




STATEMENT OF POLICE


In the matter of:	Special Commission of Inquiry into LGBTIQ Hate Crimes - Carl Stockton
Place:	Homicide Squad - State Crime Command
Date:	17 April 2023

Name:	Neil SHELDON	Tel. No:	██████████
Rank:	Detective Sergeant		
Station/Unit:	Homicide Squad		

STATES:

1. This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false, or do not believe to be true.
2. I am 38 years of age.
3. I am a Detective Sergeant in the Homicide Squad of the New South Wales Police Force (**NSWPF**). I am currently a Team Leader within the Unsolved Homicide Team (**UHT**).
4. I make this statement in respect of the request for statement made by the Inquiry by way of letter to Mr Patrick Hodgetts dated 27 March 2023 (**Letter of Request**). The Letter of Request requested that a statement be provided outlining the location and status of the exhibits collected as part of the initial investigation into the death of Mr Carl Stockton (including Mr Stockton's clothing) and clarifying what testing has been conducted on the exhibits and when this testing was completed.
5. Unless otherwise stated, I make this statement based on:
 - a. my review of relevant records held by NSWPF;

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- b. information known to me (such as in the course of recent inquiries as to the location of various exhibits); and
 - c. my experience as a homicide detective.
6. I did not have any personal involvement in the original investigation into Mr Stockton's death, which took place in 1996.
7. In this statement, where I refer to documents I also include their document ID number for identification purposes, in the form **NPL.XXXX.XXXX.XXXX**.

Exhibits

8. I have identified the following exhibits in the Stockton matter from my review of the relevant records:
- a) Mr Stockton's clothing;
 - b) 17 glass bottles located at Mr Stockton's address;
 - c) Mr Stockton's wallet; and
 - d) timber seized from Matterson Lane.

together referred to as "**Exhibits**".

Testing of the Exhibits


9. The testing undertaken on each of the Exhibits is detailed below.

Stockton Clothing

10. Mr Stockton's clothing was originally seized on 8 November 1996 at St Vincent's Hospital (where at this time Mr Stockton was still a patient) by Detective Sparkes and Plain Clothes Senior Constable Moss, and then transported to Surry Hills Property Room.¹ This is set out in paragraph 14 of Detective Sparkes's statement, which references the officers taking possession of the clothing and securing it in Surry Hills. In Detective Sparkes' Duty Book


¹ **SCOI.00045.00085** at 0004.

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Number D28763 Page 2A dated 08/11/1996 there is also a reference to the victim's clothing being booked (or 'entered') into the 'Surry Hills MPB'.²


11. Although this is not explained in Detective Sparkes' Duty Book, I believe based on my knowledge and experience as a homicide detective that the reference to 'MPB' relates to the Surry Hill's Police Station Miscellaneous Property Book (**MPB**). MPBs were usually used to record the storage of items that were not exhibits, such as keys, that were handed in to the police station. There is no record in Detective Sparkes' duty book which explains why the clothing may have been booked into the MPB as opposed to the exhibit book, which is where I would usually expect exhibits to be recorded.
12. On 11 November 1996, Mr Stockton's clothing was transported to East Sydney Crime Scene by Detective Sparkes and handed to Sergeant Sweeny. This is referenced in paragraph 22 of Detective Sparkes's statement.³ East Sydney Crime Scene was, in 1996, a facility operated by NSW Police to which officers could direct requests for testing of exhibits. Today, East Sydney Crime Scene has been replaced by Sydney Crime Scene, which is a unit of Forensic Evidence and Technical Services (**FETS**) operating within the Sydney geographical area.
13. I have reviewed a statement prepared by Detective Senior Constable Neil Walker dated 23 April 1998 in the context of the Stockton matter. Detective Senior Constable Walker's statement refers to Senior Constable Stocks' examination of Mr Stockton's clothing at East Sydney Crime Scene on 13 November 1996. Detective Senior Constable Walker states that Senior Constable Stocks' examination revealed soil on Mr Stockton's clothing which was 'visibly similar' to the soil at the laneway of the Bar Cleveland Hotel.⁴
14. It is not clear from Detective Sparkes's, or Detective Walker's, statements, or from my review of other relevant records, whether any other testing or analysis was carried out on the clothing. If any such further testing had been carried out, I expect that some form of documentation would have been retained on the file.

² NPL.0100.0004.0017 at .0018.


³ SCOI.00045.00085 at 0005.

⁴ SCOI.00045.00064 at 0021.

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15. On 13 November 1996, Mr Stockton's clothing was collected from East Sydney Crime Scene by Detective Sparkes and returned to Surry Hills Police Station. This is referenced in paragraph 32 of Detective Sparkes's statement⁵ and in Crime Scene File C96/776.⁶ The Crime Scene File records the 'police PB ref no' for each of the items of clothing as 'C244463', on their return to Surry Hills Police Station. I understand this would usually correspond with the number that the exhibits are 'booked up' to (or recorded as in) NSWPF systems.
16. From my review of the relevant records, it is unclear what happened to the clothing following its return to the Surry Hills Police Station. Searches undertaken in relation to the current location of the clothing are described at paragraph 31 below.
17. The following documents are annexed to this statement:
- a. a copy of Crime Scene File C96/776 with the document ID **NPL.0100.0004.0005**; and
 - b. a copy of Detective Sparkes's Duty Book Number D28763 Page 2A dated 08/11/1996 with the document ID **NPL.0100.0004.0017**.

17 Glass Bottles

18. Detective Walker's statement states that on 20 November 1996, 17 wine and beer bottles were located at Mr Stockton's address by Senior Constable Best, and taken to the Surry Hills Police Station and retained as an exhibit for fingerprint examination.⁷ The statement does not identify the exhibit number given to the bottles and I have been unable to locate a record of the glass bottles being booked up as an exhibit. .
19. The statement goes on to provide that on 21 November 1996, Plain Clothes Senior Constable Best conveyed the bottles to the Fingerprint Unit for examination.⁸


⁵ **SCOI.00045.00085** at 0007.

⁶ **NPL.0100.0004.0005** at 0006.

⁷ **SCOI.00045.00064** at 0032.


⁸ **SCOI.00045.00064** at 0033.

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20. Detective Walker states that on 26 November 1996 he received via the NSW Police Service Computerised Operational Policing System (**COPS**), from Senior Constable Gumienuk of the Fingerprint Section, the result of the examination of the 17 wine and beer bottles. The result was that 'all latent fingerprints' developed on the bottle were identified as the deceased's.⁹ Detective Walker has not explained the use of the word 'latent' in his statement, however, I understand this to be a fingerprint which cannot be identified on sight, rather, it can only be identified through dusting.
21. I have reviewed the fingerprint analysis that was undertaken on the glass bottles and observe that the results of that analysis refer to the identification of four fingerprints on the glass bottles (NSWPF refers to an identification of a fingerprint on an item as an "impression"). I do not have copies of the 'fingerprint impressions' themselves, only the results. A copy of the fingerprint analysis is recorded in Fingerprint Examination File 97/126 annexed to this statement with the document ID **NPL.0100.0004.0015**.
22. From my review of the relevant records, it is unclear where the glass bottles were stored before and after the examination, and what happened to the glass bottles after the fingerprint impressions were identified. Searches undertaken in relation to the current location of the glass bottles are described at paragraph 31 below.

Mr Stockton's wallet

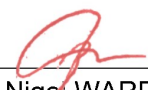
23. As noted above, on 8 November 1989, Detective Sparkes and Plain Clothes Constable Moss collected Mr Stockton's property from St Vincent's Hospital. Detective Senior Constable Walker makes reference to Detective Sparkes and Plain Clothes Constable Moss collecting the property at paragraph 52 of his statement.¹⁰ Detective Sparkes also make reference to collecting the property with Plain Clothes Senior Constable Moss at paragraph 14 of his statement.¹¹

⁹ **SCOI.00045.00064** at 0033.


¹⁰ **SCOI.00045.00064** at 0017.

¹¹ **SCOI.00045.00084** at 0004.

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24. I believe Mr Stockton's wallet was part of the property collected because Detective Walker's statement states that 'all of Mr Stockton's property was found upon his person, with the exception of his house keys'.¹² However, there is no record of the contents of Mr Stockton's property collected at St Vincent's Hospital and I have been unable to locate a record of Mr Stockton's wallet being booked up as an exhibit.
25. Detective Walker's statement provides that on 14 November 1996, Detective Allison and Detective Coman took Mr Stockton's wallet and its contents to the Latent Fingerprint Unit in Prospect, and provided it to Senior Constable Worboys for examination.¹³ Detective Walker has not identified whether the Fingerprint Unit referred to in the context of the glass bottles is the same as the Latent Fingerprint Unit to which the wallet was sent. I was not in the NSWPF at the time that Detective Walker's statement was made, but in my experience, there is only one location where items are sent for fingerprint examination.
26. Detective Walker goes on to state that on 6 December 1996, he received from COPS, from Senior Constable Korting from the Fingerprint Section, the result of the testing conducted on the deceased's wallet and its contents. The result is stated to be that no identifiable fingerprints were developed on any of the items submitted for examination.¹⁴ I have reviewed the fingerprint analysis conducted on Mr Stockton's wallet. The results of that analysis reference 'No Marks', or, 'no identifiable minutia' for all the exhibits listed. I understand this to mean that no identifiable fingerprints were located. A copy of the results of that fingerprint analysis is recorded in Fingerprint Examination File 97/120 annexed to this statement with the document ID **NPL.0100.0004.0013**.
27. From my review of the relevant records, it is unclear where the wallet was stored before and after the fingerprint examination, and, what happened to the wallet after the examination was conducted. Searches undertaken in relation to the current location of the wallet are described at paragraph 31 below.

¹² **SCOI.00045.00064** at 0045.

¹³ **SCOI.00045.00064** at 0026.


¹⁴ **SCOI.00045.00064** at 0036.

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Timber – Matterson Lane

28. Detective Senior Constable Walker's statement provides at paragraph 72 that on 12 November 1996, a number of pieces of timber were seized from Matterson Lane, Redfern (also referred to in Detective Sergeant Phillips's statement dated 17 September 1997 at paragraph 5),¹⁵ and conveyed to and subject to examination at East Sydney Crime Scene by Senior Constable Stocks. Detective Senior Constable Walker states that following that examination, Senior Constable Stocks excluded the pieces of timber from being connected to Mr Stockton's death. There is no record in these documents of the timber being booked up as an exhibit, and I have been unable to locate any other documents stating that the timber was booked up as an exhibit.
29. There is no documentation contained in Crime Scene file C96/776 or the statement of Senior Constable Stocks that relates to the examination of the timber, though Senior Constable Stocks does state (at paragraph 6) that "investigating detectives conveyed a number of articles to the Crime Scene Section office where I carried out an examination upon them" and that "I formed the opinion that none of the articles were consistent with producing the injuries inflicted the upon deceased [sic]".¹⁶
30. From my review of the relevant records, it is unclear where the timber was stored before and after the examination, and, what happened to the timber after review by Senior Constable Stocks. Searches undertaken in relation to the current location of the timber are described at paragraph 31 below.

Current location and status of the Exhibits

31. I have caused the following searches and inquiries to be undertaken to locate the Exhibits, and set out the results of each of those searches below:
- a) Searches of the NSWPF exhibit management system - Exhibits Forensic Information and Miscellaneous Property System (**EFIMS**) were conducted by Detective Senior Constable Silvester. The EFIMS system catalogues exhibits maintained by NSWPF.

¹⁵ **SCOI.00045.00085** at 0023; **SCOI.00045.00068** at 0002.

¹⁶ **SCOI.00045.00087** at 0005.

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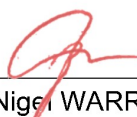


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- i. No results were returned for the Exhibits.
- b) Searches of all NSWPF investigative holdings – WebCOPS, Historical COPS Data, Pre-COPS data, E@glei and KODA ('Google' Style Search Engine across NSWPF systems) were reviewed by Detective Senior Constable Silvester.
 - i. No records of the Exhibits were located as a result of these searches.
- c) Enquiries and physical searches were made at the Surry Hills and Kings Cross Police Stations by Detective Senior Constable Silvester (being the stations with carriage of the original investigation) to determine whether any of the Exhibits were stored there.
 - i. On 11 and 12 April 2023, searches were conducted by the Surry Hills Exhibit Officer, Senior Sergeant Eryn Waters. I understand these searches to have been conducted on Surry Hills' internal record keeping systems, although I do not know the precise systems Senior Sergeant Waters reviewed. Those searches:
 - i. located an exhibit book from Surry Hills Police Station with an entry 'C244463', being the same as the reference number allocated to Mr Stockton's clothing as set out above at paragraph 15 above. However, this exhibit book was from 1997, not 1996, and does not correspond to Mr Stockton's exhibits. I cannot explain why Mr Stockton's clothing was recorded as C244463 on 13 November 1996 as described at paragraph 15 above, when that does not seem to be how it was recorded in the Surry Hills Police Station exhibit book. However, as noted above, it is possible that reference C244463 relates to the Surry Hills MPB and not to an Exhibit Book;
 - ii. confirmed that all MPB's from that date range have been destroyed; and
 - iii. located Surry Hills Exhibit Book for November 1996, however, on review, no entries relating to the death of Carl Stockton or the seizure of victim's clothing were recorded in the Exhibit Book.

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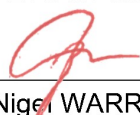


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- d) Enquires were made by Detective Senior Constable Silvester with NSWPF Records and Information Management Unit (**Archives**). Archives advised that:
- i. Exhibit books from East Sydney Crime Scene, Surry Hills, Kings Cross and Sydney Crime Scene from November 1996 could not be located.
 - ii. A Fingerprint Unit Prospect Exhibit Book was located in Archives, which relates to both the wallet and the 17 glass bottles. The document indicates that the wallet that had been sent for testing was returned to the Surry Hills Police Station on 10 December 1996 by DSC Scarlett (identified by their NSW Police Force registered number). The document does not identify by who or when the glass bottles were returned to Surry Hills Police Station. A copy of the Fingerprint Unit Prospect Exhibit Book is annexed to this statement with the document ID **NPL.0100.0004.0002**.
 - iii. Of the NSWPF officers referred to in the documents that I have reviewed, only the duty book of Detective Senior Constable Scarlett could be located. The duty book confirms that Mr Stockton's wallet was returned in person in the Surry Hills Detective's office on 10 December 1996. A copy of the relevant sections of that duty book is annexed to this statement with the document ID **NPL.0100.0004.0001**. Two investigation boxes with the IDs REPO/B/2003/19768 and REPO/B/2003/25221 were identified as being related to the investigation into Mr Stockton's death. Enquiries were made with the Government Records Repository (**GRR**) who conducted electronic and physical searches which indicated the material was in the possession of an officer attached to Kings Cross Police Area Command. Enquiries were made with the officer, who believed the documents were returned to GRR. Nevertheless, physical searches were conducted at Kings Cross PAC, but the archive boxes could not be located.
- e) Enquiries were made with FETS. FETS maintains the exhibit and exhibit records for cold cases and works closely with UHT on cold cases. Senior Sergeant Anne Coady, Coordinator - Cold Case, DNA Management Unit is the contact point for UHT within FETS for these types of requests. After conducting searches of FETS systems, Senior

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Sergeant Coady advised that the only Crime Scene file related to Mr Stockton's death was 96/776.

- f) Enquiries were made with Michele Franco, Forensic Biologist for the NSW Forensic and Analytical Science Service (**FASS**). At the time of Mr Stockton's death, FASS was known as the Division of Analytical Laboratories (**DAL**). FASS's role is to test exhibits during the conduct of investigations. In some instances, exhibits are not returned to NSWPF but are rather retained by FASS, whether that be for further testing or other reasons. Ms Franco is one of the main contact points for UHT within FASS for these types of requests. Ms Franco advised that:
- i. No DAL or FASS exhibit book entries were recorded referencing Stockton for the whole year of 1996.
 - ii. No person is listed in the FASS electronic record with the surname of 'Stockton' (or anything similar). No electronic records are held under a NSWPF Event Number (noting a police report in NSW is referred to as an 'Event', and, that each Event is assigned a unique Event Number) relating to Mr Stockton's death.
- g) Enquires were made with the Department of Forensic Medicine, located at Lidcombe Coroners' Court. The Department of Forensic Medicine conducts autopsies in New South Wales and may have records of exhibits. The exhibit register for the Inquest was located, however there is no record of the movement and/or location of any exhibits. A copy of Coronial Exhibit File 2282/96 is annexed to this statement with the document ID **NPL.0100.0004.0004**.

32. I consider the above searches and enquiries to be an exhaustive search for the Exhibits and no further avenues of enquiry are available to locate the Exhibits.

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