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193/90 W1250 AB-D1

LOCAL COURT
44-46 PARRAMATTA ROAD
GLEBE

PART HEARD

MAGISTRATE: D W HAND

19 July 1990

DIRECTOR OF PUBLIC PROSECUTIONS v IAN STUART JONES

CHARGE: Murder

Mr McIntosh for the Informant
Mr S Egan for and with Defendant (in custody)

JAMES JOSEPH COUNSEL
sworn and examined

McINTOSH: Q. Would you tell the Court your full name, rank and station please? A. My full name is James Joseph Counsel. I'm a Detective Inspector of Police attached to the Regional Crime Squad South.

Q. And you have before you a statement? A. Yes.

Q. That was prepared for the purposes of this case? A. Yes.

Q. And that's your signature that appears on the base of each page? A. It is, yes.

Q. Is everything in that statement true and correct? A. Yes.

CROSS-EXAMINATION

EGAN: Q. Detective, what's your relationship - I mean professional relationship - with Plotecki? A. With?

Q. Plotecki, the informant in this matter? A. I'm one of the coordinator supervisors at the Regional Crime Squad South.

Q. And on what basis would you deal with the informant, Detective Plotecki? A. Ah--

Q. As of the date of this record of interview? A. I'd have some contact with him from time to time but not a regular contact.

Q. Now when was the first time you saw the defendant before the Court that day? A. He was seated in an interview room at the Sydney Police Centre.

Q. Handcuffed or unhandcuffed? A. He was not handcuffed.

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- Q. Not handcuffed at all? A. No.
- Q. And what time was it you saw him? A. Shortly after 11.40pm.
- Q. And did you know how long he'd been in Police custody at that time? A. No I didn't.
- Q. Did you inquire? A. No.
- Q. Why not? A. I had no reason to inquire.
- Q. Were you shown any documents? A. I was given a record of interview, yes.
- Q. Apart from that, anything else? A. Not that I can recall.
- Q. How was the defendant dressed? A. From my recollection he had casual clothing. The colour I'm not too sure. I think he had jeans and he had a jacket with a number of badges on it. I think he had some form of running shoes as well.
- Q. Did he appear tired? A. I didn't form that opinion.
- Q. Did he appear to be in any form of discomfort? A. Not to my knowledge.
- Q. You've been a Police officer a number of years now, haven't you? A. I have, yes.
- Q. You've been - you're an active detective, so to speak, for a number of years? A. Correct.
- Q. And of course you've dealt with persons who have been using drugs in the past? A. Yes.
- Q. And you're aware of what's commonly called 'withdrawal', aren't you, withdrawal symptoms? A. Yes.
- Q. And I suppose you'd agree with me that ^{if} somebody was using drugs and that those drugs and/or medication have been withheld for a period of some eight hours, it would not be unexpected that they would show withdrawal symptoms, would it? A. To answer that, I'm not - I don't think I'm qualified to answer that but I would say depending on the individual and the particular drug they were using.
- Q. Methadone? A. As I say I'm not a qualified person in relation to medicine.
- Q. I put to you the defendant told you he was on a methadone programme? A. No he did not.
- Q. I put to you you've been told that he'd not received his medication, that being the methadone? A. He didn't mention that to me.
- Q. I put to you that you said to him 'Well when this is over I'll

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get downstairs and I'll see if I can sort something out'?
A. No I did not.

NO RE-EXAMINATION

WITNESS RETIRED AND
EXCUSED

SHORT DISCUSSION RE UNAVAILABILITY OF WITNESS DETECTIVE SMITH.

STATEMENT OF DETECTIVE SMITH WITHDRAWN FROM BRIEF AND MARKED FOR
IDENTIFICATION E.

MARK PHILLIP LOCKE
sworn and examined

McINTOSH: Might the witness have his two statements--?

BENCH: They haven't been tendered yet Mr - get the preliminaries
first. They're mfi A.

McINTOSH: --they'd be done the same way as the others--

BENCH: Yes well that - well, that's right, but they haven't been.

EGAN: I'd say this in relation ^{to}/this witness and it's an
application I haven't made before. I'd be objecting to this
witness having - well - having access to his statements and once
having said that, I'll have to acknowledge I have a problem under
48E and the problem I'm going to have to acknowledge, of course,
is that I haven't replied to the brief within the time stipulated
and the circumstances of that failure to reply have already been
indicated to the Court earlier in these proceedings but I would
say in the interests of justice, this witness should give his
evidence unassisted, apart from the nature of the evidence being
conversations he's purported to have with the defendant, also
because throughout his statement there are areas which are opinion
and areas which constitute substantially by hearsay and it would
seem, in my submission, more appropriate that he give his evidence
in the conventional fashion rather than rely on the statement
or (b) have the statement edited which it would have to be in any
case.

BENCH: Under the Act the statement is admissible. He can have
access to his statement in the normal manner. As for the
irrelevant parts, the objectionable parts, you've just going to
have to deal with them.

EGAN: Well perhaps that might be - because his statement then
would go in as evidence-in-chief, so to speak, and--

BENCH: No, well no, no no - what will be done is this; once we
get his name, address and occupation which we haven't got yet,
he'll then be asked to identify his statements and then you can
take your objections and then the statement as per the rulings on
the objections will be admitted then, after the - I've ruled on
your objections. I need a copy of his statement though - his two
statements.

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McINTOSH: Yes sorry, I'll hand those to your Worship.

McINTOSH: Q. Could you tell the Court your full name please?

A. Mark Phillip Locke.

Q. Your address? A. I'm living at [REDACTED]
Werrington at the moment with my father.

Q. And your occupation? A. Offsider truckdriver with my dad.

Q. Do you recall making two statements to the Police about this case? A. Yes.

Q. I show you these two documents. If you look at - there are two documents there. Would you look at those.

BENCH: One of 13 September 1989 and one on 28 May 1990.

McINTOSH: Q. Are they the two statements you made? A. Yes.

Q. Is that your signature that appears on the bottom of each page of those statements? A. That's right.

Q. Is everything in those statements true and correct? A. That's right.

McINTOSH: Yes I tender those, your Worship.

EGAN: Perhaps I might, it'll - just works through them. If your Worship has copies of them.

BENCH: Yes I have copies.

EGAN: Your Worship, in dealing with the statement of 13 September 1989, it's my submission that paragraph 9--

BENCH: Paragraph 9.

EGAN: So far - perhaps commencing with the sentence 'Other persons that knew'.

BENCH: Yes Mr - that sentence there 'Other persons' down to 'recall', we'll look at that first, Mr McIntosh. What have you got to say about that?

McINTOSH: Yes I was anticipating evidence to clear that matter as to why he has that knowledge.

EGAN: Well I make the objection now.

BENCH: Well subject to that being cleared up, I'll leave that in but certainly you'll have to elicit further evidence in respect of that.

EGAN: Paragraph 11, I don't press that objection. I just ask that it be noted, your Worship.

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BENCH: No I think that is relevant to the matter.

EGAN: Paragraph 16, your Worship.

BENCH: Yes that will be a matter that Mr McIntosh, if you wish to particularly the first sentence and the second sentence, if you wish to keep that in you've going to have to bring some evidence to substantiate that statement.

McINTOSH: Yes I'll raise that with the witness--

BENCH: All right well I'll mark that too as being one that has to be cleared up, Mr Egan, and I'll leave it in at this stage subject to it being sufficiently cleared up.

EGAN: The sentence - the first sentence on paragraph 23.

BENCH: That's on the last page.

EGAN: Yes your Worship.

BENCH: Yes I won't allow that.

McINTOSH: Yes I don't press that--

BENCH: That's rejected.

EGAN: On the second statement, that being the statement dated 28 May 1990, the last sentence in paragraph 6.

BENCH: Yes. Something was told to him by someone else. That'll be rejected.

EGAN: Now this is a matter which I presume your Worship that - now paragraph 10 of that statement, the second sentence which is in brackets and I presume it's in brackets, your Worship, I don't know if that indicates they don't rely on it but it shouldn't be in there because obviously this is the nexus of their whole case. We're not obviously concerned with what the witness may have understood. We're more concerned, your Worship, with the facts in the matter--

BENCH: It's a matter for me to decide anyway. Mr McIntosh?

McINTOSH: I would suggest it's part of the overall circumstances of that night and it should be admitted but it's--

BENCH: Well it's a matter that--

McINTOSH: --a question of weight.

BENCH: Well it would be a matter that you would have to elicit evidence from this witness as to - he can give evidence of conversations which might lead up to that but irrespective of what he thought, it's still a matter for me, isn't it?

McINTOSH: It's - yes.

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EGAN: His state of mind is simply not admissible, your Worship.

BENCH: No at this stage I'll reject that part that's in the brackets, Mr McIntosh. Is that it, Mr Egan?

EGAN: Yes, yes.

TWO STATEMENTS OF M P LOCKE TENDERED, ADMITTED AND MARKED EX 18, WITH THE REJECTIONS AS MARKED AND SUBJECT TO THOSE TWO POINTS ON THE FIRST STATEMENT BEING CLEARED UP.

McINTOSH: Q. Mr Locke, if I could take you to paragraph 6 of your first statement. That's your statement of 13 September 1989?
A. Yes.

Q. You say 'In the last year as far as I'm aware John always sold from his unit'. Did you purchase heroin from Mr Hughes?
A. Yes.

Q. When was the last time you purchased heroin or any other drug from him? A. Would have been a couple of weeks before I went to Brisbane.

Q. Was Mr Hughes still selling heroin when you last saw him?
A. Yes.

Q. In paragraph 9 of that same statement, of the same statement, on page 2 - that's the statement of 13 September you say 'Other persons knew--?' A. That--

Q. I think you might have the wrong statement? A. Sorry, I have.

BENCH: Q. The first statement 'Other persons that knew'--

McINTOSH: Yes I beg your pardon--? A. Yes.

EGAN: Your Worship, I take it - so I know what we're doing, is the witness has been granted leave to refresh his memory from his statement?

BENCH: Yes he certainly - the - in these paper committal situation I don't see any reason why a witness shouldn't have his statement in front of him.

EGAN: No it's a practice - I haven't been objecting to, indeed I've asked for access but I just ask that it be done rather than witnesses--

BENCH: Yes well he can, he can - yes well fair enough. He's got his statement in front of him. I'll allow him to keep his statement in front of him.

McINTOSH: Q. You say that other persons that knew of these hiding spots would have been 151 (?) and a person named Jonesy?
A. Yes.

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Q. 'And another male whose name I cannot recall'. Who do you mean by 'Jonesy'? A. Jonesy, Ian Jones.

Q. That's the defendant in Court? A. Yep.

Q. How do you know that Mr Jones knew where the hiding spots were? A. Well because of the times when John would take it out and we were there, Jonesy would be there and I would be there so we would see when he'd take it out like to deal, like if you were going to buy something off him, he'd take it out there in front of us.

Q. You say in that same paragraph that 'One of the hiding spots was a towel rack in the bathroom, another the icecubes in the fridge? A. That's right.

Q. And did he always keep heroin in those two places? A. Most of the time. Towards the end he told me that because of a few people knowing, he was going to move it out of those places towards the end. I don't know whether he did or not but he was going to move it away from there and put it somewhere inside the building but in another spot but outside of the unit.

Q. Outside the? A. Outside of the actual flat but still inside the building. He was going to do that, I don't know whether he did or not.

Q. In paragraph 16 of that same statement you refer to 'When Jonesy left John's place early this year he took with him John's drugs and some cash. I think it was over two thousand dollars. He also took some electrical equipment, a Police scanner, a video, a television'. How do you know that? A. John had told me.

Q. Did you see--? A. Yeah I'd seen - well John had told me and also the other guy's name I can't remember, he told me that he'd taken off with a few things; the TV set and the electrical appliances and some money and also some dope I think. I don't know but that's what I'd been told by them.

Q. Who was the other chap who told you? A. The other - I can't remember his name. He's - he was staying there with John as I described in my statement. I can't remember his name - he's a New Zealand guy and he was staying there also when [151] was staying there. [151] and him were staying there at the same time.

Q. In paragraph 18 of the same statement on page 6.

EGAN: Well then I don't know - is that - have we dealt with that, your Worship?

BENCH: Well I'm just waiting for what you--

EGAN: Yes well if that's--

BENCH: I don't think - it's something that someone else has told him, it's hearsay.

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EGAN: That's right. Well I say it's finished then, your Worship.

BENCH: Mr McIntosh, I can't see how that - paragraph 16 from 'When Jonesy - he also took some of John's clothes'.

McINTOSH: I don't press that.

PART OF EX 18 AS DISCUSSED, REJECTED.

McINTOSH: Q. In paragraph 18 you say that Mr Jones said 'Find out when he - that is Mr Hughes - picked up and will make a really big score'? A. Yes.

BENCH: Whereabouts is that?

McINTOSH: The very last - second last line on page 6 of the first statement, paragraph 18.

BENCH: Yes there's two paragraphs 18 starts - one starts on - bottom of page 5 and one starts on the bottom of page 6.

McINTOSH: I apologise, I hadn't noticed that. Eighteen A we'll call that.

McINTOSH: Q. You see that conversation on the statement?
A. Yes.

Q. Did you ever tell Mr Jones anything as a result of this conversation? A. No after that--

EGAN: I'm sorry I missed that.

BENCH: This - you're referring to that second paragraph 18 on the bottom of page 6 aren't you Mr McIntosh?

McINTOSH: Yes where Mr Jones has said 'Find out when Mr Hughes picks up and we'll make a really big score'--

EGAN: I missed my friend's question, your Worship.

McINTOSH: And my question was to Mr Locke, 'Did you ever tell Mr Jones anything as a result of that conversation?'

EGAN: Well I don't understand that. I mean it may be me but--

WITNESS: A. Well after that I went to Brisbane a couple of days after that.

EGAN: Well your Worship--

BENCH: Q. Just a minute, just a minute.

EGAN: I don't understand that question.

BENCH: 'Find out where he picks up and we'll make a really big score. He then left'. You're asking did anything result from that?

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McINTOSH: Yes.

EGAN: Did anything result from it, thank you your Worship.

BENCH: Yes result from it.

WITNESS: A. No I decided - I thought, you know, I just wanted to get out of there. I went to Brisbane after that, a couple of days after that.

McINTOSH: Q. I take you to your second statement, paragraph 9. You refer to your period in the Taxi Club? A. Yes.

Q. And in paragraph 10 you say that Mr Jones said to you 'You know, not too many people know I killed that cunt'? A. That's right.

Q. Now was there any other conversation about Mr Hughes' death that night at the Taxi Club and outside the Taxi Club?

A. Prior to - before that, he was with another guy I think his name was Wazza(?) or something like that - he was talking about it I assume this guy knew.

EGAN: I'm sorry your Worship, I missed that. He's talking about it - I assume that this guy--

WITNESS: A. He was talking about John's murder and with the other fellow whose name was Wazza, I think.

McINTOSH: Q. Did you hear what was said to Wazza by Mr Jones?

A. Yes well he'd said to him, he said 'It's all right' because the other fellow seemed to be worried about me and he said 'It's all right, Locke knows', meaning me, he said 'He knows all about it', meaning--

Q. And that's the conversation you say(?) in--? A. Yes.

Q. --paragraph 9 of your statement? A. That's right.

Q. Is that correct? A. That's right.

Q. Was there any other conversation about it that night?

A. After it and then he just said - he had some money on him and he said that 'Not too many people would look after you like I do'--

Q. Yes, no, now what I'm saying is there any other conversation other than what you've got in your statement? A. No. No, I think that was the last conversation I had with him until I'd seen him the other times, that was it.

Q. Do you know who Yankee John is? A. That's the only name I know him as, Yankee John.

EGAN: Well your Worship, have me moved then away from that objection? Is that--?

BENCH: Well I never - I ruled that part out.

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EGAN: It's inadmissible anyway.

BENCH: Yes I ruled that part out in the statement but Mr McIntosh was just going a bit further.

McINTOSH: Q. Just so we're absolutely sure, the Jones you're talking about who said that to you outside the Taxi Club is - do you see him in--

EGAN: Well no he's been asked, your Worship--

WITNESS: A. Yes there Ian Stuart Jones.

McINTOSH: Q. That's the Jones you're talking about? A. Yes, yep.

McINTOSH: Indicates the defendant.

BENCH: Yes.

CROSS-EXAMINATION

EGAN:L Q. Mr Locke, this conversation you've recorded in your statement of 28 May 1990, right? A. Yes.

Q. And if I can be more specific about that. It's this matter in paragraph 10? A. Yes.

Q. Prior to that - prior to that conversation, you say, occurring, you referred to other conversations you say the defendant had, is that right? A. Yes.

Q. In relation to this matter? A. That's right.

Q. That night, that being the night when you say you heard 'You know, not too many people know I killed that cunt'? A. That's right.

Q. Now have those conversations been recorded in your statement? A. On that conversation we had that night, the one prior to him just saying - or paragraph 10?

Q. Yes? A. No I don't think so.

Q. Hasn't been recorded in the statement? A. No I don't think so.

Q. So it's not the conversation referred to in paragraph 9? A. That's all the one night. That all--

Q. That's right? A. This is the one conversation.

Q. Now the paragraph - now the conversations which are relevant to this matter, right, you understand me, the death of Mr Hughes? A. Yes.

Q. You've told the Police about, they being the conversations

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you've either have with the defendant or those you've heard him have with somebody else in your presence? A. That's right.

Q. And you've told the Police everything you heard? A. Yes.

Q. You left nothing out? A. No I don't think so.

Q. Well you haven't left anything out, have you? A. No.

Q. So when you say 'They were talking about the murder of John Hughes', I take it from that that's an assumption on your part?

A. Well that's what I heard - the murder of John Hughes so--

Q. That's right, you just heard the word 'the murder of John Hughes'? A. No not just - I never just heard the words 'the murder of John Hughes'. They were talking about the murder of John Hughes because the other guy Wazza or whatever his name was, was worried about Jonesy talking about it in front of me because this other fellow must have known.

Q. Well what were they saying? A. They were talking about dope, about what had happened that night, and he kept - all I could hear was about John Hughes and the name was mentioned three times and he'd said 'putting him off' or 'killing him' or something like that and the other guy - I mean I wasn't hearing - the conversation wasn't directed at me. They were just sitting next to me talking about it so that's what I heard and then I assume that conversation's going from there.

Q. So all - I'm sorry? A. Then I assumed that conversation is the same conversation. I mean they're still talking about it and when he said 'Not too many people know I killed that cunt', I mean he's still talking John.

Q. So you assumed, is that right? A. That's right.

Q. That's what you've said three times. You don't know, do you, you assume it to be the case, that right? A. Um that's right. Well I'm as certain as I can be.

Q. And indeed if I asked you to give a verbatim account of this conversation you say you heard inside the Taxi Club, right, and you referred to it as - and you've just touched on here as 'They were talking about the murder of John Hughes'? A. Yes.

Q. You couldn't tell the Court, could you? A. I could tell the Court what was said to me.

Q. Yes but you couldn't tell the Court what was said between these persons, 'He said--'? A. The exact words, no.

Q. Now I might just clarify one thing with you. This conversation, you say, you overheard and the conversation you say you had with the defendant, right? A. Yes.

Q. Is just a complete utter lie? A. No it's not.

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Q. Do you understand that? A. But it's not a lie. I mean you don't forget something like that.

Q. This person you've referred to as 'Yankee John' or 'Wazza'?
A. Yes.

Q. Have you described him to the Police in better detail than that? A. Yes I think I had a discussion with Detective Plotecki about him. I mean I described him to the best of my ability. I haven't, you know I don't know the man that well but I know that's his name. It's the name he goes by. I don't know his proper name he's called though.

Q. And is he a resident of the Cross/Darlinghurst area?

A. I think so.

Q. Well have you seen him around that area? A. Yes, the Cross-
-

Q. On a number of occasions? A. Yes.

Q. And did you tell Detective Plotecki that fact? A. Yes.

Q. And did you know his address? A. No.

Q. Did you know the establishments or the haunts he might be found at? A. As I told Detective Plotecki the only place I've seen him mainly is on the main drag of Kings Cross and in the Fosters Bar in the centre of Darlinghurst Road.

Q. And when was the last time you saw this Wazza or Yankee John?

A. As I said in my statement before I'm not exactly clear on the dates but last time I saw him was some time ago, a few months ago.

Q. A few months ago? A. Yes.

Q. So the one person that could, so to speak, corroborate your version doesn't seem to be capable of being found, is that the case? A. Well I haven't--

Q. You haven't seen him? A. I haven't actually looked for him though.

Q. What was the defendant wearing that night? A. Geez I have no idea. I think he was wearing a lumber jacket and jeans.

Q. You think? A. Yes.

Q. Now you recall what was said in terms of the conversation and you've told us that? A. That's right.

Q. Right, as best you can, some parts you can't but other parts you have and you've indicated that of course this is a matter you wouldn't forget I think were your words, is that right?

A. That's right.

Q. And you've got a mental image of this occurring, haven't you?

A. I'm sorry?

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Q. You got a mental image of being at the Taxi Club - it's in your mind. You can see--? A. It's in my mind the words that were spoken.

Q. Well you know you were at the Taxi Club, don't you? A. Yes that's right.

Q. You've got - what - you've got--? A. But I don't remember the wallpaper or anything like that.

Q. No no, wallpaper's a bit hard. You've got Jones and you got Wazza on your right-hand side or where ever it is at the bar, haven't you? A. Yes.

Q. And the matter was of some note, wasn't it? A. That's right.

Q. So you've got this image indelibly in your mind about the events that evening, haven't you? A. Yes.

Q. Can't even describe what he was wearing, is that right? A. Not in detail, no.

Q. Because it didn't happen. That might be one explanation, mightn't it? A. Well I know it did.

Q. At the time of this conversation and when did you say this conversation occurred? A. Ah--

Q. Without looking at--? A. Well as I said before, I haven't remembered exact dates and I've said - written that down in my statement.

Q. Well when was the first time you had the desire to recall this conversation? I mean you say you heard it. When was it you actually decide you better make a note of it either mentally or otherwise? A. When I spoke - well I started thinking about it and trying to remember the dates when I was spoken to by the Police the first time, in the first interview.

Q. The first time? A. Yes.

Q. But this occurred after that, didn't it? A. I said I was trying to remember dates and trying to remember what's going on during the first time - as I said in my first statement, I can't remember the dates of when I was told, when I - when exact dates of when I had the conversation.

Q. Yes but wait a minute. Didn't this - did this occur before or after you made the - your first statement to the Police? A. Which conversation?

Q. The conversation you say occurred at the Taxi Club? A. That happened after I'd spoken to the Police.

Q. Well - so when you spoke to the Police, you were already on - I'm sorry I withdraw that. After you'd spoken to the Police the

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first time you were already on notice as to the importance or the relevance of the dates, weren't you? A. Yes.

Q. Well then why--? A. But it still hadn't - I still couldn't remember the dates, the exact dates. It just wasn't clear(?) at the time.

Q. Well forget about the exact dates. How about within say a fortnight? A. Yes.

Q. Well righto then, tell us? A. What's the question?

Q. Well within about a fortnight - with a degree of accuracy of say a fortnight, when did this conversation, you say, occurred at the Taxi Club? A. Been say March, April I think.

Q. March, April, we're now into two months? A. Well as I said that's all I can remember the exact dates. I was using - I've used heroin at the time and been on methadone.

Q. What year was this? A. What year was this?

Q. When the--? A. When I had the last conversation?

Q. --conversation, you say, yes the--? A. 1990.

Q. Well March or April's - we're only in July now. April is only three months ago, isn't it? A. I thought you were talking about last year. It would have been at the beginning of the year then I suppose.

Q. Right, the conversation now, you say, would have been the beginning of the year? A. I'm not sure of which conversations you're talking about.

Q. No. We've been talking about the one and you know it, sir, the conversation at the Taxi Club? A. As I say again, I can't remember the exact dates or even the exact months it was in. I'm just telling you that is the conversation that I had with him.

Q. Sir, you can't remember even the month because it didn't happen. Isn't that right? A. No it's not right.

Q. Well you've told us you can't remember the month. ^{about} What/the night of the week? A. I think it was a Friday night.

Q. You don't know that do you?

BENCH: He said 'I think it was a Friday night'.

EGAN: Q. Yes you think? A. Yep.

Q. Do you know--? A. Fairly sure because the place was fairly packed so it was probably a Friday night.

Q. Probably a Friday night? A. A Friday or a Saturday night. You said you didn't want two weeks, there's two days.

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- Q. Friday or Saturday night. Pardon? A. That's two days, either Friday or Saturday night.
- Q. Saturday night? A. Friday or a Saturday night, yes. Well it's fairly packed the place at that time so it must have been a Friday or a Saturday night.
- Q. Must have been. You don't know, do you? A. I don't know the exact day, no. It was Friday or Saturday.
- Q. You've said that you were using heroin and you were using methadone, is that right? A. I was using heroin and have been getting into a methadone programme, yes, which I'm now on.
- Q. So were you using heroin and methadone together? A. No.
- Q. When did you go on to methadone? A. I've only been on it a little while. I've only been on it a few months.
- Q. Pardon? A. I've only been on it a few months.
- Q. That's five isn't it? Five's normally a few. What do you mean by a few? A. A few months, three.
- Q. Three? A. Say two or three months.
- Q. So were you using heroin, you say, at the time of this conversation? A. Um.
- Q. And how much were you using, what kind of scale(?)? A. Well I hadn't had anything of the conversation yet because he was going to shout the shot and as we were going down to the Cross we had the conversation.
- Q. Yes but how much - on a daily rate - how much were you using at that time? A. Say fifty dollars one day and maybe a hundred the next if I'm lucky. It all depends.
- Q. So what were you using a week on the average? A. Well one shot a day, fifty dollars a day - say two hundred and fifty.
- Q. Maybe three hundred and week? A. Yes.
- Q. And what were you using a half gram a day--? A. They'd be around--
- Q. --a half a gram a day or something? A. No half a gram a day is a hundred and fifty dollars a day.
- Q. And you had a habit? A. Yes at that time.
- Q. That's why you went onto methadone I suppose? A. That's right.
- Q. And you hadn't had a shot that day, is that right? A. I think I'd had a shot that night.

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Q. After this or before? A. No before.

Q. I thought you just told us you hadn't used that day because you're on the way to score? A. No, that night, this night I'm talking about. We were about to go so at the beginning of that day it would have been - actually with the hours I was keeping I hadn't been to sleep that night and I was around town at about three o'clock in the morning the previous day so that was the last time I'd had a shot so I still hadn't actually had a shot that day.

Q. And you had, what you had one after this conversation, you say? A. After--

Q. This is the Taxi Club conversation? A. Yes after that.

Q. So you were hanging out at the time you had this - you say you had this conversation? A. Not hanging out badly but yes a bit.

Q. And when you left - this Taxi Club does it stay open day and night, does it? A. Yes it stays - no it stays open till 6 am. It's one of the latest places in Sydney. It stays right open till 6 am.

Q. What time did you leave the establishment? A. Well I went back to there later on that night and I might have been there right through till say five thirty but I went back that night.

Q. Well what time - I'm sorry what time did this conversation occur? A. Around ten thirty, eleven o'clock.

Q. You don't know? A. Around ten thirty or eleven o'clock.

Q. This Yankee John, just as a matter of interest, what was he wearing? A. What was he wearing, when, on the night?

Q. Yes? A. I think he was wearing jeans but I remember he was wearing a leather jacket because I remarked on it and I said I liked it. It was a nice leather jacket that he was wearing.

Q. Often wears a leather jacket? A. Yes.

Q. He often wears--? A. That's why I remember.

Q. If we can go back - how long have you known John Hughes for? A. Three, four years, four years at least.

Q. And in what capacity did you know him? A. As - in the beginning as my drug dealer and the reason I stuck with him is he became a friend and quite often he'd give me credit when I was hanging out like when I didn't have the money and have to pay him back later so as a friend and as a drug dealer.

Q. And indeed, so you say you were on amicable terms with him, friendly terms? A. Yes.

Q. And that's why you stood over him, you say, on one or two occasions? A. Stood over him?

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Q. You didn't? A. Stand over as in quite often when you'd - when I was go up there and I still owed John money and I'd go up and I'd ask for credit and he'd get - he'd get angry about it and he'd say he wouldn't want to give me credit. You'd only have to raise your voice. You'd only have to get the shits a bit and John would just say 'Look..' - he'd just throw it at you or you'd just either take it off the desk and he'd say 'Well pay next time otherwise you don't get anything' but I mean he was - in the end he'd always give it to you. You didn't have to get, you know, violent with him or anything like that at all. John was just a, you know, a very friendly(?) sort of guy so you didn't have to get very rough with him.

Q. And that's why in your paragraph it says 'I..' - in your statement, paragraph 15 'I myself stood over John on two occasions'? A. Yes stood over as in--

Q. Why did you use the term 'stood over'? A. Stood over as - is - that is exactly how I said it. Stood over as in 'Look John I really need it and that' and then I mean to raise your voice when you're having an argument with somebody. You don't just tinker around. I mean I got angry and he's saying 'Look there's need to get the shits about it. Don't get aggro with me' but he'd - in the end he'd always give it to you. I never had to get--

Q. You see 'stood over' normally means somebody using force or threats of violence, doesn't it? A. Well it normally - I don't know exactly what it normally means. I'm just telling you that's what--

Q. Well you understand that to be the meaning, don't you? A. No I don't understand that to be the meaning. I understand what the meaning is what I've said here and what I just repeated to you.

Q. So when you talk to people standing over people, what you understand to be they simply raise their voice? A. Raise their voice and you know what I mean, like--

Q. I don't know? A. --when you get aggravated, you start screaming and shouting.

Q. Screaming and shouting, we're going a bit further than just raising the voice, aren't we? A. Yeah but no violence.

Q. Ever use a knife with him? A. No.

Q. Put a knife to his throat? A. Absolutely not.

Q. You've heard allegations being made that you've done that? A. Yes.

Q. Where did you hear those allegations? A. Off the detectives.

Q. Off the detectives? A. Yes.

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Q. And how did that come up with the detectives that other people have made allegations? A. I don't know. They just asked me that. They'd asked me had that occurred.

Q. When did they ask you that? A. I think during just my last conversation - no my second conversation with Detective Plotecki and I think just again recently. I'm not sure.

Q. Where again recently? A. Just in a discussion - not as actually in a statement, just a discussion.

Q. Where was that? A. At the Police station, yes.

Q. What did you discuss at the Police station in relation to this matter? A. We hadn't actually discussed this matter. They just asked me had - this was something separate - they asked had I ever done that and they said it had been said to them by somebody.

Q. And did they tell you who had said it? A. No I don't think so, no.

Q. Mention a name Scobie? A. Yes they've mentioned the name Scobie.

Q. In relation to who had said it? A. No I don't think so.

Q. What did they - did they discuss other witnesses with you, did they? A. No.

Q. Why did they - when did they mention Scobie to you? A. When they showed me photos of people I had to pick and I said that - I pointed out to one of the people I knew and they said 'Yes that's Darren Scoett(?), Darren Scobie or Craig Scobie' whatever his name is. I just know him as Scobie but I said that I knew him and they just said his name.

Q. So were you told, for instance, what other witnesses had said? A. No not at all.

Q. Were you told what the defendant had said? A. In?

Q. In relation to this matter? A. No no not at all.

Q. Not at all? A. No.

Q. But you were told about threats being made?

OBJECTION

BENCH: He might be going to rephrase it.

EGAN:L Q. But you were told that you had made threats, is that right, to the deceased? A. I was asked had I.

Q. You were a suspect in this, weren't you? A. At the beginning, yes, I think so. I don't know. It wasn't actually said to me.

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Q. It wasn't said to you? A. No.

Q. Were you ever cautioned and told you didn't have to speak to them? A. Yes.

Q. Because? A. Sorry?

Q. Because - why did they say you - you were cautioned. What were you cautioned about? A. They said 'You don't have to..' - I think actually it was at the statement and they said 'Just make your statement' and I didn't have to - no threats are being held out to me or no blah blah and just that I make my statement which I did.

Q. One of these statements you've got in front of you? A. Yes one of those.

Q. One of those? A. Perhaps all of them. I--

Q. Pardon? A. Yes, yes.

Q. Now this Mr Hughes, you say he was supplying drugs? A. Yes.

Q. He was also an active homosexual, is that the case?
A. Yes.

Q. He had many partners, is that the situation? A. Yes I believe so.

Q. And they were apart from his drug customers, is that right?
A. No. No they - some of them were customers like [151] had boughten of him a number of times, [151] (?) had boughten off him a number of times but also [151] would give him sexual favours too.

Q. Pardon? A. [151] would do - give him sexual favours for--

Q. What sort of sexual favours? A. Well to - well I don't know. I wasn't there when they--

Q. How do you know? A. Well they had sex on numerous times because of [151] telling me, because of John telling me and--

Q. Had told you--? A. --John telling that he's in love with [151].

Q. Now you referred to a number of partners? A. Yes.

q. But was he supplying drugs to other persons other than his partners? A. Yes people who would come in and buy off him - being just, I don't know, clients so to speak or buyers.

Q. How often did that occur? A. At least once a day.

Q. At least once a day? A. At least. Several times a day.

Q. Several times a day? A. Um--.

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Q. And how many - and how did these people gain access to the building? A. They'd either ring or they'd use the buzzer, the intercom downstairs.

Q. Did they have keys? A. No.

Q. Aaron Hill had keys didn't he? A. I don't know. I don't think so. I don't know. If he did--

Q. Anybody else have a key? A. --he didn't tell me about it. No not that I know of.

Q. [151] have a key? A. I don't know but [151] lived there. Apparently it was hard to get the front door key duplicated because, you know, it had to be done through John or something like that. It was hard to do anyway because the guy downstairs wouldn't just duplicate them and it had it written on the key not to duplicate it I think.

Q. Now you refer to attending at Scobie's address and witnessing drug deals, is that the case? A. Yes, yes.

Q. Where did Scobie live? A. In Redfern.

Q. Where in Redfern? A. It was a back lane with no street signs because they were all ripped down and it was a back lane. It was like townhouses, they were all stuck together as in side by side and he'd walk in, Scobie would come out to the car and quite often this would be because I would drive John there in the car that I had at the time or we'd go there in a cab and then he'd come back with us.

Q. How many times would you say the defendant was present at that time, during those deals? A. Sometimes he'd just be - he'd be there at the house still waiting but most of the times when I went out there with John, I'd go out by myself with - I mean with John.

Q. Well how many times do you say the defendant Jones was there? A. He was there at the house when the three - when Scobie was there, numerous occasions.

Q. How many is numerous? A. Six, five or six times, perhaps more.

Q. What period of time was this - over what period of time?

A. Well this was well before I'd gone to Brisbane so by the time I went to Brisbane it was before that, a couple of months before that and then John, because of so many people knowing where it was, that was when John was mentioning to me about moving it because of, you know, so many people knowing that - where the dope was kept.

Q. We're talking about Scobie's? A. Yeah.

Q. When was it you saw--? A. He was there--

Q. --the defendant at Scobie's? A. A few months--

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- Q. Over what period of time? A. --before I left to go to Brisbane.
- Q. How many months? A. A few months before I'd left to go to Brisbane.
- Q. Well what's 'a few'? A. Two or three months before I went to Brisbane.
- Q. When did you go to Brisbane? A. I don't know the exact date. The Police have it down.
- Q. What about the month? A. I think March.
- Q. You don't know? A. I'm not a hundred percent sure, no.
- Q. What about the year? A. Well I know the year I went.
- Q. Well what year was it? A. Last year.
- Q. Eighty nine? A. Yeah.
- Q. Now during this time - if I can pin down the period for you - February through or prior to February 1989, how much were you using? A. As I said sometimes fifty, sometimes a hundred a day. It all depends what you - what I could get.
- Q. Were you working during this period? A. Yes.
- Q. What as? A. Sometimes I was working with my father as an offsider. He works for Bitupave(?) and sometimes which I've been charged with a few times, prostitution at the wall(?) of Kings Cross.
- Q. How often would you work with your father? A. Once or twice a week.
- Q. And how often were you working at the wall? A. Well as often as I could get down there; at least a couple of nights a week, three or four nights a week.
- Q. And how much money were you making out of working on the wall? A. Well you'd get at least if you worked there I know you'd get at least a hundred dollars at least, a hundred and fifty dollars.
- Q. And was that on a weekly basis? A. No that's per night.
- Q. No no I'm sorry, were you working in the wall on a weekly basis? A. Yeah, well sometimes I'd work there and sometimes I wouldn't work for a week or so but whenever I could down there I'd work a couple of nights.
- Q. So you're saying you're bringing in around about three to six hundred dollars a week from working there? A. Yeah.
- Q. How did you run up one thousand two hundred dollars credit to Hughes? A. Because of getting dope off him constantly - when I

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was living with my girlfriend 152 at that time her and I - like I was getting it for the both of us so I had to keep her habit going as well.

Q. So what other activities were you then doing to supplement your income? A. Those were the things I was doing.

Q. No breaks? A. No.

Q. No stealings? A. Never been charged with a stealing or a break and enter.

Q. I'm not saying you've been charged. Were you doing any--?
A. Well no, not at all.

Q. Were you supplying a bit on the side? A. No.

Q. Never supplied, never supplied with Hughes?

BENCH: Q. You don't have to answer that question if you don't wish to.

WITNESS: A. No.

EGAN: Q. Never supplied with Scobie? A. No.

BENCH: Q. The same thing applies, Mr Locke. Any question that you consider might tend to incriminate you in any offence, you don't have to answer it.

EGAN: Q. Well were you supplying with Scobie? A. No I don't wish to answer.

Q. You don't wish to answer that question? A. No.

Q. What were you doing going around to Scobie's address with Hughes? A. John would be going around there to pick up his drugs.

Q. Yeah what were you doing though? A. I don't know. John just asked me to come along.

Q. Why? A. As I've said in my statements before, John fancied me so he'd get me to come along with him everywhere if he could.

Q. Such as 'round to Scobie's? A. Yes.

Q. At the time you first spoke to Police, the Police, on 13 September, how did that conversation come about? A. I was in custody at the time due to some warrants and the Police - I don't know - the detectives must have found out that I was in custody and I was asked up from the cells. I was - a Police officer come and got me and then took me up and Detective Plotecki was waiting for me and then took me up to the room and questioned me there.

Q. And he took a record of interview from you, did he?
A. That's right.

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Q. Questions and answers, is that right? A. Like it's written down here.

Q. This statement here or another one? A. I think it's this statement here, this first one.

Q. You don't know? A. Well this is the first statement. This must - yes this must be it. This is the first statement I made.

Q. Well you say he cautioned you and told you you didn't have to answer any questions but where's that appear in this statement?

A. That's what he'd said to me before I made the statement.

Q. Now why did you make the statement? A. Because I was asked what I knew about it.

Q. At the time were you - did you have an outstanding warrant for abduction? A. Yes. Actually I was in the cells then - it was to do with that as the matter I told you about, the warrants on me.

Q. What were those warrants you were in the cells in relation to?
A. My - 152 (?), that my girlfriend, the girl I lived with.

Q. Were you being held in relation to any other warrants?

A. I think a number of fines.

Q. What was the biggest of those? A. I think five hundred dollars, four hundred dollars.

Q. Did you do those fines, did you cut those fines out or did you have them paid? A. I had those - I cut those fines out by being in gaol.

Q. At the Police Centre? A. By staying at the Police Centre, yes.

Q. So you didn't go to the gaol? A. No.

Q. How many days did you spend at the Police Centre? A. I think seven or eight days. I think eight days 'cause it's fifty dollars a day.

Q. But you don't remember how many days it was but you can work it out, is that the case? A. Yes.

Q. Any reason why you can't remember the number of days?

A. Yes 'cause at the time I wasn't getting my methadone and they wouldn't bring it to me, the clinic I was at.

Q. So in short, your memory has been affected to a great or lesser degree by your drug usage, is that right? A. By my - not getting the methadone at that time, yes.

Q. Now did you get bail in relation to that warrant? A. Yes.

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Q. And did you discuss that warrant - that being the abduction - with Detective Plotecki? A. In a small way, yes. We talked about it briefly.

Q. You made your second statement in May of this year, is that right? A. Yes.

Q. But you say the statement occurred perhaps in January, perhaps in March - I'm sorry, the conversation occurred perhaps in January, perhaps in March, perhaps in April, is that right?
A. Which conversation are we--?

Q. That being the conversation at the Taxi Club? A. Yes.

OBJECTION NOT THE EVIDENCE LEGAL ARGUMENT

WITNESS: As I said I can't remember the exact dates it was.

QUESTION ALLOWED

EGAN: Q. So this conversation you say may have occurred in January, March or April of 1990 - that being the conversation at the Taxi Club, is that right? A. Yes.

Q. But you didn't tell the Police anything about it till 28 May 1990, why is that? A. I'm sorry?

Q. You didn't tell the Police anything about that conversation till 28 May 1990. Why is that? A. Because at the time, I had warrants on me and I didn't want to go walking back into the Police station.

Q. Why didn't you want to go back to the Police station?
A. And also I think I knew at that time that Jones was in and that if I'd - if I had had to do warrants, that he might try and get at me in gaol.

Q. But why or why then did you make the statement 28 May 1990?
A. Because it was asked of me when I was there at the Police station. When I was arrested the next time or when I was actually at the Police station and it was asked of me what else had happened, 'Had I seen Jones?'--

Q. What were you arrested--? A. --and then I told them what's written down there.

Q. What were you arrested on? A. A ninety dollar fine for - I don't know, it was a ninety dollar outstanding fine that hadn't been paid.

Q. Two days? A. That's right.

Q. You could have got the money off your father? A. That was the last time I was in there - yes but I've asked my father too many times and besides it was only a day and a half and I thought I might as well do that rather than asking somebody for money again.

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Q. So why did you tell the Police then about this conversation with Jones? A. Why? Because I was asked to if I'd seen Jones again and what conversation had gone on and this is the conversation and that's what I told them.

Q. So you were motivated by some feeling of duty were you?
A. If you like. I don't know - that's - I just told them because I was asked.

Q. Well if you heard this conversation why, once again, didn't you tell the Police when it occurred? A. Well I should have but - and I regret not doing so - but--

Q. Why didn't you? A. Because I was scared of going to gaol at the time myself.

Q. About what? A. Because I had warrants on me - outstanding fines.

Q. What warrants? A. Outstanding fines. I wasn't worried about any other case. About outstanding fines and if I went there I'd have to have gone to the gaol and do them--

Q. What was, what was the biggest--? A. --on a day by day basis.

Q. What was the biggest of those fines? A. I think altogether there was eleven hundred dollars or something.

Q. How much? A. I think there was eleven hundred dollars altogether. I don't know the largest one.

Q. What was the - you don't know? A. I can't remember the largest one, no.

Q. But the last time, of course, you had fines you cut them out at the Police Centre, didn't you? A. That's right because that was a day and a half. You can't stay there too long. I mean after - a day and a half, a couple of days but they don't like keeping you there much longer than that and after that you have to go to the Bay.

Q. Well what was the biggest of the fines? A. I don't know. I think it was five hundred dollars.

Q. The last time you had a five hundred fine, you cut it out at the Police Centre? A. No I think I went to the - as I said the Police Centre was the two days that I did.

Q. No you told us you were there for eight days? A. Yeah and - that's right and they wouldn't get my done to me and I was trying to get out to Long Bay at the time and couldn't get out there 'cause they wouldn't bring my methadone out to me. After that, any time I put in to go to Long Bay straight away because of me being at a private clinic they won't bring the methadone to me so it's either be there and not get anything or go to Long Bay to be able to get the methadone.

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Q. So your reason for not making a statement to the Police isn't you were frightened of Jones, it was you wouldn't get your methadone in custody if you stayed at the Police Centre, is that the case? A. Yes.

Q. So it's nothing to do with being frightened of Jones, that right? A. Also I was frightened of Jones, yes.

Q. You indicate that the defendant resided at the deceased's premises? A. Yes.

Q. In August and October of 1988, is that the case? A. Yes around then. As I said to them I wasn't sure of the exact dates.

Q. Well what made you think of August and October? A. Because I - that's as close as I could come. I think that's right.

Q. Well when you say he resided there, what made you think he resided there? A. Well not actually staying there all the time. I mean he was - some nights he would stay over and apparently John had asked him - John had told me that he was getting Jonesy to stay there because of worrying about being robbed all the time and he had been robbed a few times by people he didn't know but these strangers had come in, knocked on the door and who'd robbed him and so he was going to get Jones to come in and mind him so Jones would answer the door. He was going to get Jonesy to come in and keep an eye on him so that he didn't get robbed.

Q. And this is in - this was in October and August of 1988, is that the case? A. Yes. It was towards the end - the beginning of 1989, towards the end of 1988, beginning of 1989 he went in there. He moved in for a few weeks.

Q. Well that's - for a few weeks? A. Yes.

Q. Well see the period you've given is four months, October, November, December--? A. Yes as I said he stayed there--

Q. --January? A. --for the two weeks. As he stayed there for the two weeks but when I said that he wasn't living there full time is when - that was over those couple of months when it was just off and on he'd stay there a night or two, then sometimes he wouldn't be there when I'd go over there but quite often he was. More than most people were there besides John he was there more than most.

Q. Now you say during this period or prior to this period, he had been robbed by people, is that the case? A. Yes.

Q. What do you mean by robbed? A. They'd knock on the door and they would rob him, like hold a knife or grab him or something and take - and get him to tell them where the dope was. This is what he'd said to me and also his other flatmate who he'd lived downstairs with, who he sometimes said that he left the dope with, he'd been robbed also.

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Q. So putting it simply, to your knowledge he'd been subject to repeated acts of violence prior to January of 1989? A. Yes.

Q. At knife point? A. Yes he told me so.

Q. Not - presumably as you understand motivated by drugs, the needs of that person to obtain drugs? A. Yes.

Q. They not being the defendant? A. No he didn't say it was Jonesy that time, no.

Q. So, in short, other people were getting access to the premises and using or threatening the deceased with knives, is that the case? A. Yes that's what John had told me.

Q. Irrespective of all the security devices? A. Yes that's what John said to me, yes.

SHORT DISCUSSION RE FURTHER WITNESSES TO BE CALLED

SHORT ADJOURNMENT

WITNESS STOOD DOWN

MARK PHILLIP LOCKE
on former oath

EGAN: Q. Mr Locke, you've referred to warrants and you referred to a matter which you were on remand for - I'm sorry, which was - had been adjourned, that being the abduction matter, right?

A. Yes.

Q. The abduction matter, I understand, is still before the Court, is that the case? A. I don't know. I don't think so. I think because of the people not turning up, the Milsons not turning up several times, I think that they've just called a no bill.

Q. Well you don't know if it's been no billed or not yet?

A. I'm fairly sure but no I'm not a hundred percent sure, no.

Q. Now you also referred to other matters which are by way of conviction, you have warrants. Is that right? A. For the ones that I'd gone to gaol for, yes, they were warrants, fines.

Q. You said you went to gaol. What do you mean by going to gaol?

A. Going to Long Bay gaol to do like a few days, you know, for fifty dollars a day.

Q. How often have you been to Long Bay gaol? A. Three times I think.

Q. And where did you go inside the gaol when you were cutting out the fines, what part of the gaol? A. I went to a few parts of the gaol. I went to the CIP, then to the--

Q. Did you go to the MRP? A. No the - no I'd say minimum security part of the gaol.

Q. MTC? A. MTC and then I went back to the CIP.

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Q. So at all times whilst cutting out fines you've been either at the maximum security or the Metropolitan Training Centre, the MTC, is that right? A. Yes, yes.

Q. Never at the Remand Centre? A. No I don't think so, no not on the fines.

Q. And indeed, you're aware, of course, if you go into gaol you can go on protection, is that right? A. Yes.

Q. You had no fears of running into Mr Jones if you went into custody, did you? A. I went on protection the last time I was in gaol.

Q. Yes but you had no real fears of running into him, did you? A. Yes I think that I could have either run into him or his friends, anybody he knew so that's why I went into protection on the last two times.

Q. That's right, well you knew you could go into protection? A. Yes the last two times I went in.

Q. And if you knew you were on protection, you'd be segregated most certainly from Mr Jones. Isn't that the case? A. From him, yes.

Q. Yes--? A. Unless he went into protection.

Q. So you knew that you didn't have anything to fear from Mr Jones by making a statement to the Police. Isn't that right? A. No I've seen several times people getting bashed who are in protection. Still in with two hundred prisoners just in a normal part of the, you know, set section of the gaol but unless you're on strict protection--

Q. That's right, you can go on strict protection, can't you? A. Yes I think you can on strict protection if you ask or I think there's got to be a very good reason.

Q. Yes but strict protection fundamentally keeps you in a cell twenty hours a day? A. Yes segregated from the other prisoners.

Q. Segregated, but you were only cutting out warrants. You were only in there for a matter of days, weren't you? A. Yes.

Q. You could have quite happily and you knew it, gone on strict protection? A. Yes. Well I don't know if I'd have been able to just do it by asking but yes if I had to of I would have certainly asked.

Q. So on strict protection you're most certainly segregated from anybody else in the gaol. Isn't that right? You're locked in your cell except for around about two to four hours a day? A. Yes I've never actually been in strict protection but I assume that's the way it goes.

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Q. So this business about you being frightened of Mr Jones is just rubbish, isn't it? A. No not at all.

Q. You've indicated - and I know you've explained it - but you referred to some time in - towards the end of 1988, the defendant was residing with Hughes and we've gone through that about what you constitute as residing? A. Yes.

Q. Now indeed, in paragraph 7 though of your statement of 28 May you refer to the first time Jones moved from John's, is that right? A. Is this in the second statement?

Q. This is paragraph 7, the second statement, last two lines?
A. Right, 'The first time Jones moved from John's', yes.

Q. Well see once again as of the twenty-eighth, you're trying to indicate to the Police, aren't you, that the defendant was actually resident there, not just a casual visitor but actually resident there? A. Well he was supposed to - he was supposed to be staying there to protect him but off and on like some nights when I'd go over there he wasn't there so I'd assume he wasn't staying there all the time but John told me he was going to stay there and be living there.

Q. Well see so much of your evidence comes from what you've been told by other persons other than the defendant. Isn't that the case? A. Yes.

Q. A lot of your evidence is fundamentally what also could be said to be rumour around the Cross. Isn't that right?
A. Except where I've been told directly by - from Ian Stuart Jones, no.

Q. Yes so if we accept a lot of your evidence as (a) what you've been told by other persons and a lot of your evidence is what could be constituted as rumour and you would then say in addition to that what you've been told by the defendant. Is that right?
A. Yes.

Q. And that's fundamentally your evidence, isn't it, apart from the occasional observation you make yourself? A. It's from - apart from the things that I have - that's been told to me by Jones, yes.

Q. So I put to you what you've fundamentally done - you haven't been told much by Jones at all. What you've done is you've attributed rumour and hearsay to the defendant, haven't you?
A. No I've stated exactly what's been said to me from Jones here.

Q. In this second statement - you've got it open in front of you, haven't you? A. Yes.

Q. Well your second statement just doesn't limit itself, does it, to what occurred in the early weeks or months of this year, does it, it goes back over 1989, is that right? A. Yes the end of 1989, the beginning of 1990, yes.

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Q. Now tell me - and then it goes right back to the beginning of '89, doesn't it? If I can assist you there; paragraph 6, page 2?
A. Yes.

Q. I've referred to Jones having lived with Hughes between October '88 and January '89? A. Yes I think it was - as I said in this statement, I'm not - at the beginning I'm not sure of the exact dates--

Q. No I'm not asking--? A. --but I think it was the beginning of '89.

Q. I'm not asking you that. 'I now recall between February '89 and March '89 Jones moved in' and so on you go. Now tell me, that was the subject - that time was the subject of your first statement, wasn't it? A. Yes.

Q. Now what's this business about 'I now recall'? A. Because at the time when the Police had first bought me up, on my first statement when I was very uncooperative and that because I was hanging out--

Q. I'm sorry? A. I was very uncooperative because I was hanging out. I just didn't feel like sitting down in the one spot and be giving an interview. I'd said that a few times to Detective Plotecki that I was hanging out, but I just had to make the statement to the best I could. That's why in my next statement here I could clarify things more because I was more - I was just in a better state of mind.

Q. But didn't you tell us that one of the reasons why you didn't want to go into custody was because you wouldn't be getting your methadone. That's in relation to the second statement?

A. Yeah I never found that out till the second time going in. I mean the first time going in, then on the second time doing cutting out warrants I was worried about not getting my methadone again, like what had happened the first time. It had been a number of days till I could get it.

Q. So we go on then, paragraph 7, 'I recall now', is that right?
A. 'I recall now that--

Q. Yes and that's an addition. This is an addition to your statement, isn't it, of the--? A. Yes.

Q. Why didn't you tell the Police that on the prior occasion?

A. Because as I said I was hanging out and I couldn't remember it. I just didn't think of it at the time.

Q. What, the Police interviewed you - and when you were hanging out, what do you mean by 'hanging out'? A. I was very sick. I was going through withdrawals.

Q. How - and what when you go through withdrawals, what happens to you? A. I become very sick. I vomit.

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Q. What else? A. Sweat.

Q. Cramps? A. Cramps, yes.

Q. Nose runs? A. And nose runs and that, just the - I mean, and all the things you go through when you withdraw from heroin.

Q. Put your head down, you shake a bit? A. Yes.

Q. And that all was going on while the Police were interviewing you, is that the case? A. I was very sick, fairly sick, yes.

Q. That was happening whilst the Police were interviewing you, is that the situation? A. Yes.

Q. And the Police continue to interview you despite the fact you were shaking, having cramps and you were vomiting? A. Yes.

Q. The Police don't do that, do they? A. Well he called the doctor a few times and he said 'That's the best we can do. We can't go giving you any drugs mate' he said 'We're the Police'.

Q. 'We're the Police'? A. That's right. So they couldn't do anything about it except to call the doctor.

Q. Now look, you indicated in your first statement there was some reference that you claimed the defendant made to you about stealing property and this is a conversation you say the defendant had. This is back to your first statement and the defendant wanting to know what John was going to do about the property. Is that right? A. Yes.

Q. I put to you that conversation didn't occur, that right?
A. No that conversation did occur.

Q. No well just so we're - I'll put to you it didn't. Now in relation to that, you say that the defendant was hostile, is that right? A. Yeah he was angry at the time, yes.

Q. Yes and was - and made some reference about a threat to the deceased? A. That's right.

Q. Now when did that conversation occur? A. It - the second time the - when he first moved into John's and after he'd moved away, after he disappeared--

Q. Well what month--? A. --for some time so this was between the next time - the time of him - just before him moving back in with John when a cooling off period happened.

Q. What month? A. I don't know. It should have it written down here what I remember the month--

Q. No well just forget about that for the time. What month?

A. Well as I said it was during - before the time that he moved in on the second time.

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Q. Well what month though? I'm just asking for a month?

A. February.

Q. Good as any, isn't it? Now when did--

OBJECTION COMMENT NOT PRESSED

Q. When did the - when do you say the defendant moved in, as you say, for the second time? A. There was at least a month or two cooling off period when they got back together. I wasn't there during the conversation, getting back together but then I could see them back together and John told me he'd fixed everything back up so then Jonesy had moved back in with John.

Q. When? A. A few months after that.

Q. A few months? See if we take a few months, even on your version of a few, we're looking at May--? A. A month and a half.

Q. --1989, aren't we? A. No looking around April.

Q. April? A. Yes.

Q. See you use dates and times very loosely don't you? A. Yes I do 'cause I can't remember the exact dates.

Q. And you use your recollection fairly loosely, don't you?

A. On certain things. There's some things you don't forget.

Q. Yes on certain things, you agree, you use your recollection loosely? A. Yes.

Q. At about this period January, February, March of 1989?

A. Yes.

Q. You were getting drugs from Hughes, is that right?

A. Yes.

Q. Your relationship with Hughes wasn't exactly cordial, was it, friendly? A. Yes I think it was.

Q. On one occasion you were approached by the defendant in the street, weren't you? A. Yes.

Q. And, indeed, you were dealt with fairly harshly, weren't you?

A. Yes.

Q. Because you had been standing over the deceased. Wasn't that the nature of it? A. No that's not what he'd said to me. He'd walked by the first time and then 151 had pointed back to me and said something which I don't know what he said and then Jonesy had come back and got me.

Q. Yes because of the - your conduct with the deceased. Isn't that right? A. No that's not what was said to me. Nothing was said to me. I was just - got it there. He just started bashing

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into me on the street there.

Q. Didn't he state to you that you were to leave the deceased alone because he didn't need the way you were going on or words to that effect? A. No.

Q. See, you were into Hughes. When I mean that, I mean creditwise for a lot more than one thousand two hundred dollars, weren't you? A. No about twelve hundred dollars and I'd worked it down to about eight hundred. I'd been giving John fifty dollars extra every time I went there. As I said he'd looked after me a number of times when I was hanging out so that's what I mean, I was pretty friendly with him.

Q. Well you say you were a good customer and he let you have money on credit, is that right? A. He let me have heroin on credit.

Q. Heroin on credit, I'm sorry, because you were such a good customer but you ran up--? A. Because I'd--

Q. --one thousand two hundred dollars worth of credit on your estimate, is that right? A. Yes.

Q. Not a real good customer, were you? A. After - well I'd spent a great deal more than that before that with him.

Q. How much do you say - a great deal more than that - how much were you spending? A. Well for over - going to him for a number of years.

Q. A number of years--? A. I have no idea but I'd spent a lot more than twelve hundred dollars between myself and my girlfriend.

Q. How many years were you going to him for? A. As I said from the time I've known him so about three, four years.

Q. So you've had a heroin problem for how long or had you had one for how long? A. About three or four years.

Q. So he was your first supplier, was he? A. He was - yes, yes he was--

Q. He was your only supplier, is that what you're saying? A. No he wasn't my only one but he was the best one to go to because he'd look after me and he was a friend rather than--

Q. Well you'd stand over--? A. ---just being a dealer.

OBJECTION WITNESS NOT ALLOWED TO FINISH ANSWER

Q. Do you want to say anything more? A. No--.

Q. No I'd put it you kept on going because you'd stand over him? A. No.

Q. He was only a little bloke? A. Well even if I was standing

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him he wouldn't let me back in. I wouldn't have been able to get in the building. I'd buzz. Every - a lot of people saw me do that. I'd go up there and talk to him. I'd bring a friend or two up there who John knew who would work up in the park. As I said John was an active homosexual. He knew a lot of the young guys who were coming up with me and because I'd introduce him to young guys, he liked keeping me around because that's how he'd get to meet a lot of the young ones.

Q. Sir, can we just be satisfied of one thing. In your own statement you said you stood over him twice. If we just be satisfied with that, can't we? A. As in we had arguments over it, yes.

Q. Now you say you went to Brisbane. When did you go to Brisbane? A. As I said to the Police, I can't remember the exact dates which they told me.

Q. Well give us the month? A. They've got it down there.

Q. Give us a month? A. March.

Q. When in March? A. Sorry, the - or the beginning.

Q. When in March? A. The beginning.

Q. Where did you go in Brisbane? A. I went to Spring Hill--

Q. Where is--? A. --in Brisbane, I went straight to the - on the very first day of getting there I went to the methadone - no I arrived at Surfers Paradise first and went to a clinic there which they told me it was - they were too full. On that same day, that night, I caught a bus to Brisbane where they told me I'd be able to go on the programme and the next morning - that night I spent in a Salvation Army hostel--

Q. Where at? A. At - what's it called? - The Valley, and then I'd gone to the Clinic 1 in South Brisbane - no Clinic 2 in Chinatown. It's down in The Valley and then I was put onto Clinic 1 which is in South Brisbane on the other side of the bridge and I was - I stayed - they put me on methadone on the first day on 20 mils and then risen(?) 10 mils a day.

Q. Under what name? A. Under Locke, Locke. I think I was under Locke.

Q. Why weren't you going under your proper name? A. Because I had warrants on me at the time.

Q. And what Christian names did you use? A. The same, Mark.

Q. Did you give a date of birth? A. Yes I think so.

Q. Did you identify yourself in any fashion to them? A. Sorry?

Q. Did you identify yourself in any fashion? Did you have to produce any form of identification? A. Yes I think so. I

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think they had to check your Medicare number because of being--

Q. Did you have a Medicare number under Locke, did you?

A. No under Locke I think because it got sorted out in the end that my name was Locke and they - 'cause the lady was telling me there that I wouldn't have to worry about the Police while I was on a programme here and that they don't give the information out which I didn't know, you know, at the time.

Q. Did you have a Medicare number under Locke? A. No under Locke.

Q. Did you have any form of photographic identification?

A. I think I had my bank books with me and some ID.

Q. What do you mean you think? A. I had my bank books and some ID - well it's over a year ago - was some bank books and I think Corrective Services slip - release slip.

Q. Did you have a photo on that Corrective Services card?

A. No they take a photo, no they take a photo with you. No this is a release slip, not the actual card that you take around in gaol.

Q. Where did you stay up there? A. Then I stayed for the longest period, I stayed in St Vincents hostel in South Brisbane and then I stayed at a place called the [REDACTED] - Kangaroo Lodge at The Valley and it was [REDACTED], The Valley,--

Q. How long did--? A. --and I stayed there under my actual name.

Q. How long for? A. Two months at least, two and a half months. Say two months.

Q. When did you return to Sydney? A. June, July I think. I had a card which I showed Police, I think, - the - my return from the De Luxe Bus Company. I think it was around then.

Q. Where did you live on your return to Sydney? A. The beginning of the year. I mean the middle of the year. So--

Q. What do you mean the beginning of the year, what--? A. June, July, June July.

Q. Why did you say in the beginning of the year? A. I said the middle of the year.

Q. No you didn't. You said at the beginning and then you changed it to the middle. Why did you start to say the beginning of the year? A. I don't know. Just a slip of the tongue. As I said--

Q. A slip of the tongue? A. Yeah, the middle of the year. It's got it down.

Q. Now whilst you were in Brisbane how - on what basis did you pick up your methadone? A. Daily from the clinic and then from

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a chemist. After you've been there a number of months you can go then to the chemist and pick it up from the chemist, [redacted] the chemist that's closest to your area.

Q. What clinic did you pick it up from? A. Bass Chemist in George Street.

Q. What chemist - well that's a chemist--? A. That's the chemist, yes.

Q. The same - one and the same are they? A. Sorry?

Q. The clinic, what clinic--? A. No the clinic is on that side of town so you've got Clinic 1, that's on South Brisbane, and then Clinic 2 is in Chinatown and then after you've been there a while you can go to a clinic(as said). I've been in a clinic at Rocklea for a while and then I'd gone out - when I moved - when I stayed in the city at that [redacted], then it was easier to move to a chemist which I did at Bass Chemist in George Street.

Q. Did you have to identify yourself when you picked up your methadone? A. Yeah they've got a photo and everything of you when you go in there each time.

Q. Now you've got prior convictions what for? A. For carnal knowledge and drug offences like self administer and things like that. That's about it.

Q. What else? A. And having pills on me, two(?) serepax.

Q. What sort of drug offences? A. Self administer, using heroin. Not actually selling, just using heroin, self administer and having small quantities of heroin on me, fifty and a hundred dollar deal of heroin. One time a fifty and one time a hundred dollar deal of heroin.

Q. On the return of the defendant to the flat - that being Hughes(as said) - you - we're looking at now 1989. The defendant coexisted happily with Hughes at that flat? Well look Hughes--?
A. Yes.

Q. Yes? A. Yes.

Q. That's right. You didn't perceive any conflict between the two? A. Not at that time, no.

Q. And indeed, the defendant had been stabbed, hadn't he, up the Cross in January, isn't that right? A. That's right.

Q. And he was not in a position to act in any way as protection, was he? A. He seemed quite fit but I was - heard by rumour that he'd been stabbed.

Q. And he'd been hospitalised? A. Yes, yes.

Q. And again, that came by way of rumour? A. Yes.

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Q. The Cross is just rife with rumours, isn't it? A. Well it is, yes.

Q. When the Police first spoke to you, do you know when that was, first spoke to you. Was that on 13 September? A. Yes I think so. The day I was in court that day, on those other matters and then was taken up out of my cell by the Police and then questioned by the detectives and I'm fairly sure 13 September. I know - when my first statement is down here.

Q. Now you refer to the defendant referring to a statement that this [151] had made, is that right? A. I'm sorry, I don't understand the--?

Q. Well did the defendant ever raise any involvement he had with [151]? A. He was - he said he was angry with [151] about going - about him saying something to him - saying something to the Police about him.

Q. When do you say he said that to you? A. Would have been--

Q. When do you say that occurred? A. Ah January I'd say.

Q. January, is that right? A. As I said I can't be sure of the exact dates or the month--

Q. You don't know. Well you see - but you think it was January? A. Yes.

Q. January of 1990? A. Uh huh.

Q. Well have a look at paragraph 8 of your second statement. The page number's 3? A. Yeah well the end of '89.

Q. End of - November of 1989, that right? A. As I said here I think around then, around the end of '89, could have been the beginning of '90. We were over - we were in the Cross there and he'd asked me if I'd seen [151] because of something [151] had said to the Police.

BENCH: Q. Mr Locke, you've got your hand in front of the microphone, just--? A. I'm sorry. Because of something [151] had said to the Police about him and about John's murder.

EGAN: Q. So what do you think he said to you? Don't look at your statement--? A. He said had he - he asked me if I'd seen him and he said 'What that little cunt, no'. He said he told them that he had something to do that(?) Jonesy - he said Jones said to me that he thinks that [151] had said that Jones had something to do with the murder of John.

Q. Well I put to you - see you've given the date November 1989 in your statement. Where did you pull that one from? A. Well it's written down - it's written down here.

Q. I know it's written down there but you're the one that dictated it, aren't you? A. Yes.

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Q. Where did it come from? A. I don't know. Well that's the time that I thought it was - see as I said to the Police, I can't remember the exact - the month it was on but as I said I think that was right. That's what I've written in here.

Q. Well you don't say - you don't say 'I can't remember the date' there? A. It says it right at the beginning of this statement I wasn't sure of the dates.

Q. Right at the beginning - well on the first occasion I saw him in November 1989. What made you think it was November 1989?

A. Because I think that's when it was.

Q. Well today you thought it was January 1990? A. Well towards the end of '89, the beginning of 1990.

Q. See three months doesn't matter much, does it; a month here, a month there? A. Well I don't know whether it matters. I'm just saying I can't remember the exact--

Q. You can't remember the dates. You can't remember the month. Now look I put to you that conversation didn't occur? A. Well it occurred.

Q. I put to you, indeed, you have spoken to the defendant on the street? A. Yes.

Q. I put to you you told the defendant that you'd heard that [151] had made a statement? A. No he said that he'd thought that [151] had made a statement because the Police had questioned him and he'd - and whether the Police had said to him that [151] had said that or not and he came back saying [151] said something to me about the..' - '[151] said something to the Police about me and about John's - about John'.

Q. Well you see you'd been interviewed by the Police--?

A. And then he said he--

Q. --by this stage, hadn't you? A. Sorry?

Q. You had been interviewed by the Police by this stage, hadn't you? A. Yes.

Q. I put to you you were the one who advised the defendant about [151]? A. No well I hadn't said anything to him about it because I didn't want him knowing anything. I just said I'd look out - I just said - he said 'Have you seen [151]?' and I said 'No I haven't seen him'. I had actually seen him that day but I just said 'No'.

Q. Do you know a person Greg West? A. I may.

Q. What do you mean you may? A. That might have been - well I'm trying to remember the name of the guy - the other guy who was living with John whose name I couldn't remember before and that may be his name. I don't know. As I said I can't remember that guy's name - the other person who was living with John. I

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remember 151 and that but I don't remember the name of the other guy and that may have been his name, Greg West. That sounds familiar anyway.

Q. Do you know independent of that a person by the name of Greg West? A. Well from - if that's - well that may be the guy who I'm thinking of. As I said I don't know.

Q. Yes but independent of that - he being the guy--?
A. Well only at John's.

Q. --what you thought may have been living there - do you know of a Greg West at the Cross? A. No, no. As I said I could be mistaken because that could be that guy. I don't know.

Q. Now you claim the defendant asked you to score, is that the case? A. That's right.

Q. And why is that, because you were supplying? A. No he asked me to get on for him. In other words - and it says that in the statement - to get on for him.

Q. I put to you that has never occurred? A. To go out and to get on - and I think he was worried about going up on the street or something. I don't know why.

Q. When did that conversation occur? A. That was the first time at the Cross.

Q. What do you mean the first time at the Cross? A. Well the first - when I said this three times here that I've spoken to him and--

Q. Was that before - I'm sorry, was that before or after he assaulted you in the street? A. This was after I think, yes.

Q. Why would he be asking you to score for him after - I think it was headbutted you, didn't he? A. Yes I think so.

Q. So after he's headbutted you in the street, he then asks you to go and get on for him, is that the--? A. Well after that - as I said - it wasn't over John because then I saw him a couple of times after that at John's so what the matter was over was something 151 must have said to him because after that I saw him a couple of times at John's place and then when we'd gotten things fixed up and he wasn't angry with me any more and then he'd walked up to me a couple of times and we were on a friendly basis after that.

Q. After he'd--? A. So as I said I was still allowed to walk into John's so it wasn't over John getting me bashed because, you know, I'd done anything to him as you'd said previously.

Q. But wait on. I'm just putting this simple proposition to you. A person headbutts you in the street and then a matter of weeks later is asking you to score for him. Is that what you're telling us? A. That's right. That's what he did.

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Q. That's rubbish, isn't it? A. No it's not. He was in the back lane - as I said, he didn't want to walk up in the street for some reason.

Q. You mentioned the fact that the defendant went to Bathurst, is that right? A. Yes. I think he--

Q. That was whilst you were in Queensland, wasn't it? A. It wasn't actually. It was mentioned to me by the I think by the detective saying that he'd gone to Bathurst. Whether he'd gone to Bathurst or not I don't actually know whether he went there.

Q. Well where's that in your statement? Is that another thing you've just been told, is it, which you've just put in your statement? A. Yeah well I don't know whether he went to Bathurst or not. I have no idea whether he went to Bathurst or not. I was told he'd been, gone to Bathurst and he was going to Bathurst but whether he went there or not. I didn't see him there.

Q. I'll just read this to you just as a - and you tell me if this is how you told the Police this. 'In my previous statement I also mentioned that when Jones left John Hughes' flat he took some property with him of John's. I recall now..' - you recall as I understand what you're saying there--? A. Yes.

Q. --that after this occurred there was a ^{off}cooling/period whereby Jones managed to get back in with John for a short period. After this Jones left Sydney for Bathurst. You see, you're telling the Police that? A. Yes.

Q. Well is that something--? A. Well I'd been - I know that he disappeared. I know that he was gone but where he's gone I don't know and then when I'd been told he's gone to Bathurst, I've just simply said--

Q. But you were - but you were--? A. --well where he went to Bathurst.

Q. But you were in Brisbane at the time. How did you know he'd gone? A. He'd disappeared. What I'm saying is he'd gone. I'd been told--

Q. But how did you know he'd gone? A. --that he'd gone.

Q. How? A. I'd been told by the Police that he'd gone to Brisbane I think.

Q. So what else have you put in this statement that you've been told by the Police? A. Only things like that that - well that I can't possibly know that he went to Brisbane. He's supposed to have gone to Brisbane. Where he was I don't know. I wasn't there. Like I wasn't in Brisbane to see him in Brisbane. I don't know whether he was there or not.

Q. I realise that sir. Why did you put it in your statement if you didn't know it? A. Well because the Police had said he's in Brisbane.

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Q. Yes why--? A. So I assume they've proved he's in Brisbane or they've said that he's in Brisbane.

Q. What else have the Police told you that you didn't know about, you just put in your statement on the basis that you did know it. What else? A. Nothing else I think.

Q. How would we know, sir?

OBJECTION QUESTION NOT PRESSED

Q. You see, I put it to you earlier your evidence is part rumour. part what you've been told by other persons directly, occasionally what you've observed and, you say, what the defendant told you, is that right?

OBJECTION

A. It's what I've been told by John--

OBJECTION CONTINUED ALREADY PUT QUESTION ALLOWED

A. As I said I've been told by John. These are things I've been told by John, Jonesy and the Police.

Q. But you see there's not necessarily any distinction in your statements, is there, on the basis of what you've been told and what you, yourself, know from your own observations, is there?

A. Well the parts that I know written down here, I've said they've been spoken to me. The Police haven't told me to say that. They've been said to me and I've repeated it here in the statement.

Q. That's right but you repeated it and I put it to you that, fundamentally, is what is constituted in your whole statement; what you've been told and what you've assumed, isn't that right?

A. Except the parts that have been repeated to me from Jones, yes, that have been said to me from Jones, I've repeated.

Q. Yes well I put to you the conversations you purport to have with Jones are fabrications? A. No they're not.

Q. And indeed, not at any time when you have these conversations is there anybody which can be produced to corroborate them, is there? A. Well it wouldn't be a thing he'd say in front of other people, would it?

Q. Well - no I just ask - is that the question, is that the answer? A. No that's right.

Q. At no time will there be a person available simply to support you?

OBJECTION

BENCH: He can answer it, Mr McIntosh.

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WITNESS: A. There was nobody there when he'd said this to me besides the person Wazza or Yankee John, the other time in the Taxi Club when we'd had that conversation; other than that, no.

Q. What about the conversations about [151] we've just referred to, nobody there then of course, was there? A. No.

Q. And the earlier conversations about the property which he'd alleged to have taken from the deceased' premises, nobody present then was there? A. No.

Q. Today outside the Court you were talking to a man in a jacket, jeans, bald head. Is that right? A. Yes.

Q. Who was that man? A. I had seen him around the Cross a few times, he spoke to me. I don't know--

Q. What did you - what did you speak to him about today outside this Court? A. I don't know - he mentioned to me, he said that he thinks he knows Jonesy. He's seen him around and he said that I'm an old head, that he's seen me around a few times and he just asked me what my name was and that, just - well that's basic talk.

Q. Is it the fact that you had a conversation inside the foyer, just outside here, is that the case? A. We had a brief conversation about cigarettes, yes.

Q. And then you walked outside the building and had a further conversation? A. No I walked outside and had a cigarette and then he walked outside--

Q. He came out after you? A. Yes.

Q. That person's not here now though, of course? A. No.

Q. Did he discuss the matter - any of the evidence which was given yesterday with you? A. No.

Q. Did you recognise him? A. Do I recognise him from--?

Q. Did you recognise him this morning? A. I think I've seen him around the Cross a few times, yeah, but I don't know him as a friend or anything, or anything - person being that. He's just a person I've seen around the Cross, a local person who sort of hangs around the park, walks up near the park sort of thing.

Q. What, Fitzroy Gardens? A. Yes the - where the fountain is there at the top of the park, Kings Cross.

Q. But you didn't talk to him about the evidence, is that right? A. No, no.

Q. Now the morning break; you left here with Plotecki, didn't you? A. Yes.

Q. Did you come with him this morning? A. Yes.

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Q. And did he or another Police officer go and get you where you reside? A. No.

Q. Well you said you came with him. Did you meet him at a station somewhere? A. No I met him at - he picked me up from the methadone clinic.

Q. Did you have a bit of a chat about what had occurred to date? A. No.

Q. Did you go through your evidence? A. No not really.

OBJECTION

BENCH: Yes it's a bit ambiguous--

EGAN: Yes I'll soon clarify that.

EGAN: Q. Did he show you your statements? A. Yes. I've already had--

Q. No look I'm not - did he show you your statements? A. No, no.

Q. I thought you said yes and then you went on to--? A. No I said I already had my statements.

Q. No no you said 'yes' and then you went on to say you already had. What do you mean 'yes'? A. I've already had my statements.

Q. Yes sir I know? A. You're saying have I got - I've already got my statements. I've had it for a number of days, two days.

Q. Well sir your initial response was 'yes' and then you went on. Now are you saying he didn't show you the statements, is that the case? A. He didn't show me the statements today, no. I already had a statement.

Q. Did you have a discussion in relation to the matter while you were coming to Court today? A. I'd asked him how things were going - just like what it was like up there. I just told him I was a bit nervous and he just told me that - just to be calm and just to say the - just to speak the truth and just what I've written down in my statement.

Q. Have you given evidence or made a statement against any other person?

OBJECTION QUESTION DISALLOWED

EGAN: Well then I can - well I wouldn't do it to my friend in the presence of the witness, your Worship, but I believe it also be put on the basis of credit.

BENCH: I disallow it.

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EGAN: Q. You'd agree, Mr Locke, that your statement on 13 September 1989 runs some eight pages, is that right? A. Yes.

Q. And you'd agree it's in detail, that right, about the events you referred to? A. Well as I said in my second statement, it could be a bit out because I was hanging out at the time.

Q. Yes no just answer this, you agree it's in detail about the separate events you referred to, is that right? A. Yes.

Q. And I don't know how many words - we can assume there are most probably it's into the hundreds of words, is that right?
A. Yes.

Q. And you were attempting to be accurate and be - and give recall about what you had seen and what you had heard, is that right? A. I was trying to be, yes.

Q. But nevertheless, you forget this business about the accused moving back in after this cooling off period, is that right, moving back into the deceased' premises? A. I'd - I hadn't mentioned it in my first statement, no.

Q. A rather significant event, isn't it? A. Yes it is.

Q. At the Taxi Club you say the defendant was intoxicated?
A. Yes.

Q. What was he drinking? A. Scotch and coke I think.

Q. What was this Yankee John or Wazza drinking? A. Cans of beer, Fosters or Tooheys, I don't know, cans of beer.

Q. You referred to a girl by the name of Cheryl? A. Yes.

Q. Is she a friend of this Yankee John's? A. I think so, yes. She seemed rather friendly.

Q. She seemed--? A. She was a - she looked like a prostitute. I think that was her name, Cheryl.

Q. But you'd seen her - you'd seen her around the place on prior occasions? A. Yes. She was--

Q. And you've seen her around--? A. I hadn't seen her for quite some time but I think she works the Cross.

Q. You think she does? A. Yes. She's - hangs on the street a great deal. Whether she's a prostitute or not, I'm not a hundred percent sure but--

Q. You describe her to the Police? A. Ah--

Q. Apart from calling her Cheryl? A. No not really. I just said that she--

Q. Well how about doing it today for us? A. I just said she

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had dark hair. She was a - slim in a way but - I mean she looked off her face. She had dark hair down past her shoulders, rings under her eyes like she - doesn't look like she had much sleep. She was a pro and I think she's a friend of a girl named - a girl I do know named Jacki who works up at the wall. I mean I couldn't say much more about her.

Q. She a transexual? A. She had a - no this is a girl, a young girl twenty years old.

Q. So you can - you could - you could show the Police who Cheryl is, couldn't you? A. I have no idea--

Q. She's still up there? A. --where she lives.

Q. Is she still up there? A. I've seen her around just recently once or twice, yeah.

Q. Well she could be produced, couldn't she? A. I'd say so.

OBJECTION

A. Wouldn't be hard to find.

BENCH: His answer is he'd expect so. We'll leave it at that.

WITNESS: A. I don't know, I don't think she should be that hard to find, no. She's - I've seen her around.

EGAN: Q. You - you say you've known the deceased for about three years, that right? A. Yes.

Q. Are you aware of his business dealings - I'm sorry, when I say his business dealings, I mean his bank accounts and matters of that nature? A. No. I've got no idea - what do you mean? What sort of bank he has?

Q. Well you've seen - you know he has a bank account, don't you? A. I'd assume he does. I suppose so. He'd have to bank somewhere. Everybody does.

Q. Is that so? A. Yes.

Q. You've seen him for three years but you know nothing about the particulars or the nature of any bank account he might have?

A. No. He'd never shown that to me, no. Never said anything about his bank accounts or what he was doing.

Q. How many times would you have been in the flat? A. I have no idea, a lot of times.

Q. Hundreds? A. Not quite a hundred but a lot of times, yes.

Q. A large number. You were on friendly terms with him?

A. Yes.

Q. You've seen a briefcase in there? A. He usually puts it

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near the door or just down - he always carries it to work and that with, yes, and back and forth. When I'd see him sometimes of a morning, sort of catch him, you know, to go into the flat to score off him, he would have his briefcase with him. He'd be walking along with it in his hand. He'd always have it with him going to work and back from work.

Q. You knew where he kept the heroin in the premises? A. At the times he'd always - well when he scored it, he would get it and he would put it - he'd make it into deals for the times I was there. He would get it into deals and he would put it into the icecubes or into the towel rack.

Q. So you were more than just a casual--? A. This was in the first - the flat before he moved after the next one I've got no idea.

Q. You were more than just a casual user, is that the case, from him, a casual customer? A. Yes I think I was a pretty good customer with him, yes.

Q. A pretty good customer? A. Yeah.

Q. You knew where he--? A. He gave me credit.

Q. --secreted the drugs? A. Sorry?

Q. You knew where he secreted the drugs? A. Secreted?

Q. Hid? A. Hid? At the time when it was in the second flat, yeah, yes.

Q. But you knew nothing else? A. No, well he was going to move it and I don't know whether he did or not upon moving into the new apartment which was upstairs.

Q. Now what's your connection with Mr Scobie? A. The only connection--

Q. How long have you known him? A. --I know him through John.

Q. And how long have you known him? A. For a few years, not - I don't know him as well as I know John. I just know him as, you know, I've seen him with John and John's told me that he's a very old friend of his and that he's - used to deal with him from years ago when Scobie was dealing to him. He'd - John would get the drugs off Scobie. That's where John would get his drugs and that's why when we'd go down to Redfern, that's who he'd score off.

Q. So when John went to - when the deceased went to refurbish his stock, so to speak, or take on--? A. Yeah.

Q. --more, you'd accompany him? A. Sometimes, yes. Like if I happened to be there when he got the 'phone call to go, yes, and he'd get a 'phone call from Scobie, then he'd go down to Scobie's.

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Q. What's his first name, do you know? A. Darren I think.

Q. And when did you learn that? A. Just about when I first met him I think. Scobie he's always known as.

Q. I put it to you from time to time you've had discussions with the defendant since the death of the deceased? A. Yes the times were mentioned in here, yes, three times, three or four times, yes.

Q. I put to you at no time during those discussions did the defendant ever admit to any involvement in the death of the deceased? A. No he'd told me - as I've written down here - what had happened with John and that he'd killed John.

Q. I put to you at no time did he admit to any knowledge of the details of the death other than what may have been common knowledge through Police statements? A. I don't understand the question.

Q. I put to you at no time did he admit to having any first hand knowledge of the death of the deceased? A. No that's wrong.

Q. And at no time - absolutely no time - have you seen him in or near the Taxi Club? A. No that's wrong.

Q. You refer to drugs being produced at the deceased' house, the deceased' flat? A. Yes.

Q. Was this person **151** - otherwise I think known as **151** or **151** - present? A. **151**, yes. Yes he was a few times.

Q. Do you know if that person had a key to the deceased' premises? A. I don't know but he was living there and he was, you know, quite trusted(?).

Q. He was trusted? A. Yeah he was able to move about. He was in John's even when - like, some people would stay there, John wouldn't leave them in the flat but he was allowed - when John went out he was allowed to stay there so sometimes when you'd call, **151** was still in there and John was out.

Q. He was using? A. Yes, yes quite a bit.

Q. And he had some form of - you believe, you believe - some form of emotional or sexual relationship with the deceased? A. Yes definitely, yes.

RE-EXAMINATION

McINTOSH: Q. My friend asked you some questions about Mr Hughes continually getting robbed by everyone? A. Yes.

Q. And you mentioned that some people had knives. Did Mr Hughes ever tell you how many times he was robbed? A. Three, four times.

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Q. And did he ever say how many of those times that a knife was involved? A. I think the time he was worried about was the last occasion and that's why he'd gotten Jonesy to stay with him because of the last occasion and then with a knife being involved and then he thought it was getting a bit serious so that's why he got Jonesy to stay with him so that from then on Jonesy was there to look after him.

Q. You said that when you were talking with Detective Plotecki on the way to Court this morning--? A. Yes.

Q. --that you were very - you told him you were very nervous about coming to Court? A. Yes.

Q. Why were you very nervous?

OBJECTION QUESTION ALLOWED

Q. Why were you nervous? A. I was just nervous because I don't want anything, you know, to happen to me or my family and that. My family or my sister yesterday had called me up and said that she'd had a 'phone call making threats to them about me coming in and going to Court.

OBJECTION HEARSAY QUESTION ALLOWED

A. I'd already said prior to this that I was nervous about coming to Court anyway. I just - I mean I'm nervous about coming to Court.

Q. Yes and could you continue with what you were saying before?

A. And they wanted to see me - my family wanted to see me and also my father said that he didn't think it was a good idea that I go to Court and - I mean I was already intending on going to Court and this made me scared. I didn't feel like going to Court. Anyway I came up at lunch time and saw my uncle and he told me that the Police had come here to get me to Court.

Q. Yes you were telling the Court about a telephone call your sister had received? A. Yes my sister had received a telephone call at my mother's--

OBJECTION

BENCH: He's already told us that he got a telephone call--

WITNESS: A. Yes.

BENCH: --Mr McIntosh. We won't take it any further. We only want the evidence to explain why he's nervous, that's all.

WITNESS RETIRED AND
EXCUSED

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BELINDA ANNE HARVEY
sworn and examined

McINTOSH: Q. Is your full name Belinda Anne Harvey? A. Yes.

Q. Do you still live at [REDACTED] Grays Point? A. Yes.

Q. You still work as a rental sales officer? A. Yes.

Q. At Budget Rent-a-Car? A. Yes.

Q. Do you recall making a statement to the Police? A. Yes.

Q. Would you look at that document in front of you. Is that the statement you made? A. Yes.

Q. Is that your signature on the bottom of each page? A. Yep.

Q. Is everything in there true and correct? A. Yes.

McINTOSH: Might I have access to that before it's shown to the witness?

UNKNOWN SPEAKER: Yes the Budget agreement.

McINTOSH: Q. I show you this document. Is that the rental agreement form to which you refer in your statement? A. Yes.

CROSS-EXAMINATION

EGAN: I can't - I'll be honest with your Worship. I can't find the statement at the present moment. The--

UNKNOWN SPEAKER: Here you are.

EGAN: Q. Have you got that rental agreement in front of you? Right. Look you've got an entry there and you know these things obviously far better than I do. You've got an entry 'kilometres out'? A. Yeah that's at the time - kilometres when it leaves.

Q. Fifty five six (??) and you've got 'kilometres driven'--?

A. What's - it actually checked into another branch, the car. It checked into Bathurst. They've got the kilometres in up there.

Q. So it never came--? A. It doesn't come back to us that car.

Q. It didn't come back. Now what about - there's no - is there an excess mileage charge on this? A. No. Kilometres are all included.

Q. And who made that 'kilometre out' entry fifty five six nine two? A. I did. I put the car out.

Q. So you booked the whole issue, did you? And what's normally done when you make that entry - you simply look at the, look at the dash? A. Well the detailers wash the car, they write down the kilometres driven on the back of a record key tags and they

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have - key bags--

Q. I'm sorry - tell me again. I'm a bit slow? A. Well we have car detailers that wash the cars and when they wash it they put the rego of a car in(?) a key bag and on the back they put the kilometres driven.

Q. So they do it, not you? A. Yeah and then we just copy it off the back of a key bag.

Q. So you can't verify the accuracy of that at all, can you?
A. Well that car was a corporation vehicle and it's washed once and they do it every time they wash the car and it doesn't get driven.

Q. Yes I realise that but all you're assuming is twofold; one it hasn't been driven between hiring and two, that the detailers properly recorded the number, is that right? A. That's true, yeah.

Q. But when - that's why I asked you did you--? A. We don't actually go out and look at the cars, no.

Q. No so you - although you filled in the details on the form, you can't verify the accuracy of that figure? A. Not really, no.

Q. And of course that, again, referred to your statement in paragraph 6. Now as I understand it you received a telephone call at some stage, is that the case? A. Yes that's right.

Q. And you say it was a local number. When did you receive that call, do you know what time of day it was? A. It was before lunch, some time before lunch but I can't--

Q. Do you know that--? A. I can't give a definite time.

Q. No do you know the date? A. It was about two days after she'd take the car out, took the car out.

Q. Did you record it in any fashion? A. I wrote it down in one of our desk calendars, the number, but that's since been thrown out--

Q. Has it, and what - and you obviously see a number of people even on a daily basis. What made this stick in your mind?

A. Well Kerrie Stanton paid by American Express and when I rang up to get authorisation, she was acting very nervous and they asked to speak to her which they usually don't do that sort of thing and that was the only reason I remembered about it.

Q. But how did that assist you remembering this miscellaneous telephone call? A. Well she was with another girl that was - she didn't - well Kerrie Stanton didn't want to give me her 'phone number for starters and I said 'I need a contact number' and she said 'I don't want to give you one' and when she gave me one she asked me not to ring it 'cause she said she didn't want anyone to

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know where she was going.

Q. Now did - is that number recorded? A. Well it's on the rental agreement here.

Q. Where? A. If you look where it says rentor's surname, it's got state 'N' then it's got 'P [REDACTED]'.

Q. Now is that the same number as was given to you by this person who rang? A. I couldn't tell you, no.

Q. You can't recall that number in any fashion? A. (No verbal reply)

BENCH: Q. You must answer? A. No, no sorry.

RE-EXAMINATION

McINTOSH: Q. You said the call was made before lunch. When's lunch? A. We usually have it about twelve, twelve thirty.

Q. Usually, can you recall what--? A. Well - every day almost, it rarely ever changes.

Q. So twelve thirty to one thirty? A. No twelve to twelve thirty.

Q. Twelve to twelve thirty is your lunch break? A. Yeah. We don't leave the office. We stay in the office.

Q. Can you recall what your lunch break was on this day that you received the telephone call? A. Well we don't actually get set times because we're always continually getting up and answering the 'phone during lunch so it's not a lunch break, so to speak. We eat, that's about all.

LUNCHEON ADJOURNMENT

WITNESS RETIRED AND
EXCUSED

SHORT DISCUSSION RE WITNESSES TO BE CALLED

GAVIN SCOBIE
sworn and examined

McINTOSH: Q. Is your full name Gavin Scobie? A. Yes.

Q. And are you presently an inmate at the Long Bay prison?
A. Yes.

Q. Do you recall making two statements to the Police about this matter? A. Yes.

Q. Would you look at those two documents in front of you please?
A. You want me to read them or--?

Q. Well just look at them first. Are they the two statements you

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made? A. Yes.

Q. Are they your signatures on the bottom of each page of the statements? A. Yes.

Q. Is everything in those statements true and correct? A. Yes.

McINTOSH: Might the witness be shown exhibit 3, your Worship, the passbook?

McINTOSH: Q. Would you look at that passbook. Could you open it up at the page with the last entry? A. Yes.

Q. Is that the passbook to which you refer in your statements?
A. Yes.

CROSS-EXAMINATION

EGAN: Q. Sir, you've got that passbook in front of you.

EGAN: Perhaps I might have access to it, your Worship?

BENCH: Yes.

EGAN: Q. Sir, you say you identified that passbook by reference to what you believe to be the last balance in it, that being eighty five cents, is that right? A. That's not the only way that I identified that passbook.

Q. How else did you identify it? A. Well I recognise it from being John's passbook.

Q. How? A. Well I mean I've seen it before. That's, that's a good question. Well it's got his - I do, well I mean I know it says I recognise it. I've seen it before.

Q. But sir, it hasn't got his name on it, has it? A. I think it has.

Q. And you - but you don't recognise it from that? He has got his name, you're quite right,--? A. Yes.

Q. But you don't recognise it from that? A. Well that's part of it. I mean I do - I mean I have seen that passbook--.

Q. Yep see I asked you how you recognised it and you said 'That's a good question'. Well if you recognised it, you said, because he's got his name on it. That's what you should have said?
A. No, well yeah all right--

OBJECTION OBJECTION PRESSED FORM OF QUESTION

BENCH: Yes just calm down, Mr Egan.

EGAN: Q. Well if the form of identification of the passbook has been his name, I'd presume - I assume you would have said to me 'Because he's got his name on it', not 'That's a good question', that's right, isn't it? A. Not necessarily, I mean that - I recognise that passbook not only from the name on it.

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Q. Well I would have thought that was most probably the clearest form of identification. It's got his name on it. You didn't tell us that, did you--? A. No--

Q. You said 'It's a good question' or words to that effect?

OBJECTION

Q. Now you also indicated that in your statement and it's the statement - the second statement - 1 June 1990--? A. Yes.

Q. --that, as I understand, you recognised it because you'd seen the eighty five cents was left in the account--? A. Yes that's correct.

Q. --and you believed that to be the last balance, is that right? A. Yes.

Q. Around about paragraph 7 there, have a look and see if you can--? A. Yeah--

Q. --find what I'm talking about? A. I know - it's okay. Right.

Q. Is that right? A. Yes.

Q. Well you see there's - and if you want to have a look, I can most certainly show it to you but you've got six columns in this. You've got date - this is what they're headed - date, type, savings planner with what appears to reference - it's just ref - amount and then you've got a column headed 'balance' and in that column headed 'balance' is one thousand two hundred and thirty five and fifty cents, a number of numerals, is that right? A. That's correct.

Q. Well you couldn't possibly have thought the balance was eighty five cents if you have a column marked 'balance' with one thousand two hundred and thirty five dollars fifty in it, could you? A. No but that's the way that I read it. Actually as we carry on I think probably this will become more obvious.

Q. But the way it--? A. The way you're approaching it at the moment, it's - I can't explain things the way you're going on at the moment so I'll just have to carry on--

Q. Yes well I know you can't explain things the way I'm going about it. I'm simply putting to you in the passbook there's a column entitled 'balance' and next to it there's a column entitled 'amount' and I presume 'balance' stands for balance and I don't know what 'amount' stands for but nevertheless one is eighty five cents but the other one is this one thousand two thirty five dollars fifty. So you could not possibly have thought the balance in the account was eighty five cents, could you, if next to it there's an amount of one thousand two hundred and thirty five dollars fifty cents? A. I think really it's irrelevant.

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Q. You think it's irrelevant? A. Yes irrelevant.

Q. Well I only raise that with you and I am always keen to be told whether it's relevant or not because in your paragraph - in your statement, paragraph 7, 'I recall thinking at the time John showed the passbook to me that he only had eighty five cents left in the account' and that's why I thought somehow it might be relevant because you refer to that, thinking that fact?

A. That's correct.

Q. And indeed, the account you've seen hasn't got eighty five cents left in it, has it? (No verbal reply)

Q. 'Yes' or 'no'? A. No.

Q. So one could draw a reasonable inference that you saw another account, that right? A. One could.

Q. And that's a possibility, isn't it? A. It's a possibility that I actually didn't see that book on 3 May.

Q. Well when do you say you saw the book? A. Right, well I have a doubt here which - this is why what you're saying before wasn't making much sense--

Q. --I'm keen to know this? A. Right. Now do you want me to explain the whole--?

Q. I think I'll sit back for once and let you tell us what you want to tell us? A. Okay, all right. Now regarding the statement altogether. I do have a doubt about this--

Q. Which statement's this? A. The second statement, okay. Now I think probably the easiest way to explain--

EGAN: I might sit down, your Worship, if I could--?

BENCH: Yes certainly, Mr Egan, as long as he doesn't take too long to explain it--.

WITNESS: A. Now in the statement, when I made the statement I - whether I - I did it - whether I did it subconsciously or whether I actually forgot, the thing is I saw John about two weeks before 3 May as well. Now the easiest way to explain this is I have virtually - some things happened on 3 May and some things that happened on the date previous are both in this statement. Now I know it's hard to - it's hard for me to explain. I could go through it and I could--

BENCH: Q. Well what you're saying is this; you might have seen the note book on - the passbook on 3 May--? A. Yes.

Q. --or you might have seen when you saw John two weeks earlier?
A. That's right or I may have seen it on both days.

Q. Or you might have seen it on both days, okay thank you?
A. Yes.

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LENCH: You may stand up again, Mr Egan.

EGAN: Q. In short, you don't know - you can't simply say to the Court definitely when you saw the passbook, that it may--? A. I--
Q. --have been two weeks prior to 3 May? A. --well - I - actually I can say that I definitely saw it about two weeks prior to the third. I can say that.

Q. And what were the circumstances, you say, you saw it at that time? A. Well I was at John's place and I was - we were discussing - now also, see this is in the statement as well. It's sort of got it also in the statement - we were discussing John's court case and he had some solicitors and they wanted to charge him nine thousand dollars for his case and I thought it was too much and I - you know, I just thought that they were - I thought they were ripping him off and I was trying to convince him that he shouldn't use those solicitors, that he should use somebody else and in the course of this we had - John got everything out. He had the solicitors' letter and the bank book and everything. It was just his way of doing things. He - that was the way he was and I remember that - I mean I do remember that.

Q. Now you've indicated in your statement that to your belief the deceased wasn't using heroin for some time prior to his death?
A. Yes, yeah, not regularly.

Q. And indeed, I suppose from your observations you say he wasn't selling some time prior to his death? A. Yes.

Q. And you thought that may have been linked to the fact that he was due to appear in the District Court. Was that for sentence?
A. Actually no it wasn't. I don't think it was for sentence but -

Q. A trial matter, a plea of 'not guilty' or 'guilty'? A. I think he was pleading guilty but I think it had a way to go.

Q. But you thought he might be trying to change a - show the Court a change in direction, was that the--? A. Yes.

Q. So at - as at 3 May, to your knowledge was there any heroin in the premises? A. Well not to my knowledge, no.

Q. And to your knowledge did the defendant have any large sums of - the deceased, I'm sorry - have any large sums of cash in the premises? A. Not to my knowledge, no, no.

Q. But in the past you know he had been dealing and he had secreted - hidden - heroin in the premises? A. In the past he had, yes.

Q. And he did have from time to time sums of cash? A. I imagine, yes.

Q. But that hadn't been the case for some time so far as you're aware? A. No not for a number of months.

Q. A number of months? A. Yes.

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Q. Now in relation to the deceased' practice, you had a security system on the door. There was a--? A. That's--

Q. The door could only be opened by an intercom, a buzzer and an intercom, is that right? A. That's, yes, yes.

Q. Other - and there were ways of circumventing that. People could follow somebody through--? A. That's, yes. You could do that.

Q. --and they could--? A. Yes.

Q. Did the deceased ever allow anybody else besides yourself to have a key to his premises? A. Well I believe that Aaron Hill had one.

Q. To your knowledge did anybody else have a key? A. No.

Q. What about a person by the name of 151, do you know him?
A. Yes I do.

Q. Did he have a key? A. Quite honestly I don't know.

Q. Now a Mr Locke has given evidence in these proceedings. Did you, yourself, have - ever have any dealings with Mr Locke?
A. No.

Q. Did you ever supply him with heroin? A. No.

Q. Did he ever supply heroin for you? A. No.

Q. Had Mr Locke ever been to your premises? A. Is there an address? Do we know where?

Q. He referred to an address at Redfern? A. I don't think so.

Q. Well I want you to think about that. Not - 'I don't think so' perhaps isn't - it may be the best you can do but it doesn't seem to be adequate. Can you--? A. Not that I'm aware of.

Q. Now if I can take it a bit further. Was Mr Locke - I withdraw that. Has the defendant ever been to your premises or the premises at Redfern? A. No.

Q. So one follows that if the defendant has never been to your premises at Redfern, then presumably couldn't have been there when Locke was there if he'd ever been there, is that right?
A. Well no, no.

Q. Now have you and the defendant before the Court and the deceased ever engage in any drug deals together? A. No, no.

Q. Now in relation to this premises - I withdraw that. In relation to the premises which had been occupied by the deceased, right, where he was found dead, where you had - where you saw him on 3 May? A. Yes.

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Q. Were you aware of persons gaining entry to that building, right, getting past the front door, who had not been admitted by one of the occupants? In other words you referred to persons walking in with a permitted guest, if you like? A. Yes I mean it was - well I'd done it.

Q. And had you been aware of anybody then going to see Mr Hughes after so gaining entry? A. Well not specifically but I mean obviously people could do it.

Q. Mr Hughes had been supplying heroin though at one stage to a large number of people, is that the case? A. I imagine, yeah.

Q. Now had you ever seen Mr Locke at the premises occupied by Mr Hughes, the deceased? A. Yes I had.

Q. And indeed, there were two flats occupied at different times within the one building, is that the case? A. Yes, yes.

Q. Now had you been present when the deceased supplied heroin to Mr Locke? A. Possibly but if so it wasn't done openly in - with my knowledge.

Q. You refer to Mr Hughes showing you the account and you perhaps giving him some advice. Where did he normally keep his financial records and by that I don't mean anything more illustrious than bank books and things of that nature? A. In his briefcase. He kept everything in his briefcase.

Q. How well known was that to your knowledge? A. It was well known.

Q. But he kept that - he kept his bank books--? A. That he - I thought you meant the briefcase? I suppose generally known I suppose.

Q. Generally known? A. Yes.

Q. Now you refer in paragraph 8 of your statement dated 17 May to a Greg West? A. Yes, yes.

Q. Turning up at your flat. Can you tell the Court anything about Mr West? A. Yes, now is there anything specific there or just--

Q. Well what was Mr West's business at the flat so far as you were aware? A. On that night. Actually I don't think he - well I don't think it was business. I think he just went there to see John actually. I think it was just a--

Q. What about? A. I don't know.

Q. Was there a conversation in your presence? A. Not that I can recall. Not--

Q. Was - I'm sorry, go on? A. I mean nothing other than just social chit-chat, you know.

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Q. Was he a, to your knowledge, a frequent visitor? A. Yes probably. Well the thing is he'd just got out of gaol I think.

Q. His relationship, to you knowledge, between he and the deceased? A. Him and John?

Q. Um? A. Well it was - be a good relationship. He'd just got out of gaol and John got him - well he got him onto the unemployment benefit and opened a bank account for him and all this sort of thing. He'd had a problem for some reason when he got out of gaol doing all those things and John did it all for him and he was very grateful to John for doing it.

Q. Bruce, paragraph 10 of the^{same} statement, you refer to Bruce. Who's Bruce, do you know him? A. Yes. Well he's - actually I don't know his surname. He is a friend of John's. Like he goes back many years with John - knowing John.

Q. Well when was it you saw Bruce in relation to this matter? What day was it? A. I saw Bruce on the Wednesday night.

Q. And where was he? A. Actually John and I were walking back to John's place through Kings Cross--

Q. Who was? A. John and I. I mean it's here--

Q. John, which John? A. John Hughes.

Q. Go on? A. And we ran into Bruce as we were walking through Kings Cross and he came with us to John's place.

Q. What date was this? A. That was--

Q. If it helps you refer to the statement, you can,--?
A. Right okay, well that was 3 May.

Q. Now paragraph 15. You heard that a person named Mark Locke had killed John. Who did you hear this from? A. It was - well it was the gossip around--

Q. Gossip? A. Yes, yes that was the gossip that was going around at the time.

Q. Who's Adam? A. Actually I'm not sure.

Q. Now you refer in paragraph 15 to you've also heard that apparently this Mark Locke on the one occasion previous to John's death put a knife to John's throat and demanded money from John's bank account be transferred to his account? A. That's correct.

Q. Where did you hear that from? A. That one I heard from Mark Litchfield(?). It's here - actually it's here in my statement, yes, but not only Mark Litchfield. I'm sure I heard it from other people as well.

Q. Have you ever - did you ever hear anything like that from the deceased? A. Yes.

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Q. Did you ever observe anything of that nature occurring?

A. No.

Q. Did you ever observe the defendant(?) Locke and the deceased in any form of conflict? A. No I didn't, no.

Q. Did Locke have regular access to the premises? And by that I mean did the deceased let him in? A. Actually I - really I'd need to ask you at what--

Q. At what time--? A. Well when, yes. I think--

Q. Yes from around about a period January, February, March of 1989 last year, so in other words we're looking at a period within say three months before the deceased died? A. Well now I can't speak with much authority on whether John would have let him in or not but from things - the attitude that I gained from John - I mean he possibly may not have but--

Q. I'm sorry, he may not have? A. He may not have let him in but then again he might have, you know, I mean I really - I can't say. I don't know.

Q. This briefcase you referred to, how was it locked? A. What do you call them--

Q. A combination lock? A. Combination, yes.

Q. Were you ever shown any other property from the flat from Hughes? You were shown the bank book, was that the only item you were shown? A. Who by?

Q. By the Police? A. No.

Q. That was the only item? A. No it wasn't.

Q. What else was shown to you? A. I was shown--

Q. I know there's reference to a jacket but besides the jacket?
A. No no, from John's premises?

Q. Yes? A. I was shown a hat.

Q. A hat? A. Yes.

Q. What else? A. A cap, sort of a thing and - was there anything else? - no I think that's all, I think.

Q. Any other business documents? A. From John's place? I don't think so. I don't remember.

Q. This hat you refer to, you say it came from the flat. How do you know that? A. Well - well the Police asked me if I recognised it.

Q. Yes but how do you know it came from the flat? You recognised it from the flat? A. No - well I thought it was

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John's but I mean it's a sort of a - well obviously the Police told me that that's where it came from but also I thought it was John's I think.

Q. Did the Police tell you where they got it from? A. You mean where they got it from inside the flat or whether they got--

Q. Or where they found it, where they--? A. --it from--?

Q. --simply where they got it from? You say it came from the deceased's flat but I'm simply asking you did the Police--

BENCH: Well he did say he thinks the Police told him it came from the flat. He said that giving his answer.

EGAN: Q. On that basis, right. So that's the case, you believe the Police told you that they'd got it from the flat or it came from the flat? In other words did the Police indicate to you they may have found it somewhere else? A. No, no they didn't, no.

Q. Were any questions asked of you in relation to where the briefcase was? A. No.

Q. Did you ever have a personal relationship with the deceased? A. Um--

Q. If you understand what I mean by that - a sexual relationship? A. No, no no. Actually I think the relationship probably does bear some explanation. John had no family - sorry - it's--

Q. No no you're right, go on, go on--? A. --sort of thing. It's - John had no family here and as far as it went I had no family here. Now I'd known John for fifteen years. Now John had - what he'd sort of done, he'd replaced his family with a few people and he considered them to be his family, you see, and I was one of them and there were a number of - a few others.

Q. But it wasn't a sexual relationship? A. No, no.

Q. When did you live - did you ever - well live with him, share accommodation with him - however you like to term it? A. Yes.

Q. When? A. Well many times.

Q. What about June to January - June 1988 to January 1989? A. No.

Q. Do you know where he was living then? A. Yes.

Q. Do you know who he was living there with him then, if anybody? A. Yes.

Q. Who? A. Well I would now. That's easy to - now June 1988--

Q. I can even be shorter; August 1988 to January 1989?

A. To January 1989, January 1989. I think there was possibly more than one person in that period.

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Q. I put to you during that period did the defendant, to your knowledge, live in the premises? A. Yes.

Q. When? A. Gee - the defendant? I'm sorry, I'm sorry. Yes now only for a very short time.

Q. How long is very short? A. I couldn't say exactly but it would be a number of weeks.

Q. When? A. I believe - I very rarely went there at this time but I believe that it would have been - no it was 1989, it was from maybe from January - between January and March 1989.

Q. 1989? A. I believe.

Q. So you're not aware of the defendant residing there in 1988?

A. No I'm not aware of that, no.

Q. Now you didn't have a key to the premises yourself and when I keep on referring to the premises I mean the premises where the deceased was found? A. No, no.

Q. What relationship, if any, did he have with Locke? Are you aware of that? A. I'd say - how would you describe that? - well actually during 1988 I suppose you could describe it as a business relationship which--

Q. In what sense? A. Well Mark Locke was selling for him which deteriorated - I mean I really don't know just how you'd describe it but it deteriorated at the end of 1988, beginning of 1989 sort of thing into a - well this was when Locke was doing all this standing over him and all that sort of behaviour so what do you call that sort of relationship?

Q. Now you refer to him standing over. Did you observe that yourself? A. No, no.

Q. Now this - but is it to your knowledge and your observation that Locke was supplying drugs on behalf of the deceased in 1988? A. Yes, yes.

Q. Was it on a regular basis? A. I believe so.

Q. And what drug was it or what drugs or what drug? A. Well heroin.

Q. Now you're doing a sentence at the present moment? A. Yes.

Q. How long? A. Two and a half years.

Q. And what's that for? A. For supplying.

Q. And you got that at the District Court, did you? A. Yes.

Q. Is that a bottom or a top or what is it? A. Well actually no that's the bottom so it's three years.

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Q. That's three with two and a half, you're doing--? A. Um.

Q. --under the present legislation are you? A. That's correct, yes.

Q. Have you got any other prior convictions? A. Yes.

Q. What for? A. Drugs.

Q. There's a caretaker to the building, is that right? A. Yes.

Q. Where did he - do you know where - whether he had a flat in the building or did he reside in the building anywhere?

A. He did reside in the building.

Q. I'm sorry, he did or he didn't? A. I'm sorry, he did but I don't know exactly where - in which flat but he was in one of the flats in the building.

Q. On the ground - do you know what floor it was? A. No I don't.

Q. Did you see him on the fifth, Friday the fifth? A. Yes I did. yes.

Q. Where did you see him? A. At the front of the building.

Q. And he was under the influence, you think? A. Heavily.

Q. And what time was that you saw him there? A. Well just between - make it - between seven thirty and eight thirty, say.

Q. And was he inside the building or was he outside the building?
A. He was outside.

Q. And you've given times on the fifth? A. Right.

Q. Indeed, you specified from Friday the fifth you arrived at about seven fifteen? A. Right.

Q. How do you verify the time or how do you arrive at that time?

A. I was probably wearing a watch actually or - either that or probably from my car - the clock in the car. It'd be one of the two--

Q. But of course you didn't make your statement for some - 17 May this year so what I'm asking you how did you look back - how did you look back from 17 May to 5 May? It's just recollection, is it, because I take it you weren't looking at your watch every time you went to the door? A. I see. How did I - no actually I do know. Well I - we were supposed to be there at seven o'clock and so - yes.

RE-EXAMINATION

McINTOSH: Q. You say that Mark Locke and the defendant hadn't

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been to your house at Redfern? A. Um.

Q. What other places did you live at? A. I lived at Guildford. Now that was - not at the same time but the reason that I asked was because in January 1989 I moved from Redfern to Guildford.

Q. Did Mark Locke and the defendant go there? A. No, no actually John Hughes hadn't even been there. John Hughes hadn't even been there.

Q. Did they go to any - did Mark Locke ever go to any place that you lived at? A. No not - no.

Q. What about the defendant, did he? A. No.

Q. And John Hughes, did he ever go to--? A. Yes, yes.

Q. Where did he go? A. Well he used to go to Redfern.

Q. What type of house was it that you lived in in Redfern?
A. It was a terrace house.

Q. You said that Locke was supplying on behalf of Hughes in 1988?
A. Yes.

Q. Now how do you know that? A. Well actually John told me.

FURTHER CROSS-EXAMINATION BY LEAVE

EGAN: Q. When were you sentenced, Mr Scobie, in relation to your present matter? A. April.

Q. This year? A. Yes.

Q. And was it indicated - and was it a plea or was it a finding of guilty after a trial? A. Ah--

Q. Did you plead guilty or not guilty? A. I pleaded guilty and not guilty. There's two charges.

Q. Was the fact that you'd been of some assistance to the Police in this matter ever raised on the question of sentence? A. No. I hadn't been of assistance to the Police at that time anyway.

Q. So this matter didn't come up in the course of sentence?
A. No, no.

WITNESS RETIRED

BARRY JOHN DEE
sworn and examined

McINTOSH: Q. Is your full name Barry John Dee? A. Yes.

Q. Do you still reside at [REDACTED],
[REDACTED], Darlinghurst? A. It's now [REDACTED],
[REDACTED], Potts Point.

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- Q. Are you still a storeman? A. Yes.
- Q. You recall making a statement to the Police about this case?
A. Yes I do.
- Q. Is that the statement in front of you? A. It is.
- Q. Is that your signature appearing at the bottom of each page?
A. It is.
- Q. Is everything in that statement true and correct? A. Yes.
- Q. Are you also known as Basil? A. Basil as - but my proper name, of course, is Barry.
- Q. If I could take you to paragraph 3 in your statement?
A. Yep.
- Q. You say 'I've only visited his flat on one occasion and that would have been only a few days before his death'. Why did you go there? A. Just for a cup of tea and a chat.

CROSS-EXAMINATION

- EGAN: Q. Mr Dee, the - you were approached by Aaron Hill on Saturday the sixth, is that right? A. Correct.
- Q. And you'd been at the Rex and Aaron indicated to you that he wanted to get up into Mr Hughes' flat, the deceased's flat, is that right? A. Yes.
- Q. He mentioned going up the pipes? A. Right.
- Q. Did you know Mr Hughes yourself? A. Yes.
- Q. How well did you know him? A. I'd known him quite well for about ten years.
- Q. Ten years had you? A. Yes.
- Q. And what, would you see him daily or weekly or--? A. I saw him - I'd have seen him daily.
- Q. Daily? A. Yes.
- Q. And what was your relationship with him? A. Just 'Hello John, how are ya?'
- Q. Were you friends, acquaintances--? A. Yes, quite good friends, quite good friends.
- Q. And did you know Mr - do you know Mr Hughes' other acquaintances, Locke? A. Just by sight.
- Q. And did you live in the vicinity of Mr Hughes' premises?
A. A five or ten minute walk away.

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- Q. Did you know the defendant at that time? A. No, no. Possibly by sight in the early eighties--
- Q. But no--? A. --but only ever by sight, never--
- Q. No association? A. No.
- Q. Had you ever been to Mr Hughes' flat? A. The last one?
- Q. Yes? A. At the time of the death?
- Q. Yes? A. Only the once.
- Q. When was that? A. Would have been a couple of days before.
- Q. When you say a couple of days, what's that literally, two days? A. Would have been two or three days.
- Q. How did you get in? A. He let me in. I'd went with him.
- Q. You went with him? A. Yes I'd met him in the street and he said 'Come back for a cuppa'.
- Q. And do you know who was residing in the premises at that time?
- A. Yeah, a man by the name of Aaron whose surname I don't know--
- Q. Was he the fellow who went up the pipes, didn't he? A. Yes.
- Q. Now you give the time I think - have you got your statement in front of you, just verify - 1 pm that on the sixth? A. Very early afternoon, yes.
- Q. Could have been earlier in the day? A. No.
- Q. Why not? A. Because the bar that - in question - had only just opened and it was - it didn't open till after mid-day.
- Q. And you say Hill went up the pipes of this place? A. Yes.
- Q. How high up is it to the deceased's flat? A. I think it was about three or four storeys up, three or four floors.
- Q. Somewhere between what, 30 and 50 feet? A. Probably twice the height of this.
- Q. How did he get in? A. Through one of the windows, the bathroom window I think.
- Q. You saw him do that, did you? A. Yes. The last thing I saw was his feet disappearing in through--
- Q. You knew it to be the bathroom window, did you? A. Yes.
- Q. How? A. Because I'd been there. I knew the layout.
- Q. How long was he in the premises before he came back down?

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A. Five minutes at the most.

Q. You, yourself, didn't go back up? A. No.

Q. Was he carrying anything when he came down, when he spoke to you on his return from the premises? A. Not that I recall. No I don't think so, nothing that I noticed.

Q. Are the premises - can the - are the premises - that being Mr Hughes' flat - from your observations deadlocked from the inside? A. He was very security minded, yes, it would have been. It was.

Q. And you're definite that the - that Mr Hill said to you he had a knife in the back of his neck? A. Yes he did. That expression did stay with me.

NO RE-EXAMINATION

WITNESS RETIRED AND
EXCUSED

HOWARD JOHN FOX
sworn and examined

McINTOSH: Q. Would you tell the Court your full name, rank and station please? A. Howard John Fox, Constable of Police, currently attached to the Sydney Police Station.

Q. You recall making a statement to the - about this matter?
A. Yes I do.

Q. Is that the document before you? A. Yes it is.

Q. That's your signature on the document? A. Yes that's correct.

Q. Is everything in that statement true and correct? A. Everything - there is one alteration that has to be made to the statement with the time that I've got at the top there. I've got 1 pm, it's - should be 1.30 pm.

McINTOSH: Yes I'd seek leave to have that changed, your Worship.

BENCH: Yes you may.

McINTOSH: Q. Is everything else true and correct? A. Yes that's correct.

Q. In paragraph 3 of that statement you mention being approached by a male person by the name of Bill StJohn? A. Yes.

Q. Did you later find out that that wasn't his real name?
A. Yes I did. I found out his real name was Aaron Hill.

Q. In paragraph 6 of your statement you refer to the television being on when you got to the room? A. Yes that's correct.

Q. Can you recall anything about the volume of the television

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sound? A. The volume was turned right down. There was no sound.

Q. Had you seen anyone touch the volume knob on the television?

A. No I hadn't.

CROSS-EXAMINATION

EGAN: Q. The last part's been answered but the - tell me, when you entered the - you weren't the first Police officer into the premises, is that the case? A. I was with Detective Scullion. We were the first two--

Q. You were the first together? A. Together, yes we both entered. Detective Scullion might have been just ahead of me but we entered at the same time.

Q. His heater was on? A. Yes it was.

Q. Can you describe the room as being warm, cold--? A. It was very warm.

Q. Did you leave the door open? A. The door was slightly ajar when we got there - we went into the room. When we left I couldn't say for sure if we pulled the door to or if we - it wasn't locked and it wasn't closed. It would have been left ajar.

Q. Did one - a Dr Schwartz later attended the premises, you're aware of that, a government medical officer? A. I wasn't there at the time. I am aware of that now.

Q. Did some Police officer remain in the premises from the time you found the body to the time the government contractors removed the body? A. I couldn't say that. I - as I've got in my statement there, I returned - I stayed at the premises for a short time, returned to Kings Cross Police station for a short time then returned to the premises again and then after a short time I went back to Kings Cross Police station.

Q. Did you turn the heater off? A. No I didn't. The whole time I was there the heater was on.

Q. This one o'clock business; what's wrong with one o'clock?

A. It's just that - just a typing error.

Q. How do you know it's a typing error? A. Because I know that the time was around one thirty.

Q. How do you know that? A. From the occurrence pad entry that was made.

Q. Who made that entry? A. I couldn't tell you for sure.

Q. Now there's mention of a knife being found in the premises. Are you aware of that? A. Yes I'm aware of that.

Q. There's been mention that somebody observed the knife sticking

FOX X XX

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out of the back of the neck of the deceased. Did you see such a knife? A. No I didn't.

RE-EXAMINATION

McINTOSH: Q. Did you see a pair of silver tongs near the back of the neck of the body? A. Yes I did.

WITNESS RETIRED AND
EXCUSED

McINTOSH: ~~SEP~~ There are some further statements which I've just received that I'll be tendering through the constable. They're analysts statements.

EGAN: I'm not objecting to those, your Worship. It's the first I've seen of them today and I think it's the first my friend's seen of them today and I'd be asking perhaps that they be explained as best they can through the next witness.

McINTOSH: Yes I'll do that, your Worship.

SAMUEL JOSEPH KHOUDAIR
sworn and examined

McINTOSH: Q. Could you tell the Court your full name, rank and station please officer? A. Samuel Joseph Khoudair. I am a plain clothes Constable of Police attached to the Crime Scene Unit of the Physical Evidence Section, Sydney Police Centre.

Q. You prepared a statement for the purposes of this case?
A. Yes.

Q. Is that the statement in front of you? A. Yes.

Q. Is that your signature on the bottom of each page? A. It is.

Q. Is everything in that statement true and correct? A. To my knowledge, yes.

McINTOSH: Might the witness be shown exhibit 3? I have that from the Bar Table. Might I approach or--?

McINTOSH: Q. In paragraph 13 of your statement you made reference to a St George Building Society passbook? A. Yes.

Q. Is that the passbook to which you refer? A. Yes it is.

Q. Did you see any signs of a struggle in the flat when you were there? A. There were very few signs of struggle in the flat and outside the flat as well. I found no sign of forced entry at the door nor any sign of any broken windows.

Q. You say very few signs of--? A. Well apart from the violence to the body of the deceased.

Q. Apart from the? A. The violence to the body of the

FOX XX RX
KHOUDAIR X

AB-E2

deceased and the knife, of course, nearby.

Q. Was there anything by way of soundproofing to the unit?

A. Well I did notice that it was a fairly heavy door and that there were some measure of soundproofing.

Q. And what do you mean by the measure of soundproofing?

A. Meaning it would have been fairly difficult to hear what was going on inside from the hallway and of course it was a - it was brick, brick between the rooms. It was a brick wall and carpeting also helped that.

Q. I show you three statements. Are those three statements reports from the forensic biologist, Virginia Freedman. That's two of them and one from Robert John Goetz? A. That's right, Goetz.

Q. In a moment I'll ask you to explain these.

FORENSIC REPORTS TENDERED, ADMITTED WITHOUT OBJECTION AND MARKED EX 19.

Q. Do you have copies of those, Detective? A. No--.

McINTOSH: If you could pass those up and I'll--

McINTOSH: Q. If I could take you to the statement of Virginia Freedman of 6 June. There are a number of articles mentioned in the second paragraph. Number 1 is a blood sample of Hughes, number 2 is the knife. That's the knife that was found on the bed? A. That's right.

Q. Number 3 a tee-shirt. That's the tee-shirt that was found near the door? A. That's right.

Q. Number 4 is a tea towel. Where was the tea towel found?

A. The tea towel was found in the - on the floor of the bedroom between the TV set and the bed.

Q. Are you able to explain why the number 4 doesn't appear in paragraph 3 of the next page? A. As it says in the paragraph, number 3, human blood was detected on items 2, 3, 5, 6, and 7. It - probably the case that human blood wasn't detected on 4, so it wasn't grouped. So I took it as being some sort of other stain.

Q. Number 5 was the swab on the front entrance. Now do you tell the Court--? A. That was the front - that was the front entrance of the block of units and that is different to any other of the blood specimens that came from the flat including the knife and Hughes and as well the person Hill. It's different completely and it appears to be unrelated to this.

Q. I think the situation is - I'm leading you with the consent of my friend - that there was a resident in the block of units who also cut his hand around that time - I beg your pardon, I withdraw that. A resident of the unit who cut his hand? A. Yes I was given the explanation that someone else had hurt themselves. I

KHOUDAIR X

AB-E2

don't know whether it was a cut and blood was shed at the front of the premises and apparently along the roadway as well.

Q. Now number 6 is a swab south of telegraph pole 3596?

A. That's correct. That was fairly well removed from the scene, from the - even the front of the premises and it's different again. Well you can't rule out the fact that or the possibility that it might be the same as 5 because grouping couldn't be taken further than the first two blood groups mentioned and the group 7 or the blood at 7 is different to the three of those as well and different to all the other blood specimens taken so they appear - all appear to be unrelated.

Q. That includes the swab number 7--? A. That's right.

Q. --the vehicle [REDACTED]? A. Yes the owner of that vehicle was located and he couldn't offer any explanation as to the--

BENCH: I'm sorry - the owner of the vehicle was located and he couldn't offer any explanation.

WITNESS: A. He couldn't offer any explanation as to the source of that blood but it was next to - it was parked next to an open park area, a lot of drug addicts, a lot of violence goes on there and it could have easily happened that someone else could have bled over the car.

CROSS-EXAMINATION

EGAN: Q. Just 6 and 8 on that list from Virginia Freedman; that being 8 is a sample of Aaron Hill's blood group, 6 being a sample of - was taken from this telegraph pole, is that the case?

A. That's right.

Q. How far is the telegraph pole from the premises?

A. Approximately 50 metres.

Q. But coincidentally or so it seems, that it's likely that the blood on the telegraph pole matches, at least in groupings - Aaron Hill's, is that right? A. No there's no possibility of that because the PGM blood group is different.

Q. Yes I see, go on, righto. It's not simply complete that. You say it's different? A. No it is definitely different. It's a completed test and the result is as shown.

Q. Now this person who cut themselves in the premises or injured themselves; do you know who that was? A. No I don't. I don't know the--

Q. Do you know the circumstances of the injury? A. No I don't. I was - though I was satisfied at the time that it was unrelated.

Q. It was a resident though of the premises, was it? A. At the time all I knew was that it was someone associated with the residence. I couldn't say it was a resident.

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is locked itself. It's a security office and the room itself is locked.

Q. Yes but what's to prevent somebody simply unlocking it with a key? A. No it's a - I gain access to the Crime Scene Unit by way of a special security card which I carry with me at all times and so does other - each other member of the Crime Scene Unit.

Q. You say the informant in the matter can't get access to exhibits? A. No.

Q. Presumably that--? A. Not once they're in my custody.

Q. What, without your consent? A. No he can't. I would have - without my consent he could not obtain--

Q. What about another member of the - of your unit? A. In order for him to do that he'd have to provide me with a receipt or some indication that he's been there and examined those items.

Q. Now the long and the short it seems to be though that this death is said to have occurred on or about 5 March, 5 May I'm sorry, 1989, the jacket is not examined until January of the following year, that right? A. That's right, yes.

Q. How many sets of hands, to your knowledge, has it been through in that period of time? A. I have no idea, no idea but all I can say is that I found that book in the jacket.

Q. But you're definitely the one that found the--? A. Yes.

Q. And how did you find it, what search did you undertake to find it? A. What was first done was that all the items were photographed, laid out and photographed front and back, then I did a gross examination, visual examination of the items for any stains. I found none by eye even though I submitted that for examination later on to the laboratory and then having photographed them I just had a look at - had a feel, I felt around.

Q. Had a feel? A. Yes.

Q. So it was obvious to just a normal tactile examination like an examination by touch? A. Yes.

Q. Didn't require the - being shaken, didn't require the lining being opened up, didn't require feeling around inside - inside the - putting your hand inside the lining and feeling around--?

A. No it was - it was sitting in the corner, as I said in the statement there, the corner, front corner of the jacket and it was just sitting inbetween the inner and outer lining and it--

Q. But would you agree--? A. It appeared like as if the jacket was stiff in that region.

Q. That area--? A. And it - I just thought it'd be nice to check out to see what was there. It just appeared odd. It may

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Q. That person, we don't know their name now though? A. I don't know their name.

Q. Did anybody identify the person? A. I can't tell you that. All I can say is that at the time I was led to believe - under the - of the belief that that person had been ruled out as a suspect.

Q. Yes did any - that's right - was the information that that person was not relevant come from another source, did it?

A. Yes.

Q. Plotecki? A. Police, it was a Police source.

Q. Do you know which one, which - in particular which officer?

A. No I can't tell you that.

Q. Now in relation to paragraph 13 of your statement, page 8, you got it there? A. Yes I have it.

Q. This jacket you've described, where you found the bank book, where was it prior to the examination at 9.45 am on 31 December?

A. I only presume it was with Detective Plotecki.

Q. Now when did you actually examine it? A. I have a note in a folder outside, the time and date.

EGAN: I'd seek leave, your Worship, ask that it be produced.

BENCH: Yes. Yes the Detective now has it, Mr Egan.

WITNESS: A. The time and date of those was 2 am on 3 January.

EGAN: Q. Two am on the third? A. That's right.

Q. Two o'clock in the morning--? A. I was on--

Q. --you were examining--? A. That's right. I was on night work. I received the items on the - or they were received for me by Detective Constable Bent, retained for me in a locked cabinet till I--

Q. Where? A. At the Crime Scene Unit. We have an exhibit - a locked exhibit room.

Q. Who has access to that exhibit room? A. Members of the Crime Scene Unit.

Q. They have to book exhibits in and out if they remove them?

A. We keep our records individually.

Q. But can anybody have access with consent to that exhibit room?

A. For their own exhibit?

Q. So if the informant in a matter wanted to get access to an exhibit--? A. No he couldn't, no he couldn't.

Q. What's to prevent him? A. Because the Crime Scene Unit

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have been--

Q. What, from sight? A. No from feel and then I--

Q. Feeling outside? A. Feeling the outside, yes.

Q. But nevertheless, the long and the short of the matter is it's not found or examined until, as I say, in excess of six months after the death? A. Well that's right, yes.

Q. But most certainly wasn't found by Plotecki and it most certainly wasn't found by a person by the name of Kerrie Stanton?

A. No, no.

Q. And it wasn't found by you in their presence? A. No, no.

Q. And there's no suggestion either one or other or both of those had found it before it got to you and was simply not commented on? You were the one who found it as far as you're aware? A. Yes.

Q. There was no mention--? A. It was just a - the first mention of that book. I was surprised to see it in other words.

Q. Now have you seen the defendant before these proceedings commenced? A. Never seen him in my life.

Q. Did you see him at the Sydney Police Centre on the day of his arrest? A. No.

Q. There's reference in paragraph 8 to the finding of a blood stained finger smudge. It says something about a lift button. I take it that's on the floor of the unit occupied by the deceased? A. That's right, yes.

Q. Was that - an examination done of that? I know you say there's reference to a fingerprint examination but anything further? A. No nothing further.

Q. Any attempt to group that blood stain if that's indeed what it was? A. That blood stain was a very very thin smear. I would guarantee that you would not get any results--

Q. Any presumptive test done on it simply to see if it was blood? A. No, no because I was able to see features about that fingerprint that meant that if I interfered with it, we'd lose any possibility of identifying the source of that print.

Q. So what features did you see in the print? A. Well what appeared to be ridges.

Q. And was the - do you know the results? I know there's a reference to a test on the bank book, a print test on the bank book. Was the - do you know the results of the tests on that fingerprint? A. I'll just have to clarify that I'm not a fingerprint expert but I'm not aware of any result on that print

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at the present time. I believe that there's an ongoing search.

Q. But the defendant's fingerprints, of course, are in existence, do you know that or you can assume--? A. I don't know that. I can assume that.

Q. Assume? A. I can assume it, yes.

Q. Now there's reference to a knife being found and indeed you refer to the knife and seeing it with drops of blood, small droplets of blood around it? A. That's right.

Q. Where did you find that knife? A. That was on the bed next to the deceased.

Q. You were present for the post-mortem? A. The external post-mortem, yes.

Q. Did you observe or were any wounds or injuries pointed out to you consistent with being inflicted by that knife? A. No.

Q. Can you give any explanation as to where the blood on the knife came from or how it got there? A. I believe that the wiring - the electrical wiring that was used to tie up the legs and the hands of the deceased as well as a small piece of wiring that was attached to the tongs, the pair of tongs, were somehow cut - especially that one around the tongs - and they had blood on them and I would suppose that manipulating those and handling them after they've been stained may have led to a transfer of blood.

Q. Any prints taken - of the knife, taken away for fingerprint examination? A. Yes, yes they were.

Q. Did you collect the evidence at the scene yourself in terms of the personal papers of the deceased? A. Not all the personal papers, no.

Q. Did you collect some? A. No.

Q. Did you observe bank books and financial documents scattered around near a briefcase? A. Yes I observed what appeared to be financial statements.

Q. Bank books? A. Bank books, no.

Q. Did you examine the briefcase? A. I'd like to, if I could, make reference to the picture that I took of the briefcase?

EGAN: Yes well perhaps if the - I ask the two pictures be shown to the witness.

BENCH: These are the--

EGAN: One, I'd ask the witness to specify these photo--

BENCH: These photographs, 53 photographs, are they, exhibit 3(?).

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EGAN: Perhaps if the witness in doing that also - might also indicate the photo of the deceased showing the time(?) ..(not transcribable).. I presume it's there.

BENCH: You may approach if you wish--

EGAN: I don't know if the witness might be shown exhibit 1, the jacket, too, your Worship, whilst we're here?

WITNESS: A. Which briefcase?

EGAN: Q. I've referred to a briefcase in evidence which I assumed we knew existed. You said you don't recollect looking in a briefcase. Did you see a briefcase? A. I don't remember seeing a briefcase. I remember seeing all these folders on the bed but--

Q. Did you find anything in the nature of bank books in the premises? A. No I didn't. I didn't conduct the thorough search of the unit, only of what I thought was relevant at the time; the bed and the immediate vicinity and anything else that appeared to be related to the crime but there were items of furniture like the chest of drawers and so forth that were examined later on by other Police.

Q. Now from the photos you have in front of you, could you show me the photograph which depicts these tongs which are attached to the belt around the deceased's neck? I show you photograph 12, is that, does that--? A. Yes that shows the edge of the tongs, that one. I have a separate photo of the tongs after they've been removed from the deceased at the morgue.

Q. I see, you've got those there, have you and that's - what photo is that? A. That's a photo taken of the material removed at the morgue from the body.

Q. That's photograph number 47? A. Forty seven, that's right.

Q. Now you have the - on your left-hand side to your front, you have the exhibit number 1, the jacket. Could you show the Court where in that jacket you found the - if it assists you, you could stand up with it - show the Court where you found the bank book?

A. It was down here resting here on the inside of the inner lining between the inner lining and the outer lining.

BENCH: Q. That's on the left-hand side front of the jacket?

A. That's right.

Q. As you've got it, as you wear it? A. Resting in the corner there.

EGAN: Q. And what do you say the point of entry to there is?

A. It could have been one of two. The one tear on the inner lining below the sleeve - the juncture of the sleeve and the main, and the torso of the jacket or another tear just above the inner pocket - chest pocket - on the left side of the jacket.

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They both lead to that point where the book was resting.

Q. Did you, at any time, examine the jacket, cause any tear or damage to the jacket? A. No.

Q. Did you at any time take any samples from the jacket?
A. No.

Q. Those tongs you refer to, were they fingerprinted to your knowledge or taken away for examination? A. Yes they were fingerprinted. I can't recollect though when they were fingerprinted. I believe it was when I sent them myself to Parramatta or I took them to Parramatta.

Q. Was the knife sent away for examination, a fingerprint examination? A. Fingerprint. What happened to the knife was the blood was removed at the laboratory. I took it directly to the laboratory where the sample was taken off the end of the knife and it was after that the fingerprints were taken because--

Q. The answer is simply is the knife has been examined. Is that what you're saying? A. It has been, yes.

Q. And you're not aware of the results of the examination either of the tongs or the knife? A. The result was that it was a negative result.

Q. Negative, what do you mean negative. There were no identifiable prints or none at all or--? A. No identifiable prints.

Q. Well just on that, does that mean there were prints on the knife which could not be identified or there were no prints. Which - there was nothing on the knife which could be identified as an adequate--? A. I can't tell you that.

Q. There's reference to a glazed fragment - a fragment from a glazed pottery. It seems under the bed or partially under the bed upon which the deceased is found there is a - part of a lamp?
A. Did you say under the bed?

Q. Under the bed? A. Which lamp are you referring to?

Q. A lamp which appears to be under - partially under and partially outside the bed, a small lamp. Did you see anything of that nature? A. Not underneath the bed, no.

Q. In relation to the pottery, was any fingerprint examination undertaken of it? A. Yes.

Q. And that too, to your knowledge, has proved negative?
A. Negative.

Q. Is that right? A. That's right.

Q. Do you know of anybody's fingerprints apart from those of the deceased which have been identified in the premises? A. I don't

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know the result of that fingerprint done. What I do know is that the fingerprint people attended the unit, two people, and they did a thorough examination. Now I can't say exactly what they examined because that's their role to determine at times what the most likely point would be where fingerprints are deposited. After my briefing, after my indication of roughly what's known at the time, then they go on their own way. You'll have to get them in.

Q. You collected a tweed cap. Why did you take a tweed cap?

A. In the hope or the possibility that it might have been the offender's.

Q. What led you to believe that might have been the - of all the things in the place, what made you think it might have been--?

A. Nothing in particular, only the possibility.

Q. Well was there something suspicious about its location or its identity which otherwise--? A. Someone - one of the Police there who knew the deceased said that he'd never seen him with a hat on of that sort.

Q. And was there any form of identification in that hat to identify itself in any way by name, initials, anything else?

A. No.

RE-EXAMINATION

McINTOSH: Q. It's the situation, isn't it, that the only blood found in the flat was that of Mr Hughes, is that right?

A. That's right, yes.

WITNESS RETIRED AND
EXCUSED

CLOSE CASE FOR PROSECUTION

BENCH: Do you wish to address me, Mr Egan?

EGAN: Not on the 41(2), your Worship. Under 41(6), I don't know if you want to do it now and then--

BENCH: No I'll do all the preliminaries. In my opinion the evidence is capable of satisfying a jury beyond a reasonable doubt the defendant has committed the indictable offence as charged. Stand up please, Mr Jones. Ian Stuart Jones, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so but anything you do say will be recorded and may be given against you in evidence at your trial. You are also informed and are clearly to understand that you have nothing to hope from any promise of favour and nothing to fear from any threat which may have been holden out to you to induce you to make any admission or confession of your guilt but whatever you now say may be given against you in evidence upon your trial notwithstanding such promise or threat. Do you wish to say anything, Mr Jones?

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DEFENDANT JONES: Just your Honour, that from the beginning of this matter up till this present stage, I've done nothing but cooperate. I've offered to give blood, hair, urine, sperm. I've been offered to take a lie detector test, to be put under deep hypnotherapy, anything to help this case be solved and I know I'm not guilty of this matter, your Honour, and that's all I'd like to say.

BENCH: Do you wish to call any evidence at this stage, Mr Egan?

EGAN: Your Worship, early in the proceedings there was one matter, an mfi. There have been some statements are mfi's, you Worship, that I don't seek to tender but there's also an mfi, I believe, I thought by way of a note book, your Worship.

BENCH: Yes there's - wait a minute. Let's have a look.

EGAN: No that may have been tendered. That was tendered by my friend, your Worship.

BENCH: Yes the note book went in as exhibit 17.

EGAN: It did, it went in.

BENCH: Yes what's that board that--

McINTOSH: That was the--

BENCH: Yes the note book is F38145 is exhibit 17. Exhibit 16 is a photogrammetry diagram. Yes Mr Egan, you wish to address me?

MR EGAN ADDRESSED

BENCH: If you took each piece of evidence in isolation, yes, I would agree with you that the case is not strong enough but you've got to look at the evidence as a whole. First of all we have a look at the opportunity or we look at the background of the defendant and the deceased. That's quite obvious but you look at the opportunity even at the Prosecution's worst scenario, he had time to get down to Kings Cross, even if he left at - after half past three, between half past three and four o'clock. The second thing, the pass book; it's all very well to say the pass book has no benefit to the Prosecution but that pass book was found in a jacket that is regularly worn by the defendant. It is found in a place in the jacket which is not easily recognisable. Detective Khoudair found it by feeling around in the jacket. It's a pass book which shows an entry some time prior to the murder. Mr Scobie said in his statement originally he saw the pass book on 3 May, two days before the murder. He then qualified that by saying he also saw it or he at least saw it two weeks before that but he can't be certain that he saw it on the third so you've still got two weeks before the murder, the pass book is still in the possession of the deceased and the defendant at all times is - hasn't seen the deceased for some time according to him. Hasn't seen the deceased for some time, well before that two weeks before the murder so - and yet the pass book is found in a jacket regularly worn by him; a jacket that he wore around because he

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pointed out to people that he'd been stabbed when he was wearing that jacket before and it had certain markings on it. Then we have his admission to Locke. I can't agree with you that Locke was destroyed by Scobie. It's a matter for a jury to decide whether or not Locke's story is acceptable. But you take all of those pieces of evidence together and I can't come to the conclusion that there is no real chance or prospect of a conviction by a jury properly instructed and because I can't come to that conclusion, in accordance with Chid's case, I must commit him for trial. Stand up please Mr Jones.

YOU'LL BE COMMITTED FOR TRIAL AT THE SUPREME COURT HOLDEN AT SYDNEY ON A DATE TO BE FIXED BY THE CRIMINAL LISTING DIRECTOR OR SUCH OTHER TIME AND PLACE AS THE ATTORNEY-GENERAL MAY DIRECT.

DEFENDANT INFORMED OF THE PROVISIONS OF ALIBI DEFENCE AND THE PROVISIONS FOR LEGAL ASSISTANCE.

DEFENDANT JONES: Could this be the earliest possible date set please your Honour. I don't want to--

BENCH: I don't - we can't set dates.

DEFENDANT JONES: ---years waiting for this case to be found not guilty.

BENCH: Mr Jones, Mr Jones, that will be up to Mr Egan. Just remain standing please.

QUESTION OF BAIL

BENCH: First of all is there any application for bail?

EGAN: Not - just excuse me your Worship. Well there's not going to be an application for bail today, your Worship.

BENCH: Well for the reasons I refused bail on the prior occasion, I REFUSE BAIL ON THIS OCCASION.

EGAN: One matter the defendant does - I think on the last occasion there was reference, your Worship, to the defendant being refused bail in relation to another matter. I think a malicious wound matter.

DEFENDANT JONES: That's correct.

EGAN: I believe he's been granted bail in relation to that so that does enter into your consideration--

BENCH: Yes but I've adopted the reasons I refused bail on prior occasions and he hasn't applied for bail and bail is refused. In respect to the three Bathurst matters, he'll be adjourned back to the Bathurst Local Court. I'm just getting a date. BAIL WILL BE REFUSED FOR THE SAME REASONS IN RESPECT TO THAT because they've got no relativity to the murder matter. They're entirely different so they've got to be - we'll just get a date for Bathurst.

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FURTHER DISCUSSION RE OTHER MATTERS

OTHER MATTERS - REMANDED TO BATHURST MONDAY 13 AUGUST FOR MENTION ONLY AND BAIL IS REFUSED.

oOo