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LD:JH:TJT:MC 4

THE SUPREME COURT
OF NEW SOUTH WALES
CRIMINAL DIVISION

MATHEWS J

And a jury of Twelve.

70162/90 - REGINA -v- IAN STUART JONES

WOLLONGONG: FIFTH DAY: FRIDAY 28 AUGUST 1992.

IN THE ABSENCE OF THE JURY:

(Mr Finnane referred her Honour to the witness Mainhardt's statement and advised he objected to the works appearing in the brackets. The Crown Prosecutor advised Mr Finnane that the witness had been involved in a discussion with the accused and her future husband would be giving evidence about that discussion, further that the words in the brackets will not be pressed.)

(Mr Finnane advised he had no objection to the record of interview.)

(Errata noted.)

IN THE PRESENCE OF THE JURY:

MATTHEW PATRICK BENDT
Sworn and examined:

CROWN PROSECUTOR: Q. Constable, is your full name Matthew Patrick Bendt?

A. Yes, it is.

Q. You are a plainclothes Constable of Police?

A. Senior Constable of Police.

Q. Are you still attached to the Crime Scene Unit of the Physical Evidence section at Sydney?

A. I am attached to the Documents Section in the Physical Evidence Section, Sydney.

Q. About 9.30 am on Sunday, 31 December 1989 did Det Const Plotecki hand you a number of items?

A. Yes, he did.

Q. Those items were items of clothing?

A. They were.

Q. Do you remember what you did with those items?

A. I typed up a, I think I typed up a receipt for Det Plotecki and then I placed the clothes in an exhibit room, locked exhibit room at the back of our Crime Scene Unit.

Q. Who has access to that exhibit room?

a. Just the members of the Crime Scene Unit.

Q. Was Det Plotecki a member of the Crime Scene Unit?

A. No.

Q. If he wanted an exhibit how would he get an exhibit?

A. He would have to ask the officer in charge in the Crime Scene Unit to get any items. He can't come in because there is a locked security door in our section.

Q. Would there be any record kept of any movement in our out of any items that were kept in that room?

A. Yes there would.

q. Do you remember the items that he gave to you?

A. As far as I can remember there was a blue spray jacket, a blue jacket, a couple of black T shirts, a pair of socks I believe, a black Karate type suit jacket. That's all I can recall from memory.

Q. But they were detailed on that document?

A. They were, yes.

Q. Is Detective or Constable Khoudair a member of your section?

A. Yes he is.

Q. He would have access to that room?

A. Yes.

NO CROSS EXAMINATION.

WITNESS RETIRED.

SIDNEY ARTHUR WILLIAM CARTER

Sworn and examined.

CROWN PROSECUTOR:Q. Is your full name Sidney Arthur William Carter?

A. That is correct, sir.

Q. You are a Sergeant of Police ?

A. I am, sir.

Q. Stationed where?

A. At Bathurst.

Q. On 27 November 1990 did you hear a conversation between the accused and a woman called Kerrie Stanton?

A. I did sir, yes.

Q. That was at the Court House at Bathurst?

A. That is correct, yes.

Q. Can you remember what the accused said?

A. He said in a loud tone of voice, "You dopey bitch, why did you let that fellow from Homicide into the bedroom for?" or words similar to that.

Q. Did she say anything to that?

A. She attempted to calm him down by saying, "I'm sorry, calm down."

Q. Did he say anything else?

A. Again, he reiterated she should not have let him into the room but exact words, I have committed to memory, sir.

Q. Did you make a statement that same day?

A. I made a statement that day, sir.

Q. Do you wish to refer to that statement, do you?

A. Certainly, yes.

(Crown Prosecutor asked that the witness be able to refer to his statement: no objection by Mr Finnane.)

Q. Do you have a copy with you?

A. Yes, I have a copy. (Witness referred to statement.) Yes.

Q. Have you seen the conversation that is recorded?

A. Yes, in par 5.

Q. What was said by the accused and what said by Miss Stanton?

A. I apologise to the court, there is offensive language in the statement.

Q. Well, just say it?

A. He said in a loud tone of voice, "What the fuck did you let that bastard from Homicide into the bedroom for?" She attempted to calm him down and said "Calm down, I'm sorry." I then heard him again say in a loud tone of voice, "You dopey bitch, you should never have let him in our place. All because of you I'm in all this shit." I then had a conversation with Const Taylor.

Q. You then spoke to both Miss Stanton and the accused?

A. I did, yes.

Q. And said in fact, "You should not be discussing this matter with Miss Stanton."

A. That is correct, yes.

Q. Were you shown a map outside the court this morning?

A. No, I have just arrived.

Q. Would you just have a quick look at that. (Shown document)

A. Yes that is a map of Bathurst.

Q. Do you know Upfold Street in Bathurst at all?

A. Yes, sir.

Q. Can you see it on that map? It doesn't matter. That looks like a fair representation of Bathurst, does it?

A. It is, yes.

Q. The town plan of that?

A. That is correct, sir.

MAP OF BATHURST MFI 11.

NO CROSS EXAMINATION.

WITNESS RETIRED.

ROBERT GOETZ

Sworn and examined.

CROWN PROSECUTOR:Q. Is your full name Robert Goetz?

A. Yes it is.

Q. You are a Forensic Biologist with the Department of Health, New South Wales?

A. That is correct.

Q. You work at the Forensic Biology Laboratory, Division of Analytical Laboratories, 42-50 Parramatta Road, Glebe?

A. Yes I do.

Q. Do you hold the degree of Bachelor of Science Honours at the University OF NSW?

A. That is correct.

Q. How long have you been with the forensic biology laboratory?

A. Approximately seventeen years.

Q; Virginia Friedman is a forensic biologist at the same laboratory?

A. Yes she is.

Q. You tested five cigarette butts, is that correct?

A. I need to refer to my notes.

(Leave granted for the witness to refer to his notes).

WITNESS: I tested six cigarette butts.

(Mr Finnane advised he had no objection to leading).

CROWN PROSECUTOR: You tested them on 18 May 1990?

A. It would have been approximately around that date.

Q. What did you actually attempt to do?

A. I attempted to look for ABO substance from the saliva on the cigarette butts.

Q. What is ABO substance?

A. Everybody in the population is one of four ABO groups, they are either A, B, O or AB. Now, if a person also, also a person could be a secretor. In other words in their body fluids such as their saliva, in their semen in their vaginal fluid, you would find their ABO blood group substance. So a person who is group A in their blood, if he is A, he or she is a secretor, will have A substance in their body fluid.

Q. Not necessarily would a person secrete that substance?

A. That is correct. Approximately 20 per cent of population are termed non-secretors. In other words in their body fluids you will not find there ABO substance at all.

Q. Did you find any ABO substance with any of the cigarette butts that you tested?

A. No I didn't.

Q. You know that Virginia Friedman has prepared some certificates?

A. Yes, I am aware of that.

Q. She has prepared a chart and she refers to blood groups system and HP, PGM, GC, EAP?

A. That is correct.

Q. Could you tell the court what all that means?

A. They are four totally different blood groupings systems. Earlier I referred to the ABO system which is probably one that most people are aware of. These other four systems that you have referred to in the table are systems commonly used in the forensic field because they are, they work well with blood stains.

HP is a protein found in the serum of a person's blood. It is found in three common types, A2-1, A2 and A1.

A PGM system is an enzyme found inside the red blood cell. Again it is commonly used in the forensic field and it is totally independent of any of the other blood group systems. It is found in ten different types.

The GC system again is a serum protein. It is found in six different types. Again it is totally independent of all the other blood group systems in that table.

The EAP system is a red cell enzyme, again found inside the red blood cell and again is found in six different types.

Q. (Counsel approached) You will see that table there prepared by Mrs Friedman?

A. Yes.

Q. She has indicated in some parts of the table, in one part a double asterisk and in other parts a single asterisk, is that correct?

A. That is correct.

Q. What does that mean when she has put in a double asterisk?

A. Double asterisk is where she would have attempted the test but the test proved unsuccessful. A single asterisk is where there is insufficient blood to try those further tests.

Q. When you say unsuccessful, what does that mean, that particular blood group system is not indicated?

A. In the method that we used there was no result that would have been obtained that was of a sufficient standard to be reportable in the court.

Q. Just going through the table. You have Hp with all the items being the same, is that correct?

A. That is correct.

Q. So each one of those had the same, is it blood group system Hp?

A. That is correct.

Q. The next one, PGM, there are three that are the same, 2 + 2-, correct?

A. Yes, that is one of the types of PGM.

Q. And there are other ones indicated, 1+ 1- 1+, is that correct?

A. Yes, that is two different blood group systems. One of the people who left the blood there had a PGM 1+ and minus, the other person was a PGM 1+.

Q. With the GC there is 1F, 1S- 1S, is that correct?

A. Yes. The 1F 1S is indicating for one person's blood a different type from a 2 1S which indicates the blood is different to the 1F 1S blood.

Q. In the EAP they are all, the ones that have come up are BA, all the same?

A. That is correct.

Q. Can we conclude from this table that the blood taken from Hughes, 2-1, 2+2-1F-1S and then BA is the same as the item which is listed number 3, is that correct?

A. It is the same in the blood grouping system as item 3, yes, that is correct.

Q. That indicates that the blood found on item 3 could have come from the man Hughes?

A. That is correct.

HER HONOUR:Q. Does that indicate what proportion of the population would have that blood grouping?

CROWN PROSECUTOR:q. No, your honour; Can you say?

A. Yes, I did a calculation earlier and that is approximately one in 1700 of the population.

Q. Where you have got 2-1 2+ - perhaps for brevity, referring to item 2 there was no EAP system brought up but otherwise it was the same as Hughes - that is item 2?

A. Yes, it was the same in 3 system as that of Hughes.

Q. What about percentage of population?

A. Because we did not get the EAP system, it drops the population system down to approximately 1 in 800 of the population.

HER HONOUR:Q. So it is very likely that it is from the same person?

A. Yes.

CROWN PROSECUTOR:Q. So, item 2 appears to have had the blood of Hughes on it, is that correct?

A. That is correct.

Q. Item 5 has a different PGM from Hughes?

A. That is correct.

Q. So, that excludes item 5 as being the blood of Hughes?

A. That is correct.

Q. The same with item 6?

A. Yes.

Q. And the same with item 7?

A. Yes.

Q. We have here some blood from Hill, Aaron Hill, is that correct?

A. That is correct.

Q. He was blood grouped, is that right?

A. Yes, he was.

Q. But there is no other item which matches that of Aaron Hill on the chart?

A. Item 7 - no, I am sorry, you are correct. You are correct, there is no other blood group that could have come from Hill.

Q. So, there was no blood on any of those items which could have come from Hill?

A. That is correct.

Q. I show you another certificate of Virginia Friedman. (Shown) She says that she examined various items, do you see that?

A. Yes.

Q. They are I think a piece of carpet, seat belt and overcoat and windcheater?

A. Yes.

Q. She said, "Human blood type PGM 2+1+ was detected on area 5 of item 12." which is the overcoat?

A. Yes.

Q. "Presumptive tests for blood were positive on areas 1 to 4 of item 12?"

A. Yes.

Q. On the chart which she had earlier prepared relating to the blood sample of Hughes and Hill 2+1+ does not appear, is that correct?

A. That is correct. That blood must come from a different person than anybody on that table.

Q. So it did not come from Hughes or Hill?

A. That is correct.

Q. When she said "Presumptive tests for blood were positive on areas 1 to 4", what does that mean?

A. The initial test that is used for the detection of blood is just a presumptive test. It is a screen test used to determine which stains require further examination.

In that situation where she analysed the blood she would have got a presumptive test of blood that was positive. However, the next step of confirming that that stain was actually blood was unsuccessful.

Q. (Counsel approached). I just show you this jacket mfi 9. I just show you an area there and there is a red ring and there is Roman numeral 3?

A. Yes.

Q. Is that something that somebody like you would put on that jacket?

A. Yes.

q. Mrs Friedman could have done that?

A. It is consistent with someone in our laboratory doing some thing like that, yes.

Q. There is Roman numeral 2 there?

A. Yes.

Q. Again is it consistent with Mrs Friedman having tested that area?

A. That is correct.

CERTIFICATED DATED 19 FEBRUARY 1990, FORMERLY MFI 8 AND TWO CERTIFICATES DATED 6 JUNE 1989 AND 21 MAY 1990 FORMERLY MFI 6 TENDERED. ADMITTED WITHOUT OBJECTION AND MARKED EXHIBIT N.

Q. The six cigarette butts that you tested, do you know the origin of those six cigarette butts, where they came from?"

A. Where I got them from?

Q. Yes?

A. I got them out of the freezer.

Q. Do you know where they came from, do you have any idea of the source of those cigarette butts?

A. Only from the notes that Mrs Friedman made.

Q. What did they indicate to you?

A. They were in a plastic bag that was labelled "cigarette butts from an ashtray in unit" and the different cigarette butts had markings on them from which brand they were, if that is of interest.

Q. Well, have you seen the certificate of Virginia Friedman which indicates she received five butts?

A. Yes, I have.

Q. You tested six?

A. Yes, I did.

Q. Can you explain the difference?

A. Yes, there were five cigarette butts with filters on them and there was one, what looked like a hand rolled cigarette butt which she described as a possible cigarette butt. I have listed those as six cigarette butts.

Q. What were the ones which were branded, what were the types of cigarettes?

A. Two were Winfield, one was a Dunhill, the two others were not legible at all and the sixth one was what looked like a rolled, hand rolled cigarette butt.

HER HONOUR: Members of the jury, you will have this exhibit but I think I should just quickly tell you - you probably really already have learnt everything significant that comes through them from the questioning of Mr Goetz but the first certificate is from Virginia Friedman.

(Exhibit M read to the jury.)

NO CROSS-EXAMINATION:

WITNESS RETIRED

KATJA MARIA SCRUTON

Sworn and examined:

CROWN PROSECUTOR: Q. What is your full name Katja Maria Scruton.

Q. You are an officer with the St George bank?

A. With the St George bank; at the time of making the statement I was an investigations officer but now I am an administration officer.

Q. It was formerly the St George Building Society until some time this year?

A. 1 July.

Q. (Witness shown MFI 1) Do you recognise that type of book?

A. Yes, I do.

Q. Is that a typical pass book issued by the St George Building Society?

A. Yes, at the time, yes.

Q. (Approached) This is the sort of pass book which was on issue in 1988/1989, is that correct?

A. Yes.

Q. If you look inside that book you see a number of entries, is that correct?

A. Yes.

Q. Do you understand what is indicated by those entries?

A. Yes.

Q. How long have you been with the bank, formerly the Society?

A. Five years.

Q. Where it is indicated "CSH", what does that mean?

A. That is a cash deposit.

Q. Cash deposit on the date that is indicated?

A. Yes.

Q. There is a reference, what does that mean?

A. That is the cashier number. Every cashier has a teller number.

Q. And then there is the amount and then the balance?

A. That is right.

Q. There is an asterisk beside one entry, do you know what that would indicate?

A. I'm not exactly sure but I think that might have been when the terminal was off line then the computer only works like a calculator.

Q. Then we have "INT" meaning interest, I suppose?

A. Yes.

Q "FID" one of the Government taxes?

A. Yes.

Q. We go down, there is an entry, "WDC", what does that mean?

A. That is a cash withdrawal.

Q. The amount is indicated as \$500.00 then a minus?

A. Yes.

Q. Indicating the debit?

A. The withdrawal, yes.

Q. Go down to an entry "1937987999", that seems to indicate a withdrawal?

A. Yes, a cheque withdrawal and that gives the cheque number.

Q. Would that be a cheque of the Society?

A. Yes.

Q. So somebody could go in and get a cheque from the Society for that amount?

A. Yes but you have to be an account holder to actually get a cheque from the building society at that time.

Q. And again an entry for 21 April 1989. There is another long series of numbers. That indicates another cheque was issued by the Society does it?

A. Yes.

Q. And "FDX duty" is in there?

A. The duties, the State duties.

Q. Does that book indicate that any other subsequent book was issued?

A. No, not subsequent book was issued.

Q. If a subsequent book had been issued what would have happened to this book?

A. I believe it would have been stamped "cancelled"

Q. The last entry entered 21 April 1989 indicates that there was still a balance in the account?

A. Yes.

Q. Can anyone go in and get another book to replace this book once there have been no other entries able to be put into a book?

A. They would be asked a series of questions by the cashier, like the date of birth or the password, those sort of questions, identification.

HER HONOUR: Q. What about to get a cheque to draw on that what would they have to do?

A. From that particular book?

Q. Yes.

A. They would have to just complete the withdrawal form and sign.

Q. And the signature would have to correspond?

A. That is right, with the black light signature.

CROWN PROSECUTOR: Q. Would there be a signature in this book?

A. Yes, there may be, I'm not sure where they put it. Cashiers vary, you know, where they put the signature. It is usually in the front cover.

Q. Somewhere in that area (Indicated).

A. Yes.

Q. Is there any indication on the book that there is a signature on the book?

A. No, that is the whole idea of it.

Q. It is a black light signature?

A. That is right.

Q. So the teller would just slip that part of the book under the black light?

A. That is right.

Q. And it should bring up a signature?

A. Yes.

NO CROSS-EXAMINATION:

WITNESS RETIRED & EXCUSED

LEONIE MAINHARDT

Sworn and examined?

CROWN PROSECUTOR: Q. is your full name Leonie Mainhardt?

A. Yes.

Q. You were formerly Leonie Flower?

A. Yes.

Q. You were married to Ronald Flower?

A. Yes.

Q. You are now separated?

A. Yes, divorced.

Q. Do you remember one time you were living at [REDACTED] Upfold Street, Bathurst?

A. Yes.

Q. Do you remember when you commenced living there?

A. Just before I got married.

Q. Who was living there in the house?

A. Lance Dodd, Ian Jones and Ian's girlfriend now and then, Kerrie Stanton.

Q. Do you remember when you were married, the date?

A. The 6th of May 89.

Q. You left Bathurst to go down to Sydney to be married?

A. Yeah.

Q. Do you remember what day it was that you went down to Sydney?

A. It might have been the - to get married?

Q. Yes?

A. The Thursday or the Friday, we got married on the Saturday.

Q. Do you remember whether Kerrie Stanton was there when you left Bathurst?

A. I don't think so but she was there when we got back.

Q. Did you have a conversation with the accused Ian Jones before you went down?

A. We just asked Ian if he would like to go to the wedding.

Q. You were involved in the conversation, Ron and the accused?

A. Ron told me that he asked Ian -

Q. But were you present?

A. No.

HER HONOUR:Q. We can only have any conversation between yourself and Mr Jones, nothing that you were told by anybody else, only a conversation that you yourself had?

A. OK, I asked him if he was coming and he said he couldn't afford it.

CROWN PROSECUTOR:Q. Was there any talk about money?

A. Just that he couldn't afford - um

Q. Lending money?

A. Ron said that he would give him some money.

Q. Was that in your presence?

A. Yeah.

Q. What did the accused say to that?

A. I think it was something to the effect of, like this was ages ago, he had already owed somebody some money or some people some money, whatever, something like that, couldn't do it.

Q. Did he tell you that he was coming to the wedding?

A. No.

Q. He told you he wasn't coming?

A. Yes.

Q. Do you remember when it was that you first met Ian Jones?

A. In one of the hotels in Bathurst.

Q. Before he moved into the house?

A. Yeah.

Q. How long was he living there when you were there?

A. A couple of months.

Q. Did you ever see him chopping wood?

A. Yeah, yeah, he did that a lot actually. He did quite a bit of that.

Q. Did you ever see him watching television?

A. Yeah.

Q. Did you ever see anything unusual on any occasion when he was watching television?

A. He would just sit and go to sleep and perspire something chronic.

Q. What do you mean by that?

A. That was two or three times. It wasn't due to - -

OBJECTION.

Q. Had he been chopping wood?

A. No. I was just going to say it wasn't because, due to chopping wood, from chopping wood.

Q. How many times did you see him perspire like that?

A. About two or three times.

Q. In front of the television?

A. Yeah, just falling asleep.

Q. Did you ever see him with a motor vehicle?

A. Yeah, he had a Mini panel van.

Q. Did you ever talk with him about that vehicle?

A. I used to laugh at him in it because he was such, he's such a big man and he looked really funny in this little panel van.

Q. Did he ever tell you what he did with that car?

A. Drive it to work.

Q. He used to drive it to work?

A. Yeah.

Q. Did you ever ride in it yourself, that van?

A. No, no.

Q. Did you see how it used to go when he was driving it?

A. Pretty fast.

Q. Did it sound okay?

A. Yeah, yeah, I know nothing about cars but it sounded all right.

Q. Do you know where he worked?

A. He was a labourer at some company.

Q. Did he ever tell you anything else about the car, what he used it for?

A. No.

Q. Did he ever tell you he had been away in the vehicle?
A. No.

Q. Did he ever talk about going out of Bathurst on any occasion?
A. He worked, his new job, he worked about an hour, I think about an hour out of Bathurst.

Q. How did he get there, do you know?
A. Drove the car.

Q. Did he tell you about going anywhere else?
A. No.

Q. Whilst he was living there?
A. No.

Q. Going out of Bathurst?
A. Except to work, no, apart from - -

CROSS EXAMINATION.

FINNANE:Q. Did you have a log fire in this home?
A. Yeah.

Q. You often saw him chopping wood?
A. Yeah, he did quite a bit of that actually.

Q. He did this quite vigorously, did he?
A. Yeah, yeah, it's not exactly easy to chop wood, is it.

Q. Pardon?
A. It's not easy to chop wood.

Q. He seemed to enjoy the wood chopping?
A. Yeah.

WITNESS RETIRED & EXCUSED.

BELINDA ANN HARVEY
Sworn and examined.

CROWN PROSECUTOR:Q. Is your full name Belinda Ann Harvey.
A. Yes.

Q. Are you still with Budget Rent a Car?
A. No, I am no longer there.

Q. Were you with Budget Rent a Car in May 1989?
A. Yes I was.

Q. Would you look at this document which is mfi 10?
Do you recognise that document?
A. Yes.

Q. Is there any of your handwriting on that document?
A. The whole thing just about is my handwriting.

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Q. Did you hire a car out to Kerrie Stanton?

A. Yes.

Q. On 3 May?

A. Yes I did.

Q. What time was that?

A. It says here "1630", 4.30 in the afternoon.

Q. She signed the document?

A. Yes she did.

Q. It was a white Commodore?

A. It hasn't got the colour here, I can't remember but it was a Commodore sedan.

DOCUMENTS BEING MFI 10 TENDERED: ADMITTED AND MARKED EX 0.

Q. Where did you get that information from that it was checked in, where would that have come from?

A. We ring the Bathurst office after it has been returned there and they fill in a similar agreement at their office.

Q. Did you have a phone call with somebody regarding Kerrie Stanton?

A. Yes.

OBJECTION.

Q. Did you receive a phone call on the Friday, 5 May about 11 o'clock?

A. Yes, I did.

OBJECTION. EVIDENCE NOT PRESSED.

Q. Did you see Kerrie Stanton again?

A. She returned the car, a different car back to our office some time later towards the end of May.

Q. Do you remember the date that was?

A. I think it was about the 20th or the 23rd.

Q. You were present when the car was returned?

A. Yes, I was. I actually booked the car back in again.

Q. Was she with anyone?

A. She was with a gentleman.

Q. With a gentleman?

A. Yes, he did not come into the office, he stayed out the front.

Q. You saw him vaguely.

NO CROSS-EXAMINATION:

WITNESS RETIRED

ALAN KEITH MITCHELL
Sworn and examined.

CROWN PROSECUTOR:Q Mr Mitchell what is your full name?
A. Alan Keith Mitchell.

Q. Are you still manager of Mitchell Plant Hire?
A. Yes, I left for a little while and went back again. I am manager again now.

Q. Were you the manager in March 1989?
A. Yes.

Q. Do you remember the accused, Ian Stuart Jones?
A. Yes.

Q. Do you remember when you met him, what date it was?
A. Not actually - I don't actually remember the date but I remember when he first started work with us.

Q. What was he doing, what was his job?
A. He was a back hoe operator.

Q. Do you remember when he commenced work with your firm?
A. Not the actual date, no.

Q. He was with your firm for a time, is that correct?
A. Yes, I would say two to three months.

Q. Do you remember the date when he left, what date it was that he finished up?
A. It was around about the middle of May sometime.

Q. 1989?
A. Yes.

Q. Where is Mitchell Plant Hire or where was it in 1989 in March and May?
A. 6 Vale Road, Bathurst.

Q. Is that in the Bathurst town area or city area?
A. Just on the outskirts.

Q. Did you see how he used to come to work, Mr Mitchell?
A. Yes, he used to walk or sometimes he would be in a cab.

Q. Did you ever see him drive a motor vehicle?
A. Not of his own, no.

Q. (Witness shown document). Do you recognise that document, Mr Mitchell?
A. No, I don't. That would be the accountant.

Q. (Witness shown book). Do you recognise that book?
A. Yes.

Q. (Counsel approached). What do you recognise this book as Mr Mitchell?
A. That is a diary kept of when the men come in of a morning we write their names in and tick them off if they come in or we put

a cross against them if they are not in, if they are not at work or if they start early or finish late.

Q. Do you remember how Mr Jones was referred to in this book?
A., Just as Ian, I would say.

Q. Do you see an entry for 22 March, there is an Ian indicated?
A. That would be Ian.

Q. Whose writing is that?
A. That is mine.

Q. He is indicated as being there on 23 March, Ian with a tick?
A. Yes.

Q. He does not appear to have been with you prior to that?
A. Prior to that, no. That must have been when he started.

Q. You think that is when he started with you, 22 March?
A. 22 March.

Q. He appears again on 28 March, we have the Easter Holiday intervening?
A. Yes.

Q. So, you see Ian mentioned a number of times, right?
There is one day, "Ian not in" is that correct?
A. That is right, yes.

Q. That is in April?
A. There is one there, "Not in".

Q. I will just take you to 3 May - he was there?
A. Yes.

Q. 4 May he was there?
A. Yes.

Q. 5 May, "Ian not in"?
A. Not in.

Q. Without reading the notation - there is a notation relating to him on the 17th?
a. Yes.

Q. The 18th of May?
A. Yes.

Q. He does not appear after that, is that correct and his name just does not appear in the diary?
A. No, he would have finished there.

BOOK MFI 12.

Q. The accused seldom worked weekends, is that correct?
A. Not everyone works, no. It is only one or two or three sometimes.

CROSS-EXAMINATION:

FINNANE: Q. Did you ever see the time sheets for the employees?
A. Yes.

Q. Can you recollect meeting Ian's girlfriend?
A. Never. No, I can't remember. I can't remember at all.

Q. (Counsel approached) That is a time sheet for the week ending 10 May 1989?
A. Yes.

Q. That shows on the Thursday from 7.30 until 2.30?
A. Yes.

Q. On Friday what, sick?
A. Yes.

Q. Do you recollect on the Thursday at 2.30 Ian introducing you to a woman called Kerrie Stanton?
A. No I can't.

Q. Do you recollect on the Friday Ian actually coming to work? Do you remember anything about that Friday - I know it is only one Friday in three or four years?
A. No, I can't remember it at all.

Q. Do you remember, for example, whether it was wet or dry?
A. I wouldn't know.

Q. Wouldn't have a clue. Can you remember him coming in about ten to seven and saying to you in effect: Well, the weather is bad, can I clock off for the day?
A. No, I can't remember that. I doubt it would be about ten to seven. It would probably be about 7.30 which was our starting time.

Q. The normal starting time is about 7.30?
A. Yes.

Q. Is it the position that he could have come in and left - you just have not any memory?
A. I could not say, no. We have up to 20 people working there. I can't remember that far back.

Q. All you know is that you had to make a notation he was not in that day?
A. That is right.

Q. On the time sheets he was put down as being sick?
A. Well -

HER HONOUR: Q. Well, if he had come in and said, "The weather is bad, can I take off for the day?" What notation would you have made?
A. I just put "Not in", that is all.

FINNANE: Q. Was he working as a casual labourer or a permanent employee?
A. Casual.

Q. Was he entitled to any sick pay?

A. As a casual, no, he wouldn't be.

Q. So, if he came in and said, "Look, I'm not feeling the best," you could put "sick", you could put "not in" and it would not make any difference to his wages what you put, would it?

A. No, it wouldn't, no.

Q. Because he only got paid if he was there?

A. That is right.

Q. He only got full pay if he was there for a full day; if he worked part of a day he only got part pay?

A. Yes.

Q. So, the day before Thursday where it has 7.30 to 2.30, for that day he would only be paid part of a day's wages?

A. Yes.

Q. The normal working day was 7.30 to 4.15?

A. 4.15.

TIME SHEET MFI 13.

Q. (Counsel approached with MFI 13) This writing on the time sheet, whose writing is it? Is any of it yours at all?

A. I don't know. I would say it probably would be Ian's.

Q. So, the word "sick" could well be what he wrote on the time sheet?

A. Yes, the men usually write their own time sheets out.

Q. They write them out themselves?

A. Yes.

Q. He undoubtedly signed at the bottom there, did he not?

A. Yes.

Q. But the other writing on it, "Received payment in full for wages above and reimbursement of travelling claimed above", that was written by someone else?

A. Yes, that is a photocopy. That would be the original from years back.

Q. So, the system is that you have a blank sheet which has been photocopied from years ago?

A. Yes.

Q. With somebody having written headings and things like that?

A. Yes.

Q. But the men actually filled in, for example, he would have filled in his own name that he was an employee?

A. Yes.

Q. He would have made each of the entries on the page?

A. That is right, yes.

Q. And then signed it at the end?

A. Yes. The only time is if someone is working away and they will ring in their times and we could fill it out ourselves.

RE-EXAMINATION:

CROWN PROSECUTOR: Q. When did you normally start your work Mr Mitchell?

A. I usually start around about quarter to seven of a morning.

Q. So, you could be there from quarter to seven onwards at the firm's premises?

A. Yes.

WITNESS RETIRED

KENNETH HARDING

Sworn and examined:

CROWN PROSECUTOR: Q. Mr Harding, is your full name Kenneth Harding?

A. It is.

CROWN PROSECUTOR:Q. You were employed by Mitchell Plant Hire as an accountant, is that correct?A. Yes.

Q. Are you still with them?

A. No.

Q. When did you commence with Mitchell Plant Hire?

A. About the end of March.

Q. 1989?

A. Yes

q. You maintained the pay sheets of the employees and ensured that they were correct for wage payments?

A. That is correct.

Q. Did the pay sheets mean the time sheets or something else?

A. The original document was the time sheet and the wages and payroll were prepared off those.

Q. Who completed the time sheets?

A. On this particular time sheet?

Q. Yes?

A. The employee, they put their own hours on the time sheet. On this particular one the date was written by me and the total hours down the bottom was written by me for calculating wages.

Q. Would you look please at document mfi 13? Do you recognise what that document is?

A. That is Ian Jones' time sheet.

Q. In whose handwriting is that document?

A. The date where it says "Week ending" is mine and this figure down the bottom is mine. The actual hours, the name and the signature are not mine.

Q. You indicated a figure, is that 30 and a quarter, is that yours?

A. At the bottom yes and also the scribble is mine to where I obviously added it up wrong.

Q. You crossed out an original number and inserted another number?

A. That is right, yeah.

Q. But otherwise the handwriting is that of Ian Jones?

a. I couldn't say that but I do know it's not mine.

Q. Who normally -

A. The employees fill their own time sheets out on a daily basis and at the end of the pay period they sign them.

DOCUMENT BEING MFI 13 TENDERED, ADMITTED AND MARKED EXHIBIT P.

Q. Can you say when Mr Jones finished up with your firm, can you remember?

A. It was about a week I think after that time sheet. He was there about eight or nine weeks. He started towards the end of March.

Q. You actually met him?
A. Oh yes.

NO CROSS EXAMINATION.

WITNESS RETIRED & EXCUSED.

KEVIN EDWARD DREVENSEK
Sworn and examined.

CROWN PROSECUTOR:Q. What is your full name?
A. Kevin Edward Drevensek. I am a Det Constable first class of police stationed at the NSW Fingerprint Section. I am a holder of a certificate of expertise in the science of fingerprints.

Q. How long have you been with the fingerprint section?
A. Five and a half years.

Q. (Mfi 1 shown). On 23 January 1990 did you receive that book from Det Plotecki?A. Yes sir, I did.

Q. Were you at a particular section when you received that book?
A. I was working in the Ninhydrin Section of the fingerprint section.

Q. Ninhydrin?
A. That is correct.

Q. What is the Ninhydrin Section?
A. Ninhydrin is a chemical that we use to develop fingerprints on paper, paper objects.

Q. What did you do after you received that book?
A. I conducted a fingerprint examination of the passbook by first of all submerging it in ninhydrin and I see if any prints developed on it or not.

Q. The whole book was submerged?
A. Yes.

Q. What is ninhydrin? How does it work?
A. Ninhydrin is a chemical that reacts with amino acids which are contained in perspiration. It just forms a purple compound known as rhumous purple which brings out the prints on paper.

Q. If there are any there?
A. If there are any there.

Q. Why might there not be fingerprints?
A. Well, there were no identifiable fingerprints. There were certain fingerprint impressions but none were identifiable.

Q. Why might there not be identifiable fingerprints then?
A. Well, they could be smudged, they could be superimposed, there might not have been full contact with the finger, possibly -

Q. A number of reasons?
A. A number of reason.

Q. You only obtained partial impressions?
A. That is correct.

Q. They were not suitable for identification purposes?
A. No, they were not.

Q. You returned the book to Det Plotecki on 26 March 1990?
A. Actually I have rechecked my records. I have made a typing error there. I returned the book on 15 March 1990.

NO CROSS EXAMINATION.

WITNESS RETIRED AND EXCUSED.

SHORT ADJOURNMENT.

IN THE ABSENCE OF THE JURY

(The Crown Prosecutor stated that in relation to the record of interview that Det Plotecki had with the accused there were some typographical errors and that some words had been omitted by the typist and that it was clear that some words were missing. He raised how the record of interview would be read and that firstly he would put to the detective that some words were said that had not made their way into the record of interview).

(Her Honour stated that she did not think anything could be done until after the document had been read).

(Mr Finnane stated that he was not challenging the record of interview).

IN THE PRESENCE OF THE JURY

GAVIN SCOBIE
Sworn and examined.

CROWN PROSECUTOR:Q. Mr Scobie is your full name Gavin Scobie?
A. Yes.

Q. You are presently serving a sentence, is that correct?
A. That is correct,yes.

Q. You are due for release in January next year?
A. That is right.

Q. You were sentenced when?
A. I think October 1990.

Q. That was for an offence known as deemed supply?
A. That is correct.

Q. You were found in possession of heroin?
A. Yes.

Q. You were a friend of the deceased man John Hughes?
A. Yes.

Q. Do you remember when it was you first met him?

A. About 1975, 74, 75.

Q. You had a lot of contact with him over the years?

A. Yes.

Q. You regarded him as a close friend?

A. Yes.

Q. You visited places where he lived?

A. Yes.

Q. You visited him at the flat in Greenknowe Avenue?

A. Yes.

Q. At flat [REDACTED]?

A. Yeah.

Q. How long had he been living there before he died?

A. Not very long, I don't know, couple of months maybe, two, three, maybe four.

Q. You were quite often there?

A. Actually, I was after he had been there, I didn't see him for a month or two and then I was in contact with him again and I was there once, maybe twice a week.

Q. You were aware that some other people were living or visiting John?

A. Yes.

Q. Living with him and visiting him?

A. Yeah, yeah.

Q. Did you come to know a person called Aaron Hill?

A. Yes.

Q. Was he living at the flat?

A. Yeah, he did for a time, actually I have known Aaron for a long time as well.

Q. You were aware that John Hughes was a homosexual?

A. Yes, yeah.

Q. You knew that John Hughes were a heroin user?

A. Yes, yeah.

Q. He was on a methadone programme at the time of his death?

A. Yes yeah.

Q. Did you ever see him use heroin?

A. Yes, yeah and he never used a needle, if that is important or not.

Q. How did he take that?

A. He used to sniff it.

Q. You are aware that he sold heroin?

A. Yeah.

Q. You have been present when he sold heroin?

A. Yes, yeah.

Q. How long before his death had you last seen him selling any heroin?

A. Actually he hadn't sold any for my knowledge for at least three months.

Q. Did you ever supply him with heroin?

A. Yeah.

Q. Was he jointly charged with you?

A. WE were both charged, yeah. I think it was separate incidents but -

Q. Both charged with supplying heroin?

A. Yes.

Q. Have you or did you ever see Aaron Hill using heroin?

A. Yeah.

Q. Did you ever meet a girl called Michelle Nicholas?

A. Yes.

Q. She was Aaron Hill's girlfriend?

A. That is right, yeah.

Q. Do you remember when it was the last time you saw the deceased man, John Hughes?

A. Yes, yes.

Q. ARE you aware of the day that he died?

A. Yes.

Q. How long before that?

A. Well two days or three days, depending on which way you look at it. It was the Wednesday, he died on the Friday.

Q. You saw him on the Wednesday, anyway?

A. Yes.

Q. Where did you see him?

A. At his place.

Q. What time did you go to his flat?

A. Actually I think I went there reasonably early, may be 7.30, about that sort of time and I left pretty late.

Q. 7.30pm and you left pretty late?

A. Yes, about 3 o'clock the next morning.

Q. That is the Thursday morning?

A. Yes.

Q. What were you doing whilst you were with him on that Wednesday night, Thursday morning, did you have a meal together?

A. No, not that night, no.

Q. Did you have any drinks with him or cups of tea or coffee?

A. Yes, yes.

Q. What did you have?

A. We had coffee, probably a few cups actually.

Q. You did not have anything to eat?

A. No, no.

Q. Did anyone else or was anyone else there?

A. Well yes, people came and went actually in the time I was there. There were people that came and went.

Q. Any people whom you knew?

A. Yes.

Q. Who was that then?

A. A person - look, I don't know his surname, Bruce, he was there for quite some time. Actually, I think he left about the same time as I did but also Aaron came in, Aaron and his girlfriend came in and left while I was there, and Greg, what is his surname?

Q. Greg West?

A. That is right, yes, he came as well.

Q. Did you receive an invitation from John to come back

A. Yes.

Q. When did you go back?

A. Friday night.

Q. What time did you arrive?

A. I don't know, about maybe seven o'clock.

Q. You were going out for dinner, is that correct?

A. No, we were going to his place for dinner actually, he was going to cook dinner.

Q. You arrived at the block of flats and what happened?

A. Well, I could not raise any reply on the intercom system.

Q. What did you do after you got no reply?

A. I think I went for a walk. I thought I might be able to run into him. I thought he might have been out buying groceries or whatever.

Q. You went for a walk, did you?

A. Yes.

Q. Did you go back?

A. Yes.

Q. What time did you get back?

A. Probably, let's say probably half an hour after I went for a walk; I went back to try again and the second time I went back Bruce who had also been invited for dinner that night, he was there.

Q. What was he doing?

A. He was trying the intercom.

HER HONOUR:Q. This was the Friday?

A. Yes.

CROWN PROSECUTOR:q. You don't know Bruce's second name?

A. No, I can't remember I am sorry.

Q. What did he look like

A Well a bit like an Arab, actually. I know that is a strange - but maybe - what is another - -

Q. Mediterranean?

A. Mediterranean, exactly, yes.

Q. Anyway, Bruce was there, you came up and what happened after that?

a. Well, then Bruce and I - actually, we went and had a cup of coffee because, you know, we just sort of thought - well, perhaps, we thought that maybe he was out buying things for the dinner. We were quite surprised, actually because, you know, it was unusual. So, we went and had a cup of coffee, just to give it a bit of time. We went back and we tried again and there was still no reply and this time I think there was somebody coming out of the building and they let us in because it was a security building, you see, with a door in before you got into the building where all the flats are. She let us in, it was a lady.

So, we went up and we walked up to John's flat and we were actually knocking on the door. I have forgotten something as well. The caretaker, the caretaker was there and he was drunk he was, yeah and he was quite impossible, really. He actually virtually chased us out of the building in the end and followed us down the street.

Q. This was after you knocked on the door?

A. That is right, yes.

Q. Anyway, there was no response from the flat?

A. No.

Q. Was the door closed at that time?

A. It was locked, actually. I was thinking of forcing it open but I didn't.

Q. You shook it, did you?

A. Yes.

Q. You were indicating shaking with your hands?

A. Yes, I gave it - I was thinking of breaking it open because this was really unusual, it was really unusual.

Q. Could you hear any noises from inside?

A. No, I had a listen.

Q. How did you have a listen?

A. Well, you see, John usually left the TV on twenty four hours a day and I think I put my ear up on to the door.

Q. You could not hear anything?

A. No.

Q. What were his working hours at that time, do you remember?

A. I think he had stopped work.

Q. He was not working at that time.

A. I think, yes. Before that he worked night shift.

Q. He was a night manager or something?

A. That is right, yes. I think he had finished.

Q. So, what did you do after the caretaker chased you out of the building?

A. I don't know. Bruce - we just parted company, actually. I went to the Rex Hotel, that is right.

Q. You saw Aaron Hill?

A. Yes, during the evening, yes, yes.

Q. Now, was he with his girlfriend at that time?

A. Yes.

Q. Did you have any knowledge of John's smoking habits, the deceased man's smoking habits?

HER HONOUR: Are you talking about cigarettes now, are you?

CROWN PROSECUTOR: Yes, your Honour.

WITNESS: Yes, I knew what type of cigarettes he smoked, yes.

CROWN PROSECUTOR: Q. What?

A. Dunhill.

Q. Did you know anything about Aaron's smoking?

A. Yeah, I'm pretty sure he smoked Winfield although I'm not as sure of that as I am with John. John had smoked Dunhill for years and years.

Q. Did anyone smoke marihuana in the place at John's, in John's flat?

A. At which time?

Q. Any time?

A. Oh yes, yes.

Q. Was that frequently done?

A. Yes, yeah.

Q. It is not a surprise marihuana would be found in the flat?

A. No.

Q. Did anyone smoke roll your owns that you are aware of, apart from marihuana cigarettes?

A. Gee, I'm not sure.

Q. Did John ever talk with you about his financial affairs?

A. Yeah, over the years, yeah.

Q. He was very friendly with you and you were very friendly with him?

A. Yeah.

Q. Did he ever show you anything in connection with his financial affairs?

A. Yeah.

Q. What did he show you?

A. Well, are we being specific?

Q. Yes?

A. Or just general? So we are being specific.

Q. Perhaps we start with the general and move to the specific?

A. Over the years, I mean he virtually, I know his finances as well as he did virtually and he also knew mine.

Q. He was pretty open with you about his financial affairs?

A. Yeah, we were almost like family really, you know.

Q. Did he keep documents in any particular place, financial documents?

A. Yeah, in his brief case, yeah.

Q. Did you ever see him taking things out of his briefcase?

A. Yes, yeah.

Q. Did he ever show you any bank books or anything like that?

A. Yeah.

Q. When was the last time you saw any bank books which John showed you?

A. The last time I saw him actually on the Wednesday.

Q. Do you remember what he showed you?

A. Yeah. We were discussing his solicitor's bill and all this sort of thing and he showed me, he showed me his building society book. I think that was the only one. Actually he probably had the rest there as well, probably had his key card and other things as well.

Q. Key card?

A. Yes.

Q. Did he ever carry a wallet, John?

A. Yeah.

Q. What would he keep in his wallet, generally?

A. Oh, key card, maybe a few cards you know, type of cards like business cards.

Q. Credit cards?

A. No, business card type things, scraps of paper with phone numbers and things on.

Q. What type of wallet did he have?

A. Actually I can remember the wallet, it was a plastic type or nylon sort of thing with a, one of those rip open.

- Q. Ones that -
A. Seal type, Velcro.
- Q. A nylon one?
A. Yeah.
- Q. Like a lot of young people have?
A. Yeah, blue.
- Q. (MFI 1 shown) Would you look at that please? Just look inside it as well?
A. Have a look inside?
- Q. Do you recognise that book at all?
A. Yes, yeah.
- Q. When was the last time you saw that book?
A. I saw this book on the Wednesday, actually the last time I saw John, yeah, he had this book, plus other things, papers and letters and things.
- Q. Where did he have that or where did he produce it from?
A. Out of his brief case.
- Q. Did you know of any other accounts that he had?
A. Yeah.
- Q. Of any particular bank?
A. Yes.
- Q. Or building society?
A. He had a Westpac, he had an account with Westpac as well.
- Q. Did he ever carry much money around with him?
A. Oh well, no, not really.
- Q. Did you ever meet the accused Ian Jones?
A. Yeah, yeah.
- Q. Do you remember when it was that you first met him?
A. I'm not sure.
- Q. About how long before John Hughes died?
A. Gee, about six months probably, maybe year.
- Q. Whereabouts did you meet him?
A. At John's place.
- Q. Did you meet him or see him more than once?
A. Yeah, not that many times but yeah, more than once, yeah.
- Q. Whereabouts?
A. At John's place.
- Q. When was it the last time you saw him?
A. Oh gee, actually, yeah I think the last time I saw him I think was probably about three, oh it was at John's new flat so maybe a couple of months before John -

Q. Before John died?
A. Yeah.

Q. Did they seem to get on OK, John and Ian Jones?
A. Yeah.

Q. Did you ever do any banking for John?
A. Yeah, I think so, I have at different times over the years, yeah.

Q. With what bank?
A. Oh gee, I don't think I could really be specific because it has been different - we are talking about maybe over a period of fifteen years here. Actually I have done transactions with Westpac, at the Westpac for him that I can be specific about.

Q. You eventually spoke to the police or the police spoke to you?
A. Yes.

Q. When did you first speak with the police or they spoke with you, how long after you had last tried to get in to John's flat?
A. I think it was about two weeks, might have been a week or two weeks.

NO CROSS EXAMINATION.

WITNESS RETIRED.

MICHAEL CHARLES PLOTECKI
Sworn and examined.

CROWN PROSECUTOR:Q. What is your full name please?
A. Michael Charles Plotecki.

Q. What is your rank?
A. Det Snr Constable. I am currently attached to the Homicide Squad, Major Crime Squad South.

Q. On 6 May 1989 where were you stationed?
A. I was stationed at the Homicide Squad.

(Witness was granted leave to refer to his statement).

Q. On Saturday, 6 May 1989, at about 2.45pm did you go to flat [REDACTED] Greenknowe Avenue, Potts Point?
A. That is correct.

Q. Who did you go with?
A. Det Sgt Spain from Kings Cross, Det Snr Constable Doig from the Homicide Squad and Det Constable First Class Emmett.

Q. Who was the most senior man?
A. Sgt Spain.

Q. You went to the premises, is that correct?
A. That is correct.

Q. With those police and outside the unit did you speak with Det Scullion?

A. Yes.

Q. And you went inside the flat?

A. That is correct, yes.

Q. You saw certain things inside the flat?

A. That is correct.

Q. Who was in charge of the investigation at that time?

A. Det Sgt Spain would be the senior man there so he would be in charge.

Q. Was he giving directions?

A. He was giving some directions and so was Det Senior Const Scullion.

Q. You saw the body?

A. Yes I did.

Q. After going into the flat seeing what was in there did you then attend to a number of inquiries?

A. Yes I did.

Q. Were you present when Det Khoudair arrived?

A. Yes, I think, I seem to remember talking to him, yes. I can't remember whether it was after he arrived.

Q. You remember him?

A. I do remember him being there at some point, yeah.

Q. Were you present when fingerprint police got there?

A. Yes, I remember the fingerprint police arriving.

Q. Did you see Det Warren English there?

A. Yes, I would have, yes.

Q. You saw the fingerprint police performing their duties in the flat?

A. At some point they hired a cherry picker and I remember them working on the cherry picker to take fingerprints from a down pipe.

Q. How long were you on the premises initially?

A. Initially not particularly long, I suppose 15 to 20 minutes.

Q. What did you do after that 15 to 20 minutes?

A. We made a number of inquiries with various neighbours, and that type of thing.

Q. Where was that at?

A. In the immediate block. I would have to check with my duty book for that particular day to see what I had done exactly after that.

Q. You were in the flat for a while?

A. I was in the flat, at that stage when we attended the crime scene photogrammetry and everybody else were obviously very busy or were working and so we didn't want to interfere with that.

We just had a quick look in to see what was there and we were out in the hall and I recall we walked back along the lane in front of the premises, examined a few things there.

Q. Did you go back to the police station at Kings Cross?

A. At some point, yes.

Q. Did you eventually come back to the flat?

A. Yes, at some point, yes, we did.

Q. Do you remember what time that was ?

A. I searched the premises with Det Harris - Harrison, sorry and two other police officers around, I think it was 9pm.

Q. When you say you searched the premises, what happened then?

A. We took possession of a few items that we believed would assist us in tracking associates to do with what his financial condition may have been and we took those back to the police station and I gave them to Det Snr Constable Scullion and I think after that I interviewed a fellow who at that stage gave his name as St John who turned out to be the man Hill.

Q. When you went back and the search started, who was in charge of the crime scene at that time?

A. I suppose it would still be the fellows from Kings Cross who would actually be in charge.

Q. Whose decision was it to collect the papers and do a search?

A. I really could not tell you who told me to do it because I was instructed by one of the fellow from Kings Cross - it would have been either Spain or Scullion, to do the search at that point.

Q. Were there any fingerprint police still on the premises when the search commenced?

A. They were about but I can't remember them being in the flat at that time. I think they had finished at the flat or at least that was my impression at that time, that they had finished with the flat.

Q. Why were papers touched when the fingerprint police had not completed their inquiries?

A. We were not aware of that at that point. We thought they had finished.

Q. Anyway, you and a number of other police officers searched the flat, collected papers?

A. That is correct, yes.

Q. Was there anyone noting what documents were being found at that time?

A. I remember holding - we had a paper bag to throw stuff in. It was all thrown in the bag and I remember writing up a list which I left with Det Scullion and we knocked off fairly late that evening and I think he organised to have that list typed up at some point later.

Q. How long did the search go for?

A. It was not particularly long. I really could not say. I would say 15 minutes.

Q. There were what, four of you doing the search?

A. Yes. It wasn't a particularly big flat.

Q. You took into your possession various documents, books, etc.

A. That is right, yes.

Q. Might the witness be shown MFI 3. (Shown)

A. This is the paper bag I referred to earlier and these are items that were taken from the flat.

Q. They appear to be pretty well all the items that were taken possession of?

A. Without looking at a list to say what was taken, they appear to be there from a cursory glance.

Q. You do not believe any items have been taken out of that bag?

A. No.

Q. They have just been kept in that bag since they were taken?

A. Yes, that is right and in fact, that is my writing on the front of the bag.

Q. What happened to all those items after you had taken them to the police station?

A. I left them with Det Scullion because it was a Kings Cross murder at that point and he secured them, I understand, in one of their lockers there and subsequently they accompanied the rest of the homicide papers over to our office some months down the track.

Q. Did you ever see a typed list of the contents of that bag?

A. There is a typed list. Yes, a fellow by the name of Irwin who I understand was Det Scullion's work mate typed a list up.

Q. You have seen that list?

A. Yes, I have.

Q. Did you see a wallet at the flat?

A. No, we did not. That was one of the reasons we were searching, to see if we could find a wallet or some other items of value to try and establish if it was a robbery motive.

Q. Did you see any credit cards or any money?

A. ~~Yes.~~ No.

Q. Apart from marihuana, were there any drugs found on the premises?

A. No, there were not. The marihuana, I might add was hooked up at the SPC that evening.

Q. That was the marihuana that was on a table?

A. That is right, it was near a bong, I believe.

Q. Did you ever see a St George bank book or pass book that evening?

A. No, I did not.

Q. Now, did you subsequently speak with the accused ?

A. Yes, I did.

Q. You had spoken with a number of other people prior to speaking with the accused?

A. That is right, yes.

Q. Do you remember when it was that you spoke to the accused?

A. the first time was at Sutherland Police STation, that was 26 June 1989.

Q. What time was that?

A. That was at 9.20am in the morning.

Q. Did you speak with him in a small office?

A. That is right, yes.

Q. What was the conversation?

A. Unfortunately, I have not committed this to memory at this point.

Q. No, that is all right?

A. Jones said to me - excuse the word "Well, what the fuck is this all about?" I said, "I am Det Plotecki, this is Det Doig. We are from the Homicide Squad. Are you Ian Stuart Jones?:" He said, "Yes". I said, "Do you know a John Gordon Hughes?" He said, "Yeah". I said, "Do you know where this person Hughes lived?" He said, "Yes, behind the Rex Hotel at Kings Cross. It is a flat on the third floor but I remember he was living on the second floor before that. I can't tell you the number".

I said, "We are making inquiries into the murder of John Gordon Hughes which occurred between 5 and 6 May this year. Would you care to tell me what you know of this person?" Jones said, "Fuck, I didn't know he was dead. That's one for the books. Well, one thing I can tell you, it wasn't me. I have only just got down from Bathurst. You can ask my girlfriend Kerrie. My girlfriend Kerrie will tell you". I said, "This Kerrie, that is Kerrie Stanton". He said, "Yes".

I said, "How long have you known the person Hughes?" He said, "About ten years, I guess. I was a good mate of his". I said, "When was the last time you saw Hughes?" He said, "When I moved out of this place in I think February this year. I got stabbed on New Year's Eve and after I got out of hospital John put me up for about three weeks. I left there and went to Lithgow and then Bathurst until this happened."

Q. Did you ask him whether he recalled the date he had left John Hughes' flat?

A. Yes, I did and he replied, "Yeah, I'm not a good one for dates mate, I think it was about the 26th". I said, "Of which month?" He said, "February".

I said, "Can you tell me where you lived in Bathurst?" He said, "Well, first off the Victoria Hotel, then I moved into a house at ■ Upfold St. Like I said, ask Kerrie".

515f
 I said "Who did you live there with?" He said, "Well, Kerrie and a couple, Ron and Leonie Flowers, they owned the house. There was also a Lance Dodd." "Do you know where these persons are?" next is what I said. He said, "Still there in Bathurst, as far as I know. Lance is a painter with the council, Ron and Leonie are selling the house but so they may have moved on by now." I said "Did you ever come back to Sydney between February and June this year?" And he said, "No, except for court at Kogarah on 16 March, I think it was. I caught the XPT down."

I said, "Did you work at Bathurst?" He said, "Yeah, for Mitchell Plant Hire in Vale Street. They can tell you I was there." I said, "Do you own a car?" He said, "No." I said, "Did you own a car over the period 5th to 6th May this year?" Jones said, "I had a Mini panel van but it was wrecked." I said, "Do you recall the number?" He said, "No." I said, "Where did you get the car from?" He said, "A mate named Whippet, Brian Townsend. He lived down the road. He can tell you it was wrecked."

I said, "Do you know any enemies that John may have had?" He said, "No. He was only a little fellow, he got on with anybody although there was a guy named Locke who used to stand over him for drugs and this other little poofter named [151] who was using him too." I said, "Do you know Locke's full name?" He said, "Mark Locke." I said, "Do you know [151]'s correct name?" He said, "No. He used to work the wall too." I then said something to the defendant with regard to - -

Q. Don't worry about that. Did you say that you would organise to speak to him and obtain a written statement at a later date?
 A. That is correct.

Q. "Do you understand that", did you say?
 A. Yes, he understood that.

Q. Did he say, "Yes."
 A. Yes.

Q. On 4 October 1989 did you see the accused again at the Kings Cross police station?
 A. That is correct.

Q. Did you say to him you would like to obtain a statement from him?
 A. That is correct.

Q. Go on.
 A. I asked him if he would give me a statement concerning what he had already told me about his knowledge and relationship with John Hughes and your movements over the period leading up to the murder. I said, "Do you understand that?" He said, "Yeah, I'll give you a statement. As I said, I was in Bathurst. I've got nothing to worry about". I subsequently obtained a six page statement from him.

Q. Who typed the statement?

A. I did.

Q.. Would you look please at mfi 2 (shown).

A. Yes, this is the statement I obtained off him on 4 October 1989 at Kings Cross Police.

Q. Was there anyone with you?

A. Det Scullion.

Q. After the statement was typed what happened to it?

A. I retained the statement and Mr Jones left.

Q. Did he appear to read it through?

A. Yes, he read it through and signed it, of course.

Q. He received no copy of that statement?

A. No, he did not.

STATEMENT OF THE ACCUSED DATED 4 OCTOBER 1989, TENDERED, ADMITTED WITHOUT OBJECTION AND MARKED EXHIBIT Q. READ TO JURY.

Q. That was a formal witness statement that police often take from persons who might be witnesses?

A. That is correct.

Q. That is why it contains those formal matters at the beginning?

A. That is correct, yes.

Q,. So you spoke to Kerrie Stanton on 29 December 1989?

A. That is correct, yes.

Q. After speaking with her did you go somewhere?

A. Yes. I went back to her residence at [REDACTED] Sylvania.

Q. What happened there?

A. What had happened was, I had asked her whether she had any -

Q. Without any conversation, what happened?

A. I obtained certain clothing from her that she identified to me.

Q. She gave to you?

A. That is right out of a cupboard in her bedroom.

Q. What happened to that clothing?

A. I took possession of it and it subsequently was taken to work with me and on 31 December where I handed it to Det Snr Constable First Class Bendt of the Scientific Section.

Q. Was that clothing listed by you at any time?

A. Yes it was. I listed it when I took it and gave Miss Stanton a receipt and when I handed it to Mr Bendt he gave me a receipt.

Q. When you got the clothing were you present when she was collecting it or how was it?

A. She identified certain items to me in the wardrobe and told me things about them and she supplied me with a plastic bag because it was a bit of a shock to get them.

We put them in the plastic bag and she told me certain things about two specific items which I also threw in the bag and that was it.

Q. Bundled everything together?

A. Yes.

Q. She handing you clothing and you were putting it in the bag?

A. Yes, pretty well. I made a rudimentary check of pockets but only a couple of items.

Q. You were making some rudimentary checks?

A. But I didn't do it with all of them, it didn't seem to be, I knew I was taking it to scientific so I was being careful with it.

Q. What was the reason for taking it to scientific?

A. I asked her to identify certain items that had been unwashed to see if there was any pottery fragments or blood on them which could be identified and that's why I wasn't that keen to handle them too much because once I get them to scientific, I didn't want to interfere with anything, I didn't want to interfere with the jacket too much or the other which I was conscious that he had lived with Mr Hughes who had hepatitis B, so I wasn't that keen on handling them anyway.

Q. Just to assure us all, there is no problem with any of the clothing if we touch it?

A. No, I don't think so, I have since been told that. It was put in a green plastic bag. I secured it in the police car I think because I had the next day off. I was on call at work and I didn't want the stuff in the house and then on the 31st I took it to work and took it straight up to scientific.

Q. You gave the clothing to Const Bendt?

A. That is correct.

Q. (MFI 9 shown) Is that one of the items of clothing that you took possession of?

A. That is correct, yes.

Q. On 4 January 1990 did you go to the Physical Evidence Section of the Police Centre at Sydney to speak to Det Khoudair?

A. Yes, I did.

Q. Would you look please at the book MFI 1.

A. Yes, that is the St George Christmas Club account in the name of John Hughes that Mr Khoudair gave me on that date and told me certain things about it.

Q. What did you do with it?

A. I retained it. It went into the - we have a safe in the Homicide office and it was subsequently conveyed to there to fingerprints for fingerprint examination.

Q. By Det Drevensek?

A. That is correct, yes.

Q. Did you have that book returned to you eventually?

A. Yes I did, so I could show it to other witnesses.

Q. Was that locked up again? A. Yes, it was retained in the Homicide safe and from there it was booked out along with the jacket and other items in the exhibit room at the Sydney Police Centre.

Q. At 3.45 on Monday, 30 April 1990 did you go to near the Advance Bank in Oxford St Darlinghurst?

A. That is correct, yes.

Q. Were you with Det -

A. Winder.

Q. And other police?

A. That is correct.

Q. Did you there see Ian Stuart Jones?

A. That is correct.

Q. Did you go up and speak with him?

A. I did. I approached Mr Jones and said, "Ian Jones - - -"

Q. Did you speak with him?

A. Yes I did.

Q. Did you ask him whether he remembered you?

A. I did.

Q. Did you take him to the Sydney Police Centre?

A. Yes I did.

Q. At the Sydney Police Centre did you eventually say to him these words, - that you would like to interview him further about the death of John Gordon Hughes?

A. I did.

Q. Did he reply to that?

A. Yes, he said, "Sure, yeah, sure, ask me what you like". I said, "There are some things I want to clarify with you about your statement and some new information which has come to hand since I took that statement from you. Jones said, "Go right ahead, I don't mind". I said, "We will go to another room where I will speak to you further about Hughes' death".

Q. Did you take him to an interview room?

A. Yes, he was -

Q. Supplied with something to eat and drink?

A. I'm not sure whether eat or drink or just a drink. I can't remember.

Q. Did you have a long conversation with him?

A. Yes I did.

Q. Can you remember that conversation without reference to your statement?

A. No I don't, I haven't had a chance to commit it to memory.

Q. Who was present when you spoke with him?
A. Det Sgt Smith.

Q. What did you say to the accused?
A. I said, "Before we commence I want you to understand that you are not obliged to answer any of my questions or say anything unless you wish to do so but whatever you say may be used in evidence, do you understand that?" Jones said, "Yeah, I know my rights." I said, "What is your full name?" He said, "Ian Stuart Jones." I said, "Where are you living?" He said, "[REDACTED], the Wesley Mission, just up the road." I said, "How long have you lived at your present address?" He said, "I have been there about four months." I said, "Are you working at the present time?" He said "Yeah Aerolift as a plant operator." I said, "Where are they?" He said, "Stanwell Park 100 yards from the railway station." I said, "How much are you earning?" He said, "385 clear a week." I said, "Who is your boss?" He said, "Bob Smith. He's the foreman." I said, "How long have you been working for Aerolift?" He said, "Three months non stop."

I said, "Have you got a motor vehicle?" He said, "Not at present, I have been getting about by train." I said, "What time did you get home today?" He said, "3.15 approximately." I said, "What time did you go to work?" He said, "5.30 in the morning, I got the 6.03 from platform 13."

I said, "Do you have a driver's licence?" He said, "Yeah number [REDACTED]." I said, "Are you taking any medication at present?" He said, "I have been on methadone for two and a half, three months." I said, "Where do you pick up your methadone?" He said, "Rankin Court." I said, "Who is your doctor at Rankin Court?" He said, "Dr Graham."

I said, "Are you married or single?" He said, "Single." I said, "Have you ever been married?" He said, "I was married to Gail Sporne." I said, "When were you married?" He said, "In 1976 at the Wayside Chapel." I said, "Do you have any children?" He said, "No." "Have you got any relatives?" He said, "I have a brother Christopher who lives at Kurnell." I said, "Is he your only relative?" Jones said, "No, I have got three brothers, Keith, Robert and Christopher and two sisters, Gaynor and Sandra, they are both married."

I said, "Where do you parents live?" He said, "England." I said, "Where were you born?" He said, "Pontypry in Wales." I said, "Do you have a trade?" He said, "Plant operator by trade."

I said, "Do you remember giving a statement at Kings Cross police station on 4 October last year?" He said, "Yeah, you got it off me." I said, "I want you to read this statement." and I gave him his statement. I said, "This is your statement?" He said, "Yes, that's mine." I said, "Will you read that statement?" He said, "Yeah."

Q. Is that the statement that was tendered a short time ago?
A. That is correct.

I said, "Is it true and correct?" He said, "It's all the truth, every page. Exactly as I remember it". I said, "Do you still say that after you left John's in mid March and went to Lithgow that you never returned to Sydney and saw John Hughes?" He said, "That's what I said before and that's it. After I moved from John's I went straight to Lithgow and then I went to Bathurst to live and I never saw John again." I said, "Is this your jacket?" and I showed him the blue jacket which he had indicated to me earlier.

Q. This jacket here? (indicated).

A. That is correct.

Q. Mfi 9?

A. That is correct. He said, "Yeah, that's mine, its got the stab wounds in the back. That's what I was wearing when I got stabbed. I said, "Is this your jacket as well?" and I showed him a blue vinyl wind jacket. He said, "It could be, I can't remember".

I said, "I now intend to ask you further questions concerning the murder of John Gordon Hughes which occurred at or about 5/6th May 1989 at Potts Point, do you understand that?" He said, "Yes". I said, "My questions and answers you give to those questions will be recorded in type by Det Smith as the interview takes place, do you understand that?" He said, "Yes". I said, "At the conclusion of the interview you will be given the opportunity of reading through the document and you may sign it if you wish. Do you understand that?" He said, "Yeah". I said, "At the conclusion of the interview you will also be given a complete copy of our interview". I then asked the accused a number of questions and those questions together with his answers were recorded in type by Det Smith as the interview took place. Sgt Smith typed the entire record of interview.

Q. Sgt Smith typed the entire record?

A. That is correct.

Q. At the conclusion of the interview what happened?

A. The interview was handed to the defendant. He read each page of the interview. I then asked the defendant a number of additional questions and these questions together with the defendant's additional answers were recorded on the end of the interview.

Q The accused?

A. Sorry, the accused. I then said to the, it was then handed to the accused again, he read the additional questions and answers and I then said, "Are these additional questions and answers correctly recorded - recorded correctly", I should say. He said, "Yeah". The accused then initialled a number of typing errors in the interview and signed each page of the interview. I said, "Will you please write the words 'Sydney Police Centre' and today's date and your signature on the last page of the interview". This he did. I then said to the defendant, "Will you please write..." to the accused -

CROWN PROSECUTOR: Slow down.

WITNESS: I then said to the accused, "Will you please write the words 'I have received from Det Plotecki one complete copy of this twenty one page record of interview' on the last page of the interview and sign your name again beneath that receipt?" Jones said, "Right oh". He then wrote a receipt on the last page of the interview and signed with his name again. I witnessed the accused's signatures".

IN THE ABSENCE OF THE JURY

(Her Honour advised she deliberately had not read a portion of the accused's statement, exhibit Q, in relation to him attending court.

Mr Finnane advised the court matter was in relation to a motor vehicle; discussion ensued. Mr Finnane asked that that portion be whited out and the document photocopied.

Exhibit Q was handed back to the Crown to have that portion whited out and photocopied, the original to be mfi 14 and the photocopy to be substituted for exhibit Q).

LUNCHEON ADJOURNMENT.

(Document to be substituted for exhibit Q handed up to her Honour. Mr Finnane stated that he was happy with that).

IN THE PRESENCE OF THE JURY.

CROWN PROSECUTOR:Q. After witnessed the accused's signature or signatures did you leave the room?

A. Yes, I left the room and made a photocopy of the record of interview. I returned and gave a copy of the record of interview to the accused. I then had a conversation with Det Sgt Smith outside the interview room after which I had a conversation with Det Inspector Counsel. I told him certain things and gave him the interview. I then took Mr Counsel into the interview room and said to Jones, "This is Det Inspector Counsel, he is now going to ask you some questions concerning the interview we have just completed". Myself and Sgt Smith left the room and a short time later Inspector Counsel came out of the room and returned the interview to me which I noticed he had initially each page of the interview, signing and dating the last page of the interview. He also handed me a form that he completed in relation to the interview. After this Det Sgt Smith and I returned to the interview room where I said to the defendant - sorry, the accused, "You will shortly be taken to the charge room where you will be charged with murder, the murder of John Gordon Hughes. Do you understand that?" The accused said, "Do what you like. What you have got on me is circumstantial. I'll beat this and you know it".

Q. Would you look please at these documents?

A. Yes. The first of these document is a 21 page record of interview typed by Det Sgt Smith between myself and the accused dated 30 April 1990 and the second of these documents is the interview form supplied to me by Det Inspector Counsel with regard to that interview.

RECORD OF INTERVIEW AND FORM BY DET INSPECTOR COUNSEL TENDERED.

IN THE ABSENCE OF THE JURY.

(Mr Finnane raised question and answer 26 in the record of interview and submitted that it should be deleted. Subject to that he had no objection.)

(Her Honour stated to Mr Finnane that he should object to the question and answer in the presence of the jury and that it would then be agreed that it was entirely irrelevant and should be deleted).

IN THE PRESENCE OF THE JURY

(Mr Finnane objected to question and answer 26 in the record of interview. Crown Prosecutor agreed that it was irrelevant. Mr Finnane stated that that was the only portion he would object to).

HER HONOUR: If that is the only portion, I will read it to the jury now on the basis that that portion will be deleted in due course before the jury gets to see the exhibit.

Members of the jury, it will be more or less obvious to you when you get it and you will know anyway from having heard this, that question and answer 26 being objected to and being entirely irrelevant, won't be in the record of interview that you will see. It is not for you to speculate about what was in it. Your duty is to determine this matter according to the material that is before you, not on the basis of speculation as to material that is not before you. The fact is, as everybody agrees, that it is entirely irrelevant to these proceedings.

RECORD OF INTERVIEW ADMITTED AND MARKED EX R AND READ TO JURY.

CROWN PROSECUTOR: Q. You said that you showed the accused a dark blue man's jacket?

A. That is correct.

Q. Is this the jacket, MFI 9?

A. It is.

JACKET, MFI 9 TENDERED: ADMITTED AND MARKED EX S.

Q. In the record of interview you said to the accused, "I now show you a photocopy of the Mitchell Plant Hire Bathurst time sheet." Do you remember that?

A. Yes.

Q. You asked the accused to sign the rear of that photostat, is that correct?

A. That is correct.

Q. Is that the document you showed him? (Shown)

A. Yes, that is that document.

PHOTOCOPY OF MITCHELL PLANT HIRE, BATHURST TIME SHEET TENDERED: ADMITTED WITHOUT OBJECTION AND MARKED EX T.

Q. You said to the accused, "I now show you a Budget Rent-a-car rental agreement number 785685" and you asked the accused to sign the rear of that rental agreement?

A. That is correct.

Q. Would you look at this document please. (Shown)

A. Yes, that is the photocopy of the rental agreement I showed Mr Jones that he signed.

BUDGET RENT A CAR RENTAL AGREEMENT TENDERED: ADMITTED AND MARKED EX U.

Q. You said to the accused during the record of interview, "I am now going to show you a St George Building Society Christmas Club pass book in the name of G J (sic) Hughes." Would you look please at MFI 1?

A. Yes, that is the pass book I showed Mr Jones during the course of the interview.

ST GEORGE BUILDING SOCIETY PASS BOOK TENDERED, ADMITTED AND MARKED EXHIBIT V.

Q. You did show the accused a statement in the name of Kenneth Harding

A. That is correct.

Q. The person [151], have you ascertained that his real name is [151]?

A. That is correct.

Q. Have you made extensive inquiries to locate [151] [151]?

A. Yes I have. He is currently outstanding and wanted by the Department in regard to other matters and at this stage his whereabouts are not known.

Q. Did you obtain a S.12 Certificate relating to the vehicle OWW-067?

A. Yes I did.

SECTION 12 CERTIFICATE TENDERED, ADMITTED AND MARKED EXHIBIT W.

Q. I was asking you questions earlier in your evidence about a list prepared of property taken from the address at flat 311?

A. Yes.

Q. Would you look please at this two page document (shown).

A. Yes, that is a list of what I understand is the stuff in the bag.

Q. Is that the list prepared by, as you understand it, Constable Irwin?

A. Plain Clothes Constable Irwin I think he was then.

Q. Did you obtain that document?

A. The documents, the running sheets from Kings Cross eventually made their way to the Homicide Squad and this was among the documents that came to the Homicide Squad.

ABOVEMENTIONED TWO PAGE DOCUMENT TENDERED. OBJECTED TO UNLESS BETTER PROOF COULD BE PROVIDED.

(Crown Prosecutor stated that he was tendering the document in a very abbreviated way as a business record).

HER HONOUR: It is a legitimate objection and I think it should be properly proved.

CROWN PROSECUTOR:Q. Did you do any investigations into the whereabouts of Mark Locke during 1989?

A. Yes.

Q. Is that including investigation into where he was in Queensland?

A. Yes.

Q. Did you ever speak with Mark Locke about a reward?

A. A reward?

Q. A reward?

A. The matter of a reward was raised with him after he provided us with the three statements that I took from him; I think the last one being in May, but only in so far as to say: Well, it would be very dependent on what happened at the trial and it was not a matter for me, it was a matter to go before a Reward Committee. So, it was something that I would consider at a later date but that was about the extent of it.

Q. Did you ever say to Locke it was either the accused Hughes (sic) or him?

A. I'm sorry, could you say that again.

Q. Did you ever say to the witness Locke it was either the accused Hughes (sic) or him to be charged?

A. No.

Q. Sorry, accused Jones or him?

A. No.

(Mr Finnane asked that in view of the time could he commence cross-examination on Monday; granted.)

(Jury given usual warning.)

IN THE ABSENCE OF THE JURY:

(Mr Finnane asked for bail for the accused over the weekend and for the accused's bail to be varied to enable him to attend church at Darlinghurst on Sunday.)

HER HONOUR: Bail on the same conditions as last weekend except that he is permitted the enter the forbidden area for the purpose of going to church on Sunday, no reporting.

HEARING ADJOURNED TO MONDAY 31 AUGUST 1992.

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