but I do not take those events into account against him save insofar that he was willing to act as he did in the public glare. He was asked about his admission, on camera, to Mr Jervis that he had plotted to murder Ken Livingstone. He now denied having a penchant for publicity although he had admitted that he was a publicist before. When I had asked why he had not mentioned performance art before 11 December 2006 he had said that he had not mentioned it before or the men in white suits would have been sent for. His evidence concluded shortly afterwards.

[96] The defence then called Dr John Paul McConville, a consultant neurologist whose report was put before the court. I accept he is a well qualified specialist. In his opinion, which was based on clinical testing as well as subjective history from the accused, the accused suffers from hereditary motor neuropathy. This was a disease of progressive weakness of the motor nerves. It was typified by slow deterioration although he did not think that there would be significant deterioration between 2006 and 2008. The muscle strength would be roughly equivalent. Muscle wasting was visible on the legs particularly in the calves but his upper limbs were fairly strong although perhaps with some loss of reflexes. Nerve conduction studies had supported his diagnosis showing chronic denervation in the lower limbs. The accused would have needed rest to walk more than a mile. He would have greater difficulty than an ordinary person in climbing stairs. A handrail would assist him to climb sixty steps. He would find it difficult to walk without a stick but this related more to his balance than to the need for support. Counsel for the accused sought to put to him that he would not have been able to climb the last 4 or 5 steps into the Great Hall of Stormont and make his way across 40 metres of the hall to the Chamber without his stick and then attack his targets. The doctor found it difficult to comment on this. He had never seen Mr Stone on stairs. It may be that he would need a rail to lean on or a person or at worst he would be reduced to crawling. He would be able to walk that distance but it might be more difficult than a

normal person. He did not think the weight of carrying the various devices would make any major difference in contrast to the man's own body weight.

[97] In cross-examination he agreed that on the tape which the doctor had seen he did seem well able to walk. The stick was more for stability and to prevent him falling if he did lose his balance. He could go up steps with or without a stick and there was nothing to prevent him walking 40 metres thereafter. He had normal good muscle bulk in his upper body and could throw the flight bag as well as anyone else. If he had thrown the flight bag without anything to hang on to he might fall but would not definitely do so. In answer to myself he said that the rail visible on the stairs from the foyer up into the Great Hall in photographs 18 and 20 of Exhibit 1 would be sufficient for his purposes. He would not have had difficulty in pushing open the doors that would have then been immediately on his left. I asked the witness about the knee and ankle supports which he had earlier said that he was wearing on the day in question. The doctor said that anything that gives support would make the ankle more efficient. It would be more marginal with the knees. The support would come even from elastic bandages. He had seen the witness on 24 January 2008 ie 15 months after these events.

[98] The defence did not call Mr Jervis, who had earlier been indicated as a witness, pointing out, legitimately, that it had not been put to Mr Stone that it was untrue that he had said he would do an art thing at the devolution proceeding in Stormont in late November. I therefore accept that he had said that. They did call the well-known consulting engineer Mr Brian Murphy who had taken some helpful photographs of the building. From the top of the stairs as we heard via the Great Hall to the Assembly Chamber was 40 metres. He had not been allowed to photograph the Chamber itself or the doors of it. He was asked in cross-examination about the alternative routes to the Chamber ie. if one had gone through the doors at the top of the stairs left and along the First Minister's corridor. If he had done that and taken the doors first on the right that would have been a distance of approximately 28.7 metres. If he had walked on down the corridor and taken the second doors to the right he would have got to the doors of the Assembly in approximately 58.35 metres. This was all on the level. I observe that those are the doors out of which one would have expected the Sinn Fein leaders to exit if there had been an alarm given. In answer to a question from myself the witness said that for forensic purposes he normally took a brisk walking speed to be five feet per second. I then invited him to calculate how long it would take somebody walking at half that speed, to allow for Mr Stone's disability, to cover the distance in question. Going down the First Minister's corridor and in the further doors to the Speakers ie Sinn Fein end of the Chamber would have taken 76 seconds. The other two routes would have taken about 50 seconds. He agreed that the posts and ropes were, he understood, in place in the foyer at the time of Mr Stone's entry and with the implication that they

might had impeded his movement. His timings were from the top of the stairs not allowing for climbing the steps into the Great Hall.

[99] The Crown were given leave to recall Dr Gerard Murray because of the matters that had not been put to him or Captain Wilson on behalf of the accused. He had never heard of anyone sponging a fuse before but he believed it would have very little affect if any. The fuse was quite tightly constructed. Furthermore one could see that it was coated in a paint or varnish which gave it a sheen on the surface. This would deter the ingress of water. He reminded the court that these were firework fuses which were designed to work on wet nights as well as dry but he acknowledged that if they were not merely moist but wet they would be slower to light. He pointed out that the lit match could well ignite the paper and fuse further along.

[100] He had never heard before of somebody shaking out the inner core of a fuse. However he had cut one fuse and tapped it out himself and only a very small amount of the powder was freed by the cutting. In his opinion one could not shake out all the powder in the way claimed by the witness. There would certainly be powder still in the length of fuse. It would still light in his opinion. He showed the court Exhibit 21 for the prosecution, a piece of paper in which he had retained the powder that he had tapped out from the fuse and said that it was in quantity less than a milligram. He demonstrated to me that one could see the sheen on the fuse which would help in keeping out water and which he believed was made of shellac. This in turn gives a degree of rigidity to the fuse. He had checked the fuses and he could still see powder in them. On, for example, Exhibit 21, he could see no sign that anyone had shaken out the inner core in any way. In any event he thought this would have little or no effect. No further witness was recalled.

[101] The next witness for the defence and the final witness in the trial was Peter Bond, BA, Senior Lecturer in the University of the Arts at St Martin's College of Art and Design in London. He said he was also a professional performing artist himself. He adopted a written report which he and another lecturer in that college had written. When asked the difference between performance art and a publicity stunt he said that they were quite similar. They were both "performative". Performance art could take many forms to attract the attention of the public but pointing a gun at two people was wholly outside performance art. Occasionally artists have used replica weapons but not to point at a member of the public. Any act of performance art should be risk assessed in advance. He said, very properly, that the most important thing is that people are not harmed, having been shown the video of the defendant's demonstration of some of its devices which he had made, or their near equivalents. Props were used in performance art and they were not always obviously false but could look realistic. Wearing makeup and dyeing the hair would be consistent with performance art.

[102] In cross-examination Mr Adair put to him the threat combined with an obscenity which Stone had made to Mr Hoy outside the Parliament Buildings and the witness said that threatening people was harmful and not therefore part of performance art. Seeking to achieve surprise was legitimate, he said. When pressed further by counsel about what happened here he said that he was not attempting to say that what Mr Stone had done was performance art. However in re-examination he said that if the accused had no intention of igniting the devices it could be performance art. He referred to an incident more than 30 years ago where a performance artist had offered a loaded gun to members of the public. This happened in New York. When one of them accepted the invitation and pointed it at her head however the performance was swiftly brought to an end. He could think of no other example of a real weapon or explosive device being used in anything described as performance art. That was the conclusion of his evidence and of the defence case and of the evidence in the trial.

[103] Following the conclusion of evidence I received oral submissions from Mr Gary McCrudden on behalf of the prosecution. I was then addressed by Mr Orlando Powell QC for the defence who also provided written submissions to the court. I have taken counsels' submissions into account in the conclusions which I have reached although without necessarily making express reference to every submission in the remaining part of the judgment. Some issues are common to more than one count in the indictment while some are count specific. I remind myself that I must be satisfied beyond reasonable doubt of the guilt of the accused before convicting him on any count on the indictment. I propose to deal with the counts seriatim and address the issues as they arise therein, although the first two counts are clearly crucial.

[104] The accused is charged on the first and second counts of the indictment with attempting to murder Gerard Adams and Martin McGuinness contrary to Article 3(1) of the Criminal Attempts and Conspiracy (NI) Order 1983 and common law. The Crown case has been set out fully in the preceding paragraphs and I do not propose to repeat it. It is a strong case. The plaintiff came to Parliament Buildings on 24 November 2006. He had with him three knives which were lethal in their nature and capable of causing death or serious injury to any person stabbed with them. He had eight improvised explosive devices and I find that these too were capable of causing death or serious injury to anyone in the proximity of the devices when they exploded. While the flight bag which he ignited was lethal enough in itself, all the other devices had metal nails placed around the explosives in one way or another. Mostly they were placed around the most explosive part of the devices. Constructing and bringing such devices to Parliament Buildings clearly conveys an intent to cause death or serious injury to anyone at whom these devices were thrown. The intent of the

accused, the prosecution would say, was also evident from his repeated admissions and assertions to the police on 24 November, as set out above, to the effect that his intention was to kill Gerard Adams and Martin McGuinness on that occasion. He was going to throw these potentially lethal nail bombs at Adams, McGuinness and "the rest of Sinn Fein/IRA". To make the matter even more clear he had written letters to journalists which he had posted on his way to Stormont on 24 November expressly saying that this was his intention. The Crown case, therefore, as it stands is a strong one. I look at the defence case to see whether it creates any reasonable doubt in my mind as to the guilt of the accused. The prosecution must prove beyond reasonable doubt that the necessary elements of the offence of attempted murder have been satisfied. The defence case on these two counts is essentially twofold. Firstly the intention of the accused was not that alleged by the Crown but was to stage an act of performance art or public protest at the nomination of Mr McGuinness as deputy First Minister which was to proceed that day. Secondly the defence allege that the Crown have not proved that the acts relied on by the prosecution on the part of Michael Stone were more than "merely preparatory" as required by Article 3 of the Criminal Attempts and Conspiracy (NI) Order 1983. I found that the defendant had a case to answer on this latter point but without finally ruling on it, at the conclusion of the prosecution case. I shall deal with those aspects of the defence in that order.

[105] It must be clearly understood that the claim by a defendant in a criminal trial that he was engaged in an act of performance art could not, even if it was true, provide a defence to conduct which was otherwise criminal. Artists do not enjoy, and nor do they claim, some special exemption as artists. What, as Mr Pownall accepted, was meant here is that the accused did not have, on counts one and two, the intent to murder but was merely engaged in an act of performance art. It is clear to me that a claim that some actions constitute performance art cannot justify the use of violence, the threat of violence or putting others at risk of violence. A desire to shock, in the sense of surprise, should never extend that far. No statutory or common law or Convention defence of that kind exists. It might be thought that it was antithetical to the very nature of art, however defined. Certainly neither the oral evidence from Mr Bond nor the report put in evidence of which he was the co-author sought to justify such an approach. The incident in the United States where an artist unwisely offered a revolver to members of her audience until one pointed it at the artist is only a partial exception and the exception which proves that rule. In the context of this case therefore the duty of the court is to examine the intention of this accused as apparent from the evidence before the court, taking into account the defence evidence in that regard.

[106] To a significant degree the defence case regarding intention relies on the sworn evidence of Michael Stone himself. My view of that is clear. I find him to be a wholly unreliable and unconvincing witness whose testimony,

where not otherwise confirmed, is wholly undeserving of belief. That was the clear impression formed by the court of his oral testimony. In the course of this judgment I have pointed to some, although not all, of the indicators of that lack of veracity. I mention some of them now by way of summary. He said of his own condition that he used a crutch for support as well as balance but his own physician said that it was for balance only. His description of his proficiency or lack of proficiency in bomb making was internally inconsistent and contradictory. He claimed in evidence that he had taped over the ends of the fuses of the explosive devices to render them safe but I am satisfied from the evidence of Dr Murray and Captain Wilson that in each case a part of the fuse was clearly left exposed and capable of being ignited. He claimed in evidence that he had sponged the heavy knot of fuses inside the flight bag and that he had shaken the fuses of all the devices to render them harmless. But neither of these claims had been put to prosecution witnesses on his behalf by any of the experienced counsel acting for him. He claimed the gas canister in the flight bag was empty when this was not the case. He claimed that there was only heating oil in that flight bag whereas in fact there was a significant quantity of highly inflammable petrol. He instructed counsel that Constable McDonald had removed the £30 from him but changed this in evidence to Constable Brown and then denied that he had changed it. He invented a claim that he had a plan to put to put devices at each of the six pillars of the portico of Stormont to explain the "props" with him but it was clear from his statements to the police on the day in question that he thought there were five pillars. He denied that the wire noose which he had brought with him was a garrotte but he had so described it himself in his letter to Lindy McDowell. He claimed that he would not have ignited the flight bag but in fact we know that he did so. A number of his explanations were simply nonsense. I conclude therefore that his uncorroborated evidence would raise no doubt in my mind to counter the prosecution evidence of his intention to murder on this day.

[107] His counsel however drew attention to a number of other matters of which, he submitted, objective evidence existed. Firstly, he relies on some remarks attributed to the Chief Constable of the PSNI, Sir Hugh Orde, on the night of 24 November. I am not satisfied that this quotation is in evidence before me but even if it is it is a very fragile basis for a submission. One does not know if the quotation from him is accurate. I doubt whether the opinion of even a very senior police officer can be evidence before the court. This would be particularly so as, if he did really express an opinion, he must have been doing so before he had seen any report from the army technical officer or, I would infer, from his own interviewing officers given that the alleged quotation was published the following morning in a newspaper. Clearly if the Chief constable had received a letter from the accused he would have drawn it to the attention of his own officers and of the court. The court must proceed on the basis that he had not received such a letter. Secondly, counsel points out, legitimately, that there is evidence which the prosecution has not

disproved pointing to the presence in the lobby close to where the accused was of a Belfast Telegraph poster probably relating to the "Ulster Says No" campaign at the time of the Anglo Irish Agreement. Accepting for these purposes that the accused had such a paper with him which fell out and then went astray after being photographed, it does not seem to me to assist the accused. It is consistent with the prosecution case that he hated what was being done at Stormont that day i.e. co-operation between Dr Paisley and Sinn Fein. The poster from the Belfast Telegraph would be expressive of the views of the accused which he felt Dr Paisley was now betraying. Its existence does not show that there was for some reason inside it a letter to the Chief Constable, let alone one contradicting the other letters sent that day. Thirdly, the court is invited to accept that Mr Stone did say to Mr Jervis when interviewed by him at the beginning of November that he was "going to do something big for devolution day". "It's an art thing". Again that creates no doubt in my mind. It is entirely possible that the accused was, at that stage, preparing a defence for himself for the future, one that he forgot in his excited state on 24 November. It is also possible that his original intention was along those lines but that his anger at what was happening altered his intention between then and 24 November. It is over that period that he apparently made these lethal improvised explosive devices. He was hardly going to tell a journalist of his intention to kill on that day, thereby creating a duty on the journalist to report that to the police. But a recent television interview would add to the publicity for his deeds. Fourthly, the defendant relies strongly on his having stopped to spray one or more pillars with paint at the portico of Stormont rather than pressing on with his attack. This was undoubtedly an atypical action for a terrorist but the accused is undoubtedly atypical. For the reasons set out at paragraph [93] above it does not lead me to doubt the defendant's intent to murder on the day in question.

[108] Counsel points to the defendant having a number of items with him which were "wholly superfluous. They had been painted black for no discernible reason." "Why have 5-6 lighters; a garrotte; three knives and a hatchet with a lanyard; scissors, sunglasses and gloves which were of no use whatsoever?" Firstly one rejects the submission that all of these items were superfluous. Clearly the three knives were not. Clearly it was practical to have more than one lighter to light the explosive devices which he intended to throw. The use of gloves in the context is hardly unlikely and sunglasses might have delayed his recognition somewhat longer but clearly would have looked out of place on what continued to be a wet day. I accept the presence of these items cannot be said to be recent fabrication on the part of the defendant. It seems to me that that aspect of matters is not as an important part of the prosecution case as the defence suggests. The presence of the other items could simply be explained by the eccentricity of the accused but it seems to me that it goes beyond that. A number of these items were painted black. I will return to this in a moment. One of them was the hatchet which still had its safety strip attached. While in theory the hatchet could have been

used as a weapon on the day that must seem unlikely if it still had its rubber strip on. The scissors might have been something that he would have been glad of on his way to or at Stormont. Accepting that the Crown have not proven to the court beyond reasonable doubt that all these items are useful parts of a murderous attack I consider what should be drawn from that. I accept from the evidence before the court that the defendant is a painter. History shows that when a doctor goes out to murder someone he does it in a very different way from a butcher or a gamekeeper. It seems to me not at all unlikely that a painter going out to murder may bring certain touches to his actions which would not occur to persons from other walks of life. They do not seem to me inconsistent with a murderous intent. Indeed they may well have been designed by the accused to add talking points to his attack if it had been successful eg the fact that he chose fishermen's knives.

[109] Sixthly, counsel dealt with the admissions but he is unable to give any good explanation why his client would make these admissions to the police of an intention to murder. Clearly the question of his future licence would be very differently treated if he is convicted of attempted murder than if he was acquitted of that because it was reasonably possible that he had engaged in a mere publicity stunt. Seventhly, there is the alleged "30 pieces of silver". If this really was symbolic of an act of performance art it is curious that the accused did not mention it at the time save to ask where his £30 was. In any event it appears that he had more than £30 left in his pockets at the end. I am satisfied that this is a piece of recent fabrication by the defendant.

[110] Eighthly, while counsel accepted that impossibility as such was not a defence to a charge of attempted murder he did submit that the impossibility of what Stone was doing pointed to him not having the intention to kill. I reject that submission. I have set out above the evidence regarding this. He had walked a long distance uphill to Parliament Buildings despite his disability. He had climbed some 60 steps up the outside of the building. I can see no reason why he could not have climbed the remaining 6 steps up onto the level of the Great Hall, if the doorkeepers had not stopped him. Having done so and ignited the flight bag he would reasonably have expected to have caused considerable fire and smoke, if not more. He could then have made his way in the confusion to the Assembly Chamber. If he had gone the way he originally intended ie. through the doors halfway along the Great Hall it is extremely unlikely that he could have fought his way into the Chamber or certainly down to the far end of it where the Sinn Fein leaders sat. However it will be recalled that he had an imitation firearm with him and he may not have been clear how robust people would have been in resisting his incursion. Furthermore his whole plan, quite reasonably banked on him creating a high degree of confusion with the initial flight bag explosive device. In fact, if he was at the top of the six steps as he so very nearly was he could have gone through the doors immediately beside him and within the space of a minute, even at his speed of walking, could have

come to the western doors of the Assembly Chamber which were the very doors out of which the Sinn Fein leaders would have been likely to exit when the alarms went off. The prosecution had not shown, and I accept this, that he was aware of that particular route but he was certainly aware of the location of the Assembly Chamber and common sense would have told him that going through those doors would have led towards it. It was also the evidence that there was no doorkeeper on those particular doors. It seems to me therefore that the position in law is that this attempt was not an impossible one although unlikely, I accept, to succeed. It will be borne in mind that the medical evidence is that he was quite capable of throwing these explosive devices which were indeed designed to be thrown. If he had merely reached the corner of the western corridor he might well have been able to throw them at the Sinn Fein leaders who, quite plausibly on the evidence, could have been exiting at that time. It is also right to say that, as the police arriving at Stormont themselves demonstrated, people do not, in a situation of confusion, always act in the optimal way. It is possible that one of his targets could have turned towards him when exiting the chamber rather than away from him. In fact, as we know, Mr Peter Lachanudis and his colleagues courageously frustrated this attack but that is not something that was remotely certain in advance. Ninthly, the lack of aggressive behaviour of the accused, after his initial threats to Mr Hoy and Mrs Porter is consistent with a man who had no issue with them but rather with Messrs Adams and McGuinness. Next I have carefully considered the evidence with regard to the explosive devices but I am entirely satisfied on the impressive and expert evidence provided by Mr Wilson and Dr Murray that seven of these were lethal devices which were intended to be lethal.

[111] Furthermore, Mr McCrudden pointed out that when interviewed by Mr Gervis early in November he expressed regret at not killing Messrs Adams and McGuinness. He repeated this several times on camera saying: "this is not bravado, this is the truth". While unnecessary to repeat the evidence of Dr Murray and Mr Wilson it will be recalled that these devices would have thrown out nails capable of penetrating flesh at close range and causing death or serious injury and that even the blast could be felt at up to 100 metres. The garrotte was made with hand holes at each end clearly indicating that it was for use. Stone did ask for £30, without referring to Judas but he did not ask for any alleged letter to Hugh Orde or the poster. Among his admissions to police were that he had tested smaller versions of these nail bombs. He said: "They are viable. They are not just a flash and a bang, and they were for Adams and McGuinness specifically." He also referred to slitting the throats of the two men which the knives with him were capable of doing if he had got close enough and not been successfully resisted. Taking all the evidence into account I am satisfied that Stone went to Stormont to try and murder the two Sinn Fein leaders on 24 November 2006.

[112] It is then necessary to deal with the submission of Mr Pownall that even if I were against him on the intention of the accused, as I am, the acts of the accused were merely preparatory and therefore the necessary elements of Counts 1 and 2 were not borne out. Article 3(1) of the Criminal Attempts and Conspiracy (NI) Order 1983 reads as follow:

“If, with intent to commit an offence to which this Article applies, a person does an act which is more than merely preparatory to the commission of the offence, he is guilty of attempting to commit the offence.”

It can be seen that this is in the same terms as Section 1(1) of the Criminal Attempts Act 1981. There appear to be no Northern Ireland authorities on the point in question but counsel drew the court’s attention to a number of decisions of the Court of Criminal Appeal in England which are relevant. The first of these is R v Gullefer [1990] 1 WLR 1063. The appellant had climbed onto the fence of a greyhound racing track at Romford in front of the dogs and waved his arms in an attempt to distract them. His intention was to try and have the race declared ‘no race’ so he could recover a bet of £18 which he had placed with a bookmaker. He was convicted by the jury of attempted theft of the £18 and sentenced to 6 months imprisonment. The Court of Criminal Appeal held that it could not properly be said that his actions at that stage were in the process of committing the theft. They had not gone beyond mere preparation.

Applying the words of the Act of 1981 Lord Lane LCJ at 1065C said:

“Was the appellant still in the stage of preparation to commit the substantive offence, or was there a basis of fact which would entitle the jury to say that he had embarked on the theft itself?”

He goes on to discuss the divergent authorities which existed before the 1981 Act. He took the view that the 1981 Act had not adopted the test postulated in Reg v Eagleton (1854) 5 Dears C.C. 515 but rather gave guidance as to the interpretation of a passage in Stephen’s Digest of the Criminal Law, 5th Edition 1894, Article 50:

“An attempt to commit a crime is an act done with intent to commit that crime, and forming part of the series of acts which would constitute its actual commission if they were not interrupted.”

That statement had been repeatedly cited with judicial approval. Applying that decision Stone’s actions, particularly at the end, would meet the

definition required. He had not merely prepared the explosive devices. He had not merely gone to the grounds of Stormont on that day. He had not only climbed the steps of Stormont. After he was interrupted by Mr Hoy he entered through the door of Parliament Building, in which his intended victims were indeed present, produced a very realistic looking firearm to intimidate the doorkeeper and ignited the flight bag with the intention, I have found, of causing, at least, an explosion with fire and smoke which would cause confusion and allow him to make his way to the Assembly Chamber. It is clear on all the evidence that that was the purpose of igniting the flight bag. He committed the act within the building in which the intended victims were.

[113] That would bring the accused within the further Court of Appeal dictum of Taylor LJ, as he then was, in Regina v Kenneth Henry Jones [1990] 1 WLR 1057. The appellant there had gone to a school where he knew the intended victim was, intending to kill him because he was the lover of the appellant's former mistress. The matter is helpfully set out by Taylor LJ in some detail but it suffices to quote this passage at 1062:

“Looking at the plain natural meaning of Section 1(1) in way indicated by the Lord Chief Justice (Lord Lane), the question for the judge in the present case was whether there was evidence from which a reasonable jury, properly directed, could conclude that the appellant had done acts which were more than merely preparatory. Clearly his actions in obtaining the gun, and shortening it, and loading it, in putting on his disguise and in going to the school could only be regarded as preparatory acts. But, in our judgment, once he had got into the car, taken out the loaded gun and pointed it at the victim with the intention of killing him, there was sufficient evidence for the consideration of the jury on the charge of attempted murder. It was a matter for them to decide whether they were sure those acts were more than merely preparatory.”

I have already ruled that the acts here were capable of that interpretation. I must now decide whether the acts of Stone were so. The appellant in that case had pointed the sawn off shot gun at his victim in the car but it was not shown that he ever had his finger on the trigger and the safety catch was found to be in the on position. The victim managed to throw the gun out of the window. Drawing an analogy with that case it seems to me that as indicated above Stone stepped over a line by entering the building and igniting the flight bag which was a necessary part of his plan to kill the Sinn Fein leaders.

[114] Mr Pownall also relied on further decisions cited in Blackstone's Criminal Practice (2008) at 6.34, including that of Reg. v Geddes [1996] Crim. LR 894. In that case Geddes was arrested and identified by the teacher of a school and some pupils. His rucksack was found in the bushes and included a large kitchen knife, some length of rope and a roll of masking tape. A can of cider found in a lavatory cubicle was said to indicate that he had been inside the school and not merely outside. Evidence of him wishing to kidnap a young boy for sexual purposes had been ruled inadmissible by the trial judge. The jury convicted on the factual evidence of attempted false imprisonment contrary to Section 11 of the Criminal Attempts Act 1981. The court, (Lord Bingham CJ, Ognall and Astill JJ) held that "the line of demarcation between acts which were merely preparatory and acts which might amount to an attempt was not always clear or easy to recognise. There was no rule of thumb test, and there must always be an exercise of judgment based on the particular facts of the case. It was an accurate paraphrase of the statutory test to ask whether the available evidence, if accepted, could show that a defendant had done an act showed (sic) that he had actually tried to commit the offence in question, and whether he had only got ready or put himself in a position or equipped himself to do so. In the present case there was not much room for doubt about the appellant's intention, the evidence was clearly capable of showing that he had made preparations, had equipped himself, had got ready, had put himself in a position to commit the offence charged. It was true that he had entered the school, but he had never had any contact or communication with nor had confronted any pupil at the school. The whole story was one which filled the court with the gravest unease, but on the facts of the case the court felt bound to conclude that the evidence was not sufficient in law to support a finding that the appellant had done an act which was more than merely preparatory to wrongfully imprisoning a person unknown." Mr Pownall relied strongly on this decision. It is not binding on this court but is of strong persuasive authority, even without the imprimatur of Lord Bingham. However it can be seen that it can be distinguished on the facts. Even though Geddes had entered the school on the evidence, he had not taken any further step equivalent to Stone lighting the flight bag explosive device or threatening the doorkeeper with the imitation firearm. It is right to observe that the commentary in the Law Review by Professor Sir John Smith appears to express some reservations about the decision. "The court remarked that it was not concerned with the correctness of the jury's decision of fact. But either it was deciding that the jury behaved unreasonably by reaching a decision which no reasonable jury properly could or it was making a decision of policy unrelated to what a reasonable jury might think. It is not apparent what that policy might be. The dangers to the public in cases like Campbell and the present case are obvious." I think it is sufficient for me say that the case is distinguishable on the facts. So too is another decision of the court in Regina v Campbell [1991] Crim. LR 268 where the appellant, although armed and intending to rob a post office never entered the post office or drew his weapon. I would only add to these

authorities my own observation that some weight must be given to the word “merely” at Article 3(1) of the Order. However, even without that observation, I am satisfied on the facts that the accused had, in the way described, gone beyond acts which were merely preparatory. Taking all these matters into account I convict Michael Antony Stone on Count 1 of attempting to murder Gerard Adams and on Count 2 of attempting to murder Martin McGuinness.

[115] Counts 3 and 4 relate to the flight bag, device 8. Although highly dangerous I do not consider that Stone intended to endanger life or cause serious injury to property with this device, which did not have the nails found in other devices. I acquit him on Count 3 but convict him on Count 4 of, with intent, igniting the fuse of the device which was likely to endanger life.

[116] I convict on Count 5 of the indictment, that is of possession of two of the nail bombs with intent to endanger life. I enter no verdict on the alternative Count 6. I convict on the seventh Count of possession of an improvised explosive device with intent to endanger life. I enter no verdict on the alternative Count 8. I convict on count 9 of possessing four nail bomb type devices with intent to endanger life. I enter no verdict on the alternative count 10.

[117] The eleventh Count is one of possession of an imitation firearm with intent. I find that Stone did have the firearm with him to resist arrest and convict him on that Count also. Count 12 is of criminal damage to the portico and revolving doors at Parliament Buildings, again, on the 24th November 2006 and I convict on that count also. Count 13 alleges possession of offensive weapons on the same occasion in a public place, namely, three knives, a garrotte and an axe. I convict on that Count also with regard to the three knives which I find he had with intent to injure. I am satisfied beyond reasonable doubt of the guilt of the accused on all these counts. I have earlier entered a verdict of not guilty on the 14th and final Count on the indictment.