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THE SUPREME COURT
OF NEW SOUTH WALES
CRIMINAL DIVISION

JH/PI/MC/TJT/4

MATHEWS J

And a jury of Twelve.

70162/90 - REGINA v. IAN STUART JONESWOLLONGONG: FOURTH DAY; THURSDAY 27 AUGUST 1992.

IN THE ABSENCE OF THE JURY

(Errata noted).

IN THE PRESENCE OF THE JURY

MARK PHILLIP LOCKE
Resworn and examined.
Cross examination continued.

FINNANE:Q. Mr Locke, would you agree it is very important for a witness, particularly in a trial like this to be very certain that the evidence he gives is accurate?

A. As far as I can remember, yes.

Q. I think you have been clutching some papers each day as you get into the witness box. Presumably they are notes of yours, are they?

A. They are my statements.

Q. You came along here well prepared to answer questions that were put to you?

A. I just came with me statements, the statements I made to the police.

Q. You told the Crown Prosecutor what occurred at the Taxi Club?

A. Yes.

Q. You put that as occurring in I think January or February 90?

A. No, 91 I think.

Q. 91, I am sorry, you are quite right. You remember I asked you a lot of questions about that yesterday?

A. Yes.

Q. And at one stage you expressed some confusion about times and

-

A. Yes, about when -

Q. Relating back to other events and so on?

A. Yes, about when the court case at Glebe had happened and that had happened after it. You tried to say to me it happened before it but it hadn't, it happened after, the court case happened

after, and he was still friendly with me at the Taxi Club and then after the court case had happened at Glebe.

Q. This was the most, if one can call it, the most significant conversation you had with Mr Jones, wasn't it, what conversation you had after the Taxi Club?

A. If it is the most significant one, yes, if you think so.

OBJECTION:WITHDRAWN.

Q. It is obvious that if you are to be believed that Mr Jones on this particular occasion talked to you about the death of a man?

A. Yes.

Q. That is a very significant event, isn't it?

A. Yes.

Q. It is one that you would think that you would remember very clearly isn't it?

A. Reasonably.

Q. You would think that you wouldn't get mistaken about what year it was that that was said, would you?

A. That is right, well, as I said 91.

Q. You see, I think it was put to you yesterday that the committal proceedings were in July 90?

A. No, they were after it.

Q. That is the proceedings before the Magistrate?

A. At the Glebe.

Q. At Glebe?

A. No, that was after it, that was in 1991.

Q. You can take it from me -

A. I have spoke to the -

Q. The committal proceedings were on 18 July 1990?

A. The detectives had said to me it was after it.

Q. The committal proceedings were after 18 July 1990?

A. No were after I had that conversation with Jones at the Taxi Club.

HER HONOUR: Q. Did you give evidence of that conversation at the committal proceedings at the other court?

A. I don't remember.

Q. You don't remember?

A. No.

FINNANE:Q. At the committal proceedings on the 18 July 1990 you in fact gave evidence about what occurred at the Taxi Club, didn't you?

A. I don't remember but I think so.

Q. You don't remember?

A. That's right.

Q. How many times in your life have people talked to you about killing a man?

A. A few times.

Q. Few times?

A. Yeah.

Q. It is sort of one of those things that happened in the drug scene?

A. Yeah, as I said yesterday it's something that happens, it all depends whose saying it how serious you are taking it.

Q. If you were, for one minute, to assume that I am being right, that this committal was on 18 July 1990 and by that time you had already made a statement about what occurred at the Taxi Club ?

A. Yes.

Q. That is by July 1990, it would be pretty obvious, wouldn't it, that the event that you are speaking about has never occurred, did not occur afterwards?

A. Whatever date it occurred, it occurred.

Q. But obviously it couldn't have occurred in 1991, if you spoke about it in a court in July 1990?

A. As I said, I don't remember if I did. If I did it happened afterwards.

Q. What happened afterwards?

A. The court case happened after I had spoken to Jones.

Q. You came along yesterday and gave evidence that this, what I would suggest to you, is an unusual conversation at the very least, occurred in January 1991, that is what you said?

A. If that is what I said, then that is what I said.

Q. What, you can't remember to yesterday now?

A. I don't remember every word I said yesterday, no.

Q. I am not asking you to remember every word, I am asking you to recollect some important evidence you gave?

A. Yes, I think I did.

Q. If you have trouble remembering yesterday, you might have trouble remembering a long time ago, mightn't you?

A. Yes, certain things.

Q. Yesterday you said it happened in 1991?

A. Yes.

Q. And then today you say it happened before the Glebe Coroner's Court?

A. That is right.

Q. If that occurred in 1990, in July, then this conversation of what occurred at the Taxi Club, if you are to be believed, might have occurred as much as a year ahead of what you said yesterday?

A. It could be possible.

Q. Well, that is a big difference, isn't it?

A. Well, as I said I am not sure of the date but I remember what was said to me and it was before the court case.

Q. You remember what was said to you, you don't remember the year?

A. Well, I thought I had remembered the year, I said it yesterday.

Q. You could be as much as a year out?

A. On dates, yes.

Q. You see, I am trying to make it perfectly plain to you, I am sure the Crown Prosecutor will tell me if I am wrong, that that statement that you made to the police about the Taxi Club was made before the Glebe Coroner's Court proceedings?

A. Yes.

Q. And it could clearly not have been made six months afterwards, could it?

A. I don't know.

Q. You don't know?

a. No.

Q. Are you trying to be honest - -

A. Yes, I haven't gone too much out of my statements, I am just trying to say it the best way that I can remember it.

Q. Are you trying to recollect the things accurately?

A. Yes, as best as I can, yes. As I said, I was using drugs a lot during these times.

Q. So you might not be terribly reliable about what occurred?

A. The large things that happened, yes, I think I am, yes.

Q. What, you are not reliable?

A. I don't think I said that.

Q. I assume from the fact that you said you were taking drugs at that time you meant to indicate to the jury you were not reliable?

A. You assumed wrong.

Q. Well, what did you mean?

A. I said at the time I was taking drugs so I didn't make a lot of dates. As I said yesterday, when you are taking drugs, the most important things to you are not what people said to you, the most important things are getting drugs and getting drugs and living. It is just a cycle.

Q. I am suggesting to you no such meeting occurred at the Taxi Club, there was no such meeting at the Taxi Club with Mr Jones at all?

A. No, that is not right at all.

Q. I am suggesting to you that you made it all up.?

A. Why?

Q. Well, your motives for it are for you, not for me?.

A. Well, I'm not sitting here going on for no reason. I don't want to be here.

Q. You, at one stage, were told by the police that you were a suspect?

A. They were quite happy when they checked out about Queensland, so I was quite happy to go.

Q. No doubt they were even happier when you told them about Mr Jones, weren't they?

OBJECTION:REJECTED.

Q. I put this to you, too, or ask you this, rather, in your discussions with Det Plotecki, did you discuss with him the possibility of getting a reward for giving this evidence?

A. No. He said, "You might be able to get compensation." He said, "For what has been going on".

Q. Compensation?

A. Yes.

Q. I see - -

A. He said, "If it has affected your life and you are getting money or out of a job, or getting social security, you might be able to get compensation".

Q. If it has affected your life?

A. Yes, if it has affected those things.

Q. When were you told that you may be able to receive compensation by giving evidence for the police?

A. That was about five months after I had made a statement.

Q. Which statement?

A. The first statement to the police.

Q. This is in 1989?

A. Yes, my first statement, yes.

Q. Was it before your second statement?

A. I'm not sure.

Q. Could it be that your giving evidence here today is somewhat influenced by the thought that you might get some money if Mr Jones is convicted?

A. No, absolutely not.

Q. You believe, don't you, if he isn't convicted you won't get anything?

A. No, I haven't even asked anything like that. I haven't asked about it.

Q. You haven't asked about it?

A. No, not at all.

Q. Had the detective raised the question with you?

A. No, he said, "You might get compensation." That is the only conversation that he had risen it to me.

Q. Was that something that pleased you, you thought you might get something for it?

A. No, I didn't think of it that way. I am just nervous about the trial, that's all. I'm not thinking about what I could get out of it, no matter how much money it would be.

Q. At the time you left Sydney to go to Brisbane did you owe Hughes something like \$6,000?

A. No, nowhere near it.

Q. Are you sure about that?

A. I am dead certain of that. 100 percent certain of that.

Q. Well now, this statement that you made about the Taxi Club?

A. Yes?

Q. I suggest to you it was made on 28 May 1990?

A. Well, if that is what it's got on the top of my statement that's when I made it.

Q. Certainly not in January or February 1991?

A. I don't know. Whatever its got on the top of the statement.

Q. Whatever its got on the top of the statement?

A. Yes.

Q. At the time you made the statement had you been in custody for some time?

A. The first time - -

Q. This statement I am speaking about?

A. Is this the first statement?

Q. No, this is the second statement?

A. The second statement, no.

Q. This is in May 1990 when you spoke about the Taxi Club?

A. No, I don't think I was in custody, no.

Q. When you made your first statement I think you said yesterday you were in custody?

A. Yes.

Q. You had been in custody for some time?

A. No, for a few days.

Q. For a few days, I am not suggesting a few months?

OBJECTION: QUESTION CLARIFIED.

Q. You made statements on more than one occasion?

A. That is right.

q. First of all you were interviewed by the police in 1989?

A/ By Det Plotecki and Det Scullion.

Q. In a formal way in the sense that two people sat down at a table with you, questions were asked, answers were given and they were typed in question and answer form?

A. No, not the first time.

Q. That wasn't the first time?

A. No, well, they did bring it in and make a statement but the first time we were talking there wasn't any typewriter or anything. It was on the same day that I had made that statement but at the beginning of the conversation there was no -

Q. Let me ask you this; on 12 September, do you remember on 12 and 13th September, 1989 were you in custody for some reason for a few days?

A. Well, I think so.

Q. In those days were you interviewed by the police?

A. Yes.

Q. On more than one occasion?

A. I think so.

Q. Had you been hanging out for heroin in those few days?

A. I think so, yes.

Q. Did that affect you in any way in what you said?

A. No, I don't think so.

Q. You gave evidence of an incident at a bus stop when you said Mr Jones came along and attempted to choke you?

A. That is right.

Q. You said this occurred in 1991?

A. Yes.

Q. It occurred in Darlinghurst?

A. Yes.

Q. I think he was with another man?

A. No, I was with another man.

Q. You were with another man, I'm sorry?

A. He wasn't, he was by himself.

Q. You described that encounter?

A. Yes.

Q. And I would suggest to you that what you said about that is completely false, no such incident ever occurred?

A. It is absolutely true and there was another man there to see it.

Q. You also gave evidence about an incident occurring at Earl's Place, Kings Cross?

A. Yes.

Q. When there was a discussion between you and Mr Jones about -
A. Him nicking John's stuff.

Q. About him nicking John's stuff?
A. Yes.

Q. That is a good way of putting it, and I would suggest to you that conversation never occurred?
A. It did, I remember it well.

Q. Can I just put this to you; that at no stage I suggest to you did Mr Jones in your presence ever threaten to kill anybody let alone Mr Hughes?
A. Well, he absolutely did.

Q. I would suggest to you that it is a complete lie to say that he said in your presence that he had "killed the cunt" or "the little cunt" or whatever expression?
A. Well, he absolutely did.

RE EXAMINATION

CROWN PROSECUTOR:Q. You have stated that the incident at the Taxi Club took place before the committal proceedings, is that correct?
A. Yes.

Q. There were the committal proceedings at which you gave evidence?
A. Yes.

Q. Then there was the incident at the bus stop after that, is that correct?
A. Yes.

Q. You said yesterday that the accused had belted you up once going down the road down Kings Cross main drag?
A. That is correct.

Q. Do you remember when that took place, was that before you went to Queensland?
A. That was before I went to Queensland, yes.

Q. Can you say about how long before you went to Queensland?
A. This was at the period when Jones had moved in with John.

Q. When you say he belted you up, how did he do that, can you describe what he did?

A. [151], a guy I know, [151], pointed at me and said something. They were too far away for me to hear, and I turned around and I saw Jones coming at me and I tried to back off and Jones grabbed me, put me up against the wall, a tin wall that comes down, a roller door in Kings Cross, put me up against that and started punching into me and head butted me in the face twice and then just started thumping into me.

Q. Did he say anything to you at one time?

A. No.

Q. About money or anything like that?

a. No, just things like, "You little cock sucker", things like that, I couldn't really hear anything, nothing coherent anyway.

WITNESS RETIRED.

(Mr Finnane asked that the witness Locke not be excused; no objection).

JANICE GAY DOWSLEY
Sworn and examined

CROWN PROSECUTOR:Q. Is your full name Janice Gay Dowsley?

A. Yes.

Q. What is your date of birth?

A. The [REDACTED].

Q. I have to ask you this, you have been working as a prostitute?

A. Yes.

Q. For some time you have had a problem with heroin?

A. Yes.

Q. But you are now on a methadone programme?

A. Yes.

Q. How long have you been on the methadone programme?

A. For about three years.

Q. Do you know the man Mark Locke?

A. Yes.

Q. Have you ever been to the Taxi Club?

a. Yes I have.

Q. Can you tell the court something about some thing occurring at the Taxi Club?

A. Yes. I was at the Taxi Club when it was about the beginning of January or February 1990, I can't recall when but it was around that time.

Q. Any particular significance?

A. Sorry?

Q. Any particular significance as to how you remember the time?

A. Yeah, because it was close to my birthday and I was standing at the top of the stairs talking to a few of the bouncers and just drinking, having a few drinks, soft drink because I don't drink alcohol, so it was just soft drinks and -

Q. Do you remember what day of the week it was?

A. I think it was a Friday or Saturday, I know because the disco was on and the bouncers only work on a Friday and Saturday night. And there was this big fella came over to me who I called

L5(a)

Wazza or Wacky, I can't recall his name properly, and he put his hand on my shoulder and said, "Oh, how are you?" and I said, "Oh, what are youse doing?", then Jones, Mark Locke and Jonesy walked over to me and I said, "Oh, what are youse doing?" and they said that they were going to get on and I said well, cos I wanted to get on myself, so I asked them whether I could go with them and they said yes.

Q. What does "get on" mean?

A. Score some heroin, cos I just finished work and I usually score after work, not all the time, sometimes. And then we left, we went downstairs and we walked downstairs and right into Flinders St and this guy Wazza or Wacky, I'm not sure of his name, him and Jonesy were in front and he was holding Jonesy up cos he was pretty out of it and I was behind them and Mark was behind us, he was a fair way, he was just dawdling, and as we were walking down Flinders St and into Oxford St I heard Wacky and Jonesy talking and I heard Wacky say to Jonesy, "How many other people know about this?" and Jonesy turned around and said, "Only Lockey knows about, just Lockey" and then Wacky said, "He knows about it and I know about it" and when he said, "He knows about it," I took that to mean Mark because he pointed to him and then Jonesy said, "Don't worry, he was a fucking faggott dog anyway and he deserved to die and he deserved everything that he got". And then I heard Wacky say to him, "Well, you better learn to keep your fucking mouth shut, you know" and then they started arguing and then Wazza turned around to me and said, "I'm going, do you want to come with me and score?" and I said, "Yeah, all right" and so as we walked away and walked across the road heard Wazza turned around and say to Jonesy, "You better get your act together" or something like that and then we went up to the Cross and scored.

She went off with

Q. Were you known by any other name than Janice? *W---*

A. Yeah, I have got two working names, I usually use Cheryl or Cathy for work.

Q. How were you feeling that night?

A. Well, I was all right because I don't drink alcohol and I don't take pills and I am on methadone. I was, I wasn't out of it that night, you know.

CROSS EXAMINATION

FINNANE:Q. You at the time of this incident were working as a prostitute?

A. Yes.

Q. Is that how you knew Locke?

A. No, it is not, what do you mean, as a client?

Q. No, not as a client, you knew him as a prostitute too?

A. Yes.

Q. You were a heroin addict?

A. Yes

Q. How long have you been a heroin addict?

A. Well, I have been using heroin from the time I was 13.

Q. How old are you now?

A. I am 27 but I have been on methadone for three years.

Q. You weren't on methadone this night?

A. Sorry?

Q. You weren't on methadone this night?

A. No.

Q. Still on heroin?

A. Correct.

Q. That is why you were off wanting to score?

A. Yeah, well, that was the beginning of me being on methadone and so I was still using because the methadone hadn't you know, got in my system properly and my body hadn't adjusted to it yet.

Q. So you were having both of them?

A. I was just binging.

Q. What time of day that you arrived at this place?

A. Well, it would have been late night, it would have been after work so it would have been about, I don't know, 1 o'clock.

Q. One o'clock in the morning?

A. Yeah.

Q. What was your purpose in going to the Taxi Club?

A. Well, I used to go there a fair bit after work.

Q. Just a hang out for prostitutes?

A. No, to go and see a few people that I know.

Q. Were they prostitutes?

A. No, they were all different types of people.

Q. Thieves?

A. No, not really, some of them were workers, some of them were just normal people that had normal jobs.

Q. By "workers" you mean prostitutes?

A. Yes.

Q. Do you say that Jones and Locke were there when you arrived or did they arrive after you?

A. No, they were there when I arrived. Well, I don't know whether they were there when I arrived actually, sorry. I noticed when I was standing there, I looked over and I seen them at the table while I was talking to the bouncers.

Q. How long was it before you started speaking to them.?

A. Only when Wazza came up to me, that was the only time I started talking to him.

Q. He was someone you knew?

A. No, not knew, I only seen him around the Cross a couple of times.

Q. Someone you knew to be an addict, like yourself?

A. Yes, that is right.

Q. And Locke also was an addict?

A. Yes, that is right.

Q. And you say Jones was very affected by something, he appeared to be out of it?

A. Yes, that is right.

Q. He appeared to be on some sort of drugs and alcohol?

A. Yeah, well, as far as I could see, yes.

Q. Was he slurring his speech when he spoke?

A. Yeah, well, when he was out, when we were outside he got affected more because he had been outside.

Q. He was worse when he was outside?

A. Yes.

Q. And he was visibly so drunk or affected by drugs or both that he had to be held up by this man Wazza?

A. No, he wasn't held up by him, he just had his arm around him.

Q. Wasn't that obviously to support him?

A. Sorry?

Q. Wasn't that to support him?

A. Well, he was probably just helping him walk down the street, I mean down the street were some friends and I had my arm around them too.

Q. You think that was an act of friendship, just putting his arm around the back as a friend?

A. I don't know.

Q. Anyhow, Jones was obviously staggering, is that what you say?

A. He wasn't staggering as he was rolling drunk, but yeah, he knew what he was doing.

Q. But obviously he was very badly affected by alcohol?

A. He had a few drinks, yes.

Q. And drugs?

A. I can't say that because I didn't see him have them.

Q. That is how he appeared to be?

A. He appeared it.

Q. How far ahead of you was he when you were walking down the street?

A. Not very far ahead at all.

Q. What is "not very far"?

A. Well, I don't know, they were there and I was there and Mark Locke was up there (indicated).

Q. Were you twenty feet behind them?

A. Sorry.

Q. Were you twentyfeet behind them?

A. I don't know, I can't judge, I don't know. I just know that I was not that far away.

Q. There were two of them and then you were straggling behind and Locke was straggling behind you?

A. Yeah.

Q. And Jones, if you are to be accepted, was speaking in a rather peculiar way, wasn't he?

A. What do you mean "in a rather peculiar way"?

Q. It was obviously the talk of a drunken man, wasn't it?

A. No, I think he knew what he was saying.

Q. Did you have any conversation with him at all yourself?

A. No, I didn't have any conversation with him at all myself.

Q. You came to make a statement in April 1992?

A. That is right.

Q. How did you come to make that statement?

A. I didn't want to make the statement, I didn't even want to come forward. I don't even want to be here. I have got better things to do than be here but the reason I, you know, for a long time I didn't even want to know anything about it.

Q. I am just saying, did the police come to ask you to make a statement or did Mr Locke ?

A. Nobody asked me to make a statement at all.

Q. You went along voluntarily?

A. It got pointed out to me that I should go forward to the police and let them know what I heard that night.

Q. What I am suggesting to you is that everything you have told us about that night is completely and utterly false?

A. Well, I don't care what you think, I know what I heard.

WITNESS RETIRED & EXCUSED.

KERRIE ANNE STANTON

Sworn and examined.

CROWN PROSECUTOR:Q. Is your full name Kerrie Anne Stanton?

A. Yes it is.

Q. You know the accused Ian Stuart Jones?

A. Yes I do.

Q. How long have you known him?

A. I have known him since I was 16.

Q. You are now what, 34?

A. Yes.

Q. You have lived with him on occasions?

A Yes I have.

Q. Do you remember people called Leone and Greg?

A. Yes I do.

Q. Do you remember where they lived?

A. They lived at Carlton.

Q. Did you know that the accused lived with them at one time?

A. Yes I did.

Q. Did something happen while the accused was living with Leone and Greg?

A. Yes. Ian was stabbed on New Year's Eve, .

Q. You visited him in the hospital?

a. Yes, I did.

Q. Do you remember what hospital?

A. Yes.

Q. Which hospital?

A. St Vincent's Hospital.

Q. How long was he in the hospital?

A. Approximately two weeks.

Q. Were you visiting him regularly?

A. Yes, I was.

Q. Did you ever know the man John Hughes?

A. Yes, I did.

Q. Had you ever been to where John Hughes was living?

A. Yes, I had.

Q. Did you ever see that the accused was living with John Hughes?

A. Yes.

Q. When he was with John Hughes was that before or after the stabbing?

A. After.

Q. Do you remember where John Hughes was living when the accused was living with him?

A. Yes, in [REDACTED] at Darlinghurst.

Q. Do you remember the flat number?

A. No, I'm sorry, I don't.

Q. Do you remember the floor he was living on?

A. The second floor.

Q. He was stabbed on New Year's Eve is that correct?

A. Yes.

Q. Do you remember the year?

A. 1989

Q. Do you remember when he was living with John Hughes on the second floor?

A. Yes.

Q. When was it?

A. It was in that year.

Q. Do you remember the months at all?

A. It would have been approximately February/March.

Q. You visited those premises on a number of occasions?

A. Yes, I did.

Q. Did you ever ring those premises?

A. Not [REDACTED]. I did phone John at work though.

Q. Did you have a phone number of John at work?

A. Yes, I did.

Q. Did you have the phone number of the flat?

A. Yes I did.

Q. Did you become aware that the accused was living in Bathurst?

A. Yes, I did.

Q. How did you become aware of that?

A. Ian phoned a friend of mine and told him he was there.

Q. Did you eventually have contact with him at Bathurst?

A. Yes, I did.

Q. Did he ring you at all when he was up in Bathurst?

A. Yes.

Q. Did you visit him whilst he was at Bathurst?

A. Yes.

Q. what was the first occasion, how did that happen?

A. The first occasion I flew up there.

Q. Do you remember when that was, what month that was?

A. It would have been in about April.

Q. That was in 1989, was it?

A. Yes.

Q. How long did you stay up at Bathurst?

A. Just a few days, I think, for the first time.

Q. Where was the accused living at that time, what was his address?

A. In Upfold St.

Q. Do you remember the number?

A. No, I don't.

Q. Do you remember whether he was living alone or with anyone at that time?

A. He was living with Lance Dodd and Ron and Leonie Flower.

Q. Was that a house, was it?

A. Yes.

Q. You stayed there a couple of days, is that right?

A. Yes.

Q. And you came back to Sydney?

A. Yes.

Q. Did you go up there again?

A. Yes, I did.

Q. Do you remember when that was?

A. Probably about a fortnight later.

Q. Do you remember the month?

A. It was May.

Q. How did you go up there?

A. I got a hire car and drove up there.

Q. Do you remember the date when you hired that car?

A. May 3.

Q. What sort of car was it?

A. It was a Budget hire car.

Q. Do you remember the make of the car?

A. No, I don't.

Q. Where did you hire the car from?

A. Budget at Sutherland.

Q. (Witness shown document). Is there any of your handwriting on that document?

A. Yes, there is my signature.

BUDGET RENT A CAR DOCUMENT MARKED FOR IDENTIFICATION 10.

Q. So you hired that car from Budget at Sutherland, is that correct?

A. Yes.

Q. You were driving up by yourself?

A. Yes, with my pets.

Q. What were they?

A. A Newfoundland Dog and two Siamese cats.

Q. Newfoundland dogs are a very large dog?

A. Yes.

Q. Did something happen on the way up to Bathurst?

A. Yes, I was pulled over by the police and booked for drink driving.

Q. Is that quite what happened.?

A. No. I flagged the police over to ask for instructions.

Q. And they arrested you?

A. Yes.

Q. And you were well intoxicated, is that correct?

A. Yes.

Q. Had a very high alcohol reading, did you not?

A. I did.

Q. Do you remember the reading now?

A. 310.

Q. You were taken to Bathurst by one of the police officers?

A. Yes, I was.

Q. Were you released on bail?

A. Yes.

Q. Did you eventually end up at Upfold St?

A. Yes, I did. I arrived there about 11 o'clock that night.

Q. Did you have the car with you at the time?

A. Yes, I did.

Q. And the animals?

A. Yes.

Q. Did you speak with the accused?

A. Yes, I did. We had a bit of an argument because I had been booked for that. Eventually we went to bed and everything was all right.

Q. Do you remember the day of the week, what the third was, what day of the week it was?

A. It was a Wednesday.

Q. What happened the next day, the Thursday?

A. Ian went to work.

Q. And you stayed in the house?

A. Yes, I did.

Q. Were the Flowers still there on that Thursday, do you remember?

A. Yes, they were.

Q. And Lance Dodd?

A. Yes.

Q. Do you remember the next day the Friday?

A. Yes.

Q. What happened on that day?

A. Ian didn't want to go to work and we had a disagreement and he left.

Q. Did he do something about his employment?

A. He did phone them, I believe, and said that he wouldn't be in that day.

Q. Well, you had another argument, did you?

A. Yes, we did.

Q. And you say he left?

A. Yes.

Q. What time did he leave?

A. About 10.30 or 11 o'clock in the morning.

Q. Did you see how he left?

A. He left in his little Mini car.

HER HONOUR: What date was that, what was the date of the Friday?

CROWN PROSECUTOR: Q. That was the 5th. So he left in his Mini car. How was he dressed, do you remember?

A. I can't recall.

Q. When was the next time you saw him?

A. Next morning.

Q. About what time?

A. About ~~some~~ *the same* time, about 11 o'clock.

Q. Did you speak with him?

A. Yes, although only briefly. He was very tired and wanted to go to bed.

Q. Did you see him actually arrive at the house?

A. Yes, I did.

Q. How did he arrive at the house?

A. In the little Mini car.

Q. He went to bed. Do you remember what time he got up that day?

A. No, I can't recall.

Q. Did you do anything about the car that day?

A. Lance and I took it back to Budget at Bathurst.

Q. You returned it?

A. Yes.

Q. Can you remember anything else about the Saturday, did you do anything with the accused on that day?

A. Not that I can recall.

Q. Did you ever speak with the accused about where he had been after he had had the argument with you on the Friday?

A. I didn't ask him about it right away but he did tell me a while later that he had stayed with friends.

Q. When did he tell you that, do you remember what day it was?

A. No, I can't recall.

Q. Did you go anywhere and discuss where he had been?

A. I can't recall the date but we did visit some friends and he did say that's where he had been on that night that he went missing.

Q. Do you remember where that was?

A. No, I just remember the people had a Rotweiller.

FINNANE: A what?

WITNESS: A Rotweiller dog, with bad skin problems.

CROWN PROSECUTOR: Q. You went actually into the house where these people were living?

A. Yes, I did.

Q. Was this at Bathurst?

A. Yes.

Q. What people did you see, what sexes were they?

A. A male and a female and a couple of kids running around.

Q. When the accused told you this is where he had been that night, was there anyone else around when he said that?

A. I can't recall.

(The Crown Prosecutor indicated that there were some matters he wished to ask the witness which would require submissions in the jury.)

(The jury left the court room.)

IN THE ABSENCE OF THE JURY:

(The Crown Prosecutor indicated he wished to ask the witness about the accused's heroin habits.)

HER HONOUR: I think I have to go back on the ruling I made in the previous situation because the reason that I did all that was because at that stage there was no reference to heroin and if that were to be the only one, I had said it would be too prejudicial for anything else. But I would have thought as long as he can speak of her own observation and not under the guise of opinion evidence from a non-expert, then I do not see any real difficulty with this evidence.

(Discussion ensued)

(During the course of discussion the witness was requested to leave the court room.)

WITNESS STOOD DOWN.

(The Crown Prosecutor informed her Honour that in conference with Miss Stanton this morning she had mentioned a matter which was not in her statement in evidence this morning the witness had said when she was staying in Bathurst with the accused the accused had told her that heroin was very difficult to obtain in Bathurst and that was a matter that the Crown Prosecutor wanted to ask the witness about.

Mr Finnane addressed her Honour and submitted that such evidence would be prejudicial to the accused in that the prejudice arose from raising something that was of such slight value that it could totally overbear the common sense of the jury.)

HER HONOUR: I am a little concerned as to the form. I think we should have a voir dire on the form because I do not want a departure from the normal rules in relation to observation. It can only be her own observation and I really do not know until I hear about it whether that would come up to par in any event.

What I would suggest is we have a voir dire as to the observation aspect. If it does come up to par, I think I will allow it. I will give a formal ruling to protect you. I think that can only be done by having a voir dire in the absence of the jury.

(The witness returned to the court room.)

HER HONOUR: Mr Finnane, your client has a very mobile face and on a couple of occasions he gives the impression of signalling, to this witness in particular. Maybe it is just disagreement when the evidence is led but I urge you, you must, must refrain from any facial expressions while the evidence is being given, Mr Jones, it is most important.

ACCUSED: Yes, your Honour. I am sitting directly behind my counsel so I can't see the witness, your Honour.

HER HONOUR: It is giving you the benefit of the doubt, it is probably directed towards the witness. It does not help you at all to have facial expressions in the presence of the jury.

(Mr Finnane foreshadowed that he might wish to seek an adjournment at the end of the voir dire examination in order to confer with the accused.)

EXAMINATION ON VOIR DIRE:

CROWN PROSECUTOR: Q. Miss Stanton, you have known the accused, you said, since you were 16, correct?

A. Yes.

Q. And you have lived with him on occasions?

A. Yes.

Q. Had you ever seen him use heroin?

A. Yes.

Q. Do you remember when you first saw him using heroin?

A. I saw the symptoms when he first came up from Melbourne and that was when he tried to stop, so I took some time off work. There was sweating, muscle cramps, vomiting, diarrhoea.

Q. Did he say why he was suffering from those things?

A. He told me.

Q. What did he tell you?

A. That he was coming off heroin.

Q. When was that, what is the date, do you recall it?

A. That was when he first came up from Melbourne which was 1988 I think.

Q. Before that you hadn't seen him taking heroin?

A. No, I haven't.

Q. Did you see him take heroin after he came up from Melbourne?

A. Yes, I did.

Q. How did he take it?

A. Intravenously.

Q. How many times did you see him taking heroin?

A. I couldn't even count the number of times, they were so numerous.

Q. Did you see him suffering from those signs that you have indicated before taking heroin?

A. On a number of occasions, when he was cut off from the supply, yes.

Q. Did you see him, whilst he was suffering from those problems, take heroin?

A. Yes.

Q. Did you see what the effect of taking the heroin had, if any, on those signs?

A. Yes, I did.

Q. What did you see happen?

A. He just became all floppy, very sleepy, his pupils were very small, like pin heads, still sweating, still vomiting.

Q. Did those signs gradually go or what?

A. Sometimes they did, sometimes they didn't.

Q. Did you see on many occasions these sorts of things happening, with him vomiting and sweating and diarrhoea?

A. Yes, I did.

Q. You said after he came up from Melbourne you took some time off work to help him?

A. Yes, I did.

Q. Did he take some heroin around that time?

A. No, he tried to stay off it for about 10 days but he didn't last any more.

Q. What, he took some?

A. Yes.

Q. Where did this happen?

A. We were staying in my place at Sylvania for some weeks after he first came up from Melbourne and then we moved to a flat at Engadine.

Q. You saw him take heroin there?

A. Yes.

Q. After you went up to Bathurst on 3 May - do you remember that, with the hire car, etc.?

A. Yes.

Q. How did he appear after you arrived at Bathurst?

A. Very cranky, very tired, sweaty, it looked like he hadn't had any for a while.

HER HONOUR: Did he say anything to you about it?

A. No.

CROWN PROSECUTOR: Q. Did he say anything about getting heroin in Bathurst, about how easy it was, or hard it was?

A. Yes. He did say Bathurst wasn't a town where you could get heroin readily.

Q. How was he on the Friday before he went off, how did he appear to you?

A. Very cranky, as if he were in withdrawal.

HER HONOUR: Q. How did you identify that.

Q. Just the sweating again, the nervousness, the nasty, cranky attitude.

Q. Did that commonly happen when he was in withdrawal?

A. Yes.

CROWN PROSECUTOR: Q. You said he came back on the Saturday, went to bed almost straight away, is that correct?

A. Yes.

Q. You saw him eventually after he got out of bed?

A. Yes.

Q. How did he appear to you?

A. Tired, tired but a little better.

HER HONOUR: Q. How were his pupils, or didn't you notice?

A. I didn't really notice.

CROWN PROSECUTOR: Q. You saw him on the Sunday - you were with him on the Sunday?

A. Yes.

Q. How was he on the Sunday?

A. He was all right. Reasonably normal.

Q. Did you form any opinion about the change from the Friday to the Saturday and the Sunday?

A. I presumed he had had some.

Q. On what basis did you come to that opinion?

A. The fact that he was all right when he woke up on Saturday after the long sleep that he'd had.

Q. What time did he wake up, can you remember?

A. In the afternoon. I can't recall the exact time.

Q. Did you discuss with him anything about taking heroin?

A. No.

Q. Did he ever mention to you over that time you were at Bathurst that he had got heroin?

A. On one occasion, yes.

Q. Where was that?

A. That was when we were living in a caravan park there.

Q. That was at Kelso?

A. Yes.

Q. What did he say?

A. I accused him of having heroin and he said yes, he had.

Q. Did he say where he had got it from?

A. No, he didn't.

Q. You didn't see him taking it?

A. No.

HER HONOUR: Q. You accused him of having heroin then whilst you were living in the caravan park?

A. Yes.

CROWN PROSECUTOR: Q. But you didn't accuse him of taking heroin when he was living in Upfold Street?

A. Not outright, no.

CROWN PROSECUTOR: I think that is as far as I can go, your Honour.

(Discussion ensued.)

CROSS-EXAMINATION:

FINNANE: Q. He didn't tell you anything in Bathurst about taking heroin, is that right?

A. Can you rephrase that?

Q. When you were in Bathurst on 3 May he didn't say anything to you about taking heroin?

A. No.

Q. You just made an assumption?

A. Yes.

Q. Were you angry with him at the time?

A. No.

Q. You had been, though?

A. No.

Q. And he had been with you?

A. He had been with me.

Q. Were you drinking heavily at that stage?

A. I was drinking, yes.

Q. And were you drinking on 3 May 1989?

A. Yes, I was.

Q. Were you, in fact, heavily intoxicated on that day?

A. Yes, I was.

Q. When he came back on 5 May were you heavily intoxicated then?

A. No, I wasn't.

Q. 6 May, I'm sorry, when he came back?

A. No, I wasn't.

Q. When he came back your assumption was that he'd had something because his mood appeared to be amiable?

A. Yes.

Q. That is the basis of your assumption, that he appeared to be in a reasonable mood?

A. No.

Q. What other basis did you have?

A. Well, he wasn't as sick as what he had been.

HER HONOUR: Q. He had been sick before he left on the Friday, had he?

A. He had been sick, yes. Stomach pains.

FINNANE: Q. Sick, with what pains where?

A. Stomach pains and sweats.

HER HONOUR: Q. When he returned on the Saturday?

A. He appeared to be much better.

FINNANE: Q. Did he still have some stomach pains and some sweats?

A. On the Saturday?

Q. Yes.

A. He appeared to be better.

Q. What, totally cured?

A. No, not totally at all.

Q. Still appeared to be not the best?

A. He appeared to be better than he was.

EXAMINATION ON VOIR DIRE CONCLUDED.

(Mr Finnane submitted it would be a very uncertain basis to allow Miss Stanton's opinion evidence.

At the request of her Honour, the witness left the court room.)

WITNESS STOOD DOWN

(Mr Finnane addressed her Honour.)

(For judgment see separate transcript)

(Mr Finnane asked for a short time to confer with the accused and also that the accused be allowed to go with him to the Public Defender's room rather than back to the cells. Granted).

SHORT ADJOURNMENT.

IN THE PRESENCE OF THE JURY

KERRIE ANNE STANTON
On former oath.

CROWN PROSECUTOR:Q. As you have said you have known the accused since you were 16 years of age?

A. Yes.

Q. There was a period of time when you did not have very much contact with the accused, is that correct?

A. That is correct.

Q. At one stage he was in Victoria, is that right?

A. That is right.

Q. Then he came back to New South Wales?

A. That is right.

Q. Then you started having contact with him again?

A. Yes.

Q. Was there a time when the accused appeared not well?

A. Yes there was, immediately, immediately when he came back from Victoria.

Q. What did you notice about him?

A. He was shaking violently, having muscle spasms, profuse sweating, delirium. He was suffering from severe withdrawal symptoms.

Q. Well, did he say that?

A. Yes, he did.

Q. Did he say withdrawal symptoms of what?

A. Heroin addiction.

Q. Did you do anything to help him?

A. Yes, I took time off work and stayed home and tried to nurse him as much as I could.

Q. Did you ever see him use heroin?

A. Yes, I did.

Q. On many occasions or a few occasions?

A. Many occasions.

Q. How did he use heroin?

A. Intravenously.

Q. Did you ever see him suffering from those symptoms that you described earlier, immediately he came up from Victoria, did you ever see him suffering from those symptoms again?

A. Yes.

Q. On many occasions or a few occasions?

A. That was the worst time, when he first came up from Victoria. After that they were not quite so bad.

Q. What wasn't quite so bad out of all those signs and symptoms?

A. I think when he came up from Victoria he wanted to give up drugs completely so he took himself off the heroin and that is why he suffered so much. Afterwards he didn't take himself off completely.

Q. You told the court he went up to Bathurst and you eventually stayed with him in Upfold Street?

A. That is right.

Q. And you had gone up there on 3 May 1989?

A. Yes.

Q. What was he like when you saw him prior to Friday morning when he left, how was his behaviour?

A. He was very cross with me because I'd had that run-in with the police. He didn't appear terribly well.

HER HONOUR: We want your observations of him.

CROWN PROSECUTOR: Q. What did you notice about him?

A. He was very restless. He was sweating a great deal and that's about all really.

Q. Did you come to any opinion about what was the cause - -

HER HONOUR: Q. You say that was all?

A. Yes.

CROWN PROSECUTOR: Q. Had he been like that before?

A. Yes, he had.

Q. Did he say anything on that occasion why he was like that?

A. No.

Q. Did you come to any opinion as to any cause - -

HER HONOUR: Just before you go on to there, Mr Crown, I do not think it has gone far enough.

CROWN PROSECUTOR: I am also relying on that other material.

HER HONOUR: Q. Tell us what you observed of him on 3rd and 4th?

A. He was very restless, very tired, sweating a great deal, having nightmares.

Q. Had you seen him like that before?

A. Yes, normally when he hasn't had it for a few days.

CROWN PROSECUTOR:Q. Hasn't had?

A. Had heroin or any sort of drug for a few days.

HER HONOUR: I think that is as far as you can take it. It is not a question of opinion. It is a question of observation.

CROWN PROSECUTOR:Q. You didn't see him from approximately ten o'clock, I think you said in the morning of the Friday until about ten or eleven on the Saturday?

A.; Yes.

Q. How did he appear on the Saturday when you first saw him, I think you said he was very tired and he went straight to bed?

A. That's right.

Q. How long was he in bed on that Saturday?

A. I can't recall what time he got up. I had to return the car and do some things.

Q. Did you see him on Saturday afternoon or evening or night?

A. Yes I did.

Q. What time do you think it was that you next saw him that you can remember?

A. I can't recall.

Q. How did he appear when you next saw him, can you remember?

A. In better health and better spirits.

Q. On the Sunday how did he appear?

A. The same.

HER HONOUR:Q. The same as what?

A. The same as the Saturday.

CROWN PROSECUTOR: He was in better spirits and appeared to be in better health?

A. Yes.

Q. Did he ever discuss with you the availability of heroin in the Bathurst area?

A. He did mention that heroin was very scarce in the Bathurst area.

Q. Did he ever tell you -

OBJECTION: DISALLOWED.

Q. How long were you living in Upfold St?

A. We lived, I lived off and on there for approximately a month.

Q. You did something about your dog and cat?

A. I had to take them back to Sydney.

Q. Did you go back to Upfold St?

A. Yes.

Q. How long were you away in Sydney?

A. Approximately a week.

Q. You came back to Upfold Street and how much longer did you stay at Upfold Street?

A. We had to leave there, the place was being sold.

Q. You left there?

A. Yes.

Q. Where did you go from there?

A. We went to the Kelso caravan park.

Q. Did you ever see him using heroin in Upfold Street?

A. No.

Q. Did you ever see him use heroin in Bathurst?

A. No.

Q. In Kelso?

A. No.

Q. Did you ever talk with him about it?

A. Yes I did.

Q. Where was that?

A. In the Kelso caravan park.

Q. What did you say, what did he say?

A. He said yes he was using again.

Q. How long were you at the caravan park at Kelso?

A. Approximately two weeks.

Q. You went back to Sydney I understand, is that correct?

A. Yes.

Q. Did Mr Jones go back with you?

A. He did.

Q. Did you eventually live in a placed called Chittaway Point?

A. Yes we did.

Q. When did you start living there?

A. I can't recall the date, I'm sorry.

Q. How long were you living there?

A. We only lived there for approximately two to three weeks.

Q. You split up from there, is that correct?

A. Yes.

Q. Do you remember what date it was when you split up?

A. Yes, I think it was August the 8th, 1989.

Q. What happened, did you go back to Sydney from Chittaway Point?

A. Yes I did.

Q. Did you take anything with you?

A. Yes, I had a bag of clothes belonging to Ian with me.

Q. A plastic bag or something, or something else?

A. Like a ski carry bag, nylon sort of sports bag.

Q. Where did you take those clothes to, to Sydney?

A. Yes I did.

Q. Did you keep them with you?

A. Yes I did.

Q. Whereabouts did you go to Sydney from Chittaway Point?

A. I went to live at Miranda.

Q. How long were you there?

A. About two months.

Q. And after that?

A. I went to live at Gray's Point.

Q. How long were you there?

A. Approximately twelve months.

Q. After that?

A. Back to Sylvania.

Q. That is where your parents live?

A. Yes.

Q. What happened to the bag of the accused's clothes?

A. The bag of clothes I hung up and put in the wardrobe at Sylvania.

Q. You kept them with you?

A. No I didn't have them with me when I was living at Gray's Point, I had taken them back home.

Q. Did you do anything to any of those clothes?

A. I washed the shirts and hung them in the wardrobe, that's all.

Q. (Mfi 9 shown). Do you recognise that jacket?

A. Yes I do.

Q. Whose jacket is that?

A. It's Ian's.

Q. Do you remember when you first saw him with that jacket?

A. When I first saw him with the jacket?

Q. Yes?

A. I think he brought it from Melbourne with him.

Q. The jacket has some ripped lining, is that correct?

A. That is right.

Q. Did it have ripped lining when you saw it with the accused?

A. Yes, I had worn it in Bathurst on several occasions. It always had ripped lining.

Q. There was something about the back of the jacket as well?

A. Yes, the back of the jacket has two stab wounds in it.

Q. Some rips in the jacket?

A. Yes.

Q. Would you look at the lining now. (Counsel approached) You see there is some red mark on the jacket, I have indicated a part there, there is a part there and you see a hole. (Indicated)

A. Yes.

Q. Do you see another part here, a red line. (Indicated)

A. Yes.

Q. And a hole and a Roman numeral. (Indicated)

A. Yes.

Q. Just ignoring them how does the lining appear now to what it was when the accused had it at Bathurst and when you wore it on several occasions?

A. It appears the same.

Q. Did the accused allow you to wear that jacket at any time you wanted to wear it?

A. Yes he did.

Q. Did he treat it in any particular way, that jacket?

A. He was always protective of it because of the marks in it.

Q. Do you remember whether you ever wore it after the accused came back from wherever he was on that Saturday?

A. Yes I did, I wore it in the caravan park when we were there.

Q. Did you notice whether there was anything in that jacket?

A. There wasn't anything in it.

Q. Did you wear it after the caravan park?

A. No, I don't think I did.

Q. The accused told you that heroin was hard to come by in Bathurst?

A. Yes.

Q. Did he ever tell you where he got heroin from?

A. He said he would be willing to go to Sydney, if it was necessary.

Q. Was there an occasion when you were back in Sydney and the accused was in Bathurst and he was ringing you?

A. Yes, there was.

Q. And do you remember when that was, about what year that was, what month?

A. July 1990.

Q. You had a number of phone calls with him?

A. Yes, I did.

Q. And do you remember the first phone call you had from him when he was in Bathurst? A. Yes, I do.

Q. And did he ask you to come up and visit him?
A. Yes, he did.

Q. Did he mention anything about this matter?
A. Yes, he said he was innocent of it.

Q. Did he say anything else?
A. Just that he didn't want to be pinged with a murder.

Q. Did he say anything about these people he introduced you to?
A. Yes. He said he had been round at the people with the Rotweiller's place on that night and stayed with them when he was away and he had taken me around and introduced me to them the next afternoon and I replied I didn't recall him doing that.

Q. Do you recall him saying anything else about why you didn't remember?

A. He said I didn't remember because [REDACTED].

Q. And you had other phone calls from him?
A. Yes, I did.

Q. Did he express any feeling towards you in any of those phone calls?

A. Yes. We were both very warm to each other on the phone.

Q. Did he say anything on the phone about how he felt towards you?

A. He said he loved me.

Q. On one occasion did you go up to Bathurst?
A. Yes, I did.

Q. Do you remember when that was?
A. That was November.

Q. In the same year?
A. Of that year, yes.

HER HONOUR: Q. This is 1990?
A. Yes.

CROWN PROSECUTOR: Q. Did he say anything about this matter when you were up there speaking with him?

A. Yes, he said I should never had let the police in without a search warrant and I said I had done it voluntarily.

Q. Did you say anything else?
A. Well, he said he was innocent again. I asked him to give me the name of the people in Bathurst and I'd go and find them myself but he said no, I was too stupid.

Q. Did you say anything about the clothing, though, in that phone call?

A. No, I didn't.

Q. He expressed again some feeling towards you?
A. Yes, he did.

CROSS-EXAMINATION:

FINNANE: Q. Miss Stanton, I take it that you had what could be called a love relationship with the accused for many years from your teenage years?

A. No, it didn't develop into love until 1987.

Q. 1987?

A. Yes.

Q. Until then he was just a friendly acquaintance?

A. That is right.

Q. It developed after that?

A. Yes, it developed.

Q. Is that right?

A. Yes.

Q. Well now, when you and he were living at Bathurst in this house did you know him to be a man who was working at the Mitchell Plant Hire?

A. Yes, I did.

Q. As a plant operator, apparently?

A. Yes.

Q. Was he also a man who used to chop a lot of wood?

A. No.

Q. Do you remember him chopping wood?

A. Not very often.

Q. And did you go with him on occasions to a local hotel to play pool, or he played pool.

A. Yes.

Q. Would it be true to say that from the time you got there on 3 May, or when you got there on 3 May, he was very angry with you for driving with so much alcohol in your body.

A. Yes.

Q. It is indeed a very high reading, .310, isn't it?

A. Yes.

Q. I think it is six times the limit. And were you at this time having a lot of problems with alcohol abuse?

A. No, I wasn't.

Q. You were just unlucky on this day?

A. Yes, I was.

Q. You were someone who drank every day, were you not?

A. Yes, I was.

Q. You liked Victorian Bitter, I think?

A. Yes.

Q. Would it be true to say on a daily basis you would consume a carton of Victorian Bitter? A. No.

Q. 24 cans?

A. No.

Q. That you would start drinking before breakfast on many days?

A. Sometimes.

Q. That you would drink throughout the day?

A. Sometimes.

Q. Throughout the night?

A. Sometimes.

Q. What, more often than not on most days, wouldn't that be the position?

A. No.

Q. Your heavy drinking was one of the problems between you and the accused, wasn't it, had caused arguments?

A. No.

Q. What, you say it was on this one occasion?

A. Yes.

Q. This was the only occasion?

A. Yes.

Q. And he, when you were down there, also used to drink, did he not?

A. Yes.

Q. And on the evening of 4 May he was drinking a great deal of Scotch Whiskey, was he not?

A. No. He didn't drink a great deal.

Q. You were drinking on the evening of 4 May?

A. Yes.

Q. On 5 May you say that he left the premises about 10.30 in the morning?

A. Yes.

Q. What did you do?

A. The housework.

Q. Just stayed in the house all day?

A. On the day that he left?

Q. Yes?

A. Yes. In the afternoon I went looking for him.

Q. Well then, on the next day he came back again about 11 in the morning, is that what you say?

A. I don't understand the question.

Q. On 6 May didn't you say he came back at about 11 in the morning?

A. Yes.

Q. What didn't you understand about that.

A. You were just confusing me with the dates.

Q. Oh, I see. I'm sorry. Had you been drinking that morning?

A. Not on the morning that I had returned the car, no.

LUNCHEON ADJOURNMENT:

Q. You gave evidence that on 5 May you had a quarrel at about 10.30 in the morning and then my client left and you went off later in the afternoon looking for him?

A. Yes.

Q. I would like you to cast your mind back. I would suggest that in fact the quarrel didn't happen until the afternoon, that you in fact travelled with my client in a car to Orange and then came back to Bathurst?

A. That is not right.

Q. Stopping at a hotel called the Park View Hotel?

A. That is not right.

Q. I would suggest you got to the Park View Hotel, you know the Park View Hotel?

A. Yes.

HER HONOUR: What day is this that you are putting to her?

FINNANE: This is the 5th.

HER HONOUR: On the day of the 5th?

FINNANE: Yes, the day of. She gave evidence that my client had a quarrel with her at 10.30. I am putting to her now that they in fact went around together that day.

Q. What I am suggesting to you that you got to the Park View Hotel about 1.30 and then had some lunch and then came back to Bathurst at about three o'clock?

A. That is incorrect.

Q. And you also said that my client rang in ill to his place of employment, do you remember that?

A. Yes.

Q. What I suggest to you, again I invite you to cast your mind back, is that early in the morning before 7 o'clock he, in fact, went to Mitchell Plant Hire, the weather was bad and he came back without doing any work?

A. That is not what I remember.

NO RE-EXAMINATION:

WITNESS RETIRED & EXCUSED

GREGORY PETER WEST
Sworn and examined.

CROWN PROSECUTOR:Q. Mr West, is your full name Gregory Peter West?

A. Yes sir.

Q. You used t know John Hughes?

A. Yes sir.

Q. You used to call him Skinny John?:

A. Everyone knew him as Skinny John.

Q. Do you remember when you first met him?

A. 1981, 1982.

Q. You met him because he was selling amphetamines, is that correct?

A. Yes.

Q. And you were supplied with amphetamines by him for a couple of years?

A. Over a twelve month period.

Q. They were illegal drugs?

A. Sir.

Q. You would spend a bit of time with John?

a. Yeah, well, when I first went there I used to score off him. I used to get playing backgammon with him and that and he used to sort of keep me round, I think he kept me round there for protection or something, I don't know, some company or both because he weighed about eight stone.

Q. For the record you I think are a big man?

A. At the time I was a bit bigger, yes.

Q. Were you bigger than now?

A. Yes, I was about sixteen stone.

Q. You are well over six feet?

A. Six feet odd yeah.

Q. You have been to gaol?

A. Sir.

Q. You have seen John Hughes in gaol?

A. Sir.

Q. You have seen him over the years?

A. Yeah, yeah, yeah.

Q. Can you remember when he was living at Springfield Avenue?

A. Yes, I had very little to do with him in that time, that was - I had been in gaol because of the drugs and out again and I had very little to do with him at that stage.

Q. You served a fairly long sentence from 1985 to 1989?

A. Yeah, four years 17 months or something.

Q. That was -

A. Similar offences, drug offences.

Q. You got out on 28 March 1989, would that be about correct?

A. April I think.

Q. 1989?

A. Yeah.

Q. Did you know a person called Aaron?

A. Yeah, yeah.

Q. Did you know his second name?

A. No, no.

Q. Where did you meet him?

A. I got out of gaol, I done me dole cheque in one day and Aaron said, "I know where I can get you a place to sleep for the night, that's the best I can do" and it was ended up in Skinny John's place. He took me to him.

Q. Where was he living then?

A. Greenknowe Avenue.

Q. On the corner?

A. Yeah, building, Greenknowe Avenue and I forget the other street.

Q. Behind the Rex?

A. Yeah.

Q. Did you stay at Skinny John's?

A. Not stay as - what it was, I used to go there in the morning, clean myself up, have a cup of tea, turn up the next morning for my ablutions at the place. He couldn't put me that is what he said, "You can come here to clean yourself up until there is something better. There will be some clean clothes, you can scrub them when you come in," and whatever, and this was a daily basis thing until I got on my feet.

Q. Where was he living in the building when you used -

A. When I first went there he was on the second floor, he was moving to the fourth floor so in actual flats for a period of about a week and a half he actually had two flats in the same building moving from one to the other. He was night manager I think at the Merlin Hotel, or something, and he didn't have much time of a day to do it because he was working at night, sleep every day, etc, etc. He was having a bit of trouble moving, we were giving him a hand.

Q. What floor was that that he was moving to?

A. It could have been the fourth or something higher, I think it was the fourth, the second or the fourth, I can't - this is, I am pretty hazy, it could have been the fourth or something higher or the, fourth or sixth.

Q. You used to bunk there and shave and shower?

A. I used to turn up - the thing was I used to turn up about 9 in the morning for a shower, wash my clothes so I had a clean set for the next day and I would take off again.

Q. What sort of a person was he, John, by nature?

A. Oh, quite passive.

Q. Kind person?

A. Very kind, sir, I found him so.

Q. Sometimes you slept in his bed?

A. Yeah, if he wasn't there he would say yeah, go for it. If I would say to him you know, I am dead set dead, I need a sleep, he will say to me, I have to go and do something for about two or three hours, just bunk there, you'll be right, I'll see you went. I come back.

Q. Do you remember when you last saw him?

A. I think it was about 12 o'clock on the day of this, this happened.

Q. Do you remember the day of the week it was?

A. No sir, I couldn't tell you off hand I couldn't tell you off hand.

Q. Did you speak with the police at some stage?

A. Yeah, I left there, he actually came to me that day. John was there. I turned up about seven I think. He said, "Look, I have got a very important meet at 12.30"

Q. This is John?

A. John said, yeah, so he left and he came back. It was about 12, half past 12 he woke me up.

Q. You slept on his bed?

A. Yes and so I got up, I had another shower, cleaned myself up and left and that's the last I saw of him.

HER HONOUR:Q. What day was this?

A. 12 o'clock, about 12 o'clock prior.

CROWN PROSECUTOR:Q. Did the police ever speak with you?

A. Yes, this is the next morning.

Q. The police spoke to you the next day?

A. Yes, I turned up - -

Q. You are talking about what had occurred the night before?

A. The prior day. I thought you asked when I last saw him.

Q. After you left his place where did you go?

A. I think I went and had a beer somewhere.

Q. Did you go back to the flat, to Skinny John's?

A. Yes, I went back - -

Q. About what time?

A. I went back two or three times during the night. I couldn't tell you the exact times.

Q. Did you try to get in?

A. Buzzed the buzzer and that was it. I had a look up at the window. Like, the light was on.

Q. What light, can you say?

A. The one facing the street, it would have been - - the side alley, I mean, it would have been the laundry light or the bathroom light, one of the two.

Q. You could see that?

A. Yes, I could see the light was on.

Q. It was dark, was it?

A. Yes, yes. I'd say the first time I would have gone there it would have been well after midnight, say, two, three. I went back again, the light was still on and I went back in the morning and I thought I saw him up there and he gave me a wave and I said "I'm coming up." He said, "Yeah, yeah. Come up." and that's when a young Constable grabbed me and took me to the police station. It wasn't John up there at all, it was a young constable.

Q. Before you saw the police officer did you try to get into the place a number of times?

A. I buzzed the buzzer.

Q. You were not getting any answer?

A. No, no.

Q. Did you see Aaron then?

A. I saw him in the park, yes.

Q. Did you speak with him?

A. Yes.

Q. What time was that, any idea?

A. Oh, it was still dark, it was coming morning, I'd say maybe four, five.

Q. Was he with anyone, or by himself? A. His young girlfriend.

Q. Did you know her name?

A. Oh, blimey. No. No, I can't remember.

Q. You kept trying to get into the flat - -

A. Yes, yes. No answer, which was weird, which was weird. Especially Aaron was waiting there, too. Aaron used to share the bed-sit with him and him sitting in the park with his girlfriend I found that weird also because he was just sitting there. I said, "What's happening with Skinny?" And he said he didn't know.

Q. Did you see anything else about the flat when you were going back before the police officer was there, when you were looking up and you saw the light on, did you see anything else that you remember that was interesting.

A. No, not off hand. I can't recall. It was just the strange fact that the light itself was on. The next morning someone gave me a wave. For a minute I thought it was him saying, "Come up".

Q. What time of the day was this?

A. This was about 9 o'clock the next morning. This was when I got the wave and was taken to the police station.

CROWN PROSECUTOR:Q. You were taken to the police station were you?

A. Yes.

Q. And you were interviewed?

A. Yes.

Q. Do you know whether the flat had any window coverings at all?

A. Curtains, yes. Yes, yes, yes, yes, yes. Right, right, right. You see, apart from the light he was a pretty meticulous sort of person. When he slept all the lights were out and all the curtains were down. It was like a signal, "I'm home" or "I don't want to be disturbed". That was the sort of signal that, you know, "Leave me alone. I'm entertaining" or whatever. You know what I mean?

Q. The curtains were down?

A. The curtains were up and the lights were on. If the curtains were down the lights would be off. Sort of, leave me alone, I'm trying to catch up on my sleep" or whatever.

Q. You, at the time, were on a methadone programme?

A. Yes, still am.

Q. Did you have any methadone on the day that you saw the police officer?

A. I would have.

Q. You were, what, every day going somewhere to get a methadone dose?

A. Yes.

Q. What was your normal time for methadone?

A. I could either pick up in the morning from 7 to 11 or in the afternoon from 4 to 6. When I went there that morning, I used to usually pick up in the afternoon but when I didn't get no answer there, I thought to kill a little bit of time I could go and get my methadone in the morning instead of the afternoon.

Q. You were going up there and staying at Skinny John's?

A. Yes.

Q. And you saw Aaron up there?

A. Yes, Aaron used to share the flat.

Q. Did you see anyone else?

A. That day, yes. I saw there was a bloke come there - remember I said he woke me up about half past twelve? He had some bloke with him then.

Q. Can you describe him?

A. The best way I can describe him, a bikie looking appearance. A beard and long hair. I'd never seen him before - oh, and he had a tooth missing, a tooth missing here. (indicating)

Q. You indicate the front?

A. Yes.

NO CROSS-EXAMINATION:

WITNESS RETIRED & EXCUSED

RONALD FLOWER

Sworn and examined:

CROWN PROSECUTOR: Q. Mr Flower, is your full name Ronald Flower?

A. That is correct.

Q. You are on some pretty heavy medication, is that correct?

A. That is correct.

Q. As a result of some accidents?

A. That is right.

Q. One being a motor vehicle accident, is that correct?

A. That is right.

Q. Are you on medication daily, on daily medication?

A. Yes.

Q. Do you have a difficulty with memory?

A. Sometimes it's not very good but I try my best.

Q. Did you at one time own a house at [REDACTED] Upfold Street, Bathurst?

A. I did.

Q. Do you remember when you purchased that house?

A. 1988.

Q. You eventually sold that house?

A. That is right.

Q. When did you sell it?

A. End of June/July 1989.

Q. You had people staying in the house?

A. That is right.

Q. The lady who was to become your wife was living there also?

A. That is right.

Q. What is her first name?

A. Leonie.

Q. When did she move in?

A. She lived there with me - -

Q. In 1988 or 1989?

A. 1989.

Q. When did you actually move in yourself?

A. I moved in the house in 1988.

Q. Who else lived there, say, in 1989?

A. I had a number of tenants when I rented it out and then I had it on the market and I was away for a while and then when I came back from Queensland my friend Lance Dodd was there and he introduced Ian Jones who was also living there.

Q. Ian Jones lived there and Lance Dodd lived there?

A. Yes.

Q. And Leonie lived there?

A. Leonie and I commuted between my parents house in Sydney and mine, and Lance Dodd was there to mind the house.

Q. Do you remember when you first met Ian Jones?

A. Yes.

Q. When was that?

A. About March.

Q. What year, 1989?

A. That is correct - - yes, 1989.

Q. You were married, is that correct, you got married?

A. Yes, I got married in May 1989.

Q. What date?

A. 6 May.

Q. Where were you married?

A. In Sydney.

Q. Whereabouts?

A. At my parents' home.

Q. Whereabouts was that?

A. Epping.

Q. Did you invite any persons to that wedding?

A. Yes, I did.

Q. Did you invite anyone from Bathurst to your wedding?

A. Yes. I invited my tenants Ian and Lance.

Q. To go to the wedding when did you leave Bathurst?

A. Three or four days before the wedding I went down because we had to pick up the wedding dress and things prior to the wedding.

Q. Did Leonie go with you?

A. Yes.

Q. When you went down, that is on the day you went down, was there anyone else in the house apart from Lance and Mr Jones?

A. Not that I can recall, no.

Q. Did you, after the wedding, return to the house with Leonie?

A. Yes, we did. We returned three or four days afterwards.

Q. Who was at the house when you returned?

A. I'm a bit bewildered to that but I think Lance was there. I think I saw Ian a day or two after that.

Q. Did Ian turn up to your wedding?

A. No, Ian didn't make the wedding.

Q. Did Lance turn up?

A. No.

Q. Did you speak with Mr Jones about why he didn't come to the wedding?

A. Yes, I did.

Q. Do you remember what you said to him?

A. I asked him why he wasn't there.

Q. Do you remember what he said, if anything?

A. He apologised for not being there. He said, I think, that he had been to Sydney but I can't recall the time that he had been.

Q. Did you ever see Mr Jones with a motor vehicle?

A. Yes, he used to own a little Mini-Minor van.

Q. Did he ever talk to you about that?

A. Yeah, we talked about it because I often worked on it with him.

Q. Did he ever say anything about its capabilities?

A. We talked about whether it would be able to make it to Sydney and places. It was the kind of car that you wouldn't drive real quick or anything like that. It wasn't I consider the most reliable vehicle.

Q. When you left the house on the day to go down to get married a few days before the wedding how did Mr Jones seem to you?

A. Seemed to be okay.

Q. Just as he normally was?

A. Yes.

Q. Did he ever appear different to you?

A. On the occasion when he had a fight with his girlfriend.

Q. Did you ever talk with him about anything?

A. I did talk to him, I thought there was something wrong and I offered him help if I could help him.

Q. Did he say anything?

A. He said you didn't want to know sort of thing, was the answer.

Q. When was this conversation, was that before the wedding or after the wedding? A. I think it was after the wedding.

Q. You asked him whether there was anything wrong? A. Yeah.

Q. Did you say anything else apart from that?

A. I said to Ian, "If there is anything wrong I will help you if I can but the only thing I only wouldn't want to know is if you hurt somebody."

Q. What did he say to that?

A. In passing, walking away, it sounded like he said, "You don't want to know".

Q. Did you ever see him unwell about the place?

A. Yes, on one occasion he looked like he had stomach cramps.

Q. When was that, was that before the wedding or after the wedding?

A. I couldn't be sure of the time.

CROSS EXAMINATION

FINNANE:Q. Tell me if I have got this right, that you asked Mr Jones after you came back why he hadn't come to your wedding and you think he might have said he was in Sydney but you aren't sure about that?

A. No, I'm not certain as to that he was in Sydney at all.

Q. And this car, I take it from the fact that you were helping him with it that he was having some mechanical trouble with it, was he?

A. Yes.

Q. It was a 22 year old Morris Mini Minor wasn't it?

A. Morris Mini Panel Van.

Q. It was the sort of car you wouldn't think of taking a long trip in?

A. No, it was in fair, reasonable condition to drive around town but it wasn't the kind of car that you would take for great journeys anywhere.

Q. A good car to pick the groceries up?

A. Yeah.

Q. And travel down to the local pub and that sort of thing?

A. That is correct.

RE EXAMINATION

CROWN PROSECUTOR:Q. What is the best recollection of what he said after you asked him why he hadn't been to the wedding?

A. Sorry.

Q. What is your best recollection of what he said when you asked him why he hadn't turned up to the wedding?

A. That he had been away, there was no real explanation to it.

Q. Did he say where he was?

A. I thought he might have said he was in Sydney.

WITNESS RETIRED & EXCUSED.

LANCE RICHARD DODD
Sworn and examined:

CROWN PROSECUTOR: Q. Is your full name Lance Richard Dodd?
A. Yes.

Q. You know the accused Ian Jones?
A. Yes.

Q. Do you remember when it was that you first met him, what year?
A. Three years ago.

Q. Three years ago?
A. Yes.

Q. In what month, do you remember?
A. March.

Q. Where did you meet him, can you remember?
A. The Victoria Hotel.

Q. That is where?
A. Bathurst.

Q. You became friendly with him?
A. Yeah.

Q. Did the two of you eventually move into [REDACTED] Upfold Street?
A. That is right.

Q. You moved in with Ron Flower and Leonie?
A. That is correct.

Q. They were away for a time?
A. Yes.

Q. Did you know where Ian Jones was working whilst he was living at [REDACTED] Upfold Street?
A. Mitchell Plant Hire.

Q. Do you remember Kerrie Stanton coming up to [REDACTED] Upfold Street?
A. Yes, the first time or the second?

Q. First time, how long did she stay?
A. It was only overnight.

Q. What about the second time?
A. The second time was in May.

Q. Do you remember how she arrived, in what?
A. A white Holden Commodore hire car.

Q. You said it was in May that she came?
A. Yeah.

Q. Do you remember the date in May that she arrived?
A. Wednesday.

Q. It was a Wednesday?

A. Yes, the third I think.

Q. Do you remember the next day, the Thursday, anything happening that day?

A. Yes.

Q. Did you see the accused that day?

A. Thursday, yes I did.

Q. Do you remember what he did that day?

A. No, he left in the hire car.

Q. Left in the hire car?

A. Yeah, had an argument with Kerrie.

Q. Do you remember what time that was?

A. Approximately 10.30.

Q. That was on the Thursday?

A Yeah.

Q. How was he on the Thursday, how did he appear to you

A. Upset.

Q. Did you see him come back on the Thursday?

A. No, on the Thursday I was out when he came back.

Q. Do you remember the Friday?

A. Yes.

Q. Did you see Kerrie that day?

A. Yes.

Q. Did you see the accused Ian Jones that day?

A. Yes.

Q. Did anything happen that you saw between the two of them, Ian and Kerrie?

A. They had an argument and Ian left.

Q. Ian left?

A. Yes.

Q. How did he leave?

A. In a Mini Van.

Q. His Mini Van?

A;. Yes.

Q. Do you remember what time it was that he left?

A. No.

Q. Was it in the morning or afternoon or can you say?

A. It was early afternoon.

Q. Sorry?

A. Early afternoon.

- Q. When was the next time you saw him?
A. On the Saturday.
- Q. Do you remember what time that was, the next time you saw him?
A. Between 10.30 and 11.
- Q. In what circumstances did you next see him, where was he?
A. Back at the house.
- Q. You saw him back at the house?
A. Yes.
- Q. What was he doing when you next saw him?
A. Oh well, I had just dropped off the car with Kerrie and came back and then I went off again.
- Q. And he was just at the house, was he?
A. Yes.
- Q. What was he doing, do you remember?
A. I don't know, I just dropped her off and went.
- Q. But he was just there?
A. Yes.
- Q. Did you see what happened to Kerrie after Ian Jones had left on the Friday, did you see her do anything? Did she leave the house at all?
A. On the Friday, yeah, she said she was worried about him and started looking for him.
- Q. Did you see her do anything? Did she leave the house?
A. Yes.
- Q. Do you remember what time she left the house?
A. Approximately six o'clock from memory, it is a long time ago.
- Q. How did she go, on foot or in the car?
A. No, caught a cab.
- Q. Caught a cab?
A. Yes.
- Q. What did you do on that Friday night, can you remember now?
A. On the Friday night?
- Q. Yes, the day that he left?
A. Went up to the leagues club.
- Q. What did you do, do you remember?
A. Had a few beers and played snooker.
- Q. Did you see Ian Jones around town at all?
A. No.
- Q. On that Friday night? Did you ever talk with him about where he was?
A. No.

Q. Did he ever tell you where he was?

A. No.

Q. This Mini, it was a Mini Minor?

a. That is right.

Q. Did you know the person who had it before Ian Jones?

A. Yeah.

Q. Had you seen it in this other person's possession before Ian Jones had it?

A. Yes.

Q. Did the accused after he got the vehicle ever tell you anything about it, what had happened to it?

A. He said he loaned it to a mate and he had written it off.

Q. When did he tell you that? That was obviously after he went off in it?

A. That is right.

Q. But do you remember when, when he told you?

A. Approximately a week later.

Q. Did you ever see it again?

A. No.

Q. How did the vehicle look to you, the appearance of it?

A. It was in average condition for its age.

Q. Did you ever drive it?

A. Yes.

Q. How did it appear?

A. Quite good.

Q. (Mfi 9 shown). Just look at that jacket please. Do you recognise that jacket at all?

A. Yes.

Q. Where have you seen it before?

A. In Ian's -

Q. With Ian?

A. As far as I knew it was Ian;s.

Q. Did you see it about the house?

A. Yes.

Q. Did you see Mr Jones wearing it at any time?

A. Yes.

Q. Did you see anyone else wearing it?

A. No.

CROSS-EXAMINATION:

FINNANE: Q. On 5 May, that is the Friday I think, you say he left early in the afternoon, could that be say 3.30 or so?

A. No.

Q. 2.30?

A. No.

Q. 1.30?

A. No.

Q. What do you mean by early in the afternoon?

A. 12.30.

Q. Was this after you got home from work?

A. No, I wasn't working at the time.

Q. You weren't working at all?

A. No, it was a day off.

Q. And the car that you have mentioned was a fairly old car, wasn't it?

A. Yes.

Q. Did you help at all to fix it up?

A. Yes.

Q. What sorts of things were being fixed up on it?

A. The carburettor was playing up a little bit and we fixed that.

Q. Who took part in fixing up the carburettor did Mr Flower help you?

A. No, he wasn't there.

Q. When you say it was playing up, was it causing trouble as you were going along in the car?

A. No, still went along pretty well.

Q. What sort of trouble did it have, did it just cause you to stop?

A. No, it just needed some work on it, that was all.

RE-EXAMINATION:

CROWN PROSECUTOR: Q. Can you remember when that work was done on the vehicle, was that before or after the time he had gone off in it?

A. Before.

WITNESS RETIRED AND EXCUSED

BRIAN JOHN TOWNSEND
Sworn and examined:

CROWN PROSECUTOR: Q. Is your full name Brian John Townsend?

A. Yes.

Q. Do you have a nickname? A. Yes.

Q. What is your nickname?

A., Whippet.

Q. That was your nickname in. 1989?

A Yeah.

Q. Do you know the accused before the court, Ian Jones?

A.. Yes.

Q. Can you remember when you met him?

A. Yes, it was early April.

Q. In ?

A. April.

Q. What year ?

A. 89.

Q. Whereabouts did you meet him, do you remember?

A. In Upfold St, Bathurst.

Q. Is that Ron Flower's house?

A. No, in my house.

Q. In your house?

A. Yes.

Q. You live at -

A. [REDACTED] Upfold St.

Q. Did you have a motor vehicle in 1989?

A. Yeah.

Q. What sort of motor vehicle?

A. I had three or four of them.

Q. Did you have a Mini?

A. Yes.

Q. What colour was it?

A. Green.

Q. Do you remember the registration number now?

A. No, not really, OWW- no, I am not sure of the number.

Q. What sort of Mini was?

A. Mini panel van.

Q. Did you do anything with that motor vehicle?

A. In which regard?

Q. Did you sell it?

A. Yes.

Q. To whom did you sell it?

A. Ian Jones.

Q. Do you remember when you sold that to him?

A. Yes, it was about a fortnight after I met him I suppose, round about middle April.

Q. Do you remember how much?

A. \$500.

Q. How was the car, the Mini panel van, when you sold it to him, what condition?

A. The car was in reasonable condition but the carburettor and that was playing up on that, it needed work doing on the carburettor.

Q. What did you do with that motor vehicle before you sold it to Mr Jones?

A. In -

Q. What sort of trips did you take in it?

A. Oh, I used to have a salesman used to drive it around selling Katcher.

Q. What is that?

A. Hot washes, vacuum cleaners, stuff like that.

Q. Can you spell that?

A. K-a-t-c-h-e-r.

Q. Is that a brand name?

A. Brand name for Katcher, industrial equipment it is.

Q. A salesman used to use that?

A. Yeah.

Q. Did you ever meet Ian Jones' girlfriend Kerrie Stanton?

A. Yes.

Q. Do you remember when you first met her?

A. Yes, it was round about middle, not long after I had met Ian.

Q. Did she ever come to your place?

A. Yes, once.

Q. Was she with somebody or by herself?

A. No, she was by herself.

Q. Do you remember the time of the day it was?

A. It was three or four o'clock in the evening, it was in the afternoon.

Q. What day it was?

A. Yes, I think it was on a Saturday.

Q. Did you ever have a conversation with the accused about his movements?

A. No.

Q. Any places that he ever went to?

A. Only he told me he had been to Orange.

Q. When did he tell you that?

A. Well, Kerrie came up home. She said they'd had an argument or whatever, I don't know. Kerrie came up home and asked me did I know where he was. I said I didn't have a clue. I didn't know where he was. A couple of days later I saw Ian and he told me he had been to Orange.

Q. Did he say how he'd got to Orange?

A. No.

Q. Did Ian Jones ever tell you what happened to his car, the car that he bought from you?

A. No.

NO CROSS-EXAMINATION.

WITNESS RETIRED & EXCUSED

(Her Honour gave the jury the usual warning.)

ADJOURNED TO FRIDAY 28 AUGUST 1992 AT 9.30 AM.

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