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THE SUPREME COURT  
OF NEW SOUTH WALES  
CRIMINAL DIVISION

MATHEWS J

And a jury of Twelve.

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70162/90 - REGINA -v- IAN STUART JONES

WOLLONGONG: THIRD DAY: WEDNESDAY 26 AUGUST 1992.

IN THE ABSENCE OF THE JURY:

(Errata noted.)

IN THE PRESENCE OF THE JURY:

MARK PHILLIP LOCKE  
Resworn and examined:

CROWN PROSECUTOR: Q. Do you remember yesterday, Mr Locke, you were giving evidence about a conversation you had with the accused in Earl Place just before you went to Queensland.  
A. Yes.

Q. Do you remember you said yesterday that the accused had said, "You don't think they're going to worry about, there's going to be any big investigation like another junkie dealer like John, do you?" and you said, "Something like that." Do you remember?  
A. Yes.

Q. Was there anything said after that or can you remember what happened after that was said?  
A. After that I went and he wanted me to get on so I could get a score.

HER HONOUR: You are not entitled to give your conclusions of what he said. You have to give to the best of your recollection, the words that he used so that we can draw our own conclusions. Do you understand what I am saying?  
A. Okay.

Q. You are just giving us your conclusions from what he said. Nobody expects anybody to be word perfect after some time but we do want you to give us, to the best of your recollection, the words that were used.  
A. Then he said "Anyway, okay. We'll go and get on from now. We'll go and do this." He said at the end of the conversation, he said, "Okay - well anyway go and do this now and get on." That was for me to go up and get the dope to bring it back there.

L 20

Q. What did you do after he said that?

A. I went to John's place and got on.

*Same*  
Q. When you went to John's place - -

A. Went to John's place and got ~~the~~ <sup>so</sup> dope.

Q. How did you get into John's place?

A. I went there and buzzed. Normally I ring up but I was in a hurry to get it done. Normally I ring up and then I buzz so that he already knows I am coming and then I buzz on the intercom. But I didn't, I just buzzed on the intercom and I said, "It's Mark" and went up.

Q. What did you do when you went up?

A. I just scored the dope.

Q. What did you get?

A. 100, I think.

Q. Of what?

A. Of heroin and then came straight back down.

Q. Did you see the accused then?

A. Yes, back where I was, back in the lane. I came back to there.

*Returned to the A*  
Q. What happened when you saw the accused, what happened after that?

A. I gave it to him and I said to him that, "John hasn't got much dope at the moment". I said, "He's only got a little bit" - he had a fair bit there but I said, "He hasn't got that much there at the moment". He said, "Find out when he gets back on and we'll do a really good rort then". I said, "OK" and I went. About two or three days after that I went to Queensland.

Q. Did you see Hughes after that at all, after that time that you went to his place after speaking with the accused, did you see Hughes again?

A. No.

Q. While you were in Queensland did you ever try to ring him?

A. No.

Q. You just didn't have any contact with him at all after you went to Queensland?

A. No.

Q. When you were up in John Hughes flat you said, as I remember, that you had seen the accused there on some occasions, is that correct?

A. Yes.

Q. Had you seen anything happening between the accused and John Hughes whenever you were up in the flat when the accused was there?

A. I don't understand.

Q. Were they ever doing business between one another?

A. Yes, just buying dope, scoring, like, he'd score, get some dope.

Like, went on it when he went up there. He'd give John some money and he'd get some dope, he'd score.

Q. I did ask you yesterday when you last saw the accused Jones at Hughes' flat. Can you remember when that was?

A. Actually at the flat, I think it was just before he left there, before the time when he left. He'd had the falling out when the stuff was nicked, when it was stolen and he'd gone. It was only a little while before that, a couple of days.

HER HONOUR: Q. Was that when he was living there?

A. Yes.

CROWN PROSECUTOR: Q. Did they seem to have a good relationship, the two of them?

A. Yes.

Q. That is when you last saw Jones and Hughes together, they seemed to have a good relationship with one another?

A. Yes.

Q. At that time before you went to Brisbane, you were taking heroin every day, is that correct?

A. Yes.

Q. How were you physically at that time?

A. I was running around the streets and sort of I was pretty sleazy at that time. Like, pretty sleazy, pretty dirty. I was running around the streets all the time. Like, running around the streets, scoring, working up The Wall, getting money, that's basically how I lived during that period.

Q. Do you have a good recollection of what occurred during that period?

A. For fairly important things. I don't remember every single thing.

Q. Had heroin affected your memory processes?

A. No, I don't think so. Not unless I'm really stoned and I'm really out of it. If I'm really out of it when something happens, yes.

Q. After you came back from Brisbane did you ever see the accused Jones?

A. When I got back from Brisbane?

Q. After you came back from Brisbane?

A. Yes.

Q. In the same years that you came back did you see the accused?

A. Yes.

Q. Did you ever see him up at Kings Cross?

OBJECTION: LEADING.

A. I saw him at a few places in Kings Cross, Oxford Street. A few places. At The Wall.

Q. Did you ever speak with him?

A. Well, sort of. He wasn't speaking to me - well, he spoke to me after he grabbed me and tried to choke me.

Q. Where was that?

A. That was at The Wall.

Q. About when was that?

A. 1991, January.

Q. Do you remember what time of the day that was?

A. That was at night.

Q. That was at night time?

A. Yes. I was up there talking to another guy who works there and I had my back to him and I didn't see him.

Q. Didn't see who?

A. Didn't see Jones but, like, he hit me and knocked me over on the table, the chair that was there and I turned around and he was on top of me with his hands around my throat.

Q. And did he say anything to you?

A. Yes.

Q. What did he say?

A. He just said things like, "You little fucking dog. You little cunt." Things like that.

Q. Do you remember when this was in relation to the committal proceedings?

A. This was after the hearing at Glebe Coroners Court.

Q. Had you given evidence?

A. Yes, yeah.

Q. And the accused was there when you gave evidence?

A. Yeah, that's what he was. That's what he was angry about. That's what he said he was angry about.

Q. This word "dog" - does that have any meaning to you?

A. Yes.

Q. What does it mean?

A. It means when you come to court and you tell what another criminal has done when you're a criminal, like - all the criminals - you've been in the drug element and that, and if you tell on another person, what they have done - and in gaol - it's mainly gaol talk. When they call them a dog, when you tell on another person - they don't call it a police matter if another person is there.

Q. He was on top of you?

A. He had his knee - because it's a bus stop seat thing that you sit on, a bench. He had his knee, the right knee was on top of me there. And he had his hands around my neck and he was on top of me and I was laid out, laid halfway across it.

Q. Was the other person doing anything while this was happening?

A. Yeah, he was jumping up and down he was trying to get his hand between Jones and me, trying to push him off and saying, "Let him be. Let him be".

Q. And then what happened?

A. Jones sort of went, sort of looked down at me just like that and he said, "All right. " And he got up and let me get up. I walked really across the road, across the road from him. He said, "I want to talk to you." He said, "I'm sorry, wait a minute. I want to talk to you." I said, "I'm not going to talk to you. I don't want to be near you". He said, "You can have your mate there with us. We'll go around here to Oxford St. That's where we were, right at the corner.

He said, "We'll just go here to the bus stop here"; and we went in the bus shelter, where the glass panels are - one of those shelters. We were right on Oxford St and he said, "Look, I want to talk to you." I didn't want to talk to him there. He said, "Get your mate to sit between us and you sit here," and I did.

Q. What happened after that?

A. The guy who was there, he sat down between us. He just had his hands on his knee like that, and Jones started to talk to me and he said, "If I go away for this, when I get out - and if I go in for this, you're dead. You're ratshit, when I get out. So you'd better know that right now buddy". And I said, "Yeah".

Q. Did he say anything else?

A. There was - I had a chain thing on. It's got St Christopher medals all around it, and he had gone like this, grabbed me, just as we were going, and he said, "What's that?" and he grabbed it and pulled it like that and he said, "Oh, I thought" - he said to the other guy, "You see how paranoid I am with this cunt. I thought it was a microphone or something". He said, "Just sit there. Next time you see me remember, don't speak to me or anything next time you see me. Don't say nothing and I want say nothing to you". He said, "But I suggest you don't be here, mate" or "That you straightened this out. You do something". And then he walked across the road of Oxford St, and he went up in that direction into the dark.

Q. That was - -

A. Up Flinders St.

Q. That was in 1991. Is that correct?

A. Yes, I think so.

Q. Had you seen Jones before that?

A. Yeah, I'd seen him before that but he hadn't seen me.

Q. Had you spoken to him before that?

A. All that time - no.

Q. Can you remember any other times that you spoke with Jones or

- -

A. After that I did, but a fair while after that - about a month or two after that.

Q. Where was that?

A. That was at Social Security.

Q. Before that, though. Do you know a woman called Janice Dowsey?

A. That was 19 - -

OBJECTION:

HER HONOUR: He is entitled to go back that far but any further would not be permissible.

CROWN PROSECUTOR: Q. Do you know a woman called Janice Dowsey.

A. Yes.

Q. Do you know that she is a prostitute?

A. Well, when I knew her then it was Cheryl - like, that was her working name.

Q. Have you been in her company?

A. Yeah, well I seen her on the street. At that time I used to see her on the streets occasionally. She works up William Street and up the Cross.

Q. Have you ever been in her company?

A. With her at the Taxi Club?

Q. Yes.

A. Well, I was with her at the Taxi Club.

Q. When was that?

A. That was February 1991, and I went up to the Taxi Club and I was by myself when I went up, though I wasn't with her. She was already there.

Q. Were you on heroin at that time or on your methadone programme?

A. I was on the methadone programme then. I had just gotten on the methadone programme and I was still, like - having a little bit now and then.

Q. That was February 1991, was it?

A. Yeah, I'm fairly sure of that - February 1991, yeah. And we went up to the Taxi Club and I saw Jones and Wazzo - I think his name was, or it could be Wank. I had seen him with this bloke a couple of times around the Cross. He was sitting at the round tables up the end of the Taxi Club on the first floor.

Q. The Taxi Club is in the Darlinghurst area?

A. Yes, up Oxford Street on Flinders Street.

Q. Does it have another name?

A. It is called Grosvenor Club. That's its name out the front but nobody calls it that. They all call it the Taxi Club.

Q. It is spelt G-r-o-s-v-e-n-o-r?

A. I don't know why it's called the Taxi Club but we all call it that - and the conversation was going on there.

TAXI CLUB

Locke 4 (a)

Q. Who was there apart from you and Cheryl?

A. I had passed Cheryl up the door and Jones - she wasn't sitting with him then. They were just there and I was walking up to the bar because you had to pass there before going up to the bar. He was at the chair and table there. They were both sitting there and he said to me, - -

Q. Who said that to you?

A. Jones said it to the other guy - ~~he~~ put his hand on my back and said, "That's the other bloke I was telling you about. That's Lockey. He knows about Hughesy", and the other bloke looked up at me and he said, "He's sweet. He knows about it," and then I sat down there at that table.

Q. How was the accused Jones?

A. He was stoned, stone drunk, stoned and drunk I think.

Q. He appeared intoxicated?

A. Yes.

HER HONOUR: Q. He was what?

A. Out of it.

CROWN PROSECUTOR: Q. What else happened?

A. We, they wanted to score and I wanted to score.

Q. Was there any conversation apart from that, any other conversation?

a. No, there was just the thing, the other guy just seemed a bit worried about me and who I was.

Q. What did he say?

A. The other guy said, "Jones knows about it. He's sweet. We wanted to get on." ~~It was mentioned about getting on~~ and we were going to leave there and go and get on up the Cross and then as we left there the other bloke, on the way went up to Janice and he said - because he knew her and he had been talking to her and he said, "Listen, do you want to come with us, love?" or something and he put his arm around her. I didn't see Jonesy put his arm around her. He said, "Do you want to score?" She went with us down the stairs. The stairs went right down to the footpath and I was walking right behind Cheryl. Cheryl was there and Jones was there and they were walking up front together talking, just sort of stumbling along and just talking out loud - just carrying on and I just heard things like - no full sentences. I didn't hear full sentences. You know, "You faggot" and all stuff like that. I could hear bits of it yelled out but nothing else. Then we got down to the corner of Oxford St and Flinders St, right there and that's where Jones and the other fellow, they were talking really loud. They had an argument or they had said something to each other and the other bloke said, "Keep it down, fucking - You want to get your act together. We're going. Do you want to come with me?" And she said, "Yeah," and she and him went together off in another direction, off the back way you go down to the Cross, and we just sat down there on the shop front there between Oxford and Flinders St, on a shop front. It's a little restaurant thing but it was closed and we were just sitting on the steps because it was late.

So they left, on the way picking up Janice Dowdsley. The 2 men walked ahead, then her, then L. - then split up, the other one with Janice L. with A.

Locke 4(b)

Q. Yes.

A. And we sat <sup>down</sup> there and as we were sitting down, like, I sort of wanted to keep going. And anyway, I sat down there and he said to me, Jones said to me, "You know not too many people know, mate, that I killed that cunt. But," he said, "you just remember that I looked after you." He said, "Not too many people take you down the road and get you a shot." And he said, "You'd better remember, don't fuck me around." I said, "I don't fuck you around." He said, "You remember, mate." I said, "Yeah, yeah." I wanted to get off the subject and I wanted to get out of there.

Q. Did he say anything else?

A. No, not much - not that I can think of, no.

Q. What happened after that?

A. Well, I wanted to go - I sort of - I wanted to get off the subject so then we got up and we walked up to the Cross to go and score, to go and get the dope.

Q. Did you see the accused on any other occasion?

A. Yeah, I think the last occasion - -

Q. When was the last time you saw him?

A. I think was - No, the time just before that, the last time I saw him was just at a doctor's surgery a couple of weeks ago.

Q. You saw him at a doctor's surgery a couple of weeks ago, did you? Which doctor was that?

A. Dr Freid.

Q. Where is Dr Freid?

A. He is, not Darlington Road - Victoria Street. I'd seen Dr Freid and I was coming down and Jones was over the other side. He had yelled out something to me - like, as he was going like that. I think he wanted me to stop there so he could talk to me but he was yelling something and coming over, so I jumped into the cab, and he was coming across the road. I just jumped in the cab, but he was getting closer to it and I just - so I took off and went and said to the taxi driver, "Just go, go, mate."

Q. Do you remember anything that he said?

A. I'm fairly sure that he said, "Stop. I want to talk to you. Just stop for a second." But I didn't. He said "Wait", but he didn't touch me or anything. He didn't get to me. I just got in the cab and I went.

Q. Do you remember any occasion when you saw him before that?

A. Yes, that was at Oxford Street. The Social Security centre. It was packed. There were people there. Everywhere.

Q. You were in the Social Security office, were you, in Oxford Street?

A. Yes.

Q. How long before this last incident was that?

A. That was around June, because I'd written the date down - it was 7 June.



Q. Do you remember what year that was?

A. 1991. Yes, 1991, 7 June.

Q. and you were in the social security office in Oxford St, is that correct?

A. Yes.

Q. What happened.?

A. I was walking down the stairs. I had finished and he was walking up the stairs. I saw him and he saw me and then I went back in, because, I mean, there's no way to get down the stairs, because he was there - I mean, I could have but I didn't go past him. I went back in. I felt safer in there. I went back in. He said, "Come out here, I want to talk to you". I said, "No." He said, " Just come out here. You are going to come out here if I have to drag you out here". Then I went out because I thought that was what he was going to do.

Q. How loudly was he talking?

A. Fairly loud. He wasn't making a secret of it. He wasn't whispering or anything. He was talking loudly. He had another bloke with him, a bloke with a mo and a beard. He was about twenty. Only a young guy.

Q. How big was he?

A. He was a tall, slim guy. But he was young. I'd say he was six feet, about six feet but he was thin. He was with him.

Q. Was he saying anything?

A. No. No, he was just there with him and then he said - I'd started to talk to him out the front door, in the foyer, we hadn't left the building. We were only out the door of social security but still in the building. He wanted me to - -

Q. What did he say?

A. He said a lot of things. He said he had been looking for me and that and that he wanted to talk to me but he said that he wanted me to go somewhere with him. He said, "Listen, you are going to do something for me." Now, the other guy was there but he wasn't all listening, he was off a little bit and he was just looking in at social security, looking in at the other people.

He said, "Listen, my mate is going to get a cheque here, he is going to get a counter check", or something, "And when he gets back we are going to go for a walk. I am going to take you somewhere."

Q. Did you say anything to that?

A. I think that was the time I said I wasn't going with him. I said there was no way I was going to go with him. Anyway, I agreed to it in the end, I said I would go with him.

When the other guy got back, he said, "Right we are going to go now when he gets back. " When we got to the stairs he said, "Listen, you are not going to bolt, are you, " he didn't think he could catch me but he said "He can run".

Q. How did you feel at that time?

A. Scared shitless. They both walked down with me in the middle. We walked down the street, along Oxford St and as we were walking through the park I said, "Where are we going? What are you going to do?" He said, "You are going to come to my solicitors with me and you are going to tell them you are going to change your statement." I said, "You must think I'm an idiot. What do you want me to do about my statement?" He said, "You are going to change your statement. You are going to tell them it's all bullshit". I said, "No, I'm not", he said, "Yes, you are. You are coming with me. You are coming up there now and you are going to come with me to the office and we will both be there. We will be coming up in the elevator with you. I am already going to get in trouble about bringing you here but once my solicitor knows you are going to change your statement and that I'll be right".

Q. Had you made a statement to the police about what had occurred in the Taxi Club prior to this incident?

A. Yes.

Q. What happened after that?

A. Well, then we went up into the building and us three were in the elevator and he said, "Now remember, like, I'm here. I'll be coming back down with you. Just go in there." He went in and saw the office lady there in the building and then the solicitor came out and got me, got a little tape recorder, took me into the room, turned on the tape recorder and said, "Mark, do you wish to make a statement to me? Is it true you wish to come here to retract your statement that you have made to the police in reference to John Hughes' death?" I said, "Yes, that's right".

Then he said, "Well, look, I can't really take down your statement here on paper because," he was an interested party, "An interested party", he said, this was the solicitor, "I am an interested party so I can't take it down but this man here," he pointed to a curly haired man who was in the room, "He is going to take you to his Bondi office and make a statement with you."

As soon as I knew that I thought good, because I would get out of there.

Q. So you agreed to that?

A. Yes, I certainly did.

Q. What happened after that?

A. We walked out and then we walked past Jones and we got in the elevator and the other man said to him, "He's going to make his statement" - -

Q. Who said that?

A. The solicitor. The solicitor said to Jones. He said, "He's going to go to the Bondi office" - this is while we were going to the elevator and Jones was sitting in the solicitor's office. We got into the elevator and went down and got into the car and went to the Bondi office.

Q. This is with the solicitor?

A. Yes.

Q. To the solicitors office at Bondi?

A. Yes.

q. What happened there - you went to an office ?

A. Yes. I got to an office and the other solicitor said to me, "I won't be a moment." I said to him, "I want to see a friend up the road. Can I just go up there for a moment? I'll only be a moment".

He looked at me and said, "Mark, you are not going to take off on me, are you?" I said, "No. I'll only be a moment". I went outside the building and ran up the road. Went up to Bondi Station and went to my house and took off my jumper and rang the detective.

Q. You rang the police?

A. Yes.

Q. And you eventually made a statement?

A. Yes.

Q. Well, you rang the police?

A. Yes, to tell them what had happened.

Q. Do you know a person called Ann White?

A. Yes, very well.

Q. Who is she?

A. She is a girl that I know. She is in the Navy. I go out with her and that sometimes.

Q. Were you ever with her on any particular occasion?

A. Just on one occasion in Oxford St when I had seen Jones and I had lent him \$10.

Q. Do you remember when that was?

A. Well, Jones wasn't angry with me so I don't think he'd known I'd made the statement so it was before, like, before those troubles had happened. But it was after I'd made a statement but Jones hadn't known I'd made a statement.

Q. And you were with Ann White and you had loaned him \$10?

A. Yes.

Q. When was it in relation to the Taxi Club incident, was that before or after?

A. It was after. Yes, it was after that. As I said, he wasn't angry with me then so it was still at the part where he was talking to me.

Q. He was quite friendly.?

A. Yes.

Q. Where did that happen?

A. That happened on Oxford St. Walking up Oxford St. We were just walking around window shopping.

Q. And he just spoke with you, did he?

A. Yes. I just saw him coming the other way.

Q. Can you remember any other occasion that you saw the accused that you haven't told the court about?

A. The only times I can remember at the moment are the times that I have said. I think, in fact, I have seen him, as I remember, I had seen him three or four times, I think but I'm not sure. Like, I mean - because of dates and times and when each thing happened, I don't know.

#### CROSS EXAMINATION

FINNANE:Q. Mr Locke, do I understand you to say that at the time you went to Queensland you were going there to go on a methadone programme?

A. Yes.

Q. And that was your reason for going there, is that right?

A. Yes. I said that was one of the reasons, yes.

Q. What was the other?

A. The other reason was to keep away from Jones.

Q. Any others?

A. No, not really.

Q. There were warrants out for you at that time, weren't there?

A. Not that I know of.

Q. Weren't you worried about that?

A. I might have fines and that, traffic fines. I don't know. I can't remember what it was.

Q. You don't know, just simple traffic fines - -

A. Yes, it was possible.

Q. You went to Queensland to get on this methadone programme because it was better than the programme that was operating in Sydney, was it?

A Yes.

Q. Had you had previous experience of this programme or was this something someone had told you?

a. This was things people had told me. I hadn't been in Queensland previously on a methadone programme.

Q. When you went to Queensland, which part of Queensland did you go?

A. Brisbane. As I said, I went to Brisbane. I didn't say Queensland, I went to Brisbane.

Q. When you came back to Sydney you went back to taking heroin again?

A. Yes, because I got off, because I didn't go back to Queensland I was taken off the programme. I was on it for about two or three weeks. I was supposed to go back.

Q. To Queensland?

A. Yes, because I wasn't allowed a total transfer and that was at Blacktown Hospital.

Q That is why you went back to heroin?

A. Yes, because I was kicked off.

Q. How many years had you been on heroin?

A. In all?

Q. Yes.

A. About seven, eight years.

Q. Longer than that, wasn't it?

A. I had been heavily about seven or eight years. My first experience on it was when I was 22, 23.

Q. How old are you now?

A. Twenty-nine.

Q. In 1989, before Hughes' death, you used to visit him daily, did you?

A. Yes, just about daily, I mean occasionally I didn't but -

Q. To get heroin?

A. Yes.

Q. How much would each bit of heroin cost you?

A. Oh, sometimes fifty - well, you can get fifties and hundreds and half weights which is 150 and you can go upwards but I never got much more past half weight.

Q. You were spending \$100, \$150 a day for heroin?

A. Yes.

Q. Where were you getting the money to pay for it?

A. Prostitution.

Q. You were offering yourself in prostitution for men?

A. Yes.

Q. Although you yourself were not homosexual?

A. That is right.

Q. For how many years were you engaged in that activity?

A. I'd say for about two to three years.

Q. When you came back from Queensland you went back to The Wall, did you?

A. Yes.

Q. And you continued on your occupation up there?

A. Yes.

Q. Does that continue to the present day?

A. No.

Q. When did you give it up?

A. When I got back on the methadone programme in Sydney.

Q. When was that?

A. I have been on it - when I first started the methadone programme I was still using a little bit. The exact date I couldn't tell you. Dr Freid would know.

Q. Last year or the year before or the year before that?

A. I have been on it about one and a half, two years.

Q. What have you been doing in that time.?

A. While I have been on the methadone programme?

Q. Yes?

A. I have been working with my father and just being on social security when I'm not working with him and keeping a very low profile.

Q. Do you still hang around the Kings Cross area?

A. No, not at all.

Q. So you are well away from Kings Cross/Darlinghurst?

A. Well away, right away from it.

Q. You haven't been there for some time?

A. That is right.

Q. Two years, three years, how long?

A. Only about for the past year - I haven't been there at all this year in actually the Cross. I can't remember the exact date I stopped going there. It started to get less and less and less till I didn't go there anymore.

Q. In the past year?

A. Yes.

Q. What were you going there for?

A. Up the Cross?

Q. Yes?

A. Oh, to see friends and talk. Hang around. Because of me being into the heroin before this and being a junkie and everything everybody I knew for the past couple of years has been on heroin or has been off heroin or has been on the methadone programme or hangs out at the Cross or lives at the Cross.

Q. So your associates were all drug users?

A. At that time, yes, just about everyone I knew.

Q. Would it be right in that style of life lying and cheating is a very common thing?

A. Lying and cheating to who?

Q. Amongst each other?

A. Amongst each other? No, some people do, some people don't.

Q. It is very common, isn't it?

A. It is common with some people, yes. With some people it isn't.

Q. You were involved in a bit of that yourself, weren't you?

A. In what? Using drugs?

Q. Well, for example, you would go to this man Hughes and you would tell him you would pay him and then you didn't?

A. I said I'd get payment to him and I'd never pay him the full money because I'd never get enough because I was using too much.

Q. It is a common thing for people in that situation to tell people lies?

A. John was the only person I knew you could do it with. The rest of the dealers you couldn't do it with because they wouldn't give it to you.

Q. Because he was soft you were prepared to stand over him to take drugs from him?

A. Stand over him, as I said yesterday, yes. Sometimes we'd have arguments but you never needed to be violent because he'd give it to you.

Q. Because he was a very thin man?

A. Yes, and he was a very soft hearted man.

Q. A soft hearted drug dealer?

A. Yes.

Q. But you and your friends often told lies, stories to one another, did you not, it was part of your way of life?

A. No, I don't think so. I don't think anybody did it.

Q. You did it?

A. No. Who do you mean, to whom I always did it. I told a few stories during my days I was into drugs.

Q. You told a few stories?

A. Yes, a few people exaggerate and go on. It happens with junkies, yes.

Q. You wouldn't place any reliance on what some junkie told you, would you?

A. Some of them I would, yes.

Q. Some you would?

A. Yes.

Q. You would accept the word of somebody who was a well known junkie?

A. If I knew them well, yes.

Q. I see, you'd expect them to believe you, I suppose?

A. It all depends if they lied to me before or let me down, it all depends. If I knew the person well and they hadn't lied to me before or let me down, I'd trust them.

Q. If we could just come back to this last incident - not the last incident, you mentioned an occasion in 1991, I think it was 7 June when you went to see a solicitor, you said?

A. Yes.

Q. There was another man present?

A. Yes.

Q. And was that in a building in Elizabeth Street, Sydney, near Hyde Park?

A. Yes.

Q. Right next to the Great Synagogue?

A. I don't ~~think~~ <sup>know</sup> whether it's next to the Great Synagogue.

Q. It is a big stone building?

A. Yes, it is a big stone building, yes.

Q. You went up by lift to the 11th floor, did you not?

A. I don't know if it was the 11th, but, yes, we went up in a lift.

Q. In fact, you went to a floor of barristers, didn't you?

A. Yes, solicitors or whatever.

Q. You know the difference between a solicitor and barrister, don't you?

A. No, I don't know the difference between a solicitor and barrister.

Q. You have been in court often enough, haven't you?

A. Yes but they all seem the same to me.

Q. When you got to this floor do you remember it had a marble floor?

A. Yes. It was a nice building. It had shiny marble-like stuff on it. Yes, I think so.

Q. There was a reception area?

A. As you walk out of the elevator, that is right.

Q. Almost in front of the lift but some distance back from it is a little sort of semi-circular reception desk?

A. That's where the ladies were behind, yes, the reception ladies.

Q. There were women there at the reception desk?

A. Yes, two or three, I'm not sure.

Q. As you get out of the lift and you look to the side, to your left of the reception desk, there are some lounges there for people to sit on?

A. Yes, I think so.

Q. You sat, I think, didn't you, you and Jones and this other man?

A. Yes, when we sort of walked in there, yes, because Jones had to go and see his solicitor to get him to come back. He spoke to the ladies at the desk.

Q. So he spoke to the ladies on the desk?

A. Yes.



Q. And then somebody came out to see him, is that right?

A. Yes.

Q. A man about my height, perhaps a bit older than me with grey hair and a bald head?

A. Yes, I think so.

Q. You think so?

A. Yes.

Q. Well, that is so, isn't it?

A. I think so, yes.

Q. Have you got doubts about it?

A. I'm not sure of the exact way he looked but I have no doubts he spoke to me.

Q. This man having come out to the desk and found out who was there then took the lift up, didn't he, went up a floor, out of your sight anyway?

A. I don't know.

Q. He came back down again?

A. I don't know. He may have.

Q. He may have?

A. Yes.

Q. In any event, you were taken along a corridor, quite a long corridor, around to the left to the corridor, from the reception area, a long corridor with lots of doors and a right and left in it?

A. That is right.

Q. When you get to the end of this long corridor you have to turn to your left?

A. It was very shortly to your left - you go down to a long corridor - -

Q. No. Turn to your left and then you come to the room at the end of a short passageway?

A. I think that is right, yes.

Q. When you went into that room Jones was left up in the waiting area, wasn't he?

A. That is right.

Q. With this other man?

A. Yes.

Q. He did not come into the room with you?

A. No.

Q. Indeed, before you left the building, Jones and the other man had left the building, hadn't they?

A. No. They were still there.

Q. Think about that very carefully?

A. I will think about it very carefully. They were still there when I left with the other man.

Q. But you were told during the course of your discussions - and the discussion I suggest you had was with Mr Greenwood of Queen's Counsel practising in Sydney and a solicitor by the name of Mr Gould - and during the course of those discussions you were told that Mr Jones had left?

A. No, he didn't say anything to me about Jones. He said to me, "Do you wish to change your statement?"

Q. During the course of this discussion - I will come back to the detail of it later - during the course of this discussion, amongst other things you raised was concern about getting back to see a three year old child that you were caring for?

A. At that solicitor's office or at the Bondi one?

Q. During both discussions, as a matter of fact?

A. No. I think I said that at the Bondi one. That was my excuse to go and see them, to let them know so they could go back.

Q. I suggest this discussion which took place in Mr Greenwood's chambers, this is Mr Greenwood of Queen's Counsel, that you raised with the solicitor, Mr Gould, that you had a need to look after a three year old child?

A. I said to the other guy, not the first one, the solicitor in there, the one that took me to Bondi, I said that.

Q. So you deny ever saying that to Mr Greenwood, do you?

A. I can't be sure, no, because if I did I think it was when he said, "He is going to take you to Bondi." I said, "Look, I'd like to go and check on a child I have been minding. Could we go there via it?" That was my answer.

Q. Might you have said that to Mr Greenwood?

A. I don't know but I remember telling the other fellow.

Q. Both of them - I will come back to the detail later - both of them made it clear to you, did they not, they wanted to be quite sure that what you were saying you were saying of your own accord, not because of any threat that was made?

A. No, he just said, "Do you want to change your statement?" and I said, "That is correct."

Q. How long were you with Mr Greenwood and Mr Gould in this set of chambers?

A. Not very long.

Q. How long?

A. About ten minutes.

Q. And there was a tape recorder?

A. Yes, a little one he had in his hand.

Q. And he said he wanted to record what was said between you?

A. He said, "I'm not sure if this goes or not, Mark. I'll just put it down on the table."

Q. In the course of this conversation you told them, both these men, that Jones did not kill Hughes, didn't you?

A. No, I don't remember saying that. I think I said I wanted to change my statement because he wouldn't take my statement down there. He said, "I don't want to take your statement because I am an interested party.", so I don't think he started taking my statement down.

Q. You told both these men whilst you were in Mr Greenwood's chambers that Det Plotecki had said to you, "If Jones doesn't go you'll go."

A. Go? Go where?

Q. You understand what I am putting to you?

A. No, I don't. If Jones doesn't go I'll go?

Q. Yes, they are your words, not mine, I am suggesting

A. Well, I am suggesting they're not.

Q. You appreciate I am putting this to you in the context of your having spoken to two people in a room in a conversation that was recorded?

A. Yes.

Q. Giving you the opportunity of giving a straight answer to the questions I put to you?

A. He said to me, "Do you wish to change your statement" and that's what I remember.

Q. That's all he said to you?

A. That's what I remember going on the recorder. I don't remember saying anything else, although I would have said anything to get out of there.

Q. Do you remember Mr Gould saying to you during the course of this conversation, "I want to run through the whole thing again." This is up in the barrister's chambers, not at Bondi Junction. "Mark, I want you to be absolutely sure you are not coming here as a result of any pressure by the accused or anyone else. Are you happy with that. Have you come here totally of your own volition?" And you said, "Yes."

A. Yes, I think I said that.

Q. You said that didn't you?

A. Yes, I did.

Q. You are now telling this court that that was a lie?

A. It was.

Q. That you had come there of your own free will?

A. Naturally. Jones was there and there was no way I was going to go down to the elevator down past Jones.

Q. Because of this fear you say you have, you came into this room and sat there with a senior barrister and a solicitor and told them a lie?

A. With Jones there, yeah.

Q. Jones wasn't there?

*Solicitor*  
A. Yeah, I said in my statement that Jones had said to me, "If my sister comes out and tells me you didn't make that statement, I'm going to come back and come down the elevator with you."

Q. In fact he didn't come down the elevators with you, did he?

A. No.

Q. He was nowhere near the elevator when you left the building?

A. He was right out there, as I walked out, and the other solicitor spoke to me, and Jones went like that - -

Q. He winked at you?

A. No, nodded his head and I went down with the solicitor in the elevator.

Q. You then went out on the street with the solicitor?

A. Yep.

Q. Walked across Hyde Park?

A. And got into his car.

Q. You got into his car?

A. Yes.

Q. To travel to Bondi Junction?

A. Yes.

Q. At any point across Hyde Park, you could have said, "Sorry, I'm going. See you later."

A. Yeah, I could have but I didn't. I wanted to be nice and far away in the car.

Q. Jones was nowhere near you?

A. He was just back in the building. I didn't know if he was coming behind us or not - if he was outside.

Q. You are seriously suggesting you believed Jones was still sitting in the building?

A. Definitely.

Q. Just sitting there waiting?

A. I don't know. He was there then. He might have followed me down and might have come straight after. I don't know but he was definitely there when I got in the elevator - sitting with the other guy, and the other guy was still there with him.

Q. You could have said to Mr Gould at any time in this car journey to Bondi Junction, "Would you mind stopping the car. I want to get off."

A. Yeah, I could have said that.

Q. You could have said, "Drop me at Bondi Junction railway station. I want to get a train."

A. I could have.

Q. But you didn't?

A. No.

Q. You insisted on going on with some elaborate farce with Mr Gould.

A. You could say that.

Q. Let's say you did because you were afraid because of Mr Jones?

A. Yes, once I was at the Bondi office I knew I was going to go and that's what I did.

Q. During the conversation in Mr Greenwood's chambers, Mr Greenwood said this to you, didn't he, "Mr Locke, as you appreciate, my loyalty is of course to Mr Jones because I am his barrister. Okay? Do you understand that? I think it is only proper that I should not be a party to anything you want to tell on this subject, for your protection and for my protection."

A. That's the part when he said he was an interested party.

Q. "And I just think it is the right thing, I think, to pass you over to someone who is prepared to take a statement from you and to take your story from you, not coloured by anything Mr Jones might say - because we don't want you to believe we are standing over you in any way whatsoever."

A. Not that part, that wasn't said. The end part of the sentence wasn't said but I remember him saying to me something about, "I am an interested party." but he may have said, "I can't take your statement down" and that other stuff you said. I was very nervous.

Q. You deny what I am putting to you?

A. I deny that little bit about Jones. "We don't want you to think Jones is standing over you" or something. I deny that bit. I don't remember that bit at all.

Q. There's a big difference between denying something and not remembering it. Which is it?

A. I don't deny it but I don't remember it.

Q. You don't want to remember?

A. It wouldn't matter - he was still out in the corridor.

Q. Where - you mean between the room and the elevator?

A. The only exit to the building.

Q. You were with a barrister and a solicitor?

A. Yes.

Q. What, did you think they were going to take you out and hand you over to him?

A. I didn't know - after I had made this statement, I knew he was out there.

\* Q. You believed that a senior barrister and solicitor, having found that you didn't want to make a statement, would just hand you over to someone who you said was threatening you?

A. No, he didn't say that - -

OBJECTION: QUESTION MARKED WITH ASTERISK READ.

Q. What I am talking about is your state of mind - do you see?

You say you felt that you were threatened by Jones?

A. I was very scared and so, yes.

Q. The only reason you were there, you claimed - and this is your claim - is because you felt threatened?

A. Jones and his friend had walked me up there, yeah.

Q. You were afraid that these two men would do some harm to you - that is the reason you were there?

A. That's right.

Q. You were in a room with a barrister and solicitor?

A. Yeah.

Q. And the barrister has told you that he personally doesn't want to take the statement because his loyalty was to his client, Mr Jones, and for that reason he wanted Mr Gould to take the statement from you?

A. At Bondi.

Q. And he had made it plain to you that, in doing this, he was taking this action for his protection and for your protection because you were a witness. He made that plain to you?

A. I don't know how it was for my protection that he didn't say "For protection" - I don't think.

Q. As I put to you before, he put it to you that it was important to get a story from you that wasn't coloured by anything Mr Jones said?

A. I don't remember him saying that.

Q. It is quite clear to you, surely that while ever you were with the barrister and solicitor you were perfectly safe?A.No, that wasn't clear to me. If a detective was there I would have felt safer - if he was there with a gun I would have felt a lot safer.

Q. What could possibly have happened to you when you were with a barrister and solicitor?

a. Anything Jones wanted to do.

Q. What did you think - he would come through the door?

A. Yes, I've seen what he does.

Q. What, you thought he would come through the door to assault you?

A. No, I would have to walk out if I wasn't going to make a statement. I would have to walk out past him.

Q. What did you think could possibly happen to you while you were in that room?

A. I was thinking I was just going to get out of this room, out of here - that's all I was thinking of. If there was a way to get out of it, I am going to do it.

Q. Why didn't you say to him that you were under compulsion. You didn;t ask him to help you get away?

A. Because he was an interested party for him.

Q. Are you seriously saying that a solicitor, although being a solicitor, would in some way connive at harming you?

A. No, I didn't think he was going to help me, though.

Q. How could you be harmed while you were with him?

A. How could I not be. What could he do?

Q. Did you think he was going to barrel you while the solicitor was there?

A. There was no way of leaving the building without going past Jones, and if I didn't make the statement I would have still had to leave the building. I couldn't just stay there.

IN THE ABSENCE OF THE JURY

~~(Her Honour was informed that a Crown witness Kerrie Stanton had entered the court room; noted that the witness had been spoken to immediately and then left).~~

SHORT ADJOURNMENT.

IN THE PRESENCE OF THE JURY:

FINNANE: Q. Mr Locke, you mentioned an incident or conversation in the Taxi Club?

A. Yep.

Q. This was in 1991, this conversation?

A. Yes.

Q. Would it be fair to describe the Taxi Club as a sort of undesirable haunt frequented by criminals?

A. Pardon?

Q. You don't understand what I am saying?

A. No.

Q. A hang-out for crims. Would that be a better way of putting it?

A. No, not any more than any other pub.

Q. Have you ever met any honest person out of the drug scene who goes there?

A. Not a lot of people out of the drug scene go there. It's a lot of queens and gay people.

Q. And prostitutes?

A. It's - what do you call them - -

Q. Transvestites?

A. Bi-sexuals - not so much in the first bar but upstairs when the disco starts, yeah, a lot of them, and it's part of it downstairs too, but yes - quite a few.

Q. What caused you to go there?

A. It's a good place to go there for just drinks because the drinks are at club prices and you don't have to be a member to get in. You just sign in the book.

Q. Not a real club?

A. Everybody can get membership. You can get badges and things. The doormen don't seem to impose it.

Q. You could sign your name as Donald Duck and nobody would take any notice?

A. Yeah, you could.

Q. Anyway you went into this place and there's Jones?

A. That's right.

Q. With this other man. Did you know him at all - Wazzo or something?

A. yeah, something like that.

Q. One of these characters who hangs around the Cross and Darlinghurst as well?

A. Yes.

Q. You just went down and sat down and talked to him?



A. To Wazzo, yeah. He went like that as I was walking in (indicating a beckoning gesture). I was walking straight up to them and Jones put his arm out like that and called me over and I walked over to the table.

Q. So the conversation was quite friendly, then.

A. Yes.

Q. You felt not particular fear?

A. No - not then.

Q. This was about six months after you had given evidence against him at the committal?

A. Sorry?

Q. This is about six months after you had given evidence against him at the committal?

A. No, I don't think it was then.

Q. You gave evidence in June 1990, so this was January 1991 - about six months later, roughly?

A. If that's the date it must be.

Q. So at that particular time you didn't feel particularly afraid of Mr Jones?

A. No.

Q. He wasn't making any threats to you?

A. Then, as I said, the only threat he had made to me was when we were walking down.

Q. "Don't fuck me around"?

A. Yes, as I said.

Q. That's a form of expression from people in that drug scene?

A. Yes.

Q. You wouldn't feel threatened by it?

A. It all depends who it is coming from how seriously you take it.

Q. "Fucking you around" would mean not handing over the drugs when you promised to, would it?

A. No, that would have been "Don't rort me."

Q. What does "fucking you around" mean?

A. Do as you're told; "Don't fuck me around." - do the right thing, mate.

Q. "Do the right thing by me".

A. Yes, by the person saying it.

Q. As you were leaving these premises this man, Wazzo was with the woman you identified as - -

A. Cheryl.

Q. Also known as Janice Dowsey?

A. But I knew her then as Cheryl.

Q. That was her working name - she was a prostitute?

A. That's right.

Q. Did she work at The Wall or somewhere else?

A. The Wall is mainly a place for guys but there's a place down the end that girls do go to sometimes, the younger ones, and the street that leads on to it they are at Williams St - all over the Cross.

Q. Anyhow, Cheryl or Janice went out with him and you went out with Jones?

A. At the end of that, yes, at the end, those two walked off in one direction and we walked off in the other.

Q. So they were well away from you as you left the club?

A. Yes.

Q. Was she sitting with you at any time whilst you were in the club?

A. No.

Q. Not near you?

A. No.

Q. Was she near you at any time ?

A. When we were all walking together.

Q. Out of the premises?

A. When we were walking out of the premises and when I came in I had seen her and said Hello. I had seen her on the street but she didn't join me.

Q. She didn't join you at the table?

A. No, she did not.

Q. I take it Wazzo was the man who invited you to go for a score?

A. Yes.

Q. She was very interested in that?

A. Yes.

Q. Was she high at the time on drugs - what is the term you use?

A. Stoned.

Q. Was she stoned at the time?

A. No, she wanted to get out.

Q. What about you?

A. No.

Q. You were hanging out for some?

A. Not going for withdrawals yet but if hours had gone by I would have been - so it's the system you go through when you are getting off.

Q. You start getting edgy and agitated?

A. Yeah.

Q. If you don't have the drugs you can break out into sweats and convulsions?

A. Yes.

Q. That has happened to you on more than one occasion?

A. Several occasions, yes.

Q. You say this was a bar. Whereabouts in this building was it?

A. On the first floor. You go up steep stairs and there's the first floor and you go into the first bar or you can go past that to the disco. That opens at around midnight or 11 o'clock, and there's a disco.

Q. When you left the premises - the premises are in Flinders Street, Darlinghurst?

A. That's right, yes.

Q. So you were walking back toward Kings Cross, were you, to score?

A. Yeah, back down Flinders Street, down towards Oxford Street, Kings Cross.

Q. This wall that you operated from in your profession as a male prostitute - that was opposite St Vincent's Hospital, is that right?

A. Yeah, it's called the Hospice.

Q. The Hospice is a place for the dying right next to St Vincent's Hospital?

A. I think so, yes. I don't know it's a hospital for the dying but it's got "Hospice" - whatever that is - I don't know. It's a hospital.

Q. In fact you have been booked a few times, charged and convicted for soliciting in that area?

A. Yeah, most of us have.

Q. Soliciting in view of a hospital?

A. No, most of the charges were "near a school" because it's near a school, I think.

Q. Near a church, too?

A. There's a church up the other end of that place, of The Wall. There's actually a church on it.

Q. A court house right at the end of the wall, too?

A. The court house is on Oxford Street and the end of it runs into Victoria Street, yes - Darlinghurst Road, I mean.

Q. In any event you have been convicted a few times, half a dozen times or so, for soliciting in that particular area, soliciting for the purposes of prostitution in that area?

A. About three or four times, yes.

Q. When was the last time?

A. It would be a year maybe - I don't know. It was quite a while ago. I haven't worked there - Actually I haven't worked there since the last time it happened with Jones.

Q. The last time what happened?

A. Since Jones tried to choke me before, I haven't been back there since then.

Q. Was that before January 1991?

A. This was just a little while after - no, it was about four months perhaps after the Glebe Coroner's Inquest. It was after that because he said he had been in gaol because of me.

Q. I see - on remand?

A. He didn't say on remand. He just said, "I've been in gaol."

Q. You would regard that as an outrageous lie, I suppose - would you?

A. I'm sorry?

Q. That would be an outrageous lie. You didn't do anything to put him in any gaol?

A. No, I know that is not a lie because I came to court.

Q. So this incident at the bus stop before the end of 1990 then -

A. No, he said he had been in gaol and he just gotten out of gaol.

Q. Anyhow, he chokes you, threatens you and so on at this bus stop?

A. That's right.

Q. That must have been towards the end of 1990?

A. Well, if it was about six months - he said he had been in for four or six months or something - he had been gaol and now he was released - on bail or something.

Q. He got bail?

A. Yes.

Q. And then within a short time of this you are talking to him at the Taxi Club, just sitting around having a chat to him at the Taxi Club - ~~in the~~ <sup>within a</sup> short time of your having been ~~shown~~ <sup>choked</sup> at a bus stop?

A. I can't understand how the dates would be. I would think that would have happened before that. But if it says that then I might have made a mistake about the date. I can't see how that would be, that he would be friendly with me then because I can't remember that I would go into court and then I would still be friendly with him because it wasn't that way. But as I said before - -

Q. No doubt these are significant events, are they not?

A. The things that had been said to me, yes.

Q. You wouldn't be likely to mess up the time of something of these sorts of things occurring?

A. Yes, two or three years later I do get mixed up, yeah.

Q. You do get mixed up?

A. Yeah.

Q. So what you are saying is you are not terribly reliable about this?

A. Not terribly reliable about dates. If something important happened to me - if somebody was about to choke me I wouldn't look at my watch and check the dates and the calendar and so forth.

Q. Is that something that happened fairly frequently with people getting choked at bus stops?

A. You get into fights and things but it hasn't happened to me where I have gone to court as being a witness and somebody chokes me.

Q. Would it be true to say amongst the group of people you mixed with in the Cross that physical encounters like this were fairly common?

A. You'd get into fights with them, yes. You have to look after yourself at the Cross, there's violent people there.

Q. People would come up and accuse you of all sorts of things, I suppose?

A. No, usually arguments were about dope.

Q. Arguments about dope, ripping people off, robbing them?

A. Arguments were usually about dope. It all depends what you mean.

Q. Would you agree with this, pretty continually people in your circle were running around telling stories to people about other people in the drug scene?

A. That sometimes happens, yes.

Q. So and so scored off so and so?

A. Yes, and he's got really good dope and this person is selling shit, yes, sometimes that happens.

Q. We will go and rob this bloke and we will fix this bloke?

A. You are careful about who you rob, you have to be careful about what you say because it gets back to the dealer and he will break your legs for you.

Q. Sometimes people would spread lies about you, said you did things you didn't do?

A. Sometimes that would happen, yes.

Q. And that leads to physical attacks sometimes?

A. Yes, sometimes this happens.

Q. It leads to a pretty nasty scene?

A. Yes.

Q. The people you associate with are not the sort of people you'd generally rely on, are they?

A. I'd say that is fairly true.

Q. Not your nice average citizen?

A. Most people on the street, who are on drugs the average person they would not be with drug users, they don't trust drug users, no, they tend to think that they are all an untrustworthy bunch.

Q. That would tend to be right, too, wouldn't it?

A. It always looks that way, because they supply drugs.

Q. All during your life you have been in nothing but trouble?

A. In my teenage life, no, but when I started using heroin that's when I got in trouble.

Q. From that point on - -

A. From that point on I started getting into a lot of trouble.

Q. And you started having a lot of brushes with the law?

A. Yes.

Q. And you had to attend many courts and face a lot of charges?

A. That is right.

Q. You claimed that you went to Queensland to get on to the methadone programme?

A. That is right.

Q. Because you'd heard a story that it was better than the one in Sydney?

A. Yes.

Q. When you got to Sydney what difficulty did you have when you eventually decided to get on to the methadone programme here?

A. When I got on the methadone programme, the lady said - -

Q. Which lady was this?

A. The lady at the methadone clinic at Brisbane said, "Mark, you know you have to be in the clinic for the amount of time specified. If you do go away you must come back. If you don't come back the day you are specified you will be cut off. You will have withdrawals and be back on heroin. Make sure you come back here and finish the programme then you will be able to go down there permanently. You will be able to go to Sydney but it is only a trial run."

Q. What made you come back here?

A. To see my girlfriend also.

Q. Which girlfriend?

A. The girl I was seeing at the time, [152].

Q. [152] who?

A. [152].

Q. At the time you left New South Wales you were facing serious charges, were you not, relating to [152]?

A. Yes.

Q. You were charged with stabbing her and kidnaping here, weren't you?

A. No, I was not charged with stabbing and abducting [152] [152], no. That was a separate issue - me and [152] had been going out together for a while and [152] had come off with me. We had gone off together and her mother charged me with taking her, abducting her and it got into the papers, it got in everything and then when the detective found out, I mean, [152] said to him, "Look, I ran off with him", the detective wanted to charge [152] about making a public mischief. Then the charges were dropped because [152] didn't want to go to court because it would be dropped.

Q. At the time you came to Sydney you were facing these charges?

A. Well, I might have been on bail for it, but I hadn't been in gaol or I hadn't been told to stay anywhere or I'd escaped anywhere. I was on bail, I think.

Q. What about [REDACTED]?

A. That's her aunty. That was a separate issue. She had stabbed herself. She had cut herself and then she said - -

Q. That you had stabbed her?

A. She was in hospital and a detective said, "Will you tell us who it was?" She said, "It wasn't anyone." About a week later when she found out I'd run off with [REDACTED] 152, she said, "Mark did it."

Q. Is it true or not at the time you went to Queensland you were facing charges of stabbing this woman [REDACTED] and abducting [REDACTED] 152?

A. Well, no, the charges have been dropped about [REDACTED] because [REDACTED] told me she wasn't going to go through with the charges.

I was living with the family a number of years, with the [REDACTED] 152. I had been living with [REDACTED], [REDACTED], [REDACTED] and [REDACTED] 152 in their house.

Q. The particular incident involving [REDACTED] occurred on 27 December 1987, didn't you?

A. I can't remember but if it is written down there that would be when it was.

Q. It happened at an address in Kings <sup>grove</sup> ~~Cross~~?

A. Yes, that is right. That is where they lived. That is where I lived with them.

Q. And you were charged with malicious wounding?

A. That was what the charge was, yes.

Q. Then on 29 November 1988 you went to the same house, did you not, carrying a large knife?

A. No.

Q. And you threatened a lady there?

A. A lady?

Q. Yes, one of the [REDACTED].

A. No. I went there because, as it shown on TV, [REDACTED] 152 had wrote to me and told me to come and get her. I went there and said "Can I see [REDACTED] 152" [REDACTED] pushed me from the front door and I pulled [REDACTED] 152 out of the door and said, "Come on, come on" and we got in the car and drove off. Her mother, a week later, charged me.

Q. In fact, you, on this occasion, demanded this girl hang up the telephone and when she refused did you produce a large 30 centimetre Bowie type knife from the pocket of your jeans and threaten to kill her?

A. Negative. No.



Q. That was an allegation?

A. That was an allegation.

Q. That was the charge you were facing when you went to Queensland?

A. No - - if I was charged with that when I went, then that is correct.

Q. It hasn't come to court, has it?

A. No, they never turned up in court.

Q. Has any offer been made to you about those charges in return for you giving evidence?

A. Oh, absolutely not. What, at this trial?

Q. Well, this is the only one we are concerned with?

A. No, absolutely not.

Q. The only one you are giving evidence at, isn't it?

A. Yes. I thought you might have been talking about those charges.

Q. You came back then to see this girl 152 but you didn't go back to Queensland, you stayed around Kings Cross?

A. That is right.

Q. And almost immediately got back into the heroin scene?

A. That is correct.

Q. We can take it then that you had no serious intention of doing anything about your drug problem at all in 1989 and 1990, wouldn't that be right?

A. I was constantly falling off - like, wanting to get off the heroin and back on a daily programme and I was always bugging it up. I was always dropping off and saying I wanted to do it and then I wouldn't do it and I always getting back on heroin and I was constantly on it.

Q. And you were working at the wall?

A. No, I haven't been doing it now.

Q. When you came back from Queensland you did?

A. Oh, when I came back from Queensland.

Q. Mr Locke, would this be the position, before the death of John Hughes you had never had any argument with the accused Jones?

A. Yes. I have had arguments with him, yes.

Q. About what?

A. He belted me up once going down the road, down Kings Cross main drag.

Q. Was that when he was living there with Hughes?

A. I think so, yes.

Q. I think he was living there to protect Hughes from being ripped off?

A. That is what had been told me, that is right.

Q. And he grabbed you on one occasion and suggested that you had been ripping Hughes off?

A. That is what I said before, I said no and he started grabbing me. A fellow who was with him said, "That's Mark Locke" and he grabbed me and started bashing me around.

Q. He made it plain it was because you were ripping John Hughes off?

A. He didn't make anything plain.

Q. At the time you went to Queensland you owed John Hughes about \$1200?

A. That is what he told me. John would always tell me when I went up there what I owed him. At the time I went there I used to give him an extra \$50 or something. The bill was a lot more than that.

Q. It must have been a bit of a relief to you that he died, when you came back to New South Wales?

A. There was nothing relieving about it, no.

Q. You didn't owe any money to anybody any more?

A. There's nothing relieving about it, no, not when he's dead.

Q. It must have taken a weight off your mind to think you didn't owe this money to a drug dealer?

A. It may have taken a weight off my mind but not because he was dead.

Q. Where were you on 6 May 1989?

A. I was in Brisbane.

Q. Whereabouts?

A. Oh God, I've got no idea. You'd have to ask the detectives.

Q. They were not with you, were they?

A. They had to check up, they checked up and apparently I had been to the bank that day - -

Q. Well somebody had been to a bank that day. Which bank - you must know where you were?

A. It was called a Metway in the Valley, called the Valley in Brisbane.

Q. Did you come back to Sydney in May 1989?

A. No, I don't think so. Not before the 10th or 12th - it might have been at the very end of May or June. It could have been after that. I'm not sure, you'd have to ask the detectives but I don't know. I did have a ticket with me then and the date was on it. I don't know what it said. The ticket thing that I bought, I kept it, I don't remember the date on it now. I did then. I don't remember the date now. It is a long time ago.

Q. Not particularly significant, in your view?

A. About coming back, no.

Q. Your only reason was to see 152?

A. It was one of the reasons. I was sick of being in Brisbane. I wanted to come down to see my family.

Q. And they are your only two reasons?

A. That and because I was sick of it and to see my friends and family.

Q. And your friends were the drug scene family in Kings Cross?

A. No. My friends were at Dad's place. I got on drugs when I was in my twenties. That was before I went on drugs. I still knew people in the Penrith area.

Q. I thought you said earlier today all your associates were in the Kings Cross area?

A. Yes, when I went on drugs all the majority of people I got to know in the Kings Cross area were junkies. But that had nothing to do with the people in the Penrith area, they were not on drugs.

Q. So you came back from Brisbane to see [REDACTED] 152 and see other friends that you had known before you were 22?

A. Yes.

Q. Did you see them?

A. Yes.

Q. And [REDACTED] 152?

A. Yes.

Q. How did you then get back into the drug scene?

A. When the methadone stopped I tried to ring and tried to get it lengthened and everything. Could I get a longer date so that I could come back in a week or two, I didn't have much money with me, and then because I couldn't and I had been going through heavy withdrawals I had to start using it again. Well, I didn't have to, I could have not started using it again and gone through the withdrawals but I didn't.

Q. When you first spoke to the police it was made plain to you that you were being interviewed as a potential suspect, is that right?

A. When I first had been interviewed by Det Plotecki?

Q. Yes.

A. I was in court over something and I was given bail and Det Plotecki said that he wanted to see me. He came up to me and said, "Will you come with us. I want to talk to you about something." And then he took me to an office and said, "Do you know a person named John Hughes?" I said, "Yes." He said, "Do you know he has been murdered?" I said, "Yes, I have heard that." He said, "A lot of people have spoke to us, we have heard a few names mentioned and one of them was yours."

Q. Yes. So you were identified by the police early on as someone whose name had been passed to them as a potential murderer?

A. As a suspect, yes, yes.

Q. I suppose you were anxious to make it plain to the police at the earliest opportunity that you had nothing to do with it?

A. Well, I straight away told them about Queensland and where I was and they have checked it.

Q. And another way, of course, to make sure that they left you alone was to name somebody else, wasn't it?

A. No. They'd brought Jones up to me. First of all, they brought [151] up to me.

Q. What did they say?

A. "What about this [151] bloke? What do you know about him?" I told them what I knew about him and "What about this Jones character, what do you know about him?" I told them about the argument, the conversation I'd had with Jones before I went to Queensland. "Yes, yes", they took it down but that was all and then they held me there for a little while longer. They asked me a few more questions and then I went.

Q. You went where?

A. I was released - no, I was taken down to the cells and I had to go to court that afternoon and I was released the next day on bail. I think it was on prostitution charges.

Q. So you were spoken to while you were in police custody?

A. Yes.

Q. You were very anxious to get out of police custody as soon as you could, I suppose?

A. I was still in police custody in spite of what happened there. I still had to go downstairs to the cells.

Q. Is it true to say that people in the drug scene are quite afraid of the police?

A. Yes, that is very true.

Q. And you keep away from the police as much as you can?

A. That is true.

Q. In fact, your contact with the police up to the time of this murder arose from them coming along to charge you with things or to search your premises - -

A. I'm sorry?

Q. I will withdraw that question. Up to the time of the murder your contact with the police had been, for example, arresting you because you were soliciting for prostitution?

A. Yes.

Q. Arresting you and charging you because you had possession of illegal drugs?

A. Yes.

Q. Arresting you and charging you because of these incidents with the [REDACTED] family?

A. Yes.

Q. Also your contact with the police was that of someone who was on the wrong side of the police?

A. Well, I wasn't socialising with them, no.

Q. I'm sorry?

A. I wasn't socialising with them. I only saw them when they arrested me, that is correct.

Q. You didn't ever go along voluntarily to assist them as a good citizen up to the death of Hughes, did you?

A. What, you mean before the death of Hughes?

Q. Before the death of Hughes, yes.

A. I went to them once or twice, when I gave myself up once or twice about things.

Q. When you gave yourself up for crimes you committed?

A. Yes.

Q. Well now, it would be true to say with this fellow Hughes that you were not the only person in the Kings Cross area who visited him every day?

A. That is correct.

Q. There was a fairly constant stream of people going in and out of that flat, wasn't there?

A. That is correct.

Q. As far as you knew, up to the time you last saw him he was selling heroin regularly to anybody who came along there who he knew?

A. Whom he knew, yes. I had to sometimes get it for other people and go up there, because I'd want to introduce somebody to him but he'd say, "You can't bring people along here." I'd say, "I would like to bring people up there. I would like to introduce them to you." and he would say, "No, I've got too many of them as it is. I have enough. If they are friends of yours you just take the dope down. Let them just wait for you at the bottom of the building. You can't bring them up unless they are somebody I know." He'd say, "Are they somebody I know?" I'd say, "No." He'd say, "Well don't bring them up."

Q. He'd obviously have had a list of regular customers?

A. Yes, he had, like, a list. He actually had a list written down.

Q. As a favour to him, or to get his favour you introduced 151 to him?

A. Yes, because I knew he liked young boys.

Q. You did that so he could form a sexual relationship with 151 and you'd be in his favour for doing that?

A. 151 asked me about where I was getting dope and that sort of thing and I had been talking to him about working and he told me he had been working in other States, like, as working on the wall.

Q. Working as a prostitute in other States?

A. Yes. He said he'd like to get on to this fellow. I said, "Actually, he would like a guy about your age." - he was a pretty good looking guy - -

Q. This is 151?

A. Yes, long hair, though. He said, "Why don't you introduce me to him?" I said, "Why don't you stay with him?" He said, "It would be good if I could get out of this dump," that was at the Matthew Talbot Hostel.

I said, "Listen, I'll take you up there later." Later on I did take him up there and introduced him to John. I went through the motions of going upstairs, talking, asking if I could bring him up and John met him and then from there, when I had left [151], [151] got very close to John, very close with John and after that John used to tell me that, you know, he idolised [151], thought that the sun shone out of his bum. He thought he was great.

Q. [151] is someone whom you knew had a reputation for robbing his clients, didn't he?

A. No, not that I know of. Not before that. Because that means he would have to tell me and he was new to me then and I don't think he would have told me that.

Q. Is that something you found out later?

A. Yes.

Q. That he was a thief?

A. That is correct.

Q. You say you didn't know at the time that you introduced him to Hughes that he was a thief?

A. No but I did find out.

Q. You did find out locally that he was?

A. Yes.

Q. So on your story, on 6 May 1989 you were nowhere near Kings Cross, you were up in Brisbane?

A. Yes, that is right.

Q. You did not find out about John's death for some months?

A. I'm not sure what month it was. Spike came up there and told me about it, in Queensland. He mentioned it to me. But, as I said, I didn't believe it. I didn't take much notice of it. Like, Spike, he is sort of slightly retarded.

Q. I see, a bit of a liar?

A. No, he is slightly retarded.

Q. Did that sound like one of the stories - -

A. That Spike would come up with, yes. It sounded like, I thought John might have been bashed very severely but not dead, not like that, until I came down here and found out from another person whom I did know and did believe.

Q. He was obviously well known as a dealer in Kings Cross?

A. At that time, yes, he was.

Q. He was well known to have drugs in his possession?

A. Yes.

Q. And obviously enough, although you may have rung him usually before you went there, it was easy enough to get into that building, wasn't it, if you followed somebody in?

A. If you followed somebody in, although the manager lived near the door and often if I walked up behind someone he'd say, "Where are you going?" I'd say, "I'm going up to see John. You can come up with me if you like." He'd say, "All right, go on, go on."

Q. If you came through the door after someone you would speak to the manager?

A. Yes. He'd say, "What do you want?"

Q. The manager wasn't there all the time?

A. He wasn't there all the time.

Q. So he would be there during daylight hours?

A. Yes, and sometimes if you hung around after daylight hours he'd come out with a piece of wood and say he'd clobber you over the head if you hung around too long. He was a big man.

Q. If we could just go back to the Taxi Club. You left the premises of the Taxi Club you say?

A. Yes.

Q. That this woman went off with this fellow, what is his name, Wazza?

A. Yes.

Q. Whereabouts did they go, which direction were they headed?

A. They headed up Oxford Street, the opposite way you go towards the wall, behind the wall.

Q. Whereabouts did you usually go?

A. We went down the opposite end of Oxford Street, down the other way.

Q. When you left the club do I take it there were, in effect, two separate groups, there was them and there was you, one was going one way and you were going the other way?

A. When we left the club we were all heading out down Flinders Street. Just before Oxford Street they had an argument, they were shouting, they were waving their arms around.

Q. You were in front of them?

A. No, I was behind. With Janice. He said something, and they were waving their arms about, and he said "You want to get your act together", and he said, "Look love, you want to get your act together."

Q. So it was Jones and Wazzo ahead?

A. Yes, a little bit ahead of her.

Q. They were ahead and you were behind ?

A. Yeah, I was behind, yeah.

Q. Then at Oxford St you went off with Jones, and Wazzo went off with her?

A. That's right, yeah.

Q. Since you came back from Queensland you have given evidence in the committal, that is the proceedings before a Magistrate?

A. The one at Glebe?

Q. Yes?

A. Yes.

Q. And you have given evidence here on a number of occasions at which you have met Jones?

A. Yes.

Q. Can we take it as being obviously the position that you did not ever before 7 June 1991, ever see the barrister and the solicitor that you have referred to when you were giving the evidence before?

A. Before?

Q. You have given evidence that on 7 June 1991 you went into a building?

A That's right.

Q. And you saw two men and I put to you, and I think you agreed was one a barrister and one was a solicitor?

A. Yes.

Q. You had never previously seen either of those men?

A. No, I don't think so, no. I might have seen them at other court cases and that, but I don't know for sure.

Q. You have never had anything to do with them?

A. No.

Q. Both of them treated you completely courteously, is that right?

A. Yes.

Q. Neither of them attempted to overbear you?

A. I'm sorry, I don't know what you mean.

Q. Neither of them attempted to stand over you?

A. No.

Q. Both of them spoke calmly and quietly to you.?

A. Yes.

Q. And you were there, I'd suggest, with them in that building for fifteen to twenty minutes?

A. I'd say so, yes.



Q. And you were with Mr Gould altogether, if you take that fifteen to twenty minutes into account -

A. Gould is?

Q. The solicitor, the one who took you across Hyde Park into his car and to his office?

A Yes.

Q. You would have been with him for about an hour or so.?

A. No, it wouldn't have been that long - if I didn't make the statement.

Q. From the time you first met him at the barrister's chambers ?

A. In all?

Q. You weren't out of his presence when you met him in Mr Greenwood's office?

A. I see what you mean, sorry.

Q. You then accompanied him across a park, into a car and went off to Bondi Junction.?

A. That's right.

Q. You would have been with him all in all for about an hour?

A. Nearly an hour that would be right - I'd say so.

Q. And at no time in the course of that journey and the conversations you had with him did you ever suggest that Mr Jones was standing over you, did you?

A. No, no. I just waited until I got there and then went.

Q. You never suggested that he made any threat?

A. Not to me.

Q. You never suggested that to Mr Greenwood?

A. No.

Q. While you were waiting for Mr Greenwood, you, Jones and this other man were sitting on a couch in the reception area, weren't you?

A. Yes.

Q. And you were all talking quite amicably - in a friendly way?

A. We weren't saying much at all. We were fairly quiet. He was talking to his mate a little bit but he was on the other side and I couldn't hear what they were saying. He was just whispering.

Q. You were sitting there quietly, were you?

A. Yeah, I was sitting there freaking out.

Q. Did you show, to your knowledge, any physical sign of this freaking out?

A. What do you mean - did I jump up and run around? I just sat there. I was just freaking out. I didn't try to run anywhere. There was nowhere to run. It was only an elevated door.

Q. You did not suggest to Mr Greenwood, that you would like a detective to come and pick you up?

A. No, I didn't say anything to him there like that.

Q. Nothing at all like that?

A. No.

Q. You didn't say anything like that to Mr Gould the solicitor, either - did you?

A. No.

Q. You told them, did you not, that the detective had threatened you?

A. No, I don't think so.

Q. That the detective had threatened to charge you if it wasn't Jones then it would be you?

A. No, that wasn't said to me.

Q. I am not saying it was said to you. I am saying you said it?

A. I don't think so.

Q. You don't think so?

A. No.

Q. If you said that, can you think of any reason for saying that to Mr Greenwood and Mr Gould? Can you think of any reason at all that you would say to Mr Greenwood or Mr Gould that the detective had put it to you that if Jones doesn't go, you go?

A. As I said before, I would say I don't remember saying that but I would say anything to make them happy so I could get out of there.

Q. So your thought was that it would make them happy. You thought you could make a false allegation against a police officer to a barrister and a solicitor who were apparently acting for Mr Jones and that would make them happy?

A. I was told that he wasn't going to take my statement and I was trying to think of some way so that I wasn't going to make a statement and sign it and everything and if I didn't do that or make the statement that the detective - I didn't make any statement that said anything like that.

Q. Can you think of any good reason for making a false allegation against a police officer?

A. No, besides as I said, I would say anything to get out of there, to make them happy so that they would think I was there to do as they said, to change my statement.

Q. When you were with the police and the police were putting it to you that you were a suspect, I suppose you would have said anything to them to get out of there, too, wouldn't you?

A. Not just tell them where I was this day. They said can you prove where you were and I said, "Yes, I can."

Q. You spoke to a detective on a number of occasions?

A. That was the first time then.

Q. Obviously there has to be a first time, but it wasn't the only time?

A. That's right. I've spoken to them a number of times.

Q. In the course of this conversation with Mr Greenwood, you said to him words to this effect, "Jones has never threatened me".

A. I said to whom - sorry.

Q. Mr Greenwood and Mr Gould?

A. That Jones has never threatened me?

Q. Yes?

A. No, I didn't say anything like that.

Q. If you did say something like that, can you think of any reason for telling them that?

A. No, I'm fairly certain I didn't say it. In fact, I'm certain I didn't say it.

Q. That would be a lie, would it?

A. To say that he had not threatened me?

Q. Yes?

A. Yes, that would be a lie, yes.

Q. Can you think of any reason you would come in and lie about a police officer and then lie about Jones to a barrister and solicitor you have never met before?

A. I just said that I didn't say it.

Q. I am telling you you did?

A. I am telling you I didn't.

Q. And you were putting that clearly and calmly knowing that the conversation was recorded on a tape recorder?

A. That's right.

q. If it turned out that you were mistaken and in fact you did say that - -

A. Which? Said what?

Q. That you did say Jones has not threatened you and has never threatened you? -

A. Yes.

Q. Suppose I proved that you had said that. What explanation could you make for making that statement?

A. I'd say you had made the tape up if you showed it to me.

Q. You would say I made it up?

A. Whoever had brought it to me, I'd say.

Q. That I invented the tape to bring it along and confront you with some sort of false evidence?

A. I'd say the tape wasn't genuine, if it said that because I didn't say that.

Q. Apart from your knowing Mr Jones as a fellow traveller in the drug scene and an associate of Hughes, were you a particular friend of his?

A. Not really, no.

Q. Did he often confide important matters to you?

A. No, he was reasonably friendly to me - like when he saw me in the street he talked to me about 151. He said, "Do you know 151 has been talking to the police about the matter?"

Q. I mean, if someone were to come along and discuss murders with you, that would suggest a very close relationship.?

A. Well, as I said, at the Taxi Club he was out of it when he mentioned that.

Q. Out of it?

A. Yes.

Q. What, off his head?

A. Yes, and the first time when he said he was going to kill John - I mean, I could have taken that that he was only going to bash him. "I'm going to kill that cunt", like a lot of people say that.

Q. The sort of thing you hear a lot of people say?

A. That's right.

Q. And nothing happens.?

A. Well, as I said before, it all depends who they come from - like what they are like.

Q. He is a man who has never shown, apart from this one occasion when he grabbed you near the wall - apart from that one occasion he had always been quite friendly to you?

OBJECTION.

Q. Can I put it to you this way. On the whole, your relationship with Mr Jones was quite a friendly one. Would you agree?

A. He was reasonably friendly with me. I was always scared of him because I knew he was there as a stand over man for John.

Q. He was there to protect John against people who might rip him off?

A. John said he was there, "As muscle". That's his exact words.

Q. And John had every reason to have someone there to protect him, didn't he?

A. In my opinion, yes.

Q. Being a little, fairly defenceless man?

A. He was very soft - yeah - physically and the way he spoke - everything about him.

Q. He is obviously a target for people who wanted to rip him off for drugs if they could get in there?

A. Yes, that is correct.

Q. And he was so soft and so weak that you were able to get drugs from him without so much as hitting him or showing your knife or doing anything physically?

A. If you had gotten real physical, you wouldn't get anywhere and he would have done something about it, but if you had done it like I did, you wouldn't need it.

As you just said, you didn't need to pull a knife or belt him up to get things out of him because he always gave in.

Q. You and Mr Jones, during the time that you were there, had one confrontation at least out in the street near the wall?

A. At least, yes.

Q. But apart from that, you had a fairly amicable or friendly relationship?

A. With Jones - well, he was reasonable to me, yes.

Q. You wouldn't classify him as one of your close friends?

A. No.

Q. Going back to the other occasion when you said he got angry and said, "I'll kill him" - that is some months before?

A. Yes.

Q. Was it some time before he went to live with him as well?

A. No, it was after, because he had taken the stuff from him and he wanted to know what John had done about it.

Q. And then after that they managed to get together again. He actually went to live with him for a short time before he went to live in Bathurst. Isn't that right?

A. John had said to me - what was the question again?

Q. They had had a falling out, Hughes alleged Jones had stolen some stuff from his flat?

A. Yes.

Q. Jones was very agitated about this accusation?

A. No.

Q. Upset?

A. He was upset because Jones - -

Q. On one occasion he showed to you that he was angry about the allegation?

A. That's what he was upset about.

Q. Then he went back to live with Hughes for a short time?

A. Yes, I thought he had because he was there a lot and he was seen walking in with him.

Q. Obviously they had managed to patch it up again?

A. They probably worked it out.

Q. Then Jones left the place and went off to Bathurst. That's what you heard?

A. Yes, that's what I heard, yes.

Q. It wasn't long after that, maybe a month or so, that you went off to Queensland?

A. I went a couple of days after that conversation, about two to four days after that conversation.

Q. You went on 26 March 1989 to Queensland, didn't you?

A. I don't know, as I said, I couldn't tell you the exact dates but if that is what it says on the ticket thing.

Q. You went on a Deluxe bus?

A. Yes, they're out of business now, though.

Q. You used the name Lock<sup>er</sup>eyer?

A. Yes, with an A on the end of my name.

LUNCHEON ADJOURNMENT:

RAYMOND CHARLES SEIDLER  
Interposed, sworn and examined.

CROWN PROSECUTOR: Q. Doctor your full name is Raymond Charles Seidler?

A. That's right.

Q. You are a legally qualified medical practitioner? A. Yes.

Q. You conduct your practice at [REDACTED], Kings Cross?

A. Yes.

Q. You have been conducting your practice from those premises for how long?

A. From those premises for fourteen years now.

Q. John Gordon Hughes was a patient of yours. Is that correct?

A. He was.

Q. Did you have him on a methadone maintenance programme?

A. Yes, he was on a methadone maintenance programme.

Q. For how long had he been on that programme prior to his death?

A. He started on the programme on 29 January 1987.

Q. And he was still on that programme as of the last time you saw him?

A. That's right.

Q. When was the last time you saw him?

A. The last time I saw him was on 4 April 1989.

*Got witness shown MF 1*  
(Permission granted to refer to notes).

Q. Do you recognise this passbook?

A. Yes, I do.

Q. As being the property of John Gordon Hughes?

A. Yes.

Q. Or used to be. Did you have anything to do with the opening of that account?

A. Yes, at one stage in his therapy I suggested that a good way of my keeping an eye on his potential drug use was to make sure that what was left of his wages was paid into a savings account where he couldn't draw the money out; and at my behest I think he opened that account.

Q. Did you ever see that book?

A. Yes I did.

Q. Did you see it on a regular basis?

A. I saw it on a regular basis, yes, and I actually noted his balances on a few occasions on my patient card.

Q. On most of the occasions you saw him he would have had the book with him?

A. On most occasions when I saw him, yes.

Q. And on those occasions you have noted -

A. I have noted five balances between September 1988 and April 1989.

Q. When you saw him on 14 April 1989 can you say whether he had the book with him or not?

A. I can't recall whether he had the book with him on that day. I didn't record a balance then.

Q. What is the last day you recorded a balance?

A. 20 January 1989.

Q. What is the date that is recorded on your notes?

A. The balance?

Q I'm sorry, did I say the date. What was the balance then?

A. \$5,518.

Q. What is the amount recorded on your card?

A. The balance then was \$5518.

Q. When you were seeing him after he commenced on this methadone maintenance programme, did he seem to be sticking to the programme?

A. Yes. He used to see me weekly after he started.

Q. Did you have any concerns that he was taking heroin?

A. Well, on occasions I did. He had urine analysis on a regular basis and they were mostly clean and initially he was going quite well but subsequently things didn't go quite as well. There was evidence that he had used heroin.

Q. You understood he had a job?

A. Yes. He was working in a hotel near my practice. I used to see him at work regularly.

Q. What sort of an individual was he physically?

A. He was a very thin aesthetic individual, well below ideal weight.

Q. How tall was he?

A. He was about five foot seven, five foot eight. Fifty five kilos. I actually weighed him on occasions. Actually when he started on the programme he was 55 kilos. Subsequently he didn't put on weight. I weighed him again in September 1988 and he was 51.5 kilos. So he had lost a couple of kilos. Most people tend to put on weight on methadone.

NO CROSS-EXAMINATION:

WITNESS RETIRED & EXCUSED

MARK PHILLIP LOCKE

Recalled - on former oath:

CROSS-EXAMINATION CONTINUED::

FINNANE: Q. Mr Locke, can I just take you back to the Taxi Club. You thought that Mr Jones was off his head, was that your impression?

A. I think so, yes.



Q. And how long were you with him that night altogether? A. A couple of hours.

q. Could of hours?  
A. Yes.

Q. With being off his head, that was something that seemed to be the position right throughout the time you were talking to him that night?  
A. I'd say so, yes.

Q. You thought he was, what - -  
A. What I mean by off his head, I mean intoxicated, stoned.

Q. Yes, intoxicated and you thought he might have been on drugs as well?  
A. Yes.

Q. Was that because his eyeballs were - -  
A. Pinned.

Q. Small, pinned a sign of being on heroin, or some other drug of that type?  
A. Yes.

Q. What about you, what was your situation?  
A. No, as I said before, I wanted to get on because if it was a couple of more hours would pass I would start to go on withdrawals and then I would need the heroin even more. So when you are a heroin addict you constantly - the whole week, in your whole day you spend mostly chasing heroin and going in the cycle of making money, getting the heroin, have a shot, go home. You make the money, get the heroin, have a shot, go home.

Q. You were like that?  
A. Yes.

Q. The incident in Darlinghurst Road at the bus stop, what were you like on that night?  
A. The incident at the bus stop, the one where he tried to choke me, the one that I said?

Q. Yes, the one that you spoke about?  
A. That night I was clear, I was straight. But I had had a shot, it has worn off, say, about four or five hours before.

Q. How many hours before?  
A. About four to five hours before.

Q. So you were hanging out for another one, were you?  
A. No. As I said, I was not going to, because there was still a little bit lasting in me but around you would start thinking about money and you were perhaps going to do a job or something so you'd have money so you could have a shot.

Q. Doing a job, what does that mean?  
A. It is slang like, doing a job. When you are working at the wall, it is like getting a client, doing a job and getting money and you finish it. You get the money and that's the way we speak about it there.

Like the girls talk about prostitution, say do a job, same thing.

Q. What was his state?

A. Jones?

Q. Yes.

A. Just, as far as I could tell, he was sweating a lot.

Q. Sweating a lot?

A. Yes.

Q. Was it a particularly hot night?

A. Not really. It was reasonably warm - the few times I have seen him sweating, I think it is sometimes because I am like that, because when you are on methadone you sweat a lot and sometimes when you are on heroin you sweat a lot and sometimes when you exert yourself a lot you sweat a lot and I thought it was because of him being worked up.

Q. You mentioned on 7 June 1991 going to the Social Service office at Darlington?

A. Social Security, yes.

Q. You were there to get what, an unemployment benefits cheque or something?

A. I was there to put my form in for my unemployment benefit.

Q. What time of the day was it that you put it in?

A. It was normally the middle of the day.

Q. The middle of the day?

A. Yes.

Q. Twelve o'clock? One o'clock?

A. yeah, that would be the middle of the day.

Q. What time did you go to the barrister's chambers?

A. As I said, it would have only taken - we spent about another half an hour to an hour waiting there, waiting for his friend to get back from the bank or something, and waiting for me to get my thing done and everything. We were all together and he said, "Are you right?" and everything and then he said, "Right, we're going. Let's go." So I'd say about an hour after that.

Q. What time do you say that was?

A. As I said, I thought it was about midday when it happened, so about an hour after that.

Q. What time did you get to Mr Greenwood's chambers?

A. I don't know what the time was. It only took us about 15 minutes.

Q. You walked straight down there?

A. Yes, down Oxford Street, through the park and to that place. I hadn't been to that building before. It's an old building with a brick bricks out the front - a solicitor's office or something.

Q. If I were to suggest to you that this meeting at Social Security was about 2.30 to 3.00 what would you say about that?

A. I'd say it could be possible. I'm not sure about the time.

Q. Did you have a three year old boy you were looking after?

A. It was a neighbour's. He wanted me to come over. I was expecting him to come over.

Q. At what time?

A. In the afternoon, around about 5 o'clock.

Q. There is no doubt that you told Mr Gould and Mr Greenwood that there was a three year old boy?

A. Yes.

Q. You told him he was yours?

A. Yes.

Q. That was in fact untrue?

A. I was - I guess, his step father because the girlfriend, the girl was mine. Well, I knew her. I had been seeing her off and on and sometimes staying at her house and we had plans that we were going to be together, but it didn't work out that way.

Q. So it was true then that this was your boy?

A. I'm sorry?

Q. As far as you were concerned, this was your boy?

A. No, it wasn't true because he was there already - but he wasn't there yet and he wouldn't have been there when I first said it.

Q. Is that another lie that you told?

A. You're right about that. I did lie about that and exaggerate that.

Q. Why?

A. To get out of there.

Q. If they said, yes, well you made that up, what would have happened?

A. I don't know, I would have tried to get out of there.

Q. How?

A. Well, as I said before when he mentioned I was going to be taken down by this man, I said, "Is it possible to drive down by my place?" and I said that before the break, and that's what I was going to try to do. Because I would have been down there and back at my place without having to walk out with Jones.

Q. At the Social Security Office, would you agree that you were inside the premises and Mr Jones approached you and spoke to you for some little while, and then introduced you to a man called

Wazzo? *Brazel*

A. I don't remember what the man's name was but he was a tall guy, skinny.

Q. He brought you over and said, "This is my mate." Is that right?

A. He said, "This is a mate of mine." He might have said his name, and then he said, "He's going to be with us."

Q. And he said to this mate of his, "This is Mark Locke" didn't he?

A. Yeah, "This is Mark Locke. This is the bloke I was telling you about." or "This is the bloke in the court case" or "This is the bloke I was telling you about." Something like that, anyway.

Q. Then did you say to this tall, thin man, "I'd like to speak to you outside."

A. No, outside? Outside in the street? Outside Social Security? I didn't see him outside anywhere. I was in the building.

Q. That is where you met him?

A. That's right, I didn't ask him to go anywhere to meet me or anything.

Q. You said to him, "I'd like to speak to you outside," and he said to you, "Could you just wait for four or five minutes. They're going to call out my name."

A. No, I didn't know the guy. I'd never met him before that day.

Q. And did this man, while you were still inside the Social Security office, go in fact and sit down at one stage where Mr Jones was and watch some television?

A. Not that I remember, no. He left and went out of this building and he was going to the bank or something. Jones had said - after that I didn't know where he was because I was talking to Jones, so if he had - -

Q. When you first met, wasn't he on a queue waiting to get a Social Security cheque?

A. No, him and Jones had both walked up the street as I was walking out. They had both walked up the stairs.

Q. After, I suggest this man got a cheque from the Social Security office, the three of you or he and you rather, went out into the area outside the Social Security office, leaving Jones to watch television?

A. No, certainly not.

Q. You realise you are on oath when you say this?

A. That's right - absolutely not.

Q. And this man with you, I suggest when you were outside Social Security you said to him this. And I want you to listen carefully?

A. Yes.

Q. "I want to tell you what happened. Plotecki was giving me a hard time. Jonesy didn't do it. I know he didn't do it. I want to set the whole thing straight."

A. Did I say that? Rubbish, no, I did not.

Q. "Plotecki was trying to tell me Jonesy did it and that was it. I was very scared because Plotecki was going to charge me with it?"

A. Did I say that?

Q. That's what I am putting to you?

A. No, absolutely not.

Q. Well then at some point in your encounter with this man, you told him you worked at the Wall, didn't you?

A. No, I didn't tell him that. I don't know why - I didn't know this guy. You said Jones introduced me to him. He did introduce me to him. I wouldn't be trusting him to talk to him about things like that.

Q. And I'd suggest to you that you also said this to him, "I feel guilty. Jonesy has never hurt me at all. We're reasonable friends. Plotecki's trying to give me a hard time and I'm scared of the pigs, especially Plotecki?"

A. No, certainly not.

Q. "Pigs" is a slang word used for the police?

A. That's right.

Q.. And you said to him, I'd suggest to you. "Let's go down and see Jones' barrister. I just want to get this out, and go. I want a clean slate".

A. No, I didn't talk to that guy about anything like that or anything that even sounds like that.

Q. And then you went inside, the two of you, and got Jones and went down to Mr Greenwood's chambers?

A. No, Jones got me and took me down there.

Q. What, the three of you went down together?

A. That's right.

Q. You deny altogether that conversation do you?

A. Totally.

Q. And you appreciate that if it is true, it would mean that what you said here would be completely false?

A. That's right. I believe that's true because it is not.

Q. But if in fact you had said that to that man, you could give no reason for saying that to that man unless it were true, could you?

A. Because I don't know the man. Why would I tell him all these things. Nobody would in their right mind. Nobody with half a mind would tell somebody those things. I had just met him. I had just been introduced to him by Jones.

Q. When you went down to Mr Greenwood's chambers, would you agree that you were the smallest one of the three men. Would that be right?

A. Yes.

Q. You would be what, about five foot nine?

A. Five foot eight.

Q. And would you agree that near that reception desk you were acting in a very agitated fashion?

A. I was just sitting down there and just thinking to myself, "What was I going to do?"

Q. I am suggesting to you that you were obviously quite - -

A. I was agitated but I wasn't running around or carrying on or anything.

Q. And that the other two men in fact were trying to quieten you down, to calm you down?

A. Calm me?

Q. Yes.

A. How was this done that they calmed me?

Q. I wasn't there. I am suggesting that they tried to calm you?

A. Well, no.

Q. I'm not suggesting that assaulted you?

A. I didn't say they assaulted me. How do you mean calm me down? Could you clarify that.

Q. You were there and you were very excited apparently and agitated and they were trying to persuade you to calm down?

A. Not noticeably. I don't think anybody would have noticed that.

Q. And you said, didn't you, quite loudly in this area at the reception desk that the police were harassing you?

A. No, absolutely not. No doubt in fact in my mind that I didn't say anything even remotely like that.

Q. And you were saying it not just to Mr Jones and his friend but loud enough indeed for anyone else who was there to hear it?

A. No, absolutely not.

Q. Well then, I would suggest to you that Mr Greenwood, the man who is a bit older than me and who's got a bald head and grey hair?

A. The first guy that I saw?

Q. You said he was the first one. He came down the corridor?

A. Yes.

Q. When he came towards you, all three of you started talking at once?

A. No. Walked up and, as I said before, he said, Jones looked at me and he said "Mr Locke?" And he looked at me and I said, "Yes." and stood up and he said, "Would you like to come with me, please."

Q. I suggest to you while there was this short conversation involving the three of you and Mr Greenwood, Mr Jones told Mr Greenwood that the police were harassing you?

A. While I was there?

Q. Yes?

A. No. I did not hear anything like that.

Q. Are you quite clear on that?

A. Quite clear.

Q. On your oath?

A. Yes.

Q. Then during this conversation with Mr Greenwood, out in the foyer, I suggest to you that Jones said in a way that you could hear that you had come at his request to tell him the truth about the evidence?

A. No.

Q. And Mr Greenwood said, "Well, look, I will do my best to get my instructing solicitor to come along".

A. I'm sorry?

Q. He then said, "I will do my best to get my instructing solicitor to come along" and he then left that area and was away for a short time?

A. No, he was in the room with me when he said he'd go and get the other gentleman.

Q. You may be misunderstanding me. Let me put it to you again - -

A. I thought you meant we were still in the hallway.

Q. Mr Greenwood's instructing solicitor is the lady on my left who, in fact, is my instructing solicitor Miss Clark?

A. Yes.

Q. Mr Gould was a solicitor but not a solicitor involved in this case, he was a solicitor who saw you with Mr Greenwood?

A. That is the one who drove me in the car?

Q. Yes, to Bondi. He was a solicitor who is entirely independent of this case

A. Yes.

Q. Take my assurance on that, that Mr Gould is a practising solicitor who has nothing to do with this case?

A. Yes.

Q. What I am suggesting to you is out in the hallway before you went into Mr Greenwood's office, Mr Greenwood said, that you could hear, that he would attempt to contact his instructing solicitor?

A. No. As I remember he said it to me in the room, because he left that room and said, "I am going to get" whatever the man's name was and he said, "I've got to get somebody. Wait a moment. Just take a seat" and that was in the room.

Q. I am suggesting to you what happened then is Mr Greenwood got Mr Jones to go with him, to go up the lift in the building to some other floor in the building - -

HER HONOUR: I must say I can't understand that. Where is Mr Locke said to have been?

FINNANE: Q. In the foyer when he left. What I am suggesting, Mr Greenwood comes out and speaks to the three of you, there is a brief discussion about why you are there, right?

A. No.

Q. Mr Greenwood then with Mr Jones goes up in the lift, the lift being right off the reception area?

A. No, the lift at the reception area - as I remember it, Jones went to the desk and then he was gone for a second while I was sitting with his mate and then a man came out and said, "Would you like to come with me, sir" and then I went down to the room. That's the way I remember it.

Q. You see, what I am suggesting to you, it was only after Mr Greenwood went up in the lift, or went somewhere in a lift with Mr Jones, it was only after he came back again that you went down to a room with him?

A. No. They went up in the lift, when they went up in the lift it was only when I was in the room and I didn't see that happen.

Q. I am suggesting you were not in that room when that occurred?

A. No.

Q. Indeed, if that occurred, if he had gone up in a lift with Mr Jones, leaving you in a reception area, there would be nothing to have stopped you leaving the building?

A. Where is the other guy?

Q. What was he doing, how was he going to stoop you?

A. He was the one who Jones had told me if I ran - Jones couldn't catch me if I ran and he was the one who he told me, "Don't run because he'll catch you."

Q. A total stranger?

A. That's right. He was no friend of mine. He was a friend of Jones.

Q. This total stranger was going to stop you?

A. I don't know. I was just told that.

Q. You certainly agree that you went into Mr Greenwood's chambers which were at the end of a hallway and round to the left?

A. Yes.

Q. A fair distance from the reception area?

A. Yes.

Q. Mr Jones and this other man were left in the reception area?

A. That is right.

Q. I put it to you this morning and I will put it to you again and I would like you to think about this -

A. Yes.

Q. - that during the course of the time that you were in that room Mr Greenwood left, came back and told you that he had sent Jones and this other man away?

A. Absolutely not.



Q. They were no longer there?

A. No, because it would have been a lie. I would have walked out and saw them there, because I did.

Q. You are clear on that?

A. I am 100 percent clear on that. If he did, and I don't remember, he would have been lying, they would have both been there when I walked out there.

Q. It would seem peculiar for Mr Greenwood to come and tell you such a thing?

A. It would seem peculiar.

Q. It would be a lie because you would see them there, it would seem most odd?

A. That's right.

Q. Mr Locke, you had never met Mr Gould before or Mr Greenwood, I think you agree with that?

A. I do, that is right.

Q. You knew the man Aaron Hill?

A. Yes a little bit yes.

Q. And do you recall before tape recording went on Mr Greenwood - in the room - Mr Greenwood explained to Mr Gould something about the case?

A. I don't remember but that is possible, yes.

Q. Well, can you remember Mr Greenwood saying that, "Mr Locke is a Crown witness. He made a statement to the police that Mr Jones had made admissions about the murder of Hughes"?

A. Yes. He said something like that, yes.

Q. He told him, didn't he, a dead man, Mr Hughes, had been found in a flat in Kings Cross having been strangled?

A. I think he said that, yes.

Q. And that Hughes was an associate of yours and of Jones?

A. Yes.

Q. And he told him that the case against Mr Jones - he told Mr Gould this - was purely circumstantial in the absence of your evidence and the murderer could have been one of a number of people?

A. I think he said a lot of the evidence is circumstantial. I don't remember if he said beside my bit. He might have said that but I remember him saying about it being circumstantial.

Q. He told Mr Gould, didn't he, that Hughes was reputed to be a drug dealer and a homosexual?

A. I don't know. I can't remember if he said that or not.

Q. And at the time of his death he was living with Aaron Hill who found the body after climbing through a window?

A. He did mention Aaron Hill's name.

Q. There was mention of the fact that Aaron Hill was found dead in a park in Campbelltown after suffering an overdose of heroin?

A. That was mentioned - -

Q. Yes.

A. I don't know. I was pretty nervous, as I said, I wasn't listening to every word that he said.

Q. But there was no doubt that Hill's name was mentioned?

A. Hill's name was mentioned.

Q. And there is no doubt that Hill was described as a drug addict?

A. Drug dealer and a homosexual, yes.

Q. And that you and Jones were associates of his?

A. Yes.

Q. So that Mr Greenwood was telling Mr Gould something that Mr Gould obviously knew nothing about before this conversation, that is the impression you got?

A. Yes, that is right.

Q. Of course, you understood Mr Greenwood to know about it because he was acting for Mr Jones?

A. Yes, that's right.

Q. He was a barrister?

A. That's right.

Q. So naturally he would know something about it?

A. Of course.

Q. Well then, at some point in this conversation this tape recorder was put on, wasn't it?

A. Yes. I think at the very beginning, as soon as I walked in.

Q. Fairly soon after it was put on Mr Greenwood said, "I'm not sure whether that tape is running or not."

A. Well, it was running but he said, "I'm not sure if it is going very good" - he said, "I'm not sure if it is one hundred per cent." something like that he said.

Q. And that was a little tape?

A. Yes.

Q. On a sort of little dictation machine?

A. (Indicating) It was about that big and it was on a table just next to me there, like, that way. I could just see it when I swivelled around.

Q. And it was sitting closer to him than it was to you or Mr Gould?

A. Yes, that would be right, yes.

Q. You and Mr Gould were both on the other side of the table, were you?

A. Yes.

Q. Or desk, I think it was a desk in his room?

A. It was a desk and there were chairs along the wall and in front.

Q. Well then, you told them something about why you were there, didn't you, how you came to be there?

A. I just said - no, he asked me, he said, "Are you here to make a statement to me? In regards to the statement you made, do you wish to reject it, is this correct?" and I said, Yes. I said, "Yeah".

Q. You were saying to him that you wanted to retract the statement that you had made to the police about Mr Jones?

A. Yes.

Q. And in particular the statement where you said Mr Jones had talked about killing someone, killing a man?

A. No. I just said, when he said that I was going to retract my statement, was that correct, I just said, "Yes".

Q. Was that the statement you were thinking of retracting?

A. Well, I had been told by Jones to just say the whole thing was bullshit.

Q. The whole thing was bullshit?

A. It was all crap.

Q. Did you say that at any point in this discussion, the whole thing was bullshit?

A. No, I don't think I said those words when we got there, no.

Q. Well then, did you say this that at about 12 o'clock - to explain how you came to be in this barrister's chambers - "About 12 o'clock I was at Social Security putting a form in. I saw Jonesy. He was a bit angry. He said, 'I wanted to talk to you'. And I said, 'Good, I wanted to talk to you'." Did you say that, as a preliminary in this discussion?

A. No, I don't think so.

Q. I would like you to think about that?

A. I'm pretty sure about that. I don't think I said those words.

Q. You don't think you said those words?

A. No.

Q. Were you at social security putting a form in?

A. Yes.

Q. I think you said earlier you thought it was about 12 o'clock?

A. Yes, around then. I didn't say the words, "Jones ran into me and he was a bit angry".

Q. You didn't tell them that?

A. No.

Q. Can you think of how Mr Gould might know that if you haven't told him?

A. I don't know. Jones might have told him, as he was with him first.

Q. Mr Gould, I am talking about?

A. Well, I am sorry about that, is this the first one - -

Q. Mr Gould was a solicitor who wasn't acting for Mr Jones, he was the solicitor to whom Mr Greenwood was explaining things. How would Mr Gould know these things if you didn't tell him?  
A. I have no idea.

Q. Did you then go on to tell him, Mr Greenwood, that Mr Jones had said to you in the Social Security office, "What is going on with the statements? I've got copies of them. Either you or Plotecki is lying."  
A. Could you say that again, please?

Q. I am saying that you spoke to them, these two men?  
A. Yes.

Q. Whom you had never met before?  
A. Yes.

Q. In this room about what happened in the Social Security office. I am saying you told them that Jones said to you in the Social Security office, "What is going on with the statements? I have got copies of them and either you or Plotecki is lying."  
A. No, I didn't - I said this? No, I don't remember saying anything like that.

Q. You don't remember saying anything like that?  
A. No.

Q. Would you like to think about it?  
A. That Jones had said to me - -

Q. I am only putting to you what it is that was said in this room. What you said to Mr Greenwood and Mr Gould, right?  
A. Yes.

Q. I am putting to you that you told them certain things. Whether those certain things happened or not is something we will get to. I am just putting to you that you said certain things to them, first of all, to explain to them why you were there?  
A. As I said, the only thing I can remember was the reason I was there. He seemed to know because he said, "Are you here to retract your statement that you made to the police?" This was after Jones walked over to get him to come out or something.

Q. I am trying to suggest to you that, in fact, you told MR Gould and Mr Greenwood certain things about that meeting in the Social Security department office, that they couldn't know unless you told them?  
A. I don't remember telling them anything that happened at Social Security.

Q. Well, is it possible that that is what you did, that you told them what happened in the Social Security office in the terms that I have put to you?  
A. I don't think so. No.

Q. You have some uncertainty about that now, have you?  
A. Yes, I am.

Q. Well then, I would suggest to you that you then told them about how you came to make some statements to Det Plotecki, right?

A. I told them how I had - what did I say?

Q. I am just telling you what I am coming to, right?

A. OK.

Q. I want you to think about that. Did you tell them something about - and you think for a minute before I go on - -

A. I told them some things but I don't remember exactly what I said.

Q. That is right. You said earlier on that you were going to tell them everything you said was a lot of bullshit, or something to that effect?

A. No, Jones told me to say that.

Q. "Tell them everything you said was a lot of bullshit"?

A. Yes

Q. What you said was in the form of statements to Det Plotecki, is that right?

A. Yes.

Q. Apart from the evidence that you had given before a Magistrate?

A. Yes.

Q. Before you gave the evidence to the Magistrate you had made at least one statement to Plotecki?

A. Yes.

Q. What I am putting to you is what I am suggesting you told them, whether it be true or false what you told them, I am suggesting this is what you told them - --

A. I understand.

Q. You said to them words to this effect, "When I entered the interview room after - this was on another occasion to the first one I had spoken to a detective - I read a statement and I saw it was a combination of a statement I had given before and other parts that I didn't say and Plotecki said, 'just sign it here'. I didn't read it properly until I got home. They were not my words. It just wasn't true".

A. I did say - -

Q. I am not putting to you it was said in exactly those words, but words to that effect?

A. I mentioned something about my statement. I don't think it was that, though, that I said, that some of the statement was mine and some of the words were not mine but it wasn't my statement, I just signed it, I didn't say that. But I did mention something about my statement.

Q. So you said to those two lawyers in this room that you had made a statement, some of it was yours and some of it wasn't yours and you just signed it and it wasn't true?

A. No.

Q. That is what you said to them, right, is that right?

A. No.

Q. Well, tell us what you say you said to them?

A. As I said, I don't remember. I only remember mentioning something about my statement. As I said again, I was very scared and all I wanted to do was get out of there.

Q. Whether you were scared or not, you mentioned to them about your statement that some of it was yours and some of it was not?

A. I mentioned something about my statement, no, I don't remember saying some of it was mine, some of it was not.

Q. You mentioned something about your statement?

A. I remember I mentioned something about my statement but I'm sure that wasn't it.

Q. A number of questions were asked of you, a number of statements were made?

A. I don't know.

Q. For example, I put to you this morning that Mr Greenwood said to you, "Mr Locke, as you appreciate my loyalty is, of course, to Mr Jones because I am his barrister.", do you remember I put this to you this morning?

A. Yes.

Q. "Okay. Do you understand that? I think it is only proper I shouldn't be a party to anything that you want to tell on this subject, for your protection and my protection. Just because I think it is the right thing to do that I pass you over to somebody who is prepared to take a statement from you and find out what your story is, not coloured by anything that Mr Jones might want them to put. Okay, because we don't want to be thought of as standing over you in any way whatsoever."

A. I don't understand how he said that - like, he said that to me and then I still made a statement to him. He told me "I was an interested party" and I didn't have to make a statement to them, like, and that was the man I was going to make a statement to. I hadn't made a statement yet.

Q. IN fact, you didn't make a written statement at all on this day to anybody?

A. That's right.

Q. But you conversed with both of these men?

A. Yes.

Q. On this day you told them things?

A. I talked to them about things, yes.

Q. I will just put to you again what I am suggesting, that Mr Greenwood said to you, fairly soon after the tape recorder went on - do you want me to read it again?

A. Yeah.

Q. "Mr Locke, as you appreciate my loyalty is of course to Mr Jones."

A. That part - sorry - yes, I know.

Q. "Because I am his barrister. OK, do you understand that?"

A. Yes.

Q. "I think it is only proper that I should not be a party to anything that you want to tell on this subject for your protection and my protection and just because I think it's the right thing to do, that I pass you over to somebody who is prepared to take a statement from you and find out what your story is, not coloured by anything that Mr Jones might want it to be. OK"

A. I remember all that being said except that part about Mr Jones. I don't think that was said.

Q. "Not coloured by anything that Mr Jones might want it to be."

A. Yes.

Q. "OK, because we don't want to be thought to be standing over you in any way"?

A. And I don't remember that part, either.

Q. And I suggest to you also that Mr Gould had said to you a little earlier on, this, "I want to run through the whole thing again, Mark. I want you to be absolutely sure you are not coming here as a result of any pressure by the accused or anyone. Are you happy with that - that you have come here totally of your own volition". And you said, "Yes".

A. Did I agree to that?

Q. You said, "Yes".

A. No, I don't think so. I don't remember saying that part - about that. I've - -

Q. Do you deny it?

A. No, I won't deny it. I won't go as strong as that but I know I definitely didn't say that I was there on my own accord. I didn't say that.

Q. By the way, when you were in this room in the chambers, were you sitting on a chair?

A. Yes.

Q. Were you talking calmly, as far as you remember?

A. I felt very nervous, anxious but I don't know how I sounded.

Q. Were you speaking just as you are speaking now?

A. I don't know. All I can remember is being scared. I can't remember how I felt at the time that he said that.

Q. Then Mr Gould, I suggest to you, said - "I am telling you this for this reason, what you are doing and what you are likely to do is going to bring you into considerable difference with members of the New South Wales Police Force or at least one member. It's going to cause the community a lot of money to change and basically many questions asked of you, why you have taken so long. You are aware of that and notwithstanding all those ramifications, you feel you are now doing the right thing." In answer, you said, "Yes, I do."

A. He said a small part of that. I don't remember that part about the cost, the taxpayer would have to pay a lot of money. I don't remember that being said, either.

Q. I will go through it bit by bit to see what part you said?

A. I just said the tax part, that it is going to cause a lot of money - I don't remember that part.

Q. You would agree then that what he said - what you are doing and what you are likely to do would bring you into considerable difference with members of the New South Wales Police Force or at least one member?

A. All I can remember is he said, "It will bring you into difference with the police."

Q. He said that?

A. Yeah, I think he said that.

Q. You say you can't recollect him saying, "It's going to cost the community a lot of money."

A. No, I can't.

Q. Do you deny he said it?

A. No, I don't deny it. I just don't remember him saying it.

Q. Do you remember Mr Greenwood saying to you, "Mr Gould has volunteered to come and see you on this occasion. Mr Gould, would you be prepared to take the statement from Mr Locke in this matter?" and Mr Gould said, "Are you free in the next couple of hours?"

A. Mr Gould saying that to me?

Q. Yes.

A. Yes.

Q. Do you remember Mr Greenwood saying that to you, "Mr Gould has volunteered to come and see you on this occasion. Mr Gould, would you be prepared to take a statement from Mr Locke in this matter."

A. Yes, I think he said something like that, yes.



Q. And then Mr Gould said to you, "Are you free for the next couple of hours?"

A. Yes.

Q. And you said - didn't you - -

A. I said I want to get this out of the way, but I thought it would only take about half an hour.

Q. And Mr Gould said, "It will take a bit longer than that. I want to go through with you when you make the statement".

A. Yes, I said something about wanting it to take only half an hour because he mentioned he would be going to Bondi and I said, "Could we call to my place?"

Q. The next thing was, "Is there any way because my son is at home and I could write out exactly what has happened and say everything". Do you remember saying that to him?

A. Yeah, the idea was just to get away.

Q. And Mr Gould said, "Where is your home?" and you said, "In Chalmers St, Redfern. My son is with my girlfriend now".

A. That's right.

Q. And then you were asked, "How old is your son?" and you said, "Three"?

A. I said, "He's around three" - yes.

Q. And Mr Greenwood said, "You're anxious about your boy. Couldn't you perhaps call into home and make some other arrangements for him?"

A. Yes, he said "Is there a way I could call by phone?"

Q. Yes, call by phone?

A. No, I said I couldn't because I wanted to get out of there, physically.

Q. And then Mr Gould said, "I will drive you home and you can pick him up and bring him to the office. It's on the way". Do you remember him saying that?

A. Yes, he said something like that and I said, "No, no".

Q. And all these things were said while this tape recorder was running, I am suggesting to you?

A. I don't know if the tape was still running then but as I said, yeah, those things were said.

Q. And you said to them, "I haven't got a copy of the statement"?

A. Which statement? The statement to the police?

Q. Yes?

A. No, I don't remember saying that. I mean, they knew I wouldn't have the statement.

Q. You didn't have one on you?

A. Oh well, yes - I could have said that.

Q. I mean you don't normally carry it around with you?

A. Yes, I could have said that, that I didn't have it on me.

Q. "We'll get a photocopy," said Mr Gould, "So you can read this statement and recollect in your mind what is correct and what is incorrect".

A. Yeah, yeah - I think so. I think that's what he said, yes. It sounds right.

Q. So all those things were said?

A. Yes.

Q. Mr Gould also said to you something to this effect. "What is very important is to work out what threats were made against you by the police to intimidate you. Has there been any suggestion you could be charged with the offence, that you're a suspect?"

A. I remember him saying that I had been a suspect; that he mentioned about my being a suspect - what you said. I remember him saying something like that.

Q. Do you remember saying these words which I think are correct, "Plotecki banged on the desk and intimidated me and said, 'You're a suspect.' You said, 'Yeah, he said that' - if Jones doesn't go you'll go".

A. This is in my statement? This is the statement I made there?

Q. This is something said by you in Mr Greenwood's chambers?

A. Yes.

Q. With Mr Gould and Mr Greenwood there. I am not saying you wrote it down on a document?

A. Yeah, yes. I don't remember saying that.

Q. I'd like you to think about that?

A. I have thought about it. And I can think about it as hard as I like. I don't remember saying it.

Q. You deny putting to these two men that telling them that, that Plotecki told you that you were a suspect and if Jones doesn't go, you'll go?

A. No, I deny that bit about if Jones doesn't go, you'll go.

Q. And also saying to them, "Jones has never threatened me"?

A. No, I wouldn't say that - I didn't say anything like that, I am sure. There's bits mixed in that are some truth and some goes into another place that is not true, that I don't recall being said. Some of it is true. There are lines - one or two there that are right.

Q. So some of the things I am putting to you is true and some of it is false?

A. Yes, as I said yesterday, some of it is true and some of it is not.

Q. Did you, in the course of your discussions with Mr Greenwood and Mr Gould, tell them that Jones did not commit this murder?

A. I don't know - I don't think so.

Q. That was one of the bases for your being there, wasn't it?

A. I don't remember saying Jones didn't commit the murder. I don't think I'd have said that but I won't deny it because, as I said, I'd have said anything as long as it wasn't a proper statement I was to sign so I could get out of there.

I would have said anything so I could get in that car and go out to Bondi.

Q. And your motive you were saying, was purely to get away from there so that you could go to Bondi?

A. And get away from Jones, yes.

Q. When you left Forbes Chambers, that's where you were - in Elizabeth St, Sydney, you and Mr Gould left the building without anybody else?

A. that's correct.

Q. Nobody accompanied you?

A. No - well, there were other people in the elevator but they had nothing to do with it.

Q. Nobody followed you across the street to the car?

A. I didn't look behind but I don't think so.

Q. You certainly were not conscious of that occurring?

A. That's right.

Q. Once you were in the car you felt you were quite safe?

A. I didn't feel safe but I felt better. I felt safer.

Q. As you were walking across with Mr Gould, you had a little chat to him, didn't you?

A. No, I don't remember saying much to him at all. I remember him saying, "Just across the road here, Mark. The car is just over there".

Q. The car was parked in College St, Sydney near the City of Sydney Bowling Club?

A. I don't remember.

Q. Do you remember a bowling green on the other side of the road?

A. All I know is we crossed the road.

Q. You went through Hyde Park?

A. Yeah, I think so.

Q. It is the big park in Sydney?

A. Yeah, I know but there are two parts of it. I'm pretty sure we walked through Hyde Park.

Q. And while you were going across Hyde Park you said this to Mr Gould, did you - "The police questioned me shortly after Hughes' body was found. That's when I told Plotecki all I knew. Plotecki at that stage was asking questions about Jones and other people who knew you. Whilst I was in Plotecki's office I saw a bloodstained bank book which I believed to be Hughes'. This bank book was found a week later in Jones' pocket."

A. And I said it was found in his pocket - are you saying that?

Q. "I'm sorry, the bank book was found a week later in Jones' coat pocket. It couldn't have been taken by Jones. It was in the police office when I was being interviewed there."

A. No, I don't remember saying anything at all about a bank book.

Q. do you remember telling Mr Gould, as you were crossing the path, about the police questioning you shortly after Hughes' body was found?

A. I could have said something like that, yes. I won't deny it. I mean, yes - it could have happened. I may have, as I said, but I don't know.

Q. That is when you said, "I told Det Plotecki all I knew".

A. I could have said that, yes.

Q. And if your evidence is correct today that was false?

A. I'm sorry?

Q. Did you tell Plotecki all you knew?

A. Yes, just about, yeah. I told him in my statements.

Q. And did you see a bloodstained bank book which you believed to be Hughes'?

A. No.

Q. If you told that to Gould, that would be false?

A. That would be right.

Q. Can you think of any reason you would tell Gould if it was false?

A. Yes, but I had heard that there was a bank book- I had been told this but I don't know whether it's true or not but I had been told there was a bank book.

Q. You were told that there was a bank book?

A. Yes.

Q. And that you had been told by Plotecki, do you say?

A. I don't know. I really don't know. But I do know about it. I did hear about it. I just can't remember where I heard it from.

Q. And did you have some other conversation with him about what it was like to work at the Wall?

A. No, I don't think so.

Q. Can you remember saying things to him about people being murdered and assaulted by workers at the Wall?

A. No, I don't think so.

Q. About workers at the Wall ransacking the premises and goods belonging to clients?

A. I must have talked to him for a long time to have said all this. It must have been a long walk to the car.

Q. It could be - I wasn't there?

A. I thought you said it was across at Hyde Park I said that, I'm sorry.

Q. If you didn't say that to him when you were walking across Hyde Park, did you say that to him in the car?

A. No.

Q. Knowing about the wall?

A. No, I don't see why I'd tell him about anything like that. It didn't have anything to do with it.

Q. Would you think about that?

A. I have.

Q. And you say you didn't tell him anything about that?

A. I don't see why I would.

Q. What I have put to you has occurred, of course at the Wall and these things are known to have happened - that workers at the wall have burgled the premises of clients who have come there?

A. That's fairly common knowledge, yes.

Q. Did you tell him it wasn't unusual for clients to be drugged and their belongings stolen?

A. I'm sorry?

Q. It wasn't unusual for clients of prostitutes at the wall to be drugged and their belongings stolen?

A. No, I don't remember saying anything like that, even remotely like that.

Q. I am not suggesting you did it but workers on the wall did this sort of thing?

A. No, I said I don't remember saying anything like that and I don't remember saying anything remotely like that.

Q. Then when you got back to his office, did you speak to him for a little while and did you express a lot of concern about your son because it was nearly five o'clock by this stage?

A. Yes, it was working up to my excuse about how I could get out of there.

Q. And he said to you, "It will only take a short time to take a statement, " and you said, you were very concerned because of your son?

A. No, he said, "You're not taking off, Mark. I've set aside two hours for that, " and I said, I'd made the excuse that my friend was up there and he could contact me to do something. It wasn't just that I wanted to get out of there.

Q. And did he say, "I've another client to see. Perhaps you can go away and organise your son and come back again at 5.30 or thereabouts".

A. No, I don't remember him saying that, no. He wanted me there because he had to do it straight away because he had set the time aside while I was there to do it.

Q. And you used the pretext to leave the office.?

A. Yes, and I went straight to Bondi Station, the closest station.

Q. And got on the train?

A. That's right.

Q. Why couldn't you have asked Mr Gould to merely drop you off at the train? Why go to this elaborate farce at his office?

A. I don't know. I didn't want to make the statement and got out of there.

Q. It wasn't very far to the station?

A. No, I was afraid he might drive up the road to see if I was on the way back.

Q. Mr Gould - the solicitor?A. Yeah.

Q. What, you thought he would pursue you up the road?

A. No, if I had been gone too long, I thought he might come up the road looking for me.

Q. Why would the solicitor do that?-

A. Because he said he had set aside two hours, and I wanted to be away if he came looking for me.

Q. What could he be wanting ?

A. I didn't know.

Q. You didn't think he would take you and charge you or anything?

A. I didn't think about anything except getting out of there.

Q. On one version of your story you were with Jones on this day for some two or three hours, and then with two lawyers for about another hour or an hour and a half. Is that what you're telling the court?

A. No, I thought I was there with Jones for three hours. You said two to three hours and then we were there for another hour and a half. I don't think I said I was with Jones for three hours.

Q. If you went with Jones at 12 o'clock?

A. Can you show me my statement where I said that?

Q. Do you remember I put to you a little while ago that you told us you were with these two men - that you first met these two men at the social security office at about mid day?

A. I thought I said at about 11 or 12.

Q. It could have been 2.30; it may even have been three?

A. I don't think it was that late but it could have been, yes - but it was the afternoon, anyway.

Q. So it was about 2 when you left and went to Gould's office - and for three hours you were with two strangers, the two lawyers?

A. I can't be sure that that was right. Yes, I spent that time with those people. I didn't know that it was that long. I didn't count it but I didn't know how long it was.

Q. It's a long time to spend with people you are afraid of?

A. It all depends how those people were restraining you.

Q. None of those people were restraining you that day?

a. Jones was there and made it clear to me that if I came out of there and hadn't made the statement I would be in trouble.

When I got out of there I came down the elevator with that man, went across the road, got into his car and then when I felt safe I went to Bondi Station. That's how it happened, and you keep saying that.

Q. Do you say that in Mr Greenwood's chambers you told him and Mr Gould anything about this case?

A. In his chambers did I say anything about this case? I had said that I wanted to change my statement.

Q. That's something, isn't it?

A. Oh well, yes, I have.

Q. And you told them in what way you wanted to change your statement?

A. As in saying I want to retract it?

Q. You wanted to retract it?

A. Yes, yes.

Q. And did you specifically tell them which part of it you wanted to retract, or just the lot?

A. I think I might have said the lot.

Q. The lot?

A. Yes.

Q. So you wanted to withdraw everything?

A. Yes.

Q. If Mr Greenwood had been prepared this day to sit down and write something out or have it typed out while you were there, you say that you would have signed it, although it was false?

A. No, that was the one thing I was going to make sure I wasn't going to do. I wasn't going to make any statement like that because it hadn't happened that way like you said.

Q. What exactly was it, assuming Mr Jones was still hanging around outside, you were going to be able to reassure him about if you weren't going to make any statement?

A. I had already known I was going to go to Bondi. He said it straight away. He said, "You'll be going to Bondi but I won't be taking a statement because I am an interested party" and as soon as I knew I was going to Bondi to make the actual statement, as soon as I knew that I knew I wasn't going to be making a statement to sign.

Q. Once you knew you were going to be safe, why did you tell them, if it is not true, that your previous statement was false?

A. Because that's what I had been told to do by Jones.

Q. What help would that be to anyone if you weren't going to sign any statement to that effect?

A. He didn't know that and he didn't know I would be going to Bondi either. He brought me there.

Q. You're saying as long as you told some sort of lie?

A. To make Jones happy.

Q. That would make him happy and so on?

A. Yes.

Q. But in fact when you went out he was nowhere to be seen?

A. No, as I said before, I said he was there with his mate next to where the reception area as I went in the elevator.

Q. But you didn't speak to him?

A. I didn't speak to Jones?

Q. Yes?

A. He looked across at me and went like that - just nodded his head. Whether it meant, "I'll see you mate" - I don't know, but he just nodded his head.

Q. Why did you want the life line at Bondi, the trip in the car. Why did you want to tell them lies?

A. Which lies? I don't remember telling them that.

Q. Why did you tell them that your statement was false?

A. Because I was still in the same building with Jones, and to get out of there I would have had to walk past Jones and he would have said, "I don't know why I brought you here. You're not going to make any statement", and that's what I thought would happen.

Q. At no stage was Mr Jones in with you?

A. In the chambers, the room?

Q. Yes?

A. No, absolutely not.

Q. He couldn't possibly have overheard anything that was said?

A. No, ~~in that room,~~ no.

Q. Coming back to something else. You told the police when you spoke to them that you knew where Hughes kept his heroin?

A. Yes.

Q. I take it he kept them in the towel rack and the ice cubes?

A. At the beginning, yes. As I said in my statement he was going to change the places because he said that too many people knew about it. This is towards the end, not long before he died.

Q. Too many people knew about it?

A. Yes, he said, "Too many people know about it and I think I am going to change this. I've been doing it for a while and everybody seems to know about it".

Q. So we have this soft hearted heroin dealer?

A. Whether he did that, I don't know.

Q. Who was keeping heroin in places that he reveals to numerous people?

A. He said that the only people he'd shown had been 151 and me and Scobie.



Q. Scobie was a man who sold drugs to Hughes, was he?

A. Yes, John would get the drugs off him and he had been doing it for a long time and apparently he had been doing it before he met me.

Q. Scobie was - -

A. A bigger drug dealer.

Q. Hughes was a sort of sub drug dealer?

A. A street dealer. There's a dealer and then there's a street dealer.

Q. He is the lowest one in the hierarchy, apart from the addicts?

A. There are addicts who are doing it but John was a small dealer, yes.

Q. We know it was hardly a secret where he kept this heroin?

A. With the people coming to the house, no, it wasn't a secret. They were expected to keep it to themselves.

Q. You would hardly trust them, though?

A. John trusted them. These were supposed to be friends that he had sold heroin to years ago.

Q. [151] wasn't an old friend?

A. He said [151] was in love with him and wouldn't do him any harm and I said, "There's a lot of people who know about it," and he said, "No, those people are friends of mine." That was earlier and then he said, "Yes, I think I will change the places." This was a long time after that first conversation.

Q. He normally kept the heater on in this flat, did he?

A. When it was winter, yes.

Q. And at this time of the year which I think was May?

A. Yes.

Q. WAS he someone who felt the cold?

A. Yes he was. He complained about the cold. He used to wear jumpers and when he would come home from work, because he was the night manager at the Merlon Plaza Hotel and he would come home with his little brief case, suit and tie and looked funny because he had lots of jumpers and scarfs on. He looked like an office man. He didn't look like a drug dealer.

Q. A drug dealer in a suit?

A. Yes, you know - he always looked very neat,.

Q. You introduced [151] to him in 1987?

A. That's right, that is correct.

Q. And he had a relationship with him on and off, I take it, from that time?

A. I'm sorry, I said 1987. It could have been 1988 but it was a long time before anything happened.

Q. Well over a year?

A. Yes, easily over a year.

Q. And this man [151] in fact lived with him for some considerable time?

A. Yes, he did.

Q. Did they have a falling out? A. Yeah, [151] was doing something - even though a couple of times he had used too much dope and would do the wrong thing. And John would catch him going up the Wall and working which he didn't want him to do. He said, " I look after you. I don't want you to go up there and get aids or shit like that." [151] would like to go up there hanging around talking to the boys, having his drugs. He would like to go up there and John would get very cranky about it.

Q. It was the sort of life he enjoyed, was it?

A. Yeah, he was a little bit younger than us and yeah, he enjoyed it.

Q. This man Scobie was a regular visitor then, I take it?

A. Yes, but he wasn't a friend of mine. He didn't like me.

Q. Why not?

A. Probably because I heard him tell John, "Don't trust him. You shouldn't have him over here so much".

Q. You said in evidence to the Crown Prosecutor that you stood over John and that happened more than once?

A. Yeah, it happened on two occasions, I think.

Q., In what years?

A. What years - '88,89, no, 88. It might have been two in 88 but I don't know. They were quite far apart, actually. One I can remember in 88 - that was the worst argument we had because I owed him on my bill - it was considerable then. It had gone over plus \$500. Before it was \$50 or something like that. You see, a long time before this my girlfriend who was working got a Chinese guy and got a lot of money off him - \$18,000, and spent that with John.

Q. When you say working?

A. She was a prostitute.

Q. She had tied herself up with a Chinese who gave her a large sum of money.

A. \$15,000 and then \$3,000.

Q. And what, you used this on drugs?

A. I remember the police saying I caused nearly an international incident because they found out the guy's father was a politician, because the guy kept getting it out of his visa card. He bought her a car. He bought her lots of things. This was a young girl and that's why he was very taken with her and he had a lot of money.

Q. You were sort of running her, were you?

A. No, we had to make a decision at the beginning because now she has got a heroin habit. She has been with the [REDACTED]'s for a while and she was a heroin addict.

152 being with them was already a heroin addict so when she went off with him she was already a junkie.

Q. This was the young girl?

A. About fourteen, fifteen years, yes. She got that Chinese guy and got \$15,000 then \$3,000.

Q. This was paid to you?

A. She would go and get on the run.

Q. You would split the heroin?

A. Yes, we would have a good time. We would have a binge for a time and we would spend the money. That's the sort of life of a junkie. You don't keep any money. It's all spent on rubbish, on drugs.

Q. That was a girl of, what, fourteen?

A. Yes, 14, 15 that's right.

Q. She was the girl that you were charged with abducting?

A. That is right, by her mother, yes.

Q. Who you say was a drug dealer?

A. Yes, one of the biggest drug dealers in the western suburbs. It was said to be in court that she was. It was said that the Milson woman is one of the biggest. The Judge had said, "Do you know, Mr Locke, that that is a very notorious family and it seems to me your record has started since the day you met them." and that's true.

Q. So you just fell into bad company at a young age?

A. No, I just came to a decision. I could have stayed away from them. It was my decision. I could have kept away from them but I didn't.

Q. So you got all this money from this girl?

A. Yes. I was working and she was working. I was working the wall and she was working. You know, it wasn't, "You work and I'll take all your pay." In the Cross it's not like America, girls don't have pimps. Like, they have boyfriends and that but not pimps. They just share their money with their boyfriend.

Q. So you were a boyfriend and all of your money was shared?

A. That is right, although I didn't make as much money as she did.

Q. You had another girl who worked amongst Japanese tourists?

A. No, only [152]. I had gone out with other girls who have been prostitutes but the only one that I had anything to do with, a Chinese one, was [152]

Q. Do you know a woman called [REDACTED]?

A. [REDACTED]? Yes, I do. Yes, I know her.

Q. Weren't you in premises at Kings Cross, [REDACTED], Kings Cross - flat [REDACTED] Kings Cross, on 15 July 1988 when the police raided the premises - were you and [REDACTED] there?

A. 1988, I was with [152] then. That might have been a name [152] gave.

Q. And they found a replica - -

A. That was [152].

Q. 9.78 calibre Army single action gun?

A. Yes, a replica gun that [152] had bought me out of a Post magazine to send up to Queensland for me. That was [152], I'm sorry.

Q. What was the purpose of having a replica gun, to hold up something?

A. No. You couldn't. The barrel, you could see it was all filled up. It looked like a replica gun. It was filled up at the barrel. You could see it was solid steel inside the barrel and it was a cowboy gun.

Q. They found syringes and heroin on the premises?

A. Yes, and they found heroin on [REDACTED] 152.

Q. And this girl who said she was [REDACTED], in fact - -

A. Was [REDACTED] 152.

Q. Said that she resided with you and obtained money showing Japanese tourists around?

A. Yes, that is the girl I was supposed to have abducted.

[REDACTED] 152.

Q. In fact, she had in her possession docketts showing quite large sums of money being spent?

A. Yes, Hilton Hotel docketts that she had stayed there, she had stayed there for weeks on end. She had money on her, hundreds of dollars, she had docketts and things to show she had a considerable lot of money. She always had a considerable lot of money.

Q. You had ammunition belts that had live rounds of ammunition on them?

A. No. They found they were empty. When they had the armistice thing, a girl named Faith told me, "Listen, I know where there's some bullets, brass bullets you can put in your gun and they look real." They were in a garbage bag at the back of a hotel and we went there and she opened it up and we were looking at it together and Faith, this girl's name was Faith, and [REDACTED] 152 and I, we found it was a St Vincent de Paul bag and when we opened it up the bullets were in there.

Q. What was the purpose of putting bullets in a replica gun?

A. Just to make it look good.

Q. The only purpose it could have would be for using it in some sort of armed robbery?

A. There's many, many people who have replica guns and I don't think they have all done armed robberies. Lots of people send in for them and I don't think they have done armed robberies.

Q. What was your purpose for having a replica gun?

A. Because I like the look of them and for protection in Kings Cross, I liked to look like I had a gun in the house.

Q. To let all the other drugies know what would happen if they came to the door of your flat?

A. Well, nothing could happen but it looked like a gun, yes. You just know when you are a junkie you may get a smack in the head, or someone could come in and rob you of your cash. You know people could rob you and you are in that position.

Q. Lying, cheating, stealing - -

A. As I said before, some of them do, some of them don't.

Q. But you have to have a gun to protect yourself?

A. That is me personally, I don't know about anybody else.

Q. That is just you?

A. A lot of people do this. A lot of them do. Junkies, they all have personalities. Just because they are junkies they don't turn into rampaging maniacs.

They have personalities. It does make them harder and willing to do more things than they were willing to do when they were normal.

Q. To get money when you are a junkie you would do anything?

A. You do anything, you'd rob banks, you'd go on to prostitution. There are two options you've got, or be a dealer - there are three options you've got to make the amount of money that is needed and I took the option of being a prostitute.

Q. But you thought you'd have a gun anyway?

A. Yes, for protection, even if it wasn't much protection.

Q. Was this girl the only one whose boyfriend you were that shared the proceeds of prostitution with you?

A. Yes, then. Yes, for two or three years, yes.

Q. And she was the one you came back from Queensland to see?

A. Yes.

Q. And were you still running around with her when you came back from Queensland?

A. I saw her a couple of times, yes. I was trying to get back with her. She had gotten off the heroin and she'd got on the methadone programme and straightened herself out and now I was on the methadone programme and wanted to take her back to Queensland with me and I was hoping we could stay straight and do something with it. But we didn't, me being the weaker one I went back on drugs and she did not. I was for a long long time a drug junkie on heroin, I would always go back to the drugs rather than help myself. I did that quite a lot.

Q. Mr Hughes, I suppose, when you left owing \$1200 wasn't terribly happy with you?

A. I don't know. I don't suppose he would have been. I don't think he ever really expected to get most of it back. He used to say that to me quite a bit, "Oh, don't bullshit, Mark. I'm not going to get most of this back. Even if you keep paying me that", he said, "even when you are paying me off a little bit you are buying more with the cash." I should have paid him off a bit at a time.

Q. Had you threatened you would expose him to the police, if he didn't give you drugs?

A. You didn't have to say that.

Q. You just got them anyway?

A. Yes. If you bunged on a big enough act John would give them to you, even if he had only known you a short time. If John liked you he would give it to you. I am 100 per cent sure he was like that. In all the time I knew him he was always like that.

Q. Hughes was known to the police, wasn't he?

A. I don't think he was, because I don't think he was caught that much. He made out he wasn't and I had never seen the police with him.

Q. You had never seen the police raid his place?

A. No. I had been told he had been raided once with his friend Steve when he was living down the bottom flat and he had been raided once because Steve was there.

Q. When he was living with Mr Jones the flat was on the ground floor level?

A. Yes, on the ground floor down at the bottom of the building and where he was living with Steve.

Q. The flat where he died was upstairs?

A. Yes, upstairs, a different flat altogether.

Q. You claim there was an incident in which Mr Jones saw you on the street which would have been some time in 1989 before his death, before the death of Mr Hughes. Are you able to fix a month?

A. Which conversation is this?

Q. This is the conversation which you claim that Mr Jones was concerned about ~~you~~ stealing?

A. The Earl Place conversation?

Q. Yes.

A. Yes.

Q. When did that happen?

A. Around February or March of 1989.

Q. Are you able to say which part of February or March it was?

A. No.

Q. You are not sure which month?

A. No, I'm not. I said this in the first place, I'm not.

Q. You say he grabbed you from behind?

A. Yes. Yes, that is right.

Q. And this was something unexpected, no doubt?

A. Yes but a lot of people do that, like we go up and lay your hand on a shoulder and go, "You are under arrest" or you go like that (demonstrating) and turn them around. A lot of us used to do that to each other. You'd freak them out.

Q. You'd freak them out?

A. Yes. When you do that to the junkies it makes them jump.

Q. Yes, I'm sure it would. You then say he had a conversation and was rather threatening to you, was he?

A. Yes.

Q. And was quite angry?

A. Yes.

Q. And what he was angry about was the possibility that Hughes might have gone to the police?

A. No, that is not what I thought he was angry about.

Q. What was he angry about?

A. I thought he had been angry that John said he was stealing the heroin and he was going to get him bashed. I heard later that Jonesy had gone to hospital and he had been stabbed. I don't know if John did that. I just heard that he had gone to hospital and Jonesy had been stabbed. That is what he was there for.

Q. Didn't he claim, according to you, he was going to go along and give him a bit of a belting for talking about it?

A. Things he had been hearing. He said, "I was already going to go and pay him a visit for things I had been hearing." When I told him about the police he was even more angry.

Q. So things he had been hearing?

A. Yes.

Q. These sort of rumours passing around the place?

A. He didn't say what they were.

Q. He didn't say what they were?

A. No.

Q. They could have been anything?

A. That is right.

Q. Then you say after this conversation, after he had made this threat "I'll kill him" and what not I take it you did not take this terribly seriously?

A. I took it seriously - to be honest I took it seriously as a threat of "I am going to kill him" meaning "bash him," when you say that, not that you would. When people sometimes say, "I am going to kill that cunt", meaning "I am not going to do it but bash him", not, like, kill him." I am really going to give it to him but at the time I didn't really take it as "I am going to murder him." I didn't take it like that. I took it as "I am going to give him a hiding. Do you want to be in it, Mark?" I just said "Yes." and then I took off because I didn't want to be any part of it.

Q. Do you say after this time he went back to live with him?

A. Yes, they worked something out - it was after they had settled something out and I had seen them together a couple of times. So I assumed - -

Q. You assumed they were back together?

A. Yes.

Q. And, in any event, you had seen them together around the streets?

A. Yes.

Q. And they seemed to be quite friendly?

A. Yes.

Q. Whether or not they were living together or not they appeared to be quite friendly?

A. Yes. I'd only been told around the street that he was back with him.



Q. So we can take it from that, can we that, in fact, he didn't attack Hughes and he didn't rob him, didn't rort him as he was inviting you to do, did he?

A. No - - oh I see. He was talking to me about what John had done after he had robbed him, took the stuff. I remember John telling me about the jumpers that wouldn't fit him, why would he do that. He said, "Why did he take my jumpers and that when they wouldn't fit him, Mark?" They wouldn't fit him" and that sort of stuff.

Q. In any event, after that when you saw them together they appeared to be friendly?

A. Yes.

Q. And shortly after that you went to Queensland?

A. Yes, and I heard that Jones was going to Bathurst.

Q. You heard?

A. Yes.

Q. Then you claim there was an incident between the two of you at a bus stop in Darlinghurst?

A. Yes.

Q. And there was an incident at the Taxi Club?

A. Yes.

Q. You also gave evidence against Mr Jones - that is right?

A. Yes. The incident at Victoria Street, that was an incident, like, I was attacked but there was no incident coming down from the Taxi club, he didn't attack me then or anything.

Q. No, there was a discussion?

A. Yes.

Q. But at the Taxi club he appeared to be extremely intoxicated?

A. Yes.

Q. And heavily under the influence of heroin?

A. Or pills.

Q. Or something?

A. Or something like that.

Q. A combination of things, perhaps?

A. Something with the grog, yes.

Q. But certainly his manner towards you was quite a friendly one?

A. Yes.

Q. And you parted that night and that was that?

A. That night, yes. Yes, that is right.

HER HONOUR: Members of the jury we will break for the day then. Please remember the warnings and we will resume again at ten o'clock tomorrow morning.

WITNESS STOOD DOWN

HEARING ADJOURNED TO THURSDAY 27 AUGUST 1992.