

MADELEINE BY KATE MCCANN — II (The David Payne visit)

by Guest on 30.06.11 19:06

This is taken from Blacksmith's new blog. A long piece to copy and paste, but this bit about the David Payne visit is interesting reading, (the different versions) as is the whole article.....

The David Payne Visit — Multiple Worlds?

The visit, the “last sighting” of Madeleine McCann by someone outside the family, remains highly controversial and has been the subject of exhaustive debate on the internet and elsewhere.

The questions about it arise at the very beginning since it was not mentioned by David Payne, Gerry or Kate McCann in their initial police statements, despite Kate McCann’s repeated assertions in the book that she had told the police “everything”. The first reference to it comes, oddly, not from either of the individuals involved but from Gerry McCann, in his May 10 statement:

“David went to visit Kate and the children and returned close to 19H00, trying to convince the deponent to continue to play tennis, which he refused.”

Note the initial locution, “David went to visit Kate and the children”: there is no mention of any reason for the visit. Unfortunately the PJ did not hear what the principals had to say: neither Payne nor Kate McCann were present for that second round of interviews. Kate had cried off with stress; quite how Payne avoided questioning is unclear. Whatever, the result was that the Portuguese police received no information about the claimed visit from one of the participants until Kate McCann was questioned over four months later, on September 6 2007. And they still had no statement from Payne; in fact they were unable to compare his account with that of Kate McCann until they listened in to his rogatory interview in April 2008.

Kate McCann’s September 6 statement runs thus:

“While the children were eating and looking at some books, Kate had a shower which lasted around 5 minutes. After showering, at around 6:30/6:40 p.m. and while she was getting dry, she heard somebody knocking at the balcony door. She wrapped herself in a towel and went to see who was at the balcony door. This door was closed but not locked as Gerry had left through this door. She saw that it was David Payne, because he called out and had opened the door slightly.”

She now departs from direct knowledge deriving from her own experience, as she often does on important matters, adding helpfully:

“David’s visit was to help her to take the children to the recreation area. When David returned from the beach he was with Gerry at the tennis courts, and it was Gerry who asked him to help Kate with taking the children to the recreation area, which had been arranged but did not take place.”

Then, reverting from hearsay to evidence, she concluded:

“David was at the apartment for around 30 seconds, he didn’t even actually enter the flat, he remained at the balcony door. According to her he then left for the tennis courts where Gerry was. The time was around 6:30-6:40PM.”

This was the first appearance of the “Gerry asked Payne...” story — after four months! — and it was followed some twenty four hours later by the same story from Gerry himself in his arguido interview.

Two weeks later, with the couple safely back in England and during that muffled and murky period when they and the lawyers were using the media to explore their vulnerabilities, a lengthy and carefully contrived leak was given to the London Times by Clarence Mitchell. The story purported to be about disagreements between the McCanns as to how far to co-operate with the PJ but buried half way into the story we find this:

“Last week, however, a senior police source told a Portuguese newspaper that officers were still suspicious about the McCanns’ movements during the “missing six hours” before Madeleine’s disappearance.

Sources close to the family [Clarence Mitchell] say that David Payne, one of the holiday party, saw Madeleine being put to bed when he visited the McCann apartment at 7PM. Previously the last confirmed sighting of Madeleine was at 2.29PM when a photograph of her and Gerry was taken at the swimming pool.

Kate and Gerry McCann believe Payne’s testimony will be crucial in proving their innocence. They arrived at the tapas bar at 8.30PM, which would leave just an hour and a half in which they are supposed to have killed their daughter and disposed of the body.

A source close to the legal team [this was also Mitchell] said: ‘If they were responsible for killing their daughter, how would they have done so and hidden the body in that time? There is a very limited window of opportunity.’”

So the story had developed even further. Note that Payne himself, after almost six months, has still told the Portuguese police absolutely nothing about the visit. The only reference to it that he ever seems to have made comes in a curiously unsatisfactory email from the Leicester police to their Portuguese counterparts accompanying some forwarded statements. Detective Constable Marshall wrote that Payne had stated informally:

“...that he saw Madeleine, for the last time, at 17H00 [probably an error for 7PM] on 3/5/07 in the McCann apartment. Also present there were Kate and Gerry. He did not indicate the motive for being there or what he was doing. He also cannot indicate how long he stayed.”

Well!

The situation, therefore, was that Payne’s version of this visit was still open and, as it were, up for grabs. But not yet and certainly not for grabbing via the newspapers by the McCanns and their spokesman. As we have seen from his ingenious defence of the “checking” Payne has an instinct for keeping his options open. The claims were left standing, without rebuttal, for several weeks and perhaps there was a hope somewhere that it reflected Payne’s acquiescence in the story and the altered timescale. Not likely.

In late October, strangely enough on the same date that Detective Constable Marshall sent his email along with the Gaspar statements to Portugal, he made the extremely rare move of communicating via journalists himself, speaking effusively to the Daily Mail about Kate McCann and her lack of problems with her children [media code: no, she wasn’t nutty or stressed-out enough to have whacked the child and accidentally killed her]. But 7PM was now firmly out: in that same article Mitchell and the McCanns had to reverse themselves, now stating “David Payne saw Madeleine at around 6.30pm.” Point made.

In April 2008, just under a year after the child’s disappearance, David Payne was finally compelled to talk about the visit, making a statement to Leicester police as part of the rogatory interviews. The Portuguese police representatives watched the televised proceedings from behind a screen. Whether Lusitanian guffaws of disbelief resounded from their vantage point is not disclosed but Payne and Kate McCann seemed to be not just on different visits but different planets.

Q: Okay, and it was at what point that Gerry said to you go and, would you mind checking at Kate?

DP: I had to go back to my room to you know change into stuff appropriate for playing tennis in, and err so he knew that I'd walk up that by and past so he said oh why don't you err, you know can you just pop in on the way, the way up...[fails to describe reason for visit]

KM again: David's visit was to help her to take the children to the recreation area. When David returned from the beach he was with Gerry at the tennis courts, and it was Gerry who asked him to help Kate with taking the children to the recreation area,

Q: Did you open the door? Or was it already open?

DP: I think it was already open.

KM: This door was closed but not locked as Gerry had left through this door. She saw that it was David Payne, because he called out and had opened the door slightly.

Q: Did you actually go into the apartment?

DP: I did.

Q: Or did you do the conversation from the door?

DP: No, definitely was inside the apartment, you know whether it be two or three steps into the apartment or you know however many, but I was definitely in the apartment.

KM: He didn't even actually enter the flat; he remained at the balcony door.

Q: Okay, so now what I'm gonna try and ask you to recollect, what everybody was wearing.

DP: I'm afraid that is, you know I'm, I cannot recall at all. I know that's, you'd think that'd be an obvious thing to remember, I cannot remember. As I say the, from the children point of view predominantly I can remember the, you know, white, but I couldn't say exactly what they were wearing. Err...

Q: But could you remember what Kate was wearing for example?

DP: I can't, no.

KM: She wrapped herself in a towel and went to see who was at the balcony door.

Q: I'm gonna pin you down and ask you how long you think you were in there for.

DP: In their apartment, it, it, I'd say three minutes, five maximum."

KM: David was at the apartment for around 30 seconds.

Q: When you finished ...did you say anything to Gerry about, about the fact that his family were fine?

DP: "Yeah, err yeah, I haven't mentioned this before, but yes, yeah I'd certainly, when we met up I said oh yeah, you know everything's fine there, you know probably along the lines of you know you've got a bit more of a free pass you know you can carry on for a bit longer...[fails to give reason for visit]

KM: ...asked him to help Kate with taking the children to the recreation area.

What can one say? It doesn't corroborate and it doesn't tally: there might have been visits to apartment 5A by David Payne or other members of the group that day but the written evidence shows that the one described by Payne and the McCanns did not take place.

Dangerous waters! What does Kate have to say now? Very little. In the book she falls back on copying out her September 6 statement:

"At around six forty, as I was drying myself off, there was a knock on the patio doors and I heard David's voice calling me. Swiftly wrapping my towel around me I stepped into the sitting room."

But then she uses words that aren't in the statement: "David had popped his head round the patio doors looking for me," which quite cleverly attempts to resolve the open/closed doors discrepancy as well as shading another question —inside the doors or outside the doors? Neither! He is in the doorway, head popping.

Having dipped her toes she moves rapidly back to the much safer territory of what others had said:

“The others had met up with Gerry at the tennis courts and he’d mentioned we were thinking of bringing the kids to the play area. David had nipped up to see if he could give me a hand taking them down. As they were all ready for bed and seemed content with their books I decided they were probably past the stage of needing any more activity. So he went back to the tennis while I quickly dressed and sat down on the couch with the children.”

One wonders which lawyers were involved in the “popping” paragraph because, by altering her statement, Kate McCann has provided internal evidence that she is covertly attempting to smooth away inconsistencies that are hazardous for her rather than trying to throw light on the truth as she vowed to do. Oh, and the bit about Payne only staying for thirty seconds has somehow gone missing

[snipped from article]

Full article here:

<http://blacksmithbureau.blogspot.com/>

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