

# Former councillor convicted of hitting cyclist with car

## Victim suffered spinal injury and bleed to brain

A FORMER county councillor has been convicted of careless driving after knocking a cyclist off his bicycle causing him to sustain a bleed to the brain and a fracture to his spine.

David Alcorn (74), Leckenagh, Burtonport, was returning from a medical appointment with his wife in Letterkenny on the afternoon of February 22 2021 when the incident at Doon, Glebe, Newmills, occurred.

Witness Laura Faul told Letterkenny District Court that on the day in question she was a front seat passenger in a car driven by her aunt. There was one vehicle in front and the defendant's car was ahead of that vehicle.

Ms Faul said both the cyclist and Alcorn made a left hand turn.

"The cyclist did not have a helmet on, he just had a hat on. That is what drew my attention to him because I remember thinking my mum would give out to me if I did that.

The collision happened just before Glenswilly GAA hall. We were travelling to Churchill. The cyclist was going left towards Glenswilly National School. The vehicle hit the cyclist's back wheel and he spun out to the middle of the road. My auntie pulled over. We stopped to help him. He was bleeding and confused. The driver of the car also stopped."

Asked under cross-examination by the defendant's solicitor if she could be sure of what she saw, Ms Faul was adamant.

"The cyclist had already taken the corner. The car hit the back of the bike."

Garda Garrett Monaghan told the court that he received a report of a collision involving a cyclist and a car at 6pm. He said that when he arrived at the scene neither the cyclist or driver were there. He attended Letterkenny University Hospital at 6.35pm and spoke to the cyclist.

"He told me he was cycling a black hybrid bicycle. His wife informed me that the driver of a car hit him and that the driver was David Alcorn who had been driving a Skoda estate. She gave me his phone number and I phoned him to ask him to produce his documents at the station.

"The cyclist had a bleed to the brain and a fracture to his spine. He did not wish to make a statement as he had no recollection."

Garda Monaghan said road conditions were dry on the day in question. Photos taken at the scene were produced in court.

Mr Gillespie said it was his belief that there was no case to answer.

"The only evidence is that of a young lady travelling third car down from the cyclist. There is no suggestion there was no room for the car to go past the bike. I would suggest there is no sufficient evidence to con-

vict."

Inspector Byrne said he disagreed. He said it was the State's argument that the witness was adamant about what she witnessed.

In giving his evidence, Alcorn said he left Letterkenny around 5pm on the day in question.

"I was taking the left hand turn to Fintown. I noticed a cyclist on my left hand side. I felt I had plenty of space. I had my indicator on and I took a good wide turn. I was driving slow at the time and just as I did that, I heard a noise and saw the cyclist in the middle of the road. I pulled over, put my hazard lights on and went to the scene.

"I was there when the ambulance arrived and his wife and daughter arrived on the scene. Of all the years I have been driving I was never involved in anything like that."

Inspector Byrne asked Alcorn when he first noticed the cyclist.

"I saw him a couple of hundred yards before I came to the junction. He did not indicate but I felt I was safe taking the corner."

Inspector Byrne put it to him that Ms Faul had said he and the cyclist had taken the corner together and the rear wheel of the bicycle had made contact with the rear passenger side of his car.

"That would suggest the back of your car had clipped him," he said.

Mr Gillespie said he did not believe there was sufficient evidence beyond reasonable doubt that his client caused the accident.

However, having taken 20 minutes to consider her judgment, Judge Éit-eáin Cunningham said the facts were proven against Alcorn.

The court was told the accused had no previous convictions.

Judge Cunningham fined Alcorn €200 but did not disqualify him from driving.