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THE SUPREME COURT  
OF NEW SOUTH WALES  
CRIMINAL DIVISION

MATHEWS J

And a jury of Twelve.

70162/90 - REGINA V. IAN STUART JONES

WOLLONGONG: SECOND DAY: TUESDAY 25 August 1992.

IN THE ABSENCE OF THE JURY

HER HONOUR: Just before the jury comes in, I am told that Mr Jones was just outside the court while the jury was coming in. He was out there having a smoke just outside the court. Outside I am told, when a juror came in. There was no physical contact between them but she was - -

FINNANE: I must say I don't know anything about this your Honour.

CROWN PROSECUTOR: He has been in court since 9.45, according to the officer.

HER HONOUR: This was before that.

FINNANE: Apparently that is so. He was outside the front door.

HER HONOUR: He can't do that, not when jurors are coming and going.

FINNANE: I am told what happened was this, the train was late. He took the taxi here and was smoking a cigarette as he got out of the cab to come into the front door. Indeed, I think I first spoke to him about twenty past nine.

HER HONOUR: I was told he was smoking a cigarette and a juror came along and there was no contact but she was somewhat startled. That sort of thing should not happen.

FINNANE: No, it should not happen. I am told he was smoking a cigarette as he came through the front door.

HER HONOUR: How does the jury come in?

COURT OFFICER: To the eastern entrance, your Honour (indicating).

FINNANE: He came in that door there (indicating) next to the police station.

HER HONOUR: Which door should they be using?

COURT OFFICER: The door down here. (Indicating)

HER HONOUR: It has been shown to them, has it?

COURT OFFICER: Yes.

HER HONOUR: I suppose if anybody is coming up from the mall they have to walk past this area in order to get there.

FINNANE: Yes, that is right.

HER HONOUR: So the fact that they use the eastern door does not prevent contact with him coming in that entrance.

I will leave it in abeyance at the moment. I think you had better get instructions about what really has happened. It is a worry. This is the first morning and we cannot take the risk.

FINNANE: I will certainly do that. I find jurors, despite all the instructions in the world, as a barrister I can come in contact with them and it embarrasses you. I will get some clear instructions what the position is.

(The Crown Prosecutor informed her Honour that the witness who was unavailable yesterday was on his way and should arrive shortly.)

(Errata noted.)

IN THE PRESENCE OF THE JURY:

SANDRA LOUISE LANGSFORD  
Sworn and examined:

CROWN PROSECUTOR: Q. Is your full name Sandra Louise Langsford?  
A. That is correct.

Q. You were at one time a Constable of Police first class in the New South Wales Police Force. Is that correct?  
A. I was.

Q. You are now with the NRMA?  
A. I am.

Q. You have been working with the NRMA for about seven weeks?  
A. That is correct.

Q. On 6 May 1989 were you stationed at the Mounted Section of the Police Force?  
A. I was.

Q. Were you performing patrol duties with Const <sup>es</sup> Richards of that section?  
A. Yes.

Q. At about 2.20 pm on that date did you go with Det Richards<sup>es</sup> to the vicinity of the premises at 3/5 Greenknowe Avenue Potts Point? A. Yes

Q Did you speak with Det Snr Scullion ?  
a. I did.

Q. And did you see a motor vehicle?  
A. Yes, I did.

Q. Where was the motor vehicle?  
A. The motor vehicle was in Baroda Lane at Potts Point.

Q. What sort of motor vehicle was it?  
A. It was a stolen motor vehicle that we had recovered previously, and it was a brown Cortina.

Q. Where was it in Baroda Lane - do you remember, in relation to the block of flats on the corner of Baroda Lane and Greenknowe Avenue?  
A. It was in Baroda Lane around the corner from the block of flats, closer towards Kings Cross Police Station.

Q. Was there something you noticed about that vehicle?  
A. Yes, that vehicle had bloodstains on the front right hand portion of it.

Q. Was it very much blood that you remember?  
A. Only blood smears - not a lot.

Q. Did you do something in relation to that vehicle?  
A. We did. We recovered that vehicle and made sure that if there was any outstanding warrants on the vehicle, - there wasn't, sorry. This was previous to speaking to Det Snr Constable Scullion, and when we had spoken to Scullion he asked us if we would secure that vehicle until it could be fingerprinted and also to have scientific blood scrapings.

Q. When you say "recovered" - what do you mean by that?  
A. We recovered it through Stolen Motor Vehicles because it was a stolen vehicle.

Q. You established that it was a stolen vehicle?  
a. Yes.

Q. You then kept watch on that vehicle, did you?  
A. After speaking to Scullion, yes, we did keep watch on that vehicle.

Q. Was it taken away eventually when you were there?  
A. It was eventually towed to the holding yard at Kings Cross Police Station.

Q. Did you see any other police officers do anything in relation to that vehicle?  
A. Scientific did have a quick look at it but at the time it was going to rain so they moved it into Kings Cross Police

station so they could have a look at it later.

Q. At about six o'clock that evening did you go into the flat number [REDACTED]?

A. I did.

Q. You saw the body inside the flat?

A. That is correct.

Q. You saw various articles around the body?

A. That's right.

Q. Were you present when Dr Oettle and Dr Schwartz attended the scene?

A. I was.

Q. Did you see the Government contractors arrive at 8.30 and remove the body?

A. I did.

Q. At about 9.30 pm, did you go to the City Morgue and receive a death certificate relating to the deceased man Hughes?

A. Yes, I did.

CROSS-EXAMINATION:

FINNANE: Q. Miss Langsford, what task did you have when you went to the flat at six o'clock in the evening?

A. I was responsible for completing the P79A which is the report of death to the Coroner.

Q. That is a form that is required to be completed in this sort of situation?

A. Yes.

Q. Apart from filling in that form or getting details in relation to that form, what else did you do?

A. I just remained at the scene until the Government medical officers arrived and the contractors took the body to the morgue.

Q. And you went off to the morgue after that?

A. I did.

Q. How long were you there for? Was it two and a half hours or so?

A. That's right.

Q. In that time you were, what, basically apart from filling in the form a sort of bystander?

A. That is right.

RE-EXAMINATION:

CROWN PROSECUTOR: Q. Did the form take very long to prepare?

A. Not really. Probably about 20 minutes.

WITNESS RETIRED & EXCUSED

*ES*  
 DARYL RAYMOND RICHARDS  
 Sworn and examined.

CROWN PROSECUTOR:Q. Is your full name Daryl Raymond Richards?

A. That is true.

Q. You are a constable first class?

A. That is correct.

Q. You are stationed now at Crookwell?

A. That is correct.

Q. On 6 May 1989 were you stationed at the police mounted section?

A. I was.

Q. At about 10.30am on Saturday, 6 May, were you with Constable Langsford?

A. I was.

Q. You saw a brown Cortina in Baroda St, Kings Cross?

A. That is true.

Q. And you established that that vehicle was stolen?

A. That is correct.

Q. And it was pushed to the side of the street?

A. That is correct.

Q. You saw some blood on that vehicle?

A. That is correct.

Q. At about 2.30pm did you go to the area near a block of flats at [REDACTED] Greenknowe Avenue, Potts Point?

A. I did.

Q. You secured the area around the Cortina?

A. That is correct.

Q. At about 8pm did you speak with Det Sgt Spain?

A. I did.

Q. Did you go up to the flat at [REDACTED]?

A. I did.

Q. And then after you went up there what did you do?

A. It was my job to guard the crime scene which involved just making sure no other persons come into the flat and just to keep everything intact, virtually walk around with your hands in your pockets. Don't touch.

Q. Were you involved in something more active at a later time?

A. Yes. At about 9 o'clock that evening I was involved in searching the flat. On instructions from Det Plotecki I was looking for anything of evidentiary value, that type of item. Anything like that.

Q. Did you take possession of any articles that you remember?  
 A. Yes. I searched a wardrobe which involved searching suitcases and anything with bits of paper with names and that on was all pooled in the flat on a table.

Q. Now do you remember any particular items that you saw that were pooled?

A. From memory, there were a couple of Westpac deposit books, bail papers and there was a black, sort of, address book and a black folder containing business cards and just little personal bits of paper with phone numbers and that on them.

Q. Did you ever see a St George passbook?

A. No, I didn't.

Q. How long were you involved in that search, do you remember?

A. Oh probably would have been about 40 minutes.

Q. What did you do after that?

A. Just went down to the Kings Cross police station after that.

CROSS-EXAMINATION:

FINNANE: Q. How many people were involved in this search?

A. There was myself and two other detectives.

Q. And one of them was Plotecki?

A. That is correct.

Q. And did anybody make a list of what was found as you went along?

A. A list was made back at the police station, as I recall.

Q. As you went along did anybody make a list?

A. No, it was just pooled.

Q. Just pooled?

A. Yes.

Q. When you say "pooled" was everything just thrown on a table?

A. Yes, just thrown on a table and put into a bag after we finished.

Q. Anything that anybody thought was relevant was on to the table and into the bag?

A. That is correct, we went through it.

Q. And later on somebody at the police station made a list?

A. Yes, that is correct.

Q. Is that what happened?

A. That is normal procedure.

Q. Is that the only search you took part in?

A. Yes.

Q. Did you have anything to do with this matter after this particular occasion?

A. No, that was it.

Q. Were you making a particular note of what you saw?  
 A. Yes, just visual - it was the first murder I had ever been to, so I had my memories of it, yes.

Q. You were interested in it?  
 A. Being the first one and being in the job for three years, yes, I was.

Q. Can you tell me how long were you there at the premises?  
 A. I was there from about 8 o'clock till roughly about twenty to ten.

Q. Were you there other police apart from you and these two detectives?  
 A. No, that was it.

Q. Just the three of you?  
 A. That is correct.

Q. Do you know if a window was open or shut while you were there?  
 A. As I recall, a window was open, the bathroom window.

Q. What about the door?  
 A. Into the flat?

Q. Yes?  
 A. No, it was shut.

Q. What sort of lock did it have on it?  
 A. Oh, I don't recall.

Q. Were there any other objects in the flat that were left there apart from the stuff that you pooled?  
 A. Oh, the normal run of the mill stuff you'd have in a flat, just the stuff we search, which we found, which we pooled.

Q. When you say the normal run of the mill stuff in a flat, what do you mean by that?  
 A. A television, a chair, kitchen utensils, books, it was just a small flatette, a bathroom, a small kitchen and your television room bedroom combined into one, you know, very cluttered flat.

Q. When you arrived the body had been taken away?  
 A. That is correct.

Q. You were there for, what, forty minutes or so?  
 A. From about 8 o'clock till twenty to ten.

Q. 8 o'clock or 9 o'clock?  
 A. About 8.

Q. Eight o'clock till when?  
 A. About twenty to ten.

Q. The body had gone by the time you got there?  
 A. Yes, I think so, yes.

Q. We have been told the body was taken out at half past eight. Does that suggest that is right, that you must have been there after half past eight?

A. It was around about eight o'clock.

Q. Well, around about eight o'clock is different to half past eight, isn't it?

A. It is half an hour difference, yes.

Q. Could it be perhaps that you were there at nine o'clock, not eight o'clock? A. No, directly after the body was taken.

Q. 8.35, 8.40 then?

A. Well, it could have been, yes.

Q. And how long were you there then?

A. Till about twenty to ten.

Q. What were you doing till twenty to ten after you did this 40 minute search?

A. That is how long the search took and then I went back to Kings Cross police station.

Q. So you didn't start the search immediately you arrived?

A. No, I had the job guarding the crime scene, walking around with hands in your pockets.

Q. How long were you guarding the crime scene?

A. From about 8 o'clock.

Q. So you were there on your own?

A. Yes.

Q. And then you went into the flat?

A. Yes.

Q. Who was there when you arrived, there must have been somebody there when you arrived?

A. I think fingerprints had just finished up. They were walking out as I was walking in.

Q. How many of them were walking out as you were walking in?

A. About two, as I recall.

Q. Were you given keys to the flat?

A. No, I wasn't.

Q. The door was able to be opened, was it, just by turning a knob or something?

A. I think to open the flat, yes, that's how I got in.

Q. You then waited till these other two police arrived?

A. I did.

Q. And just wandered around the place?

A. That is correct.

Q. Until they arrived nobody else arrived?

A. That is correct.



Q. And then when you left did they leave?

A. Yes, all left at the same time.

Q. Who secured the flat?

A. I can't recall but the door was shut when we went out. I can't recall who shut the door.

Q. Was the door locked?

A. It locked when you pulled it, yes.

Q. Was anybody left there to guard the place?

A. No. No.

Q. Was the window shut when you left?

A. Oh, I don't recall.

NO RE EXAMINATION.

WITNESS RETIRED AND EXCUSED.

SAMUEL JOSEPH KHOUDAIR

Sworn and examined.

CROWN PROSECUTOR:Q. Is your full name Samuel Joseph Khoudair?

A. Yes.

Q. What is your rank?

A. Constable first class.

Q. Your station?

A. The Physical Evidence Section, Sydney.

Q. For how long have you been at the Physical Evidence Section?

A. Six years.

Q. Do your duties include examination of crime scenes including examination of scenes of unusual and suspicious deaths?

A. Yes.

Q. For how long have you been involved in those sorts of duties?

A. Six years.

Q. At about 2.30pm on Saturday 6th May 1989 did you go to flat [REDACTED] Greenknowe Avenue, Potts Point?

A. Yes.

Q. Did you there speak to Det Snr Constable, as he then was, Neville Scullion?

A. Yes.

Q. You saw the body of a deceased male lying face down on double bed in a single bedroom of that flat?

A. Yes.

Q. Do you recognise the area shown on that photocopy, exhibit A, Detective?

A. Yes.

Q. Do you see where the flat building is on that plan?  
A. Yes.

Q. The top of the plan is north, the bottom south. Would that be correct, approximately?  
A. Yes.

Q. Did you estimate how big the unit or flat was?  
A. Roughly.

Q. What size?  
A. Proportions? Approximately five by - of the entire unit?

Q. Yes.  
A. Five by seven metres.

Q. Did you take some photographs of the entrance of the block of flats?  
A. Yes.

Q. And the hallways on the third floor?  
A. Yes.

Q. Would you look at these photographs. You took each of those photographs?  
A. Yes.

Q. What does the first photograph show.  
A. Photograph 1 shows the main security entrance to Greenknowe Street, Potts Point.

Q. Greenknowe Avenue.  
A. Sorry Greenknowe Avenue Potts Point in Baroda Lane.

Q. That photograph is taken in Baroda Lane looking at the entrance?  
A. Yes.

Q. Have you put a description of that photograph on the back of it?  
A. Yes, a caption.

Q. The second photograph is marked 2. Is that correct?  
A. Yes.

Q. What does that show?  
A. The ground floor foyer of number ■ Greenknowe Avenue Potts Point, the inside of the building.

Q. The next photograph marked 3 - what does that show?  
A. This is the approach from the unit, unit ■, to the lift and the stairway to the left and the stairway on the third floor.

Q. That is looking from the flat towards the lift and stairwell?  
A. That's right.

Q. Photograph 4.  
A. This is the view of the corridor running east-west with unit 311 at the right. This is a view from the elevators towards the unit 311.

**C** ABOVE PHOTOGRAPHS TENDERED WITHOUT OBJECTION ADMITTED AND MARKED EXHIBIT C: SHOWN TO JURY.

Q. Did you take inside the unit or flat a number of photographs?  
A. Yes.

Q. Would you look at these five photographs, please. You took those photographs?  
A. Yes.

Q. Photograph marked 5 is the northern side of the unit showing the body of the deceased and the front door of the unit. Is that correct?  
A. Yes.

Q. Photograph 6 is the southern side showing the entrance to the bathroom and kitchen area?  
A. Yes.

Q. Photograph 7 is a photograph of the kitchen area?  
A. Yes.

Q. Photograph 8 is a view of the table near the entrance to the flat?  
A. Yes.

Q. Photograph 9 is a photograph of the lounge chair near the feet of the deceased?  
A. Yes.

**D** ABOVE PHOTOGRAPHS TENDERED WITHOUT OBJECTION ADMITTED AND MARKED EXHIBIT D: SHOWN TO JURY.

Q. You noticed that the hands of the deceased man had been tied behind his back with electric flex cord?  
A. Yes.

Q. Which was still attached to an orange/brown coloured table lying beside the body?  
A. Yes.

Q. The feet had been bound with another flex wire attached to a red coloured lamp?  
A. Yes.

Q. The head was covered with what looked like a pillow case?  
A. Yes.

Q. And it was turned inside out?  
A. Yes.

Q. Did you see a leather belt about 3 cms in width wrapped tightly around the pillow case?  
A. Yes.

Q. You saw a pair of kitchen tongs inserted into the belt?  
A. Yes.

Q. Tied around the tongs was a further piece of electrical flex?  
A. Yes.

Q. You saw a portion of a red, black and white striped tie protruding from underneath the hood?  
A. Yes.

Q. You saw some articles near the body. Is that correct?  
A. Yes.

Q. Including a knife which looked to have blood on it?  
A. Yes.

Q. You saw some fragments of glazed pottery?  
A. Yes.

Q. You collected a cap which you saw there?  
A. Yes.

Q. A bread knife and the fragments of pottery for further examination?  
A. Yes.

Q. Did you take some more photographs? Would you look at these further six photographs. Photograph marked 10 is a photograph showing an overall view of the deceased at the end of the bed?  
A. Yes.

Q. Photograph 11 showing the legs of the deceased overhanging the southern side of the bed?  
A. Yes.

Q. Photograph 12, a close view of the pottery found about the head of the deceased?  
A. Yes.

Q. Photograph 13 is a close view of files, knife and pillow beside the body of the deceased?  
A. Yes.

Q. A photograph of a knot around the hands of the deceased?  
A. Yes.

Q. Photograph 15 is a photograph showing a close view of the head and neck of the deceased after the turning around of the body?  
A. Yes.

Q. Again, they are all captioned as well?  
A. Yes.

ABOVE PHOTOGRAPHS TENDERED: WITHOUT OBJECTION ADMITTED AND MARKED E AND SHOWN TO THE JURY.

Q. You saw the locks on the front door of the flat?  
A. Yes.

Q. What were they?  
A. One was a passage lock, a simple lock and the other was a dead lock, from memory - if memory serves me correct.

Q. Did you see any signs of forced entry?

A. No.

Q. No interference that you could see with any of the locks?

A. No.

Q. Did you see a small table next to the front door?

A. Inside, yes.

Q. You saw an ashtray and you found a bloodstained T shirt behind the small table, correct?

A. Yes.

Q. And you took another three photographs?

A. Yes.

Q. Look at these three photographs (shown). Photograph 20 shows the front door and the locks of the flat, is that correct?

A. Yes.

Q. Photograph 21 shows a coffee table, is that correct?

A. Yes.

Q. And photograph 22 is a close-up view of an ashtray which was on the coffee table?

a. Yes.

Q. Can you see from any of these photographs where you saw the bloodstained T shirt?

A. Yes.

Q. Could you indicate which photograph?

A. Photo 21 which shows coffee table next to the front door, in the gap between that coffee table and small chest of drawers is where I found the T shirt.

THREE PHOTOGRAPHS NUMBERED 20, 21 and 22 TENDERED ADMITTED WITHOUT OBJECTION AND MARKED EXHIBIT F.

THE CROWN PROSECUTOR EXPLAINED EXHIBIT F TO THE JURY.

Q. The table contained a bong, is that correct?

What is known as a bong?

A. That is correct.

Q. Which is an implement used by persons for smoking marihuana?

A. Yes, that is correct.

Q. And you saw a tray of what appeared to be finely divided marihuana?

A. Yes.

Q. And that is the green vegetable matter which is shown, I think, in two of the photographs?

A. Yes.

Q. On the floor near the entrance to the kitchen area did you see the remainder of a red black and white striped tie?

A. Yes.

Q. And it contained a knot, is that correct?

A. Yes.

Q. It appeared to have been cut by a sharp instrument?

A. Yes.

Q. And you collected that fragment of the tie?

A. Yes.

Q. Towards the kitchen did you see resting on a chair some clothing and and books - can you remember that?

A. Yes.

Q. Anyway, you were taking photographs of these various things that you saw?

A. Yes.

Q. You saw the heater which was still on?

A. Yes.

Q. And you saw on the kitchen sink some crockery, is that correct?

A. Yes.

Q. Which appeared to be dining settings for three people?

A. Yes.

Q. Would you look, please, at these four photographs. (Shown) Are they photographs which you took?

A. Yes.

Q. Photograph 16 is a photograph of the area near the entrance to the kitchen showing the cut tie, is that correct?

A. Yes.

Q. Photograph 17 shows the fragments of clay pottery in the entrance to the kitchen?

A. Yes.

Q. Photograph 18 is a view of the heater?

A. Yes.

Q. And some running shoes?

A. Yes.

Q. And photograph 19 is a photograph of the crockery, etc, on the kitchen sink?

A. Yes.

PHOTOGRAPHS NUMBERED 16, 17, 18 AND 19 TENDERED: ADMITTED WITHOUT OBJECTION AND MARKED EX G. SHOWN TO THE JURY.

Q. In the corridor of the third floor about 20 metres away from the entrance of unit [REDACTED] next to the lift, did you find what appeared to be a bloodstained finger smudge?

A. Yes.

Q. That smudge was about 30 cms above the lift button, is that correct?

A. Yes

q. Did you take three photographs, one showing the lift button and the door, then there is a close up photograph of the smudge above the lift button and then there is an even closer view of the smudge with a measuring scale beside the smudge, is that correct? A. Yes.

Q. Would you look at these three photographs. They are the three photographs you took?

A. Yes.

ABOVE PHOTOGRAPHS TENDERED WITHOUT OBJECTION, ADMITTED AND MARKED EXHIBIT H: DESCRIBED TO THE JURY BY CROWN PROSECUTOR.

Q. At 4pm on 9 May did you go to the City Morgue?

A Yes.

Q. Did you take some photographs of the body of John Hughes?

A. Yes.

Q. Would you look at these photographs and identify them please detective (complied).

ABOVE PHOTOGRAPHS MFI 4.

Q. You photographed then a number of items, is that correct?

A. Yes.

Q. You were told something about those items, is that correct?

A. Yes.

Q. Would you look please at these four photographs. There were two photographs of the pillow slip. Is that correct?

A. Yes.

Q. Photographs 46 and 47 show various items. Is that correct?

A. Yes.

Q. Number 44 and 45 are photographs of the pillow case?

A. Yes.

ABOVE PHOTOGRAPHS MFI 5.

SHORT ADJOURNMENT.

HER HONOUR: You are still bound by the oath you took this morning.

CROWN PROSECUTOR:Q. Detective, you took some photographs of items which were removed form the body of the deceased man, is that correct?

A. That is correct.

Q. Would you look at these two photographs marked 46 and 47.  
(Shown) Are they the photographs of, not all the items but some  
of the items taken from the deceased man?

A. That is right.

PHOTOGRAPHS NUMBERED 46 AND 47 TENDERED: ADMITTED WITHOUT  
OBJECTION AND MARKED EX J.

Q. Just from here, Detective, do you recognise the items which  
are shown as pieces of flex?

A. Yes.

Q. Where they came from?

A. Yes.

Q. Which item came from what part of the deceased's body?

A. Yes.

Q. And you indicated on the back of the photograph the flex in  
the upper left corner was around the tongs and the neck of the  
deceased, that is the upper left here, (Indicating) is it?

A. Yes.

Q. The flex in the upper right corner was wrapped around the  
legs, that is that flex there. (Indicating)

A. Yes.

Q. The flex in the lower left corner was wrapped around his  
hands, that is that flex there. (Indicating)

A. Yes.

Q. When you first photographed the body those two flexes, the one  
on the upper right and the one on the lower left were attached to  
lamps, is that correct?

A. Yes.

Q. As shown in the photographs?

A. Yes.

Q. The lamps have obviously been cut from the flexes?

A. Yes.

Q. Was that flex on the upper left corner attached to anything or  
was it just like that?

A. No, it was just like that.

Q. There is a watch shown. That is, as you understood it a watch  
that was on the deceased?

A. Yes.

Q. And a packet of Dunhill cigarettes was found in the pocket or  
something?

A. That's right.

Q. In photograph 47 you moved your camera down somewhat. Is that  
correct?

A. Yes.



Q. Do you know what that flex is that is indicated on the upper right of the photograph?

A. I'd have to have a close look at that.

Q. If it assists you, would you refer to the flex in the caption - did that relate to anything?

A. I can't really readily recall that particular one, that segment of flex, where that was.

Q. There is a portion of the tie indicated in photograph 47?

A. Yes.

Q. That was removed from around the neck of the deceased?

A. Yes.

Q. And the belt was removed from around the neck?

A. That's right.

Q. And it shows the kitchen tongs?

A. That's right.

Q. There is a piece of metal?

A. That is I'd say the buckle belonging to that pair of kitchen tongs.

THE CROWN PROSECUTOR DESCRIBED THE ABOVE PHOTOGRAPHS TO THE JURY.

Q. On 10 May 1989 did you attend the Forensic Biology Laboratories at Glebe and did you submit for the examination of Virginia Friedman a number of items?

A. Yes.

Q. A blood sample from the body of John Hughes?

A. Yes.

Q. Bloodstained knife which had been found beside the body?

A. Yes.

Q. And the bloodstained T shirt which was found near the coffee table. Is that correct?

A. Yes.

Q. There were certain swabs also submitted. Do you remember submitting swabs?

A. Yes.

Q. Did you take the swabs?

A. Yes, I would have taken them.

Q. There was a swab taken from the front end of the units, that is down the bottom?

A. Yes.

Q. A swab taken from near a telegraph pole, is that right?

A. Yes, down the street in Baroda Lane.

Q. And a swab taken from a Cortina motor vehicle?  
A. Yes.

Q. Each of those swabs was what appeared to be blood. Is that correct?  
A. Yes.

Q. Did you also see at a later time on that date at about 8 pm a blood sample being taken from Aaron Hill by a Dr Tony Moynan?  
A. Yes.

Q. Did you submit that sample to Virginia Friedman on 12 May?  
A. It was submitted to her. I can't remember if it was myself.

Q. On 3 August did you submit to the Forensic Biology Laboratory for analysis five cigarettes butts found in the ashtray?  
A. Yes.

Q. Do you say that two of those butts were of a Dunhill brand?  
A. Yes.

Q. Three were Winfield?  
A. Yes.

Q. Would you please look at these certificates. Do you recognise those certificates, Constable?  
A. Yes.

Q. One is from Virginia Friedman relating to various items which were submitted to her by you?  
A. Yes.

Q. And one is by Mr Goetz?  
A. Yes.

Q. Relating to the cigarette butts?  
A. Yes.

ABOVE CERTIFICATE MFI 6.

Q. At about 9.45 am on 31 December 1989, did you see a number of items of clothing which had been left by Det Plotecki?  
A. Yes.

Q. Did you actually receive them from Det Plotecki, or they were in your unit?  
A. No. They were left by Det Plotecki with another person that works with me, Det McBent and left for me - -

Q. On that date?  
A. On that date.

Q. So you actually didn't see them being left on that date?  
A. Not on that date.

Q. Did you subsequently, however, examine those items of clothing?  
A. Yes.

Q. That was about 2am on 3 January 1990, is that correct?

A. That is correct.

Q. And where did you get the items from prior to you examining them.

A. They were locked for me in our exhibit room. I was informed that they were there waiting for my attention and that is where I got the clothing from for the examination.

Q. Why so early in the morning?

A. I was on night work on that occasion and it was the first available period of time that I had to properly examine the clothing.

Q. Amongst the items did you see a man's jacket which was dark blue in colour?

A. Yes.

Q. You made an examination of that jacket?

A. Yes.

Q. And you took photographs during the course of that examination?

A. Yes.

Q. Would you look, please, at this jacket (shown).

Is that the jacket which you examined in the early hours of 3 January?

A. Yes.

Q. What did you notice about that jacket?

A. As I was preparing to put the jacket away I noticed on the lining of one of the pockets a bit of stiffness which did not correspond with the other side. I saw a tear on the inside of the jacket, put my hand in and found a bankbook.

Q. Would you look, please, at the book marked for identification 1 (shown).

A. That is the book which I found inside this jacket.

Q. Did you take any photographs of that book at the time?

A. Yes.

Q. Would you look, please, at these six photographs (shown). Are they the photographs you took of the jacket and the book which you found?

A. Yes.

SIX PHOTOGRAPHS OF JACKET AND BANKBOOK TENDERED. MR FINNANE REQUESTED THAT THE CAPTIONS ON THE BACKS OF THE PHOTOGRAPHS NOT BE DISCLOSED TO THE JURY. TENDER DEFERRED. MARKED FOR IDENTIFICATION 7.

Q. About 8.35am on 30 March 1990 did you hand that jacket to Det Plotecki?

A. Yes.

Q. Had you submitted that jacket to anyone else, or given it to anyone else before you had handed it to Det Plotecki?

A. No one else. I'd like to check a receipt, a couple of receipts that I have.

Q. I am asking you whether it had ever been submitted for analysis?

A. It was submitted for analysis and came back to me.

Q. Who was it submitted to?

A. Forensic biology.

Q. To Virginia Friedman?

A. I think it would have been, yes, from memory. It may not have been in the instance - -

Q. Would you make a check of that?

A. Yes.

CROWN PROSECUTOR: May that just be deferred, your Honour? (Permission granted.)

Q. When you went to the premises, unit or flat [REDACTED] on the Saturday, do you remember how long you were there?

A. In total, perhaps four or five hours.

Q. Do you know what time you left?

A. I can't remember.

Q. Once you had arrived at the unit did you stay there continually?

A. Well, we went in and out but at the scene I was there continually, yes.

Q. Did you go for a meal or anything like that?

A. That sort of thing, yes.

Q. And you had to examine the outside of the unit building, or flat building and you had taken photographs?

A. Yes.

Q. Is that correct?

A. Yes.

Q. Was that when you arrived or some time after you had arrived and been up to flat [REDACTED]?

A. Both - before and during.

Q. Whilst you were there did some photogrammetry people arrive?

A. That's right.

Q. They are people from the police force?

A. That's right, yes.

Q. What did they do?

A. They took a number of measurements with specialist equipment and prepared the plan you have there.

Q. You have seen this sort of procedure being followed before?

A. Yes.

Q. Can you tell the court a little bit more about what is involved?

A. Yes, the photogrammetry is the use of two camereas, stereo cameras to take a number of photographs of a scene in which are placed a number of markers.

Q. Are those markers called cones?

A Cones. Once those cones are located, the given distance between each cone is known and one can know in that scene, in that photograph distances very precisely; and from those distances various plans can be prepared.

Q. Is that a photogrammetry plan of the flat at [REDACTED]?

A. Yes.

Q. The cones are indicated by - -

Q. Numbers.

Q. By numbers and by crosses, is that correct?

A., That's right.

Q. You picked up the plan this morning. Is that correct?

A. Yes.

← ABOVE PLAN TENDERED WITHOUT OBJECTION ADMITTED AND MARKED EXHIBIT K: SHOWN TO JURY.

HER HONOUR: It is not very meaningful unless you can get a close look at it but the important thing is, if we get into great detail later, you will have, you will be able to compare it with the photographs and have a very visual image of the room there precisely at the time.

CROWN PROSECUTOR:Q. Whilst you were at the scene, you saw a number of other police offices in and about the flat. Is that correct?

A. Yes.

Q. And down stairs a number of police officers?

A. Yes.

Q. If you see Det Plotecki around the place?A. Yes.

Q. When you left, was there any police officer still there?

A. Yes.

q. Do you remember who that was, or were there a number ?

A. I don't know who was there.

Q. Did the fingerprint people come while you were there?

A. Yes.

Q. Did they leave whilst you were still there?

A. I don't know at what stage they left.

Q. Did you see police officers collecting items from the premises?

A. No.

Q. People picking things up and holding them up whilst you were there?

A. No.

Q. And putting them into a bag, or anything like that?

A. No. That is normally our task and if I saw that happening I would have objected - I wouldn't have allowed it.

Q. Nothing like that occurred whilst you were there?

A. No.

Q. Did you see the fingerprint personnel doing their tasks around the flat - dusting etc.

A. I can't recall. I can recall having spoken to one of the fingerprint police regarding a particular print. But they do their own job as they please.

Q. Were you watching the scene to see that no one interfered with anything?

A. From the time of our arrival?

Q. From the time you arrived?

A. Yes.

Q. To the time you left, you were keeping your eye on things?

A. As well as we could.

Q. Was there anyone else with you?

A. Yes, I had another police officer, Jim Nelson.

CROSS-EXAMINATION:

FINNANE: Q. Constable Khoudair, you say it was your responsibility to conduct any searches for any objects or items of interest in the flat. You did not do that while you were there. Am I correct?

A. I didn't do it?

Q. Yes.

A. No.

Q. You yourself or Nelson?

A. I'm sorry.

Q. Did you or Nelson conduct any search while you were there?

A. We conducted as much of a search as was at the time necessary.

Q. What did you do? What was that - apart from taking the photographs. I understand from the photographs you identified blood spots and made observations but you didn't physically pick up objects in the flat, did you?

A. Yes.

Q. Did you make any notes of any of the things that you picked up?

A. No, not of the things we picked up.

Q. Some of the photographs show what appear to be documents or magazines or pieces of paper lying around. Did you pick them up and examine them? A. Yes.

Q. What did you do with them when you examined them?

A. A lot of them were returned. Which are you talking about - the double bed?

Q. Let's just start from the beginning then. You came into the flat, having taken some photographs. Would that be right - you took photographs starting at the front entrance to the block of flats?

A. Yes.

Q. You then took a photograph of the hallway inside that block of flats?

A. Yes.

Q. And then photographs of the hall of the floor in which this flat was located?

A. Yes.

Q. And you then moved into the flat and took some more photographs?.

A. Yes.

Q. The first photograph you took - in this order - shows the dead man lying face down on the bed and what appears to be green folders with documents of some kind?

A. Yes.

Q. And there appear to be books and perhaps a magazine or something lying on top of the bed. Did you take possession is what I am trying to ask you, of those pieces of paper or -

A. No, we only took possession of those items which appeared at the time closely related to this.

Q. To the death?

A. To the death, yes.

Q. So, for example, you took possession of the knife?

A. Yes.

Q. And I think the tongs and the flex and so on - they were something you later got possession of?

A. Yes, the paper work and folders and so forth were left. I didn't know how they related to the matter.

Q. And you didn't examine those folders or papers?

A. I had a look at them, yes, to see if there was any blood or anything of that nature.

Q. What you were looking for especially was the presence of blood or perhaps some obvious fingerprint so that you could point it out to the fingerprint man when he arrived, is that right?

A. It could be.

Q. When you say it could be, is it or isn't it?

A. Yes.

Q. To get into the flat, obviously in your case you had to go through the door. Was the door open when you arrived?

A. Yes.

Q. Did you check the door handle either inside or outside for blood or fingerprints?

A. No.

Q. I suppose you looked at them as you came in the doorway, however. Would that be right?

A. No, because there were people there before me. Many people were before me. In other words the scene was disturbed.

Q. The scene had been disturbed by the presence of other police and at least one civilian before you arrived?

A. Yes.

Q. And you didn't then examine carefully the handle of the door to see if there were fingerprints because it would be your assumption that there would be many from the persons who had opened the door - or were you not looking for fingerprints yourself?

A. I don't take fingerprints.

Q. You took a photograph of the door, in fact a couple of photographs that show the door?

A. Yes.

Q. And it is obvious from looking at those photographs that apart from the lock, what could be called a barrel lock, there is what appears to be a dead lock on the door - do you recollect that?

A. Yes.

Q. Well now, did you look at any time while you were taking photographs, or at any time you were in the flat, or in the vicinity to see if there was blood on the door locks?

A. We looked at a number of items and a number of locations to see where blood was and, indeed, there would have been a number of things that we looked at.

Q. Can we take it that from the fact you mentioned nothing about the presence of blood on the door locks or on the door that you, in fact, did not notice any on those particular places?

A. No.

Q. When you say no, you are agreeing with what I am putting to you?

A. Yes.

Q. And the only places that you noticed blood were the places that you have indicated to the learned Crown Prosecutor?

A. Ah, yes.

Q. I mean you noticed, for example, what appeared to be a blood stain of some kind near the door of the lift?

A. That is right, there was blood there, yes.



Q. It may have been put there by a finger or a thumb, you don't know, you didn't examine for fingerprints but it was sufficiently interesting to take a photograph of? A. Yes.

Q. And to measure it, is that right?

A. That is right.

Q. So if you noticed anything interesting like that any obvious blood stains, you would have taken photographs of them, measured them?

A. Yes.

Q. When you got to the flat you say other people had been there before you. Was there anybody obviously in charge of the crime scene?

A. Yes.

Q. Who was that?

A. At that stage I believe it was Det Snr Constable Scullion.

Q. Scullion?

A. Scullion.

Q. And there were other police there while you were there, obviously?

A. Yes.

Q. What were they doing?

A. Guarding the scene. Very curious, some of them would have been fairly curious.

Q. Watching what you were doing ?

A. <sup>WATCHING</sup> ~~WHAT~~ I was doing doing.

Q. Asking you questions?

A. That is right.

Q. Getting in your way, basically?

A. That is right.

Q. But doing nothing to assist you in any particular way - I am not being critical of them but they were not there as your assistants ?

A. Not directly but sometimes only people around to assist, to help preserve the scene, to speak to people that are appropriate.

Q. Did you ask anyone to preserve the scene, to assist you in that?

A. It had already been - there was no need at that stage to ask for any further assistance in that regard.

Q. Amongst other things you took some sort of a wollen cap away with you, did you not?

A. Yes.

Q. What happened to that object?

A. That was given back to Neville Scullion, I think.

Q. That was not sent for examination anywhere?

A. Not that I am aware of.

Q. These objects that you sent away, what you sent to the forensic biology laboratory, you were essentially asking them to examine to see if there were any stains or anything that would be of any assistance in the investigation, is that what you were asking them to do?

A. Yes, in biological.

Q. So if, for example, you detected something that looked like blood, they were the people to look at it to see if it was blood and if it was blood what sort of blood group it was and so on?

A. That is right.

Q. And you were dependent on what they found as to obviously what existed on any of these items that you sent to them - perhaps I am being obscure. You might think there was blood there and they said there wasn't blood you would have to accept there wasn't?

A. Pretty well, yes, it would be a hard thing to argue with a biologist about the presence of blood.

Q. You said that if anyone was to conduct a search while you were there you should have conducted it. Did anybody suggest a search should be conducted?

A. At the time I was working with another more senior person who called the shots basically.

Q. Who was that?

A. Senior Const Nelson, Jim Nelson.

Q. Now apart from the objects that you have been shown here, were you, after you left this crime scene, ever shown anything else that was found in the flat by anybody else?

A. Yes.

Q. What were you shown?

A. I was shown items of clay pottery - -

Q. These were items that you had taken photographs of?

A. Yes. Other things that were shown - I can't even remember now. A number of items were dredged up by people that came in after I left.

Q. Were those items that you had taken photographs of, basically, things like the tongs, the flex, the belt, the watch?

A. Yes. All those items - none of those had left the scene.

Q. Pottery, some of the pieces of pottery were left at the scene?

A. Yes.

Q. Did you take away any heavy objects with you?

A. The body.

Q. You personally removed the body?

A. Well, that was taken away from the flat. Heavy.

Q. Well, take the ashtrays, did you take the ashtrays out of the place?

A. Some items were taken, I can't remember.

Q. Did you take any of the documents you saw in the folders?

A. No, none of those.

Q. Did you yourself search in any cupboards?

A. Very briefly, yes.

Q. And finding no blood stains you passed on?

A. Not just blood stains but any other signs that would indicate signs of a struggle or anything worthwhile recording.

Q. When you got to the place was the heater still on?

A. Yes.

Q. Was the room quite warm?

A. Yes.

Q. What about the window to the kitchen, was that open?

A. One of the windows was open, I can't remember if it was the kitchen window.

Q. Did you examine that window?

A. The opened one?

Q. Yes.

A. Yes. Yes.

Q. Did you find anything?

A. We organised for fingerprints to be taken right around that window.

Q. Apart from possible fingerprints you didn't see anything else on the window?

A. No.

Q. Or on any other window?

A. No. You see, certain things were said about the person who entered the unit to find the body and in order to check the outside of the building was fingerprinted.

Q. That was the man Hill?

A. Yes.

Q. You were told that he had, according to him, scaled a drain pipe and come through a window?

A. That is right, yes.

Q. And then apparently opened the door, is that your understanding?

A. Yes.

Q. And so checks were made to see if that fact were true?

A. Yes.

Q. And indeed, his presence, self-admitted presence at the scene was one of the reasons why a blood sample was taken from him?

A. Yes.

Q. When you examined this jacket that you photographed were there two tears in the inner lining?

A. Yes.

Q. And those tears were exactly as they are at the present time, presumably?

A. If there are no further tears, yes.

Q. You didn't make any further tears, did you?

A. No.

Q. I think there is a little tear with a circle around it?

A. That was made by - -

Q. Another little tear with a circle and we have been told they are stab marks, or something of that nature, is that what you were told - I am sorry, test marks - -

HER HONOUR: Q. That would be part of the analysis, is that right?

A. That is right.

FINNANE: Q. Little pieces of material have been taken out for analysis?

A. Yes.

Q. You had nothing to do with taking out those little pieces for analysis?

A. No.

Q. What you saw were two large irregular shaped tears?

A. Yes.

Q. And they were sufficiently large for any person who had access to this jacket to be able to place in it the object that you found, would that be right?

A. Yes.

Q. The object you obtained from a police officer in your section, that is, this jacket, and he had, following your usual procedure, secured it somewhat?

A. Yes.

Q. So leaving aside that officer, clearly some other person, any other person who had access to the jacket could have put the bank book in the lining, would that be right?

A. That is right, yes.

Q. Then that bank book and the jacket were then handed over to Det Plotecki, were they not?

A. Yes.

Q. Although you cannot remember whether you personally did that?

A. No, I'd have to check my records.

Q. But if not you, someone in your section, would that be right?  
A. Yes, that is right.

HER HONOUR: What was the matter that you wanted checked again?

CROWN PROSECUTOR: Whether that jacket went to Virginia Friedman and there was another item I wanted the witness to check but he has indicated now it was submitted for analysis. That is something I could perhaps discuss with the witness over lunch time, just to clear it up.

FINNANE: I see he appears to have some documents underneath the witness box. Perhaps he could check that now.

HER HONOUR: Q. What do you have there?  
A. Just some receipts about the jacket.

FINNANE: I wonder if he could do that now and my learned friend could finish his examination. (Permission granted.)

A. On 31st December 1989 I received from Const Bent all the items. He received them directly from Plotecki. After examining them on the evening I submitted the heavy woollen overcoat, the Sportscraft - that was submitted for analysis to Virginia Friedman on 13 January.

Q. The 13th?

A. 13 January 1990.

Q. Did you submit another jacket on that day to Virginia Friedman?

A. Yes There were two - there was the nylon Windcheater.

Q. Could it also be described as a vinyl windcheater?

A. What happened was that all the rest of the items were returned except the two jackets - all those other items that belonged to Jones. *Yes.*

Q. Were returned by you?

A. They were returned by me to Det Plotecki.

Q. As indicated in the cross examination, there are marks on the jacket. You have seen those sorts of marks before which forensic biologists put on things they examine?

A. Yes, she removed that.

Q. A very typical mark?

A. Circled in red.

Q. With a Roman numeral number?

a. Yes. That has happened in the meantime - other people would have.

Q. That resolves what I was concerned with. Would you look at this document here Constable? Have you seen that document before?

A. Yes, I have seen that before.

ABOVE DOCUMENT MFI 8.

CROSS EXAMINATION CONTINUED.

FINNANE:Q. Could we take it that you examined not only this jacket but a whole series of other items of clothing and then they were handed back through Constable Bent to the detective?

A. Yes.

Q. And the only one that you found significant from your point of view was this jacket of which you took photographs?

A. And another blue windcheater.

Q. What did you do with that?

A. I submitted them for analysis.

Q. to Mrs Friedman. Is that right?

A. That's right.

Q. And the other objects were just handed back?

A. That's right.

Q. Through Constable Bent?

A. I may have even given those directly back to Plotecki myself.

Q. What you have given us then in evidence is your total involvement in the investigation of this murder. Is that correct?

A. Yes.

ABOVE JACKET MFI 9.

RE EXAMINATION.

CROWN PROSECUTOR:Q. What was your function there at the crime scene, Constable Khoudair?

A. To attend, record, to determine whether there were any exhibits that were of importance to collect.

Q. Were you concerned with papers, deposit books - -

A. Not normally, no.

Q. What were you principally doing there?

A. Our principal function was to look at any physical evidence that related in any way to this death. It is not really our function to look through paper or paper work to determine the relationship to the murder. It's just physical evidence that we are concerned with.

Q. Are you looking for documents which may establish identity of the deceased?

A. Sometimes we are - depending on what is or was it not in those documents. Sometimes we've got no concern. The local detectives will grab those things, go through them and determine if there is anything of interest there.

Q. Were you subject to the direction of your senior officer who was with you - was it Constable Nelson?

A. Nelson, yes.

Q. Were you working under the guidance of any other person there or directions or supervision?

A. Yes.

Q. Who was that?

A. First of all Nelson. Now, whenever a crime scene is attended someone is still in charge of that scene and that is not normally physical evidence police. The overall charge is still with the police.

Q. Who was in overall charge?

A. At that stage it would have been Scullion.

7/. KHOUDAIR XX REX

Q. Anyone else at any subsequent time?

A. It may have been later that Homicide took charge of the scene, but no.

WITNESS RETIRED.

LUNCHEON ADJOURNMENT.

IN THE ABSENCE OF THE JURY

(Summary of items found by next proposed witness agreed to).

(Mr Finnane indicated to her Honour that he did not require for cross examination the corroborating fingerprint detective)

IN THE PRESENCE OF THE JURY

WARREN JOHN ENGLISH  
Sworn and examined.

CROWN PROSECUTOR:Q. Detective, is your full name Warren John English?

A. That is correct.

Q. Your rank?

A. Det Snr Constable.

Q. You are attached to the NSW Fingerprint Section, is that correct?

A. Yes, at Parramatta.

Q. For how long have you been with the Fingerprint Section?

A. I have been there ten years now.

Q. During that time have you gained considerable experience in the science of fingerprints?

A. I have.

Q. Do you hold the certificate of expertise in the science of fingerprints?

A. I do.

Q. You have given evidence in court on a number of occasions?

A. Yes, I have.

Q. On Saturday 6 May 1989, in company with another police officer from the fingerprint section, did you attend premises at flat [REDACTED], [REDACTED] Greenknowe Avenue, Potts Point?A. I did.

Q. Did you there make a fingerprint examination?

A. I did.

Q. How did you make that examination, what was the procedure involved?

A. When we attended at the actual unit, the physical evidence were conducting their various examinations. They also were conducting a procedure involving the photogrammetry unit, so we felt that until they had finished we wouldn't even commence our examination.



We were then informed by the officer in charge of the case at the time that a cherry picker was on the way in order to make examination of the down pipe on the outside of the premises because they had been told that the flat mate of the deceased had climbed that down pipe.

Q. What happened then?

A. Once the cherry picker had arrived, with Det Dean, who was the other fingerprint officer involved, we went out to the outside of the premises and at the time the scientific police were also conducting examination of the down pipe, so we waited until they finished their examination and then both Const Dean and myself went into the cherry picker and made an examination of the down pipe commencing at the window of unit 3 until we reached the ground level.

Q. Was that the bathroom window?

A. That is correct, yes.

Q. You went from the bathroom window all the way down?

A. Downwards until we got to the ground level.

Q. And you were seeing whether there were any fingerprints on the drain pipe?

A. That is correct.

Q. How were you trying to establish whether there were any fingerprints, what were you doing?

A. By the application of fingerprint powder, which was a contrasting colour to the surface that we were examining.

Q. Did you develop any fingerprints?

A. I did.

Q. Did you take photographs of any fingerprints or palm prints which were developed?

A. Yes, I did.

Q. Did you place an identification graph bearing case number N136562 beside each developed fingerprint or palm print?

A. I did.

Q. Did you find that there were fingerprints or palm prints on various locations?

A. That is correct, yes.

Q. And you found not only some fingerprints or palm prints on drain pipes - but did you also examine the exterior surface of the lift door on the third floor?

A. Yes, that is correct.

Q. You say that you ~~found~~<sup>used</sup> contrasting substances as well?

A. Yes, contrasting compared to the surfaces on the lift door.

Q. You developed a fingerprint or a palm print on the exterior surface of the lift door?

A. On that particular surface we developed fingerprints.

(Witness shown exhibit H).

Q. Had you seen those photographs previously?

A. Yes I have.

Q. Is the lift door shown on the first photograph the lift door where you found some fingerprints?

A. That is correct, yes.

Q. You see on the second or third photograph a mark which is orangey or red colour?

A. Yes, I can see that.

Q. Did you see that mark on that day?

A. Yes, I did.

Q. Did you do anything in relation to that mark? Did you try to see whether there were any ridges from a finger or palm?

A. I made a visual examination and determined that there was no detail in that particular mark.

Q. No detail at all?

A. No.

Q. Did you form an opinion as to what the substance was that is shown there as either orange or red?

A. It gave the appearance of being made in blood but I was unable to determine that.

Q. The next day, the Sunday, did you go back to the premises?

A. That is correct, yes.

Q. Again did you develop some fingerprints and palm prints?

A. I developed fingerprints inside the unit of the deceased.

Q. On the interior surface of <sup>the wall</sup> ~~the~~ ~~tong~~ and near ~~the~~ edge of the window surrounding <sup>ing</sup> ~~of~~ the bathroom?

A. That is correct, yes.

Q. And in other areas as well which we will come to in a moment?

A. Yes.

Q. Did you take from the flat or did someone take from the flat certain items for further examination?

A. Yes.

Q. Did you take them or did somebody else take them?

A. No, I took various items from the unit for further examination.

Q. You took, I think, a timber peg memo holder?

A. Yes,

Q. A pair of spectacles, a red lamp base with Pearl light globe and a brown and orange lamp with a blue light globe?

A. Yes, that is correct.

Q. And a fingerprint was developed on the pearl light globe which was with the red lamp base?

A. That is correct, yes.

Q. You took a photograph of the fingerprint that was developed?

A. Yes.

Q. Similarly you have taken photographs of the other fingerprints which were developed on the Sunday in the flat?

A. That is correct.

Q. Using the same identification graph number?

A. Yes.

Q. A little graph with that number is shown in that same photograph. Is that right?

A. That is correct, yes.

Q. You have prepared a document which is headed annexure A.

A. That is correct.

Q. That sets out the findings that you have come to in relation to the fingerprints or palm prints which were found?

A. That is correct yes.

Q. The annexure refers to photographs. Is that correct?

A. Yes, it refers to the photographs that were taken at the scene and it refers to the comparisons that were made from the photographs with various people.

Q. For example, the first item refers to the pearl light globe and you have "right middle". That is right middle finger, is it?

A. Yes.

Q. Of Aaron Lee Hill was found on that light globe?

A. Yes.

Q. The second item you have got is the left thumb of Aaron Lee Hill. That was identified on the exterior surface of a drain pipe?

A. That is correct.

Q. And so on. Then you come to item 4. You have photograph marked B3 developed on the exterior surface of the drain pipe outside the bathroom window of unit [REDACTED] on 6 May 1984 - unidentified?

A. Yes.

Q. You did not state, say that item 4 - whether there was any particular part of the hand or palm developed. Is that correct?

A. That is correct, yes.

Q. Why do you not say what part of the hand or palm was developed? Can you say?

A. If I am unable to identify it I just mark it as unidentified. As far as my opinion, that of being unable to match it with anyone.

Q. You took a number of photographs, as has been indicated  
A. Yes.

Q. And the unidentified item in annexure A, item four, refers to a photograph marked B3, is that correct?  
A. Yes.

Q. Can you produce the photographs that you have taken (witness complied). Would you go to photograph B3?  
A. Yes.

Q. Now, the developed print in that, is that a palm print or fingerprint?  
A. From the pictorial aspect of it, or the overall flow of the ridge lines it gives the appearance of being a palm print area.

Q. When you do a comparison, how do you do that comparison, to see whether you can identify a particular palm print or fingerprint?  
A. Firstly, you look at what we call the pattern and then if the pattern looks similar then you would look at the individual characteristics contained in the print and by comparing those characteristics with each other, if you find that the characteristics are in the same position and that those characteristics are matching in relation to each other, well then, you form an opinion of an identification having been established.

Q. You were able to do that in relation to what was found on the pearl light globe?  
A. That is correct, yes.

Q. You were able to say that the right middle finger of Aaron Lee Hill was on that light globe?  
A. Yes.

Q. And you had obviously got the fingerprints of Aaron Lee Hill on file?  
A. Yes.

Q. You were able to compare some fingerprints that had already been taken of Aaron Lee Hill?  
A. Yes.

Q. Does the comparison that you can make involve considerations of quality of what you have got on file?  
A. Yes, it does. If the prints that you have on file are blurred, smudged, have been taken where too much pressure has been applied in taking the prints it will make the identification either difficult or impossible.

Q. When you tried to match up, say, a fingerprint which was found on the Pearl light globe how did you go about trying to match it up with anyone who was on file, how did you do that?  
A. As the light globe was found inside the premises, the first person I tried looking at in relation to comparing them was the deceased and then I looked at the prints of Aaron Lee Hill, him being the flat mate of the deceased and by looking at the patterns, firstly, I was able to eliminate the prints of the deceased and then looking at the individual fingers of Hill and then looking at the individual characteristics in the actual finger.

Q. So you made an identification in relation to the first three items of annexure A. You found that the fingerprints or palm prints which were found on the items matched those of Aaron Lee Hill?

A. That is correct, yes.

Q. And you came to the photograph or the print which was developed and which was photographed and marked B3, is that correct?

A. Yes.

Q. And you have indicated on the annexure that the print was unidentified?

A. That is correct.

Q. What was your process there, did you do a search or anything or what did you do?

A. With the print that was developed, being a palm print, that is not on our data base as far as being able to make a computer search. So I had to just rely on either the suspects that were involved in the matter that were given by the detectives, or otherwise the elimination prints and being on the area of the down pipe we had hoped there were not too many people climbing up and down the down pipe, so I concentrated on Hill, especially being the prints in that particular area. The other prints in that particular location had been already matched to Hill.

Q. So you looked at whether any portion of the left or right palm of Aaron Hill matched the print which was found in photograph marked B3?

A. That is correct, yes. I spent many hours trying to see if I was able to make a match with that but I was unable to and it could be mainly due to the surface being curved.

When you photograph a curved surface it can sometimes distort the actual detail that is contained in the print and there was also difficulty in photographing it because we were on this platform of the cherry picker which did not allow for a lot of movement and the fellow who was controlling was concerned about smashing into the wall or the windows, so he didn't want to get too close.

So in taking the photo it was rather difficult in just lining it up so it was clear in the viewfinder of the camera.

Q. B3 could have been a palm print of Aaron Hill, it may not have been a palm print of Aaron Hill, is that what you are saying?

A. I am unable to make any determination of that. There weren't any points or characteristics that I was able to match with Aaron Hill's prints.

Q. Are you saying you cannot eliminate the possibility that Aaron Hill made that print?

A. That is right.

Q. If I could take you to photograph marked B4, which you also noted as being an unidentified print?

A. Yes.

Q. Can you say what print was developed, what part of the body it came from?

A. The detail contained in B4, there is not very much detail there at all. Just looking at the pictorial aspect, or the whole picture of what I could see, it gives the appearance that it may have been made by fingers as opposed to the palm area. But there is insufficient detail to be able to form an opinion.

Q. Did you attempt to match it up with anyone?

A. Yes. All of the photos that were unidentified, every suspect that we were given, I then went through the process of looking at and comparing those unidentified prints with the suspects' prints that we were given each time.

Q. Do you know how many persons were involved in that exercise?

A. No, I don't. There was a whole list that was compiled.

Q. In relation to B5, can you say what part of the body was involved?

A. No. It maybe a palm area, or it may even be a finger.

Q. You couldn't identify -

A. No.

Q - what was involved?

A. No.

Q. In item 7 in annexure A you refer to what was found as being the left middle and left ring finger of Garry Simpson and you have got in brackets police officer, is that correct?

A. Is that B7?

Q. No, I am sorry, B6. It is item 7 B6?

A. Yes, they are fingerprints.

Q. Did you see Garry Simpson at all when you were there ?

A. I saw him on the platform.

Q. On the cherrypicker?

A. On the cherrypicker, yes.

Q. Was that before you were using the cherrypicker?

A. That's right. When we came out and were going to get on it they were about halfway between the third floor and the ground level at that time and it was rather a slow process of them carrying out their examination. And once they had completed their's then we were able to get in the platform and commence ours.

Q. You said, referring to item 11 of your annexure - referring to photograph B10? A. Yes.

Q. You again indicated what was found was unidentified?

A. That is correct.

Q. What part of the body was involved, do you think?

A. It is my opinion that it is the fingerprints of either the right or left hand.

Q. Again you went through the processes of trying to match up what you found with the fingerprints of various suspects?

A. That is correct, yes, and also these prints were very good quality and were able to be searched through the computer data base which consists of something like 1.8 million sets of prints; and as we were unable to determine whether it was a male or female we searched both male and female. As we did not know what age group these were, we searched on each of three different occasions.

Q. With no success obviously?

A. No.

Q. Referring to item 15, photograph marked B14. There was a print developed on the side surface of a ceramic smoking implement?

A. That is correct.

Q. That was a bong. Is that correct?

A. Yes, it gave the appearance of being a bong or something that you would use to smoke with.

Q. You have marked that print as being unidentified?

A. Yes.

Q. Did you establish what part of the body that print was from?

A. Looking at it, I would be very doubtful it would be a palm area - just on the shape of the print, so it would then be a fingerprint but I was unable to determine what possible finger it could be or even the way it had been placed on the article. Being a ceramic or shiny article, a very shiny surface it tended not to develop very well when the computer was applied to it.

Q. So it wasn't a good quality print that came up?

A. No.

Q. It could have been Aaron Lee Hill's - it may not have been?

A. No, I compared it to the prints of Aaron Lee Hill and it did not match any of his prints.

Q. It certainly wasn't his?

A. No, it certainly was not Hill's and it was not the deceased's.

Q. You could see enough detail in that print to make a comparison with the prints that you had?

A. If I had the correct prints, I would have been able to identify that print.

Q. An extensive search was done in relation to that print?

A. The same procedure that we carried out on the fifth area, it was searched through the computer on three separate occasions with a negative result. When we conduct a search on the computer, we look at 50 suspects - as far as what the computer has determined are closely matching with the detail we have inputted into it.

Q. Would you look at this two-page document. That is the annexure which you prepared, Detective?

A. Yes, it is.

ABOVE DOCUMENT TOGETHER WITH PHOTOGRAPHS REFERRED TO THEREIN TENDERED WITHOUT OBJECTION, ADMITTED AND MARKED EXHIBIT L: WHILE DOCUMENT READ TO JURY BY HER HONOUR CROWN PROSECUTOR IDENTIFIED RELEVANT PHOTOGRAPHS.

Q. Would you look at this bundle of photographs. ARE they photographs taken by you, detective?

A. Yes.

q. They all bear captions describing what each photograph is depicting. Is that correct?

A. Yes. There is one that does not have a caption on it. It's just a closer view or a closer photograph of the interior wall of the bathroom and it - all it basically is showing is a clear view of where the identification graphs were placed.

Q. That is easily picked up with the other photographs, is it?

A. Yes, if you look at the one photograph of the bathroom wall and window you can easily relate it to the closer photograph.

ABOVE PHOTOGRAPHS TENDERED WITHOUT OBJECTION ADMITTED AND MARKED EXHIBIT M.

Q. When you went to the premises on Saturday 6th May did you see any papers near the body or did you see papers on the bed?

A. There were papers in lots of areas.

Q. Did you make any decision about whether you would examine papers that were seen at the flat?

A. Yes, I would have examined them at another time by taking the papers back to the office.

Q. Had you decided before going back on a Sunday that would take papers away and examine them?

A. When you got to the flat on the Sunday, what happened?

A. The papers were all over the floor, It looked like someone had conducted a search and papers were scattered everywhere.

Q. You were told something about the papers?

A. Yes, we were told that the search had been conducted in the time that we had left the previous evening to the time we arrived that afternoon and that the people, the police conducting the search had handled the papers extensively.

Q. Obviously you then did not make any attempt to see whether there were any fingerprints on the papers?

A. That is correct, yes.

CROSS EXAMINATION

FINNANE:Q. Dealing with the number of photographs, you have numbered every photograph which has on it a fingerprint or a palm print, whether you could identify it or not of which you took a photograph

A. That is correct.



Q. The other photographs are not meant to depict fingerprints or palm prints but just to give an idea of the scene?

A. Of the location, yes.

Q. Just dealing with what you did. Obviously Const Simpson managed to get his fingerprints on various parts of the drain pipe while he was examining it for some reason or other?

A. Yes.

Q. He is not a fingerprint officer, is he?

A. No, he is not.

Q. And as well as that you were able to detect Aaron Lee Hill's fingerprints on the drain pipe on a number of locations?

A. That is correct, yes.

Q. You expected to see them there because of what you had been told, would that be right?

A. I didn't expect to - -

Q. Perhaps that is unfair to you. Having regard to what you were told, you were not surprised to see them there when, in fact, they matched up with his fingerprints?

A. I had been told that he had climbed the area so his prints being there didn't surprise me, no.

Q. Well then, on the drain pipe there were two unidentified prints outside the bathroom window, that is so, is it not?

A. Outside the bathroom window of - ?

Q. Of unit [REDACTED]?

A. Of unit [REDACTED] - -

Q. Photograph B4 is a print developed on the extreme surface of the drain pipe outside the bathroom window of unit [REDACTED] and B5 is a print developed on the extreme surface of the drain pipe outside the bathroom window - -

HER HONOUR: Is that [REDACTED]?

FINNANE: Q. One outside [REDACTED] and one is outside [REDACTED]. I'm sorry, I am mistaken, I have misread the document. One being unit [REDACTED] on the third floor and one being obviously being the unit directly underneath it?

A. That is correct yes.

Q. And those fingerprints or palm prints, whatever they were, so far as you could tell could have been put there by some person other than Aaron Lee Hill, would that be right?

A. I was unable to determine who they had been put there by.

Q. They could have been put there by Hill, they could have been put there by anyone - what, were they smudged?

A. Yes, it seems to have been distorted in the photograph, perhaps due to the surface being curved.

Q. But equally those prints could be prints of some other person altogether?

A. Yes.

Q. And in any event, you couldn't identify whose they were?

A. That is correct yes.

Q. On the exterior surface of the lift, from one of the photographs of the lift, it wasn't numbered but there appeared to be smudges over the exterior surface of it, or am I misunderstanding it?

A. Are they the coloured photographs, is that what you are referring to?

Q. I show you exhibit M. They appear to be two photographs that are described as the exterior surface of the lift door and the door surround of the lift area on the third floor. There appear to be a whole series of smudged looking marks. Can we take it they are not fingerprints, however?

A. That is correct, yes.

Q. But on photograph B10, you managed to develop what appeared to be a bloodstain or something of that nature?

A. On B10?

Q. Yes?

A. No, that is not correct.

Q. What was developed?

A. B10 was developed with a black powder.

Q. I am not suggesting you used a bloodstain to develop it, but was B10 just a fingerprint on the lift door, or was it - -

A. It was a fingerprint that was not visible just on observation without development. So in order to be able to see this print it was necessary to apply a black powder to the surface of the lift door.

Q. And what alerted you to the fingerprint were stains that appeared to have been made in blood was that the position?

A. No.

Q. Did you not see stains giving the appearance of blood visible on the walls surrounding the lift door area?

A. Yes, I saw it surrounding the lift door area, yes.

Q. Is that what caused you to apply this black powder around the door, to see if there were fingerprints there?

A. What it was is that the officer in charge of it said, "Could you examine the lift door area and the lift door itself".

Q. Just as a part of that you noticed this apparent bloodstain?

A. That is correct, yes.

Q. But that did not give you a fingerprint of any kind?

A. No.

Q. In any event, on the door you managed to develop a fingerprint?

A. Three.

Q. Three fingerprints?

A. Yes.

Q. And B10 shows one only of those fingerprints, or all three of those prints?

A. It shows the three of them.

Q. And those prints are quite good prints, is that right?

A. Not from this photograph, because this - -

A. I understand not from that photograph. The one that you used scientifically the photograph that is B10, the prints themselves are good and you are checking through your computer files to reveal who had - -

A. Had made the prints, yes.

Q. You had the prints of Hill and you had the prints of Const Simpson and later on on 2 May 1990 you had the prints of the accused Mr Jones?

A. That is correct, yes.

Q. And you checked everything that appears in the photographs in the B series, if I could call them that, against Mr Jones' prints?

A. That is correct, yes.

Q. And you were able to exclude his prints as being any of the prints that you examined, would that be right?

A. That is correct.

Q. And inside the flat on the object described as the bong, or the ceramic smoking implement, again there was a good quality fingerprint which you could exclude as Mr Jones' fingerprint, it clearly wasn't his?

A. It wasn't a good quality but, yes, I was able to exclude his prints from that.

Q. Just as you were able to exclude Hill's print?

A. Yes.

Q. And Const Simpson's print?

A. Yes.

Q. And, I think, the deceased's print.

Q. Yes.

Q. So whoever had his print there was some other person altogether?

A. That is right, it may or may not be on computer files.

NO RE-EXAMINATION:

WITNESS RETIRED & EXCUSED

BARRY JOHN DEE

Sworn and examined:

CROWN PROSECUTOR: Q. Mr Dee, is your full name Barry John Dee?

A. Yes.

ENGLISH RTD  
DEE X

Q. You were a friend of John Gordon Hughes?

A. Yes.

Q. And you had known him for quite a number of years, is that correct, before he died?

A. Yes.

Q. For how long had you know him?

A. Close to ten years.

Q. Did you live in the area of Darlington/Kings Cross?

A. Yes.

Q. Did you live in the area overall those years, the years that you knew Mr Hughes?

A. I did.

Q. What did you call him, by what name?

A. I only ever knew him as John. I referred to him as John but he was generally as skinny John.

Q. Was that a good description of him?

A. Yes, everybody knew him as that.

Q. He was a very thin man, was he?

A. Yes.

Q. Did you used to go to where he lived on occasions?

A. On occasions I did, yes.

Q. You knew him when he was living in Springfield Avenue?

A. Yes, I did.

Q. Redfern?

A. Yes, although I never went to his residence when he was at Redfern.

Q. You knew that he was living, at the end, in Greenknowe Avenue?

A. Yes, I did.

Q. In, I think, a block of flats called [REDACTED], is that correct?

A. Yes.

Q. On the corner of Baroda Lane and Greenknowe Avenue?

A. That is right.

Q. Had you been to that flat where he lived?

A. Yes.

Q. How long before he died, about how long before?

A. On the Thursday immediately before.

Q. What time of the day was that?

A. Late morning, early afternoon.

Q. And you were speaking with him in the flat ?

A. Oh yes; yes.

Q. How did you get in?

A. He invited me back just for a cup of tea and a chat.

Q. Did you walk through the front entrance with him?

A. Yes.

Q. And you stayed there for how long on that occasion?

A. An hour.

Q. And that was on the Thursday?

A. Yes.

Q. Did you know a person called Erin or Aaron?

A. Yes, I did.

Q. How did you pronounce his name, Erin and Aaron?

A. Aaron.

Q. Did you know his second name, his surname?

A. I never did know his surname.

Q. How long had you known him?

A. Five or six years.

Q. And you used to see him around the Kings Cross/Darlinghurst area?

A. Quite often, yes.

Q. Did you see him ever inside - -

A. Aaron was there when I was with John on that last occasion, on that Thursday.

Q. What was Aaron doing when you were there?

A. Oh, we were just sitting around, as I say, drinking tea and coffee and generally chatting.

Q. Do you what has happened to Aaron?

A. I learned a short while ago that he is deceased.

Q. Do you remember the Saturday, the Saturday following that Thursday?

A. Yes.

Q. 6 May - do you know the date?

A. I remember it well. I had worked for about three weeks seven days a week and it was my first day off.

Q. And you were at one stage in a hotel at Kings Cross, is that correct, on that Saturday?

A. On this particular occasion, yes.

Q. Do you remember where it was that you <sup>were</sup> ~~worked?~~

A. Yes, it was the Kings Cross Rex.

Q. Were you with somebody?

A. No, I was on my own.

Q. Did you see Aaron on that day?

A. Yes, I did.

Q. Whilst you were in the Kings Cross Rex?

A. Yes.

Q Did he come up and speak with you?

A. ON several occasions.

Q. Did you eventually leave with Aaron?A. I did.

Q. And do you remember what time that was that you eventually left with him?

A. Yes, early afternoon. Early afternoon.

Q. And where did you go with him?

A. Just out - Tara was, in fact, only a thirty second walk from the Kings Cross Rex.

Q. It is just behind the Rex, is it not?

A. Yes.

Q. What did you do then - you left the Rex, which way did you go out?

A. He had left his keys, he had either mislaid them or left them in the flat - at the time he was flatting with John Hughes.

Q. What did you do?

A. He just wanted me to - -

Q. No, no. You were inside the hotel with him. Which way did you go outside the hotel, out in Macleay St or somewhere else?

A. Out the back.

Q. On Baroda Lane?

A. Yes.

Q. So you went out on Baroda Lane and what did you do?

A. He scaled the pipes to get into the flat, about four storeys up, and he just wanted me to stand there and observe in case he fell and to verify to anybody passing or observing that he was scaling the wall. He just wanted me more or less as verification of the fact that he had left his keys inside, because I knew for a fact that he lived in there. He wasn't breaking and entering.

Q. Didn't want to be seen to be a burglar?

A. Yes.

Q. You, whereabouts did you stand whilst you watched him scale up - were you in Baroda Lane or watching him or some other part - do you remember what part you were watching him from?.

A. Well, directly, I had a direct view of him. I know exactly the spot I was in but I don't know the name of the - Baroda Lane, that's where I was.

Q. The lane that runs between [REDACTED] and the Rex?

A. Correct.

Q. You were in that lane?

A. Yes.

Q. And you were watching Aaron go up the drain pipe?

A. Right.

Q. And you saw him go up and what did you see him do?

A. Well, then he disappeared in through one of the windows.

Q. Do you know what window it was?

A. If I remember correctly, it was the bathroom window.

Q. And you saw him again?

A. He was away about five or six minutes and then he was taking too long to just grab a bunch of keys and come back out. Then I started going around towards the front entrance, because that was all going on at the back entrance side. I started going around towards the front because by then he had made his point that he wanted me - -

Q. Did he come out, did you see him come out?

A. He did.

Q. Did you see him come out?

A. Yes.

Q. Which way did he come out?

A. Out the front entrance.

Q. How did he appear when he came out. (No answer)

Q. How did he look?

A. Shocked.

Q. What was he like when he went in before he climbed up the pipes? Could you see him before he started climbing?

A. Yes.

Q. Did he appear to be affected by drugs or anything like that?

A. Not at all.

Q. Anyway, he appeared shocked when you next saw him come out of the entrance?

A. Yes.

Q. You had a conversation with him. Don't tell us what it was - but you had a conversation with him?

A. Briefly, yes.

Q. After he went off, you went somewhere else. Is that correct?

A. Yes.

Q. Do you remember seeing him after that?

A. Not for a long, long time - some months.

NO CROSS-EXAMINATION:

WITNESS RETIRED & EXCUSED

IN THE ABSENCE OF THE JURY

APPLICATION BY MR FINNANE IN RELATION TO ADMISSIBILITY OF EVIDENCE OF NEXT PROPOSED WITNESS, JANICE DOWSLEY AS TO RELEVANCE AND PREJUDICE: DISCUSSION ENSUED.

IN THE PRESENCE OF THE JURY

MARK PHILLIP LOCKE  
Sworn and examined.

CROWN PROSECUTOR: Q Mr Locke, is your full name Mark Phillip Locke?

A. Yes.

Q. You were a friend of John Gordon Hughes, is that correct?

A. Yes, that's right.

Q. You knew him by the name of Skinny John?

A. Yes.

Q. That described him very well, for he was a very thin person?

A. Yeah, very thin.

Q. How tall was he -- in relation to you?

A. He's a little shorter than me. I'm around five foot eight, five foot nine.

Q. Before he died, for how long had you known John Hughes?

A. For about, for approximately three years.

Q. You knew John Hughes at various places. Is that correct?

A. Yes.

Q. Where was he living the last you were aware?

A. In Greenknowe Avenue at the back of Kings Cross.

Q. At the back of the Rex Hotel?

A. Yeah, at the back of the Rex Hotel, just in the lane there.

Q. Did you ever visit him in those premises?

A. Yeah, many times, heaps.

Q. Did you go through the front entrance?

A. I'd ring him, let him know I was coming. I would use the buzzer and he would let me in.

Q. Would he open the door for you?

A. After I pushed the buzzer he would speak to me through the intercom. He would say "Is that you, Mark?" and then he'd say, "Come in".

Q. Then what happened?

A. You'd knock and he would let you in.

Q. Did he have a peephole or anything like that?

A. I can't remember.



Q. He would generally check before he would let you in?

A. Yeah, I think he had a chain thing on the door.

Q. Did you used to buy heroin from him?

A. Yes.

Q. You've been involved with heroin for a number of years?

A. I was involved with it for a long time yes.

Q. You're on a methadone programme now?

A. Yeah, I've been on it for about 18 months - one and a half and two years.

Q. Methadone is a drug used to get you off heroin, is that correct?

A. Yes.

Q. For how long had you been using heroin before you went on to this programme?

A. I'd say for seven years, eight years.

Q. How old are you now?

A. 29.

Q. Thirty this year, I understand?

A. That's right, I'll be 30 next month.

Q. You had been purchasing heroin from John Hughes, had you?

A. That's right.

Q. Do you remember when you started purchasing heroin from him?

A. Right at the beginning from when I knew him, so the three years I've known him - it was right at the beginning of that, as soon as I met him. I was introduced to him through another dealer.

Q. You were introduced to John Hughes as a dealer, were you?

A. Yes.

Q. How frequently did you purchase heroin from him at the time that you knew him?

A. Oh, every day.

Q. Where were you meeting him to get the heroin?

A. I would go up to his place; I would go straight up to his place; I would ring him first to let him know I was coming, then press the buzzer out the front; he would check it was me and then he would let me up.

Q. For how long was he living at Greenknowe Avenue?

A. For quite a while - over a year or two, I think.

Q. And you visited him?

A. Yes.

Q. Every day?

A. Yes.

Q. Did you get to know other people who were living in the flat with him?

A. Yes, [151].

Q. That was a nickname?

A. Yes.

Q. Any other people living there?

A. There was another guy's name - I was told but I can't remember it. And Jones lived there for a very short time.

Q. The accused?

A. Yes, for a very short time. And he would often have people stay there - like perhaps, like because he would pick up young guys, he would have them stay for a night or two - but others would stay for quite a while.

Q. Hughes was a homosexual?

A. Yes.

Q. And he would have young boys or men stay with him?

A. Yes.

Q. You owed him money for drugs. Is that correct?

A. That's right.

Q. You were owing him money when he died. Is that correct?

A. Yes.

Q. You had left New South Wales and had been away from New South Wales for some time before he died. Is that correct?

A. Yeah.

Q. How much money did you owe him?

A. About \$1200 to \$1500 - I am not sure but he was always giving me credit.

Q. Did you ever strike John Hughes?

A. No.

Q. Did you ever threaten him?

A. No.

Q. Did you ever stand over him?

A. Yeah, you could say I did, yeah.

Q. Why did you stand over him?

A. Getting dope all the time - if you argued with him - we argued constantly because of how much money I owed him. I'd say you know how much money I've spent with you and he would say, "Take it" but the next time he would throw it at me and say, "not the next time."

Q. What, you would have an argument with him?

A. Yeah he would throw it at me in a threatening manner and then he would say - look, because I would spend a lot of money with him before or because I was a favourite with him - I don't know what but he would always give it to me.

Q. You always got your way with him, did you?  
A. Yes.

Q. Was he an aggressive sort of person?  
A. Not at all - that's why it was sort of easy to get credit, because he shouldn't have been in the business he was in because he had a bleeding heart. He would always give you credit and he shouldn't have been in the dope business. I mean, he would give it to a lot of people.

Q. Did you ever live with him?  
A. No.

Q. I have to ask you this, Mr Locke. You are not a homosexual. Is that correct?  
A. No.

Q. But you have been involved in prostitution? Is that right?  
A. Yes.

Q. Have you worked The Wall?  
A. Yes.

Q. Are you still involved in that sort of business?  
A. No, I can't afford to do anything like that at the moment. I can't afford to be seen on the street.

Q. You visited him before you went to Queensland on a daily basis. Is that correct?  
A. Yes.

Q. When you were up there getting heroin from him, did you ever find out where he kept the heroin?  
A. Yes, well, two places. I said this before, but there were two places that he, that I know that he kept it. One was in the fridge, in the freezer - like in ice cubes, like in the rack. And a second place was in the towel rack, in the bathroom inside the towel rack. He would undo it and take the plastic bolts off and it was inside there, all packaged up.

Q. How many people knew where he had this heroin?  
A. Me, 151 was there and another guy - a couple of times.

Q. When was the last time you got heroin from him?  
A. It would have been about a month before or a couple of weeks before I went to Brisbane.

Q. Do you remember when you went to Brisbane?  
A. In March, I think - around March 1989.

Q. How often did you go up to Brisbane - by what means?  
A. By coach, the De-Luxe bus company.

Q. For how long were you in Brisbane?  
A. I don't know - a few months. The detectives would know more about it. They had to check everything to find out exactly where I was.

Q. You went up to Brisbane and you were there for some months?  
A. Yes.

Q. Do you remember when you came back?

A. I think it was the end of May, maybe the beginning of June.

Q. When did you first hear that John Hughes was dead?

A. I heard it from a friend called Spike. He was up in Queensland. He told me about it.

Q. You were in Queensland when you heard about it?

A. I thought it was a fucking lie - - Spike, I didn't believe it at the time.

Q. You first heard it from Spike when you were in Queensland?

A. Yes.

Q. Had you lived at the one address when you were in Queensland or a number of addresses?

A. In Queensland, three addresses.

Q. When you went to Queensland, were you still taking heroin?

A. No, I was on the methadone programme. That was the reason I went up there.

Q. How long before you went to Queensland had you been on the methadone programme?

A. Yeah?

Q. For how long before you went to Queensland had you been on the methadone programme?

A. Straight away when I got up there. It was one of the reasons I went up there, to make sure I was on it.

Q. There was some problem about getting on the methadone programme here, was there?

A. In Sydney or Brisbane?

Q. Yes, that was one of the reasons why you went to Queensland?

A. One of the reasons, yeah.

Q. You hadn't taken heroin <sup>from Hughes</sup> for some time before you went to Queensland?

A. That's right.

Q. Were you still taking heroin from some other source?

A. Yes.

Q. Why did you stop?

A. Because I owed the bill there - I was asking John for too much and it was getting to be an argument every time I went there - so it wasn't worth going. So I would need to pay it and I couldn't put it on the bill.

Q. Were you taking heroin right up until the time you went to Queensland on this coach?

A. Yes.

Q. Did you take any heroin whilst you were in Queensland before you went on the methadone programme?

A. Up there in Queensland?

Q. Yes.

A. No, it was too hard to get.

Q. With this methadone programme, how did you get on to it?

A. You get on to it from day one. That's the good thing about it.

Q. How did you do that?

A. You go there and say you're from Sydney.

Q. Who do you go to?

A. It's a clinic in Chinatown called Clinic One; and there's another clinic called Clinic Two in South Brisbane. You don't go to that until you've been on the programme for a while.

Q. What did the programme consist of in 1989?

A. You have the counsellor and he talks to you every day and he sees how you are and asks how you are feeling and when you want to start using it again. You talk to him and then you go and get your dose. You mainly talk to him, say three times a week, and every day after that you would just go in and get your dose and come back. From the first day you would get a dose and then they would raise it ten mls a day until you were stable.

Q. What does the methadone actually do?

A. It just stops all withdrawal symptoms.

Q. Does it take away the desire for heroin? A. It takes away all the physical side of it, not the mental side. A lot of people still want to have a shot during it and I have done that. When you first get on it, you still do have an occasional shot but most of the time it takes away, it takes away all the physical pain and it takes away a little bit of the mental need for it but not all of it.

Q. And you are on a methadone programme now?

A. That's right. I have been on it for a long time.

Q. You were in Queensland? On the methadone programme?

A. Yes.

Q. And finally you came back to New South Wales some months later, correct?

A. Yes.

Q. Did you come back to Sydney at any time during the time that you were in Queensland until you finally came back to Sydney?

A. No, not at all.

Q. You stayed up in Queensland, did you?

A. Yes, that's right.

Q. Did you kill John Hughes?

A. No.

Q. When you were in Sydney did you get to know the accused Ian Jones?

A. Yes.

Q. And do you remember how long ago it was that you first met Ian Jones?

A. No, I don't. I have known him for a number of years.

Q. And whereabouts did you first meet him - was it up around the Cross area?

A. Yes, I think it was in the Cross.

Q. And you saw him a number of times in John Hughes' place?

A. Yes.

Q. Do you remember when it was you last saw him in John Hughes' place, how long before you went to Brisbane?

A. Around the beginning of - around January 1989. Perhaps December 1988 but it was around Christmas time.

Q. That was about the last time you saw him?

A. Yes.

Q. Did you know a man called Gavin Scobie?

A. Yes.

Q. Did you ever see him at John Hughes' place?

A. Yes, he used to take a dog with him.

Q. When was the last time you saw Gavin Scobie?

A. A couple of months - about a month, I would say, before the last time I had seen Jones there at --

Q. At John Hughes' place?

A. Yes, the last time I saw him there.

Q. Did you see Gavin Scobie the last time you saw him at John Hughes' place?

A. The last time I saw - ?

Q. Gavin Scobie?

A. The last time I saw him was about a month before that, so it would have been November say.

Q. Was that at John Hughes' place?

A. Yes, at John Hughes' place.

Q. He appeared to you to be a friend of John Hughes'?

A. Yes.

Q. Was he involved in heroin from what you saw?

A. Yes, he was supposed to be John's dealer. Where John got it from.

Q. John got the heroin from Scobie?

A. From Scobie, yes.

Q. Did you ever see Hughes getting heroin from Scobie?

A. Yes.

Q. Or what you believed to be heroin?

A. Yes.

Q. Whereabouts did you see that occur?

A. Once at Scobie's place when I had driven him up there and John had told me to park out the front.

Q. Was John with you?

A. Yes, and once when we were at John's place and John had a sheet of glass there and a razor blade that he mixed deals up on, he had that out, he had put that out because he was waiting for Scobie to arrive and he hadn't arrived and he said, "Listen, you'll have to split when he gets here". And Scobie arrived and he had a dog with him, I don't know, a blue cattle dog sort of.

Q. At any rate, you saw some sort of deal going on?

A. He had a dog and he gave him the cash and they just talked, I don't know, about anything. He had made some excuse about why he was late. He said he was sorry about being late, he was held up.

Q. You say other people used to come to his flat, to John's flat?

A. Yes, a number of people.

Q. Yes, this person [151]?

A. Yes.

Q. When did you first meet him?

A. I think around 1988 I met him. I introduced him to John not long after.

Q. You introduced him to John?

A. He was staying with me at a hostel, the Mathew Talbot Hostel for a few months.

Q. [151] was, was he?

A. Yes.

Q. He was a prostitute, was he not?

A. Yes, yes.

Q. He used to work the wall on occasions?

A. Yes.

Q. And you said that he lived with John Hughes for a time, is that correct?

A. Yes.

Q. When you left Sydney was [151] living with John Hughes at that time?

A. No, he had just moved out. He had moved out a little while before, about a month before.

Q. And Ian Jones was living with John Hughes at one time, is that correct?

A. Yes.

Q. And you saw him living there?

A. Yes. John said that he was going to get him to live there, I think this as a little while before it.

Q. Did you see that Ian Jones was living at John Hughes' place?

A. Yes, yes. When I had gotten there he was there a couple of times.

Q. He appeared to be living there?

A. Yes, and when he wasn't there and I asked John why he was there, John said he was there to stop him being robbed.

Q. How long is it since you have seen this person [151]?

A. A long time. Like, when the first investigation started he was around a couple of months and then he disappeared and I haven't seen him since.

Q. Do you know if he has any other name?

A. No, I only know him as [151], [151].

Q. You used to see him around Kings Cross for a couple of years and now he has gone?

A. Yes. He has totally gone, I don't know where he is.



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Q. Did you ever run into the accused Ian Jones a few weeks, some weeks before you went to Queensland, up around Kings Cross and on an occasion where there was a conversation between you and Jones about John Hughes?

A. About him knicking John's stuff?

Q. Yes. Do you remember that conversation?

A. Yes, it was at Earl Place.

Q. Do you remember when that was in relation to when you went to Queensland?

A. It was - -

Q. About how long before you went?

A. A little while. A very little while. It happened and then I went a couple of days after.

Q. So it was at Earl Place?

A. Yes.

Q. Which is at Kings Cross?

A. It is a lane in Kings Cross sort of.

Q. What time of the day was it that this conversation took place?

A. In the morning.

Q. How did it all start, how did you see him initially?

A. I was just walking, I was just walking along there, I don't know, I was just going to school or something and he put his hand on my shoulder and I spun around and he looked at me and he said, good day. I said, "Good mate, what can I do for you?" and I was a bit worried because at the time - -

Q. Don't worry about what you were feeling, just the conversation?

A. He said to me, "Listen, I want to talk to you before you go". I said, "What about?" He said, "What did John do about me knicking the stuff?" I said, "I think he went to the coppers about it" - "I think he went to the police about it." He was already shitty when he was first speaking to me - -

Q. Just use words that we all understand. How did he appear to you when he first spoke to you?

A. He seemed aggravated and then he said to me, "What did he do?" I said, "I think he went to the police about it".

Q. And how did he appear then after you told him that?

A. Well then, he didn't take that too well, he seemed even more aggravated.

Q. Anything else said?

A. He just said, "What else did he do?" He said, "What else did he do?" I said, "Nothing. He went to the police." Then he said, "Don't fucking lie to me, Mark, or I'll rip your head off". I'm not sure, he said, "Don't fucking lie to me". I said, "I know that he did". He said, "I have been meaning to pay him a visit anyway about some of

A. became even angrier - he had Bn. earlier, L. 2B

the things I have been hearing. " He said, "I was going to pay him a visit or give him a bashing anyway about some of the things I have been hearing but now I'll fix him properly. I'll kill the little cunt".

Q. How was he when he said that?

A. He was angry.

Q. Did you say anything to that?

a. I don't know.

Q. Anything else in that conversation that you remember?

A. Anyway, I remember asking him why did he knick the stuff in there because he would have been sweet staying in John's place, I mean with the dope and everything else and he said, "If you had the chance to get your hands on the dope and the cash you would have done it", and I never done anything and then he said something about me, could I find out about whether John had dope or not because he wanted to do a rort on him with me and asked me if I wanted to be in on it.

Q. What did that mean to you?

A. Like, it had been done before, like take the dope off him, without paying for it, without buying it.

Q. Did you say anything to that?

A. I said, "Yes, all right mate, as long as there's no rough stuff. As long as nobody gets their head kicked in".

Q. Did he say anything to that?

A. He said something like, "You don't think they are going to worry about, there's going to be any big investigation like another junkie dealer like .John, do you?" Something like that.

Q. Did he say anything else that you remember?

A. No, I don't remember now. No. I wanted to - -

Q. Just don't worry about what you wanted to do. It may be a suitable time, your Honour.

HER HONOUR: Members of the jury please remember those warnings. As I said to you earlier, they become more rather than less important as the trial proceeds. So we will be resuming again at 10 o'clock in the morning. Would you mind being back in time for that?

(THE JURY LEFT THE COURT ROOM).

WITNESS STOOD DOWN.

(In the absence of the jury the Crown Prosecutor drew Her Honour's attention to page 6, paragraph 17 of the witness Locke's statement).

HER HONOUR: I would have thought, Mr Finnane, that it is impossible to keep heroin out of this, apparently impossible.

96 LOCKE STOOD DOWN.

I will be giving the jury a firm warning at the end that this is a murder trial. Nothing to do with drugs but it is just impossible to keep it out. It is impossible to keep it out. Would you not agree with that. It is already there?

FINNANE: I think it is true. I think it would be futile to argue the contrary.

HER HONOUR: It is already there.

(Mr Finnane addressed her Honour.)

HER HONOUR: What about bail?

FINNANE: On my instructions, this morning the accused got out of the taxi in front of the court. On my instructions, the train was late. He got out of the taxi at ten past, a quarter past nine. He lit a cigarette, was standing on the footpath and then walked towards that doorway into the side of the court.

HER HONOUR: Was he on his own?

FINNANE: No, with Mr Scrimgeour. What has been proposed he do, he himself raised it with the police, as a proposition to make it less easy for anything like that to happen, he would report directly into the police station. The police will then take him downstairs, apparently to an interview room downstairs before court.

HER HONOUR: That is fine by me. I think that is what should happen.

FINNANE: They are apparently quite happy to do that.

HER HONOUR: That is what is to be happen from now on then. The timing and the conditions remain the same.

FURTHER HEARING ADJOURNED TO WEDNESDAY 26 AUGUST 1992.

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- Locke -  
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