

New South Wales Police

STATEMENT in matter of: Place: Bega Police Station
Death of Graham PAINTER
 Date: 20. January, 1990

Name: Michael Wilhelm OCHS
 (Surname in capitals)
 Address: Police Station Bega Tel. No. [REDACTED]
 Occupation: Constable of Police STATES:—


1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. This statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

2. I am twenty five years of age.

3. About 7.10pm on Thursday 12 October, 1989 Constable Castle and I attended Bega Liquorland in Carp Street. Upon arrival, we spoke to graham Painter in relation to the alleged theft of a bottle of Bundaberg brand rum. Whilst speaking to the deceased I observed that he was unstaedy on his feet, had difficutly speaking, had a flushed face and smelt strongly of intoxicating liquor. I formed the opinion that he was well affected by intoxicating liquor.

4. Painter was placed under arrest and conveyed to Bega Police Station where he was charged with the offence of "Larceny (Not exceeding \$5000.00)". During the charging procedure the deceased appeared aware of his surroundings and the reason for his being there. He was judged to be capable of entering his bail undertaking and was released at 8.05pm that date.

5. Whilst in Police custody, the deceased did not appear unduly depressed and indeed was looking forward to the continued celebration of [REDACTED] birthday. He was however slightly worried about the charge as he stated that he was still under a good behaviour bond issued in the A.C.T. He said he was going to continue to celebrate at the Tathra Hotel.

Witness: Signature: 

Page No.: 2

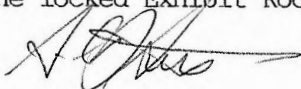
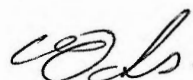
STATEMENT (continued) in matter of: ..Death of Graham PAINTER.....
 Name: ...Michael Wilhelm OCHS.....
 (Surname in capitals)

6. About 5.30pm on Friday 13 October, 1989, in response to a radio message, Constable Castle and I attended Tathra Beach Surf Club. Upon arrival we spoke to [150] of the Tathra Beach Tourist Park. He told us that he had discovered the body of a male person whilst walking on Shelley Beach. Constable Castle and I then accompanied him to the scene. I saw the deceased lying on his right side at the bottom of a cliff. The deceased's jumper was pulled up over his head and his jeans and underpants were pulled down around the middle of his thighs. There were abrasions on his body and some blood on his face. The skin was cold and clammy and the limbs stiff. The deceased was lying in a semi-fetal position. I was unable to detect a pulse. The face was suffused with blood, I recognized the deceased as Graham Painter.

7. Constable Castle remain to secure the scene whils I returned to the Police vehicle and summoned Bega Detectives and Bega Ambulance via Police Radio. Plain Clothes Constable First Class Whiteman of Bega Detectives attended the scene and took a series of photographs of the deceased in-situ. The body was the conveyed via inflatable boat to an ambulance waiting at the Tathra Beach Surf Club. I then left the scene. The time was about 7.30pm.

8. About 10.20pm on Sunday 15 October, 1989 Plain Clothes Constable Callister of the Queanbeyan Physical Evidence Section, and I attended the Bega Morgue. I witnessed the post-mortem examination carried out on the body of the deceased by the Government Medical Officer, Dr, Oakley. I also saw Constable Callister take a series of photographs befor and during the examination. At the conclusion of the examination, Dr Oakley informed me that the probable cause of death may have been internal bleeding from a series of tears in the liver. These tears were probably the result of shear forces exerted after a fall.

9. I observed Dr. Oakley to take a number of samples from the body of the deceased. He placed the samples into two containers and sealed them. I then took possession of them. One was labeled, " Blood from the body of Graham William Paynter." The other was labelled, " Heart, lung, liver and right kidney from the body of Graham William Paynter." I then conveyed these containers to Bega Police Station, where I placed them in a refrigerator in the locked Exhibit Room.

STATEMENT (continued) in matter of: ...Death of Graham Paynter.....

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10. About 1.20pm the same day I accompanied Constable Callister to Cliff Place, Tathra. Cliff Place is a Cul-de-sac running approximately northward of Bega Street, Tathra. At the northern end of Cliff Place is a set of steps leading down onto Tathra Beach. This route is often used by persons wishing to gain access to the beach and Andy Poole Drive, Tathra. The deceased was discovered at the base of the cliff approximately 60m south of the top of the stairway. I saw Constable Callister take a series of photographs of the top of the cliff. I then took him to the place where the deceased was discovered. He took another series of photographs.

11. About 8.10am on Monday 16 October, 1989, I began a canvass of the residents of Cliff Place, Tathra. All of the people spoken to were unable to recall any event or noise out of the ordinary in the early hours of the morning of Friday, 13 October. All residents spoken to remarked on the noise of people passing, as was usual at that time of night considering that most were patrons of the Tathra Hotel using the route to the beach and Andy Poole Drive.

12. The deceased was last seen alive by staff of the Tathra Hotel about 12.15am on Friday 13 October 1989. He was known to them as a regular visitor to the area, staying in a caravan owned by his father in the Tathra Motor Village Van Park, Andy Poole Drive, Tathra.

Witness..... 

Signed..... 

M.Ochs
Constable
Bega Police Station

Witness: Signature: