



The Sheku Bayoh Public Inquiry

Witness Statement

Andrew O'Connor

Taken by [REDACTED]
By Telephone Call
On 12 January 2022

1. My name is Andrew O'Connor. I am 50 years old. My contact details are known to the Inquiry. [REDACTED] However, at the time of the incident I was a [REDACTED] My eyesight is fine when corrected by glasses. At the time of the incident, I wore glasses occasionally for reading but I didn't need them for driving.
2. I can't remember the date of the incident. However, I think it was around 2015 and it was seven o'clock on a Sunday morning. I was working [REDACTED] [REDACTED] I worked for [REDACTED] and was driving [REDACTED] It was light at the time and it might have been raining, I'm not sure. However it was chilly. I was [REDACTED] [REDACTED] at the time and was driving to [REDACTED] My route took me along Hayfield Road, I was driving west towards Hendry Road and the White Heather pub. I was driving at about 30 mph. I saw a man to my right on the opposite side of the road. He was standing on the pavement, roughly across from the junction with Poplar Crescent on the opposite side of the Road. Poplar Crescent has two entrances from Hayfield Road and I'm referring to the one nearest to Hendry Road. When I first saw him he was about 100 feet away. It looked like he was trying to cross the road but there were vehicles on the road at that time. As I got closer to him, he ran across the road towards me, it looked like he was actually trying to run behind me, but, when he got

Signed..... [REDACTED]

near the car, he jumped up in the air and tried to do like a karate kick into the driver's side of the car and I had to swerve out of the way. As I passed him, I continued to watch him and I saw him walk back onto the side of the road where he came from. I didn't see anything more as I turned right up Hendry Road and he was then out of my view. The man was in my sights for around a minute or just over a minute.

3. I had a clear view of him. He was in front of me initially and then close up to the side of my car. The man was wearing a just a white tee-shirt, no jacket, and remember thinking it was a bit chilly to walk about like that. He was a big guy, about 5' 10" and muscly. He was a coloured gentleman. He had short hair and I think was around mid-30s. I don't remember seeing him carrying anything.
4. [REDACTED] in my vehicle at that time was [REDACTED] [REDACTED] [REDACTED] also saw this take place. I heard [REDACTED] say something like, "Holy shit! Did you see that? What was he trying to do?"
5. [REDACTED] I turned back the same way and there was no sign of him i.e the man who tried to kick my car. I just went to sit at the [REDACTED] at Kirkcaldy health centre. Then one of my colleagues I was working with appeared, Simon Rowe, and he had also seen this man. Simon said to me "Did you see that maniac along there with a knife?" and I said "I've seen him - he tried to karate kick through my car." I told him I never seen any knife. He said, "Oh, aye, he was swinging a knife about". Then, perhaps just a couple of minutes later, we just seen the police and ambulance flying up along towards Hayfield Road.
6. We decided to go along and have a look. So me and Simon drove back to Hayfield Road. By that time, the police were there and the road was taped off from about the junction of Hayfield Road with Poplar Crescent, the one

Signed. [REDACTED]

nearest Hendry Road. There were police standing there, me and Simon pulled up to the policeman and said, "What s happened? What's gone on?" and he said "just move on" and my colleague said to him, "Did you get the knife off him?" I don't remember the policeman responding. Inside the tape, I saw other police officers and police vehicles. I'm not sure how many. I don't remember seeing the ambulance there at that point.

7. I'm asked about the statement I gave to the police on 3 May 2015. I remember giving this statement. It was taken at Kirkcaldy Police Station. I don't remember reading over my statement although it is possible that I did. I would have been doing my best to give a truthful and accurate statement. I think my memory of what I seen would have been be better at the time of giving the statement than now, given the passage of time.

8. I'm told my police statement says that I was driving a Silver Skoda Octavia. That would have been right [REDACTED] I'm also told that the statement says that *"At 0653 hours this morning (3/5/15) I was passed a call [REDACTED] to attend at 14 Union Street , Kirkcaldy [REDACTED] [REDACTED] That journey would probably take about 10 minutes. [REDACTED] then at about 0710 hours, about three quarters of the way through the journey I was travelling on Hayfield Road towards Farnie Court. I was between Hayfield Place and Hendry Road and [REDACTED] was in the front seat beside me when I saw a man on my right hand side, on the pavement."* I accept that all of this would be correct. The number 1 is marked on the attached map showing this man's location.¹

¹ Kirkcaldy Map – SBPI-00006

Signed.....

9. I'm told my statement goes on to describe the man attempting to do a "flying kick" towards my car and that I also say *"He was shouting but I couldn't make out what he was saying. I never saw him carrying anything, he was waving his hands about."* I don't remember hearing him shouting. However, it is possible, it was 6 years ago now. If I told the police that at the time, then that would be correct.
10. I'm also told that my statement says that *"5 minutes after I first passed the male [REDACTED] I was travelling back along Hayfield Road . I saw the male again. He was in roughly the same spot on the same pavement, he was just standing there but you could tell he wasn't happy about something. I didn't notice if he was carrying anything but I wasn't really paying attention... He didn't do anything this time, he just looked aggressive by the way he was holding himself and he was looking at the ground."* I can't remember that but, if I said it to the police at the time, then I obviously did see him. When I saw him earlier, he didn't seem happy. It was just the way he was swinging his arms. He just looked angry and somebody doesn't just walk along happy and then jump up and try to kick the side of your car, do they?
11. I'm told my statement also says that *"I got the impression he was definitely on some kind of drugs, he didn't seem drunk as he wasn't staggering or anything."* Yes, I thought he was definitely on something, he looked high. You could tell by looking at him. It's right that he wasn't staggering all over the place. I've got a [REDACTED] who was a junkie, I could tell when [REDACTED] was on something. The man I saw on Hayfield Road, his behaviour gave me the impression he was high on something. By that I mean the way he was swinging his arms about and trying to kick the car.
12. I gave a statement to the Police but haven't given a further statement to either the PIRC or the Crown. I'm aware Simon Rowe has been contacted for a [REDACTED]

Signed. [REDACTED]

statement about 3 or 4 times. I think it was PIRC that did a road check about a week later. They stopped me and asked me if I had witnessed anything, and I said, "Aye, I seen it happen, seen the guy", and they asked me to pull over and someone came over and spoke to me and he said, "We need to get your statement". I said, "I've already give a statement to the police" and he said "that's fine" and that was it. I never heard anything from them.

13. I'm asked if I've been following reports in the media about this case. When there are reports in the media, say on the radio, I turn it up a bit and listen. I am interested in what is happening with it but other than that I don't really seek out information on it. It doesn't affect my evidence in any way.

14. I'm asked if I've spoken to any other witnesses in this case. The only witness I know is Simon Rowe. We have spoken about it occasionally, say if it's been on the news but we haven't discussed it in any detail. I haven't seen Simon for two or three years. The only other person I can think of is [REDACTED] [REDACTED] I didn't know who [REDACTED] was at the time until I seen [REDACTED] in one of the pubs that I go in now and again, [REDACTED] [REDACTED] When I found out [REDACTED] name, I realise that I actually knew [REDACTED] [REDACTED] But we didn't discuss it particularly, then or since. I don't know if [REDACTED] ever gave a statement about it.

15. If there is any difference between this statement and the statement I gave previously to the Police in 2015, this earlier statement should be preferred.

16. I believe the facts stated in this witness statement are true. I understand that this statement may form part of the evidence before the Inquiry and be published on the Inquiry's website.

Signed

[REDACTED]

Date

12/9/22

