

DETECTIVE SERGEANT RUPP:

Q 1 My name is Detective Sergeant Rupp and this is Detective Inglis. We're from the homicide squad at Parramatta, okay? Do you agree that prior to the commencement of this interview I told you that I would be asking you some further questions about this matter?

A Mm. Yes, sir.

Q 2 Do you agree that I also told you at the completion of the interview you would be given a copy of a tape?

A Yes.

Q 3 A copy of this interview?

A Yes.

Q 4 Do you agree that my - I told you that my questions and any answers that you gave would be recorded on this video machine?

A Yes.

Q 5 Okay. Look, do you agree that the time now is 6.13 am?

A Yes, I do.

Q 6 Okay. You agree that there's no other person in the room apart from Detective Inglis, myself and you?

A Yes, I do.

Q 7 Okay. Right, Detective Inglis and I are making inquiries in relation to a death of a man named Brian Walker at your home at a corner of Burnett Street and [REDACTED], Merrylands earlier this morning. Do you understand that?

A Yes, I do.

Q 8 It's about 1.30 am. I'm going to ask you some

further questions about this matter and you're not required to answer my questions unless you wish to do so but whatever you say will be recorded and may later be used in evidence. Do you understand that?

A Yes, I do. Yes, sir.

Q 9 Right, for the purpose of this interview what is your full name?

A John Raymond Hokin.

Q 10 What's your address, John?

A [REDACTED] Burnett Street, Merrylands.

Q 11 Can you tell me your address - your date of birth?

A [REDACTED].

Q 12 [REDACTED], all right. Do you agree that I spoke to you earlier down in the dock area?

A Yes.

Q 13 And you gave me a version of what happened at your home earlier today?

A Yes, I did.

Q 14 Are you prepared to tell me again now what - what took place at your home?

A Yes. Yes, sir.

Q 15 Would you tell me now on the - it's all being recorded?

A I heard a voice calling me, "Hey, John, are you there? Hey, John?" and due to sleep I couldn't determine whether it was dreaming or what have you. Next thing I heard the voice much louder and slightly different and I got straight up and I walked carefully towards my lounge room and there was this person standing in my lounge room looking in my

direction wearing bib-and-brace overalls and I couldn't identify him until he started talking. He said, "It's Brian. I've just come up to talk to you about Kevin and have a beer with you". Okay, so I went out the back with him. I didn't walk ahead of him, I walked beside him and I said, "Have you got any beer?" and he said, "No". So we sat down for a while and we started talking and then we discussed some of the problems that Kevin Leeson is having and we begin to speak freely. Then we lit a fire and I said, "Look, you're obviously a beer drinker. Would you like some wine? That's all I've got to offer." He said, "Well, that'll be all right". So I gave him a cup and I just drank from the cask without touching the carton, poured it into my mouth from the cask and the discussion became of varied kind. I sang songs, I played guitar; I sang the latest songs, hard rock and roll songs, what have you; then the discussion became a little offensive as far as I was concerned. It sounded like he was talking in a manner about sexual behaviour that I didn't prefer and he touched me a few times on the leg and on the shoulder and I tried to ignore that as peace - passively as I could because he had quite a bit to drink and I - I really hadn't had a lot and he was staggering quietly and he had his feet in the fire. I told him a couple of times to take his feet out of the fire, his shoes were burning and then that chit-chat went on and I said, "Look, it might be best if you wander off home because I think you - you're pretty-well under the

weather and I'd like to get some sleep and we'll call it a night". He wasn't happy about that but then I said it again and again and so he got up and I felt nervous about him so I watched him and he bent down to the ground and of no interest to me as he picked - he was going to pick up something of interest and it seemed to be a shovel, could have been a mattock, I'm not sure. He swung it at me and I dropped down underneath it and I put both my arms around his chest and I hung on and hung on and hung on. We both hit the ground and we ended up, after a few movements of arms, we were feet about and head about and I - my body weight was on top of his back and he was face down and that wrestle went on and on and on for quite a long time because I - I had become very worn out and I was trying to talk to him as to what's going on. Then I started to call the neighbour because I was very worried. I said, "Craig, Craig, help, help" as loud as I could and that seemed to make him more aggressive and I had to keep every ounce of - of breath, energy I - I could, which I did and it carried on and on until he got a leverage up against one of the square poles in my backyard that holds up a - an awning and that gave him leverage against me and I started to worry because I became released from that command position that I had but in doing so my left side of my body came in contact with his head and he was moving and seemed - we seemed to be competing against this leverage we had but he started to slow down and I didn't know what to make of it

because I was petrified. I didn't - I couldn't possibly let him down. Earlier on he cut me with a bottle, a broken bottle. I - I beared with that because I daren't take my hands away. It seemed like a piece of glass that was hand-size, fitted in his hand, and it didn't seem to be - I tried to feel for what it was and it didn't seem to be of any type of glass that could cut my stomach open or I would have just taken off. I - I was too scared to get up and run because I was overcome about the strength of this person and I just felt that the moment I let go I would - I'd be in trouble. So I just hung on and hung on and he seemed - he lost a lot of strength rather quickly and it seemed that I asphyxiated him with my - with my chest. It was my - the side of my body, but he had his - he had his leg against the - the - the pole pushing against me which was prying onto him and there we were in a sort of a stalemate situation and I repeat again, I was too scared to let him go and then it was a matter of my strength endured over his.

Q 16 I'll just ask you now, how long have you known Brian?

A One evening is all. One evening 2 days ago, just from afternoon after work till late evening.

Q 17 Do you know where Brian lives?

A He said he lives somewhere up the end of Lockwood Street, up the other end of Merrylands. I said, I was surprised, "Do you live in Lockwood?" and he said, "Yes". I said, "Whereabouts?" and he said, "Up the other end, in Merrylands Road".

- Q 18 Have you ever been to Brian's home?
- A No.
- Q 19 Right. What time did Brian arrive tonight or last night?
- A That's difficult. It was dark, I don't have a clock, I don't have power, I can't see any time at all, I don't have a wrist-watch. It was dark, it would - it was more than 8.00.
- Q 20 More than 8 pm?
- A More than 8.00 because I could tell, I can tell by the traffic when it begins to slow down.
- Q 21 Right. Do you know how long Brian was there altogether from the time he arrived to the time that he died?
- A Well, I felt it was something like 2 hours that we were there talking and drinking and singing and we were at least an hour wrestling on the ground, so I thought it was something like 3 hours. It was very hard, very hard to determine the time. It - from what was going on and what was happening, all right, the situation could exist where time went a lot quicker than I thought.
- Q 22 Right?
- A Because it was not a boring sort of a - an evening. It was, you know, very eventful. Did I mention that he kept touching my leg?
- Q 23 You did say he touched your leg, yes. How much did you have to drink last night?
- A Well, that's a difficult question to answer because I was drinking straight from the cask which is - which

is not a - a - a rude thing to do, the Mexican people do that. I was not the least affected by the wine so I would have had - I drink in cups, so it would have been four or five cups because I know if I've had six or seven I'm very tired and I wasn't tired and I was sitting in front of the fire, so it was just an average amount of wine that I had; four or five.

Q 24 If I can put it in the terms of - of bottles of wine, 750 mil bottles, how many bottles would you have consumed?

A 750 mil bottles; closer to two than one, but it would be - it would have been more than one.

Q 25 More than one?

A Mm. More than - more than one, heading towards two. It was very hard to keep track of that.

Q 26 Can you tell me what you were drinking last night?

A Berri Fruity Gordo Moselle.

Q 27 Was Brian drinking the same thing?

A Yes, he was.

Q 28 Do you know how much Brian had to drink?

A Yes, he had quite a bit. He had - he was drinking from a large cup and he would have had say, five of those big cups, the pot glass cups ...

Q 29 In terms of bottles of wine, how many bottles do you think that Brian consumed?

A He would have - yeah, well, he'd be plus on me. He was definitely plus on me because he was gulping and I was just - I don't - that wine was too heavy for me.

Q 30 Are you an experienced drinker?

A Yes, I am.

Q 31 Do you drink a lot?

A Yes, I do.

Q 32 How much would you drink normally?

A I don't - I don't - I'm not a habitual drinker, but due to life I will go up to a - a - a hotel and I will buy a cask of that very same wine and I can sit there right through the night, say, from afternoon - especially on the weekend, not - not weekdays because I've got to be out - but on weekends I look forward to it and I can drink it in a session of sitting for a day and a half because I don't work any more, I sleep very very little and I can honestly say I can't get drunk any more. My shopkeepers and people up the road in the shopping centre and the bottle people will tell you that I'm a heavy drinker, but he's never seen me drunk. No one's ever seen me drunk. I'm well-mannered. I can't get drunk any more so I ... drink.

Q 33 Are you able to tell me about what time the shovel was picked up by Brian?

A No, I was - I was - no, no idea. I've got no watch.

Q 34 At a - at what - - -

A It would be, well, 2 hours after we - that's difficult. I can't tell. It was the end - it was the end of our session and I was trying to give him the message to go home as politely as I could. I said to him, "It's time, it's time to go". It was very - it was quite late but I really - I - since I've picked - and - and I - I'm not going to evade

the issue and be long-winded. Since I've become a disabled pensioner there is no week day any more, there is no work to get up for. I don't have a timetable so time is of - of - of no meaning any more when you become a pensioner to the point of where I have to walk up to the shop to have a look at the papers to see what day it is because it's very very easy to lose track of the date because you don't work any more.

Q 35 Are you able to tell me how long you were wrestling with Brian on the ground?

A It'd be a good hour.

Q 36 A good hour?

A A good hour, yeah. It'd be close to a good hour, be closer to an hour than a half. It would be more than half an hour because I was - I was well-worn.

Q 37 And for all of that time you were holding Brian around the head?

A No, no, around his chest?

Q 38 Around his chest?

A Yes, he's - yes, well, I wasn't around his head - - -

Q 39 And where was Brian's head at that time?

A His head - his head - the back of his head was in my stomach and I was sideways, like this, all the time and then he rolled over and I was this way. I was just holding him like a standard wrestler's hold. When - when they go to grab and one falls forward the other wrestler takes the advantage and holds him down and that's a - a foxing type of move and I was just holding him down. His arms could freely do anything

to me. I just had him around the chest all the time and just holding my body weight on him, hoping that he'd - he would give up and - and make some sort of a sign to say, "Look, I've had it" or "I'm going home" and I say, "Well, get up carefully" and whatever, but he didn't. He just kept fighting and then he rested for a long time. He rested for a - longer then really into it again, but I didn't hold him round the head at all. I - I felt that I must keep this person on the ground and I yelled out for help. I must keep that person on the ground and leaning on him.

Q 40 You've said earlier to us that you called out to a person named Craig. Can you tell me who Craig is?

A Next door, he's my next-door neighbour in 95 and he's about to be called up for a police force, I think. He's a fair-haired fellow and he's about 5'10", 11"; fair complexion. I get along quite well with him. He doesn't like the way I've left my home in long grass etcetera etcetera but we get along. Well, understandably he understands the trouble I'm in, prior to this.

Q 41 You told me earlier that Brian cut you. Whereabouts did he cut you?

A About the stomach and the back, lower left back.

Q 42 Do you know what he cut you with?

A Well, I could only assume that it was the broken part of a - a green bottle that I believe had plants in it at one stage because I think that's all that was there of - of broken glass and it was out of the way until the fighting and kicking and shoving and I

think he heard it and grabbed it.

Q 43 How many times did Brian cut you?

A At the time it felt like many more than six and I was starting to panic as to how deep they were because the last few I couldn't feel. I - I knew that he'd cut me but I - they didn't - they weren't painful which usually means it's deep.

Q 44 Was Brian cutting you with a - a slicing action or a stabbing action?

A Slicing.

Q 45 He didn't actually stab you?

A No.

Q 46 We've had a talk with your neighbours earlier tonight, Craig and his wife, and they told us that you called out at one stage, that you gave him - "I gave you cigars, I gave you wine and now you've cut me".

A Yeah.

Q 47 Did you say that?

A I think I did because I did give him cigars and wine, yeah, and then I - I feel - see, I like to be able to say yes or no. I - I recall that, but I - I was very - I was very panicky. All I was - all I was concerned with was just hanging onto this person and I - I do recall saying, "Well, I've given you cigars and - and wine; yes, cut me; yes". I could have said that.

Q 48 Yeah?

A I can't say "Yes, I definitely said it" if you'll understand.

Q 49 Yeah. What did you do after you knew Brian was dead? Did you know he was dead?

A I didn't know because he kept repeating "Uh, uh, uh" into my chest, into my ribs "Uh, uh, uh" and I just made a quick move to his hand to see if he was foxing and it dropped. Then I tried to feel his pulse and I felt mine and I couldn't feel my pulse either, but he was going "Uh, uh" into my chest. So I assessed the situation, I wasn't sure because anyone at the scene will know that I got up very very quickly and - and I had my - my feet were flat on the ground while I was still - arms on the ground around him. I made sure that I could get out, I checked everything because I wasn't sure because of this "Uh, uh" into my chest here and I - I felt his hand again, but I didn't - I didn't put any weight on him. Then his legs came down around the post, I saw both legs just fall and I checked the gate again and I just got up and I run like hell and I just looked back in case - because I was - I wasn't sure whether he was going to get up. I didn't know because I've never - I've never done that to a person before.

Q 50 Did you try and revive him at all?

A No, I didn't. I was afraid of him.

Q 51 Where did you go after you left?

A Straight down Lockwood Street. I ran down the middle of the street right down to the bottom. I looked around for any means of assistance and there was a taxi-cab. I crossed Walpole Street into Lockwood, the continuation of Lockwood - I think it was

Lockwood. No, no, no. Was that ...? I think I ran up to the next street and I don't know the name of that - I'm undecided there - and the taxi - I think it was the next one up from Lockwood - and the taxi came up and I just hailed him and I said, "I've been attacked, look". I showed him the cuts and I said, "Look, I've been attacked. Can you take me to Merrylands police station knowing I haven't got any money?" I had no shoes on, I - I - I had no preparation to get out of there.

Q 52 Did - do you know what kind of a taxi that was?

A No, but all I can say is the only cabs I've seen around Merrylands are the - the new Premium cabs. I didn't - I certainly didn't take very much notice at all. I usually take a lot of notice but I do recall the gentleman because he was a very helpful person ...

Q 53 Was he an Australian taxi-driver?

A I don't know. I don't think so. He was - he had dark features, darkish hair and could have been an Australian Asian or could have been like a second generation Asian, a Mexican or - but I - I think he had a - I think he had a more British-type of accent than - than European or Asian, I think it ...

Q 54 When I saw Brian earlier tonight I saw him at your home. His overalls were half pulled off. Do you know how that happened?

A From all the wrestling, because he was really pulling very hard out of my arms and every now and then he'd get his elbow through and I was - it was a constant struggle to keep my arm - arms about his chest

because the main game was that - and - and that was pulling his - his top off. They were bib-and-brace overalls and the main thing I had to do was to keep onto his trunk, his chest, and hold him down until I could get some sort of help. That would have - his fighting and pushing and struggling would have - I do recall at one stage his arm came up like this. Yes, he put his arm up to - he must - yes, he tried to grab my head and I just ... and his hand came between my groin and he virtually pinned himself by trying to get out.

Q 55 The way you've described that you held Brian, I can't quite understand how his overalls got off. Do you understand what I'm saying?

A Yes - - -

Q 56 His overalls were pulled down around his waist when I saw him.

A He was pulling - he was pulling out of me all the time. Like, he was like this all the time. He couldn't get me that way and he couldn't get me that way. So he got me this way and that pulled his - his top - his jacket off, but his - his overalls were waist overalls. They weren't combination overalls, they were bib-and-brace with one bib. So that would have been broken and then it just fell. The bib-and-brace overalls do have a button at the waist. So his shirt would have come off in the struggle because I panicked when I felt his clothes starting to move which meant I'd lost him.

Q 57 Was there - was there any sexual contact between you

and Brian last night?

A No, no, no.

Q 58 You had no sex at all?

A No way. That's what frightened me, because that frightens me. I don't - I don't - when he started touching me, that's when I started getting worried and that's when I started watching him, just keeping an eye on him, looking this way and looking that way. They - they - they petrify me, those people, frighten me.

Q 59 Were you aware that Brian was dead when you left your home?

A No. I wasn't, honestly. I - I felt he was but if I had have - if I had have known that I would have stood and thought. I just ran away from that person because I could still feel him going "Uh, uh" into my chest. How do I know how a person is dead? I don't know how a person is dead. I've never seen a dead person, never ever seen a dead person. I believe that I - I had to set myself. I made sure that when I released him that my feet were set to that gate and I ran straight out. I was in a starting position to get away from him. No way was I going to get up and then look.

Q 60 Was your back gate open when you were - - -

A It was. It shouldn't have been open. I was surprised when I saw it open because I said, "How did you get in here?" and he said, "From ...". However, he - he didn't answer straight away. The second time I asked him I said, "How did you get in here?" and he

said, "From round the front", but when I - when I looked up the back gate's open. I don't like having that gate open. I always - I always try to close it. Now, you can close it and due to - without bolting it, and due to any wind movement or ... it's a sloppy fence, it wasn't - it wasn't done very well and the gate will just fall open, but I wasn't looking at the gate, but I - I was sure, yeah, when I saw the gate open the first thing I thought of, "Well, he said he came in the front, so who - who came in the back?"

Q 61 Do you agree that I asked you before this interview started would you supply a blood sample for comparison purposes?

A Yeah, sure.

Q 62 Will you supply that sample?

A Yeah, sure.

DETECTIVE RUPP: Got anything else to ask him?

A Comparison to?

DETECTIVE RUPP

Q 63 There was some blood found at the scene, that's all.

A I believe it, I believe it.

Q 64 We will need to confirm whether it was yours or whether it was Brian's.

A Yeah. Yes. No, I didn't - I didn't harm him. I didn't do that. I said to the police downstairs, "I didn't even do that." I didn't poke him, I could have poked him in the eye, I could have done anything to him. I - at one stage I thought, "I'll thump this guy in the stomach which will give me the chance to

get up and run away from him" but I thought, "No, no, no, no; I promised a magistrate in Parramatta Courthouse. I said, 'Sir, I will never use those again' and I didn't".

Q 65 What was your intention when you were holding him?

A To hold him down and call for help because I am petrified of what's going to happen to me because I'm on a bond. I must - I must be of good behaviour, must be of good behaviour. That's why I yelled. I yelled out to Craig as loud as I could, I'm sure I did. "Craig, Craig, help, help", you know and I yelled out, "Help, help" and I think I yelled out his name again a couple of times and I yelled out quite loud but nothing happened. I'm sure I yelled out.

Q 66 Why did you hang onto him for as long as you did?

A Because I was frightened. I was honestly frightened of him. I was trying to - he was very strong. He was getting out, he had me and there wasn't much in it and - and then he would go - he - he would just drop like that and then he just started breathing, foxing. So I just relaxed and it was just a - well, it was a - he was a matter of - he was foxing me and I was foxing him. It was a - it was a real wrestling match and he the one who picked up the glass. I didn't - I didn't lose my control. I - I may have said that, but I didn't lose control. I kept thinking, "That's 6 years I've got, bond, already". I'm petrified. I - I - I was - if that person hadn't have entered my house I would still be at home asleep.

DETECTIVE RUPP:

Do you wish to ask him anything?

DETECTIVE INGLIS:

No.

DETECTIVE RUPP

Q 67 Is there anything further you want to tell me about this?

A No. If he hadn't have swung a shovel at me I - I - I'd be home asleep. If he had have appreciated the - the goodness of offering him cigars and wine - all I can say is that I've had those kind of people approach me many times in my life. I don't know why because I'm a ladies' man. I'm an entertainer. You can't be one of those and be an entertainer because the boss'll have you out.

Q 68 Just one thing; how many cigars did you give him?

A Only one because there was three. There was three Henri Wintermans. I gave him one, I had one and then there was one left and I - and I said, "Oh, I can't offer you another one, there's only one left". So I put it down. He said, "Well, you may as well smoke it. So I - I was smoking the ... one.

Q 69 Did you have anything to eat with Brian while he was there?

A No, no. I had had six fish sticks from the local fish shop.

Q 70 Do you wish to make a handwritten statement about this matter?

A If I have to.

Q 71 You don't have to make any statement.

A Well, it's just making me sick talking about it. Like, I can honestly say I don't wish to make it but if you wanted me to, if the requirement is there, I

shall.

Q 72 No, there's no requirement there for you to do it. Have the answers you have given which have been recorded in this interview been made of your own free will?

A Yes, they have.

Q 73 Has any threat, promise or inducement been held out to you to give the answers which have been recorded in this interview?

A No.

Q 74 What I'm going to do now, I'm going to get the senior sergeant who's attached to the police station, the officer in charge here at the moment, and he's going to come in. He's going to ask you some questions. Do you understand that?

A Yes.

Q 75 The time now is - - -

A 6.46.

Q 76 - - - 6.46 and I'm just going to terminate the interview, okay?

INTERVIEW SUSPENDED

INTERVIEW RECOMMENCED

DETECTIVE RUPP

Q 77 Okay, John, I'm going to leave the room now. This is Sergeant Dallmeijer. He's going to ask you some questions about this interview we've just had with you.

A Yeah.

Q 78 And the time now is 6.51. We're going to leave the room, okay?

A Okay.

SERGEANT DALLMEIJER

Q 79 Right, are you Paul Hokin?

A John.

Q 80 John Hokin?

A H-o-k-i-n.

Q 81 H-o-k-i-n, right. Have you made the record of interview of your own free will?

A Yes, I have.

Q 82 Has any threat, promise or inducement been held out to you to give the answers as recorded - - -

A No.

Q 83 - - - in this record of interview?

A No, no.

Q 84 No. Can you hold just one moment? I'll just get a copy of that record of interview.

SERGEANT DALLMEIJER: Have you got a copy of it?

DETECTIVE: No, because it's all ..., it's all ...

SERGEANT DALLMEIJER: Right, okay. No problems.

SERGEANT DALLMEIJER

Q 85 It's all right, my mistake. Has any threat, promise or inducement been held out to you to give the answers as recorded in this interview?

A No.

Q 86 No. Have you any complaints to make about the manner in which you were interviewed here today?

A No, not at all.

Q 87 ... okay. Thank you.

A Okay.

INTERVIEW SUSPENDED

INTERVIEW RECOMMENCED

DETECTIVE RUPP

Q 88 Okay, John. What we're going to do now, you're going to be charged this morning with manslaughter. Do you understand that?

A Mm.

Q 89 And the time is now - is 6.53. Okay? Did you understand all that?

A Can you tell me why it was just - it's just direct, straight out? Does it seem that I - I've done this thing in a - in a - in a negative manner rather than defence?

Q 90 That's not for me to determine at this stage, okay?

A All right.

Q 91 Brian is dead and a post mortem will have to be done. We've got inquiries to make about that, okay? I'm turning the machine off now.
