

NEW SOUTH WALES POLICE

P.190

STATEMENT in the matter of :**Place :** Maroubra Police Station

Death of David Samuel ROSE

Date : 23 October 1998**Name :** Paul Michael THORNTON**Tel No. :** [REDACTED]**Address :** Eastern Beaches Local Area Command**Occupation :** Detective Senior 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. 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 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 34 years of age.

3. On Monday the 22nd of December, 1997 I was included in the investigation team inquiring into the death of David Samuel ROSE. Detective Sergeant MATTHES was the officer in charge of the investigation. On Thursday the 10th of April, 1998 Detective MATTHES resigned from the NSW Police Service. As a result I was given overall control of the investigation into the death of David ROSE.

4. About 11.00am on Monday the 22nd of December, 1998 Constable SIMS in company with Constable NOFFKE attended the premises of [REDACTED] Addison Street, Kensington. On arrival he spoke with Bertha ROSE, Max ROSE, and Ian ROSE. Constable SIMS was informed by these persons of their concern for the welfare of David ROSE who resided at these premises. David was the son of Bertha and Max and the brother of Ian. The family explained that David had been ill since Tuesday the 16th of December, 1997 and that they had not heard from him since 10.00am on Saturday the 20th of December, 1997. The family had attempted to contact David but it appeared the telephone was off the hook.

5. Constable SIMS went to the rear of the block of units where he was shown a unit on the third floor. He saw that the balcony door was open as was a window on the southern wall on

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the left of the balcony. At this time Constables WAITES, ABRAHAMS, MCAULEY and GARGAN arrived at the scene.

6. About 11.10am that morning, Senior Constables THOMPSON and SLADDEN from the Police Rescue Squad attended this address. Constable SIMS spoke with them and they placed an extension ladder up against the southern wall to the open window. Senior Constable THOMPSON climbed the ladder and entered the unit through this window, which he described as being fully opened. This window led to the kitchen area.

7. Whilst entering through the window, Senior Constable THOMPSON saw the deceased lying on his back near a kitchen table. He saw that the deceased had what appeared to be dried blood around his nasal area and down the sides of his face. Senior Constable THOMPSON then summonsed Senior Constable SLADDEN to the unit who climbed the ladder and entered through the same window. Constables WAITES, MCAULEY, ABRAHAMS and GARGAN went upstairs to the unit. Constable SIMS asked the deceased's family to remain downstairs and he also went upstairs to the unit.

8. Senior Constables THOMPSON and SLADDEN noticed that there was a telephone on the kitchen bench with the hand piece off the hook and hanging freely towards the floor. There was part of a smashed plate on the kitchen floor. They walked into the lounge room of the unit and saw a television lying screen down on the floor and an ironing board tipped on its side next to the television. There were also some picture frames on the floor. Senior Constable THOMPSON noticed that the balcony door leading from the lounge room was open and the balcony screen door was closed but unlocked.

9. Senior Constables THOMPSON and SLADDEN walked into the hallway of the unit where they saw what appeared to be an answering machine upside down on the floor. Senior Constable THOMPSON went to the front door to let the other police in. He noticed that the front door was closed and locked by way of two security locks and was not able to open the door. The security locks are of some significance which I will address later in this statement.

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10. Senior Constable SLADDEN went to a bedroom and the front of the unit and located a key wallet on a lounge next to a black bumbag. He used these keys to unlock the security locks on the front door. The front door was opened and Senior Constable THOMPSON spoke with Constable WAITES and indicated the deceased to her. He later spoke with Constable SIMS where he indicated to him that he had only touched the kitchen table upon entering the premises. Senior Constables THOMPSON and SLADDEN left the premises a short time later.

EXHIBIT: I PRODUCE THE STATEMENT OF SENIOR CONSTABLE THOMPSON.
I PRODUCE THE STATEMENT OF SENIOR CONSTABLE LADDEN.

11. Prior to the front door being opened by Senior Constable SLADDEN, Constable WAITES, who was outside, opened the front screen security door which was closed but unlocked. On the front door of the unit was a handwritten note on yellow paper. On this note was written "Please ring me the minute you get home. URGENT. Mum." There was also a plastic bag on the ground between the wooden front door and the screen security door. Constable WAITES picked up the package and saw a christmas wrapped package inside. Constable WAITES did not touch the present and placed the package back on the ground. The issue of the unlocked security door I will address later in the statement.

12. Constable SIMS entered the unit where he spoke with Constable WAITES regarding the finding of the deceased's body by Senior Constable THOMPSON. Constable SIMS went into the kitchen area where he saw the deceased lying supine with his head towards the kitchen table which was up against the open window where entry was gained by the Rescue Squad. The deceased's torso and legs were extended in a northerly direction towards the kitchen and his arms spread outwards either side of him. A kitchen chair had fallen over near his head. Between the deceased's knees there was an unopened tin of 'No Frills' brand plums. This tin was flattened or dented on one side.

13. In his statement Constable SIMS describes the deceased as male, caucasian appearance, 35 to 40 years old, balding at the front with long dark wavy hair at the back, medium build, 170cm to 175cm tall, wearing an orange skirt, white T-shirt and no footwear. The

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deceased had red coloured manicured nails and what appeared to be dark coloured mascara or black bruises above both eyes.

14. On looking at the deceased, Constable SIMS saw a 2cm laceration on the upper right cheek of the deceased and dark coloured bruising to the left eye which he describes as consistent with being punched. The left hand side of the deceased's face, which was facing the floor, was of dark colouring which he considered was blood settling on the left side of the deceased. Constable SIMS noticed that there was congealed blood around the deceased's nose and face with some maggots around his nose and mouth. There were a number of small blood spots on his white T-shirt. On the deceased's left arm were four plastic bangles of various colours and on his right arm were eight silver coloured metal bangles. Constable SIMS also saw that there was a broken plate on the floor with pieces of the plate spread out on the floor.

15. Constable SIMS directed all police out of the premises and placed Constable NOFFKE on the front door guarding the crime scene and to commence a log of events.

16. Constable SIMS made a number of observations within the unit. On the floor of the lounge room he saw four silver coloured bangles similar in design to the ones on the deceased's right arm. To the right of the bangles on the floor he saw a imitation plastic breast insert and a photo frame which was turned upside down. Also on the floor was a television in an upside down position and a ironing board, with a pink shirt still on it, which was knocked over leaning against some furniture near a wall.

17. Walking towards the front door in the hallway, Constable SIMS saw a handkerchief on the floor near one of the silver bangles. There was also a pair of glasses, an answering machine that was turned upside down, and another imitation plastic breast insert on the floor of the hallway. Constable SIMS also saw the present that was left between the front flyscreen and the front door. Constable SIMS then took note of the two security locks on the front door. He described the appearance of the unit to be in a dishevelled state. Constable SIMS also noticed that the glass balcony door was open with a latch securing it and the flyscreen door was

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closed. There was a strong breeze blowing throughout the unit and there were no unusual odours.

18. On Thursday the 20th of August 1998 a statement was obtained from Constable WAITES. Constable WAITES outlined her actions and observations in relation to the finding of the deceased which concur with those of Constable SIMS and other police.

EXHIBIT: I PRODUCE THE STATEMENT OF CONSTABLE WAITES.

19. Constable SIMS went downstairs and informed the family of locating the deceased. He saw that they were all upset. Constable SIMS heard Ian ROSE say, "That fucking doctor." Constable SIMS spoke with the deceased's mother, Bertha ROSE, and recorded details of this conversation in his police notebook F211754 on page 23. Mrs ROSE told Constable SIMS that she had contacted the deceased at 10.00am on Saturday the 20th of December, 1997 and he had told her that he was feeling better but was tired. She further informed Constable SIMS that a male friend of the deceased had phoned him at 11.00am on that same Saturday and spoken with him. She did not know the name of the friend but had his phone number at home. This friend had gone to the deceased's unit later that Saturday but was not able to raise him. The lights in the unit were switched off.

20. Mrs ROSE also stated that this friend had tried to contact the deceased on Sunday the 21st of December, 1997 without success. This person had contacted a local hospital inquiring if the deceased had been admitted which was met with a negative answer. This friend then made a number of phone calls to ROSE listings in the phone book before contacting Mrs ROSE's number and expressing his concerns about the welfare of the deceased.

21. Constable SIMS spoke with Ian ROSE, the brother of the deceased who informed him that the deceased was a cross-dresser and was a very quiet and private person who kept his own circle of friends.

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22. A short time after 11.20am on Monday the 22nd of December, 1997 Senior Constable BYERS attended the premises of the deceased where he had a conversation with Constable SIMS. Senior Constable BYERS inspected the unit and made a number of observations concurring with those made of Constable SIMS. It appeared to Senior Constable BYERS that "some sort of disruption" had taken place in the unit. He noticed that there didn't appear to be anything out of the ordinary within the two bedrooms and bathroom of the unit. A short time later he left the unit and spoke with the family of the deceased. He later left the scene and returned to normal duties.

EXHIBIT: I PRODUCE THE STATEMENT OF SENIOR CONSTABLE BYERS.

23. Constable SIMS made a number of inquiries with neighbours and established that the deceased was a quiet person, well known for his dressing in female clothing. The deceased would use public transport to get to work each morning. Constable SIMS was informed by one neighbour that the deceased always left his balcony door and windows open.

EXHIBIT: I PRODUCE THE STATEMENT OF CONSTABLE SIMS.

24. About 11.55am on Monday the 22nd of December, 1997 Plain Clothes Senior Constable PINCHAM attended the deceased's premises. On entering the unit, Senior Constable PINCHAM made a number of observations of within the unit and the deceased concurring with those of other police. Further to these observations, Senior Constable PINCHAM noticed what appeared to be bruises or similar on the upper part of both arms. He was unsure as to whether this discolouration was caused by blood settling or not. He contacted Detective Sergeant MATTHES at Maroubra Police Station and informed of the situation.

25. About 12.15pm, Detectives VAN LEEUWEN and PROTHERO of the Crime Scene Unit attended and spoke with Senior Constable PINCHAM. After inspecting the scene and the deceased, Detective VAN LEEUWEN expressed his opinion that the death appeared suspicious. An examination was conducted of the crime scene which I will address later.

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26. About 12.30pm, Detective Sergeant MATTHES, Detective Senior Constable GODDARD and Plain Clothes Constable LINDLEY attended the deceased's unit. Senior Constable PINCHAM appraised them of the situation. A short time later they all left the unit and went outside to the front of the block of units.

27. About 12.55pm, Senior Constable PINCHAM went to [REDACTED] Addison Street, Kensington where he spoke with the occupants Takao and Hitoshi ASANO. Takao ASANO informed Senior Constable PINCHAM that he heard a loud noise of a dish breaking between 11.00am and 1.00pm on Sunday the 21st of December, 1997. He didn't hear any further noises or see anybody. Takao ASANO then went to Maroubra Police Station where he supplied a statement. He stated that he had lived at his unit for over six years. He was aware that the deceased live in the unit above him and would occasionally see the deceased around the block of units. The deceased was normally dressed in womens clothing. He had never seen the deceased with anyone. He stated that on Saturday the 21st of December, 1997 he had just finished a shower when he heard the sound of a plate breaking on the floor which he thought was from the deceased's unit. He was at home all day except between 1.00pm and 3.00pm, and 8.00pm and 9.00pm. When at home he normally keeps the front door open to hear when someone comes but didn't see anyone on this day.

EXHIBIT: I PRODUCE THE STATEMENT OF TAKAO ASANO.

28. About 1.45pm, Detectives MATTHES, GODDARD and PINCHAM spoke with Ian ROSE. He stated that he last spoke with the deceased on Friday the 19th of December, 1997 who stated that he was feeling better after having been ill. He informed these police that the deceased was a computer programmer at Westpac Bank. He would see the deceased once a week although he had not been to the deceased's unit for six months. He confirmed that the deceased was a cross dresser preferring female clothing. He stated that the deceased did not drink alcohol or take drugs.

29. A short time later Ian ROSE was taken inside the unit by Detective GODDARD and Constable KITCHING where he positively identified the deceased as his brother David Samuel

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ROSE.

EXHIBIT: I PRODUCE THE IDENTIFICATION STATEMENT OF IAN ROSE.

30. The deceased was removed from the premises by Government Contractors Adam and Donald FLANAGAN and conveyed to Royal Prince Alfred Hospital where a Life Pronounced Extinct Certificate was issued by Dr DOYLE.

EXHIBIT: I PRODUCE THAT DOCUMENT.

31. The deceased was then conveyed to Glebe Morgue. Detective GODDARD and Constable KITCHING attended the Glebe Morgue.

EXHIBIT: I PRODUCE THE P.79A REPORT OF DEATH TO CORONER FORM.

32. Detective GODDARD spoke with Dr LAWRENCE regarding the post mortem. About 4.30pm, the post mortem was commenced by Dr LAWRENCE in the presence of Detective GODDARD, Constable KITCHING, and Senior Constable NICOL from the Crime Scene Unit who took a number of photographs of the post mortem.

33. Dr LAWRENCE indicated to Detective GODDARD fractures to the rear of the skull of the deceased, his left temple area, severe bruising to the rear of his head and skull, bruising and small abrasion on the right temple, a bruise located on the outside of his right upper arm and a smaller bruise on the inner right arm. There was no evidence of sexual trauma. Dr LAWRENCE informed Detective GODDARD that he was of the opinion that the matter should be treated as an assault.

EXHIBIT: I PRODUCE RUNNING SHEET 11/2/1.

34. Detective GODDARD took possession of a number of items belonging to the deceased which were conveyed to Maroubra Police Station.

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EXHIBIT: I PRODUCE THE STATEMENT OF DETECTIVE SENIOR CONSTABLE GODDARD.

EXHIBIT: I PRODUCE THE POST MORTEM REPORT OF DR LAWRENCE.

35. Also present during the post mortem was Detective NICOL of the Crime Scene Unit. On Monday the 19th of October 1998 a statement was obtained from Detective NICOL outlining his involvement in the investigation surrounding the death of David ROSE.

EXHIBIT: I PRODUCE THE STATEMENT AND OF DETECTIVE SENIOR CONSTABLE NICOL.

36. At the conclusion of the crime scene examination, Detectives MATTHES, PINCHAM and LINDLEY made a search of the deceased's unit. A number of items were taken into possession as exhibits, placed in exhibit bags and recorded by Senior Constable PINCHAM. A search was also conducted of a storage room and garage belonging the deceased's unit. The deceased's vehicle was also searched. Some time later, Detectives MATTHES, PINCHAM and LINDLEY returned to Maroubra Police Station and the items entered into the exhibit book by Senior Constable PINCHAM.

EXHIBIT: I PRODUCE THE STATEMENT OF SENIOR CONSTABLE PINCHAM.

DECEASED

37. David Samuel ROSE was a single man, born in Auckland New Zealand on 26th of April, 1956 and was 41 years of age at the time of his death. He moved to Australia in June 1961 with his parents, Max and Bertha ROSE, and his younger brother, Ian ROSE where they lived in the northern beaches of Sydney. He was educated at Balgowlah Primary and High Schools. The deceased attended the University of NSW studying Electrical Engineering and lived on the university's grounds during this time. After leaving university he was employed for 12 months with the Department of Taxation. For the next 18 years up until he death he was employed as

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a Computer Analyst with the Westpac Banking Corporation.

38. When the deceased left university he resided in two flats within the eastern suburbs before buying a unit at [REDACTED] Anzac Parade, Kensington. He lived in this unit for about ten years. Around 1991 he bought a second unit situated at [REDACTED] Addison Street, Kensington where he had resided ever since up until his death. The other unit was leased out through Basil Real Estate at Kensington.

39. The deceased was employed as a Computer Analyst with the Westpac Banking Corporation for a period of some 18 years. He was employed in the city offices and earned approximately \$49,000 in salaries. Inquiries into the deceased's financial records indicated that he had approximately \$45,000 deposited in various bank accounts. The unit in Anzac Parade Kensington was later sold for approximately \$150,000. which I believe the deceased owned outright. The unit in Addison Street, Kensington was later sold for \$255,500 and inquiries revealed that there was a current mortgage of approximately \$63,000 owing on this property. His motor vehicle would be worth approximately \$8,000 to \$10,000.

40. Investigations reveal that the deceased had made a will dated the 21st of June, 1984 which was kept in a safety deposit box with Westpac Bank. A photocopy of this document was located in his work desk. The will details that his belongings and wealth be shared between the three members of his immediate family. There was no other apparent will in existence.

EXHIBIT: I PRODUCE A PHOTOCOPY OF THAT DOCUMENT.

41. The deceased also did volunteer part time work at community radio stations 2RPH and 2SER where he worked as an announcer and trained other people in various aspect of radio work. He was involved in this capacity overall for a period of at least twelve years.

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CRIME SCENE

42. The deceased's premises at [REDACTED] Addison Street, Kensington was a two bedroom unit situated on the third floor of a block of nine units in total. His unit was situated at the southern end (rear) of the block from Addison Street. The unit also consisted of a bathroom, hallway, lounge room and kitchen. There was also an L shaped balcony at the rear of the unit overlooking the rear yard and eastern side.

43. Although information obtained suggests that the deceased maintained his unit on a regular basis, the inside of the unit appeared to be in below average condition. Furnishings were old, there were no modern appliances, and it appeared he led a cheap lifestyle.

44. Of significance in this matter is the security of the unit. The deceased was known to be very conscious of his security, always deadlocking the front door and screen security door. He would not allow strangers into his unit and would very seldom even allow friends to visit him. On the front door were two deadlocks. The first one was a two prong key deadlock and the other was a standard key bolt deadlock. The door could not be secured by simply closing the door but only by operating the deadlocks with keys in a locking motion. The front screen security door was a standard key lock although the door could be closed without actually locking it.

EXHIBIT: I PRODUCE A PHOTOGRAPH OF THE FRONT DOOR AND SCREEN DOOR DEADLOCKS.

45. Information gleaned during this investigation suggests that the deceased had two sets of keys to the unit. A thorough search of the unit only recovered one set of keys which were used by Rescue Squad Police to open the front door of the premises. The whereabouts of the second set of keys is still unknown.

46. On Monday the 19th of October 1998 a statement was obtained from Detective Senior Constable VAN LEEUWEN of the Crime Scene Unit. This statement outlines his involvement

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in the investigation of the death of David ROSE.

EXHIBIT: I PRODUCE THE STATEMENT AND PHOTOGRAPHS OF DETECTIVE SENIOR CONSTABLE VAN LEEUWEN.

47. On Tuesday the 22nd of September 1998 a statement was obtained from Detective Senior Constable MEALING from the Photogrammetry and Drafting Unit. This statement outlines the involvement of Detective MEALING in the investigation of the death of David ROSE. Detective MEALING also supplied a computer sketch plan of the crime scene.

EXHIBIT: I PRODUCE THE STATEMENT AND SKETCH PLAN OF DETECTIVE SENIOR CONSTABLE MEALING.

48. On Thursday the 15th of October 1998 a statement was obtained from Detective Senior Constable BUSH from the Fingerprint Unit. The statement outlines the involvement of Detective BUSH in the investigation of the death of David ROSE.

EXHIBIT: I PRODUCE THE STATEMENT OF DETECTIVE SENIOR CONSTABLE BUSH.

49. All fingerprints developed from within the unit have been identified as those belonging to the deceased. However, a palm print was developed from one of the plastic breast moulds located within the unit. This has been examined along with the palm prints of the deceased, persons of interest, and police (present at the crime scene), however it has still not been identified.

50. The murder weapon used, if any, has not been established as yet. The can of plums located between the deceased's legs did have a dent on one side of the can however there has been no physical evidence obtained from examination to indicate that it was used to assault the deceased. No other physical evidence was developed from the can of plums. No other possible weapon was located within the unit.

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51. On Tuesday the 13th of January 1998 a certificate was received from NSW Agriculture at Camden in relation to the examination of maggots located within the deceased's body. The report stated that the maggots were between 27 to 42 hours old indicating that the deceased may have died between the afternoon of Saturday the 20th of December 1997 and the morning of Sunday the 21st of December 1997.

EXHIBIT: I PRODUCE THAT DOCUMENT.

INVESTIGATION

52. On Monday the 22nd of December 1997 the parents of the deceased, Max and Bertha ROSE, were conveyed to Maroubra Police Station where they were interviewed by Detective O'REILLY and myself. Formal statements were not obtained at this time due to their emotional stress of the situation. Also conveyed back and interviewed was the deceased's brother, Ian ROSE.

53. Mrs ROSE provided general background details in relation to the deceased. She then outlined the circumstances leading up to the death of her son. She stated that around Wednesday the 17th of December 1997 the deceased first complained to her about feeling nausea and having headaches. He did not attend work on this date and to her knowledge did not return to work prior to his death due to his illness. She stated that the deceased last spoke with her on Saturday the 20th of December 1997 where he told her that he had been to see a doctor who was not able to diagnose any specific illness.

54. Mrs ROSE stated that she again attempted to contact the deceased on Saturday the 20th of December 1997 and found his telephone to be engaged. Following several more unsuccessful attempts to contact the deceased, Mrs ROSE contacted Telstra Faults and they advised that the deceased's telephone was off the hook. Mrs ROSE continued to telephone the deceased until early hours of Sunday the 21st of December 1997, however the deceased's telephone was constantly engaged. She then confirmed the version she had earlier given to Constable SIMS regarding the telephone call from Steve BECKER.

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55. This information obtained was recorded on a running sheet. A comprehensive statement was obtained from Mrs ROSE on Friday the 9th of January 1998 and Friday the 16th of January 1998 which concurred with her earlier version of events but did not take the investigation any further.

EXHIBIT: I PRODUCE RUNNING SHEET 2/3/1.

EXHIBIT: I PRODUCE THE STATEMENT OF BERTHA ROSE.

56. Max ROSE provided similar information regarding the background of the deceased and the events leading up to his death. This information was recorded on a running sheet and a comprehensive statement was obtained from Mr ROSE on Friday the 9th of January 1998. The statement does not take the investigation any further.

EXHIBIT: I PRODUCE RUNNING SHEET 2/4/1.

EXHIBIT: I PRODUCE THE STATEMENT OF MAX ROSE.

EXHIBIT: I PRODUCE RUNNING SHEET 2/5/2.

57. A comprehensive statement was obtained from Ian ROSE, the brother of the deceased, by Constable CHAMBERS at Maroubra Police Station on Monday the 22nd of December 1997. In his statement Mr ROSE provided the background information in relation to the lifestyle of the deceased.

58. He stated that he last saw the deceased on Friday the 5th of December 1997 at his parents unit at Balmoral where the family met for dinner. He spoke with the deceased on Thursday the 18th of December 1997 on the telephone. The deceased told Mr ROSE that he was at home due to illness claiming that he had a very bad headache. The conversation was short and provided no further information. Mr ROSE last spoke with the deceased on Friday the 19th of December 1997 on the telephone. The deceased again claimed that he was still not feeling well which was the extent of the conversation.

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59. On Saturday the 20th of December 1997 Mr ROSE telephoned the deceased's during the early afternoon but the telephone was engaged. He subsequently communicated with his mother and expressed his concerns about not being able to contact the deceased. On Monday the 22nd of December 1997, Mr ROSE accompanied his mother to Randwick Police Station to report their concerns and went with police to the deceased's unit.

60. Once the deceased was found by police, Mr ROSE accompanied police into the unit and formally identified the deceased. He assisted the police by indicating to Detective MATTHES items inside the unit which were not in their normal position such as the telephone and answering machine which were on the floor, and the bangles of the deceased which were also located on the floor. He stated that apart from those items, everything else in the unit appeared normal.

EXHIBIT: I PRODUCE THE STATEMENT OF IAN ROSE.

61. On Tuesday the 23rd of December 1997 a statement was obtained from Louise SADEK of [REDACTED] who was a friend of the deceased for a period of two years at radio station 2RPH. This friendship was work related and they only socialised at functions held by the radio station. She would normally speak with the deceased once a week. She stated that she last spoke with the deceased on Saturday 20 December 1997. She stated that she left a message on his answering machine between 12.00pm and 2.00pm and the deceased returned her call within fifteen minutes of leaving the message. Telephone records confirm that this telephone call occurred at 2.48pm.

62. She stated that the deceased told her that he was feeling ill from the estrogen treatment he had been on for several weeks and that he was taking medication to overcome this nausea. He did not indicate to her any problems and talked about radio shows that he was doing over the Christmas period. She stated that she was aware of his female hormone treatment although the deceased did not discuss with her in any detail about it. She also stated that the deceased did not hide the fact that he liked dressing in womens clothing.

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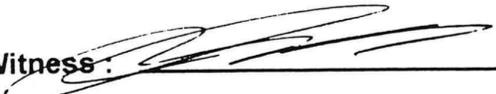
63. She found the deceased to be a compassionate person with no emotional problems. Although he did not discuss his family that often, he had stated to her that they did not approve of his lifestyle. She was not aware of any problems associated with the deceased except for a managerial conflict he had had with Thomas CROZIER at radio station 2RPH which led him to resign from the station. This conflict related to his radical rather than conservative approach when broadcasting. Ms SADEK stated that she was not aware of the deceased having many friends. She did mention a person by the name of Sandra DURWARD as being a friend of the deceased who he had helped due to her alcohol problem. This relationship with DURWARD is of great significance and will be discussed later in this statement.

EXHIBIT: I PRODUCE THE STATEMENT OF LOUISE SADEK.

64. On Tuesday the 23rd of December 1997 a statement was obtained from Kay BLACKMAN of [REDACTED]. Ms BLACKMAN was the General Manager of radio station 2SER where the deceased had worked as a volunteer trainer. She stated that she had known the deceased for a period of twelve years. She stated that the deceased never actually dressed as a woman but would wear women's clothing and ladies shoes, or clothing of the like that a man would not normally wear. This was accepted within 2SER and to her knowledge no one had complained about it.

65. She stated that to the best of her knowledge he had never had a partner nor had she met anyone through him which she would consider to be with him (girlfriend). Although he liked to dress differently, she did not consider him to be homosexual, in fact very asexual. She was of the opinion that the deceased just wanted to be a woman.

66. She stated that she was informed of the deceased's death from Steve BECKER who had contacted her by telephone. Mr BECKER had informed her that he had been speaking with the deceased who hadn't been feeling well. He had been to the deceased's unit but was not able to contact him. He had made inquiries with Westpac and the Royal Prince Alfred Hospital in an effort to locate the deceased with a negative result.

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67. He had mentioned to Ms BLACKMAN that the deceased was having hormonal treatment in preparation for a sex change and may have had an infection as a result. The infection was something similar to CJK disease. She stated that Mr BECKER further told her that a woman had spoken to the deceased on the afternoon of Saturday the 20th of December 1997. He later became concerned and contacted the deceased's mother. Ms BLACKMAN stated that she last saw the deceased possibly on Tuesday the 16th of December 1997 at 2SER. She described him as not being depressed but a little tired. She was aware that the deceased had volunteered to work on Christmas Day at 2SER.

EXHIBIT: I PRODUCE THE STATEMENT OF KAY BLACKMAN.

68. On Wednesday the 24th of December 1997 a statement was obtained from Megan BROWNLOW of [REDACTED]. Ms BROWNLOW at the time was the Executive Producer of the John Laws program at radio station 2UE. She had also worked at the community radio station 2RPH where she first met the deceased in 1989 and had maintained mainly a social association with him since that time. She stated that she last saw the deceased about six months prior to his death where they had lunch at her house. Also present was Sandra DURWARD.

69. Ms BROWNLOW stated that Ms DURWARD's presence was significant because she had become the reason for an increased contact between the deceased and Ms BROWNLOW. Ms DURWARD had been staying intermittently at the deceased's unit due to a downward spiral caused as a result of her alcohol problem.

70. She stated that about one month prior to his death the deceased had contacted her regarding Ms DURWARD looking for somewhere to live and may come to see her. She was aware that Ms DURWARD had been asked to leave from the residences of friends and relatives and also various rehabilitation centres. She stated that the deceased had told her that Ms DURWARD was stealing money and drinking methylated spirits.

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71. Ms BROWNLOW further stated that about three weeks prior to his death, the deceased again contacted her at work and warned her about Ms DURWARD. He told her that Ms DURWARD was staying with him at that time and she received the impression that he had become scared of her. She described Ms DURWARD as a large woman, much larger than the deceased, and considered her as a friend whom she had known for the same length of time as the deceased from 2RPH. She was not aware of the exact details or nature of Ms DURWARD staying with the deceased.

72. Ms BROWNLOW stated that the deceased was not a transvestite and to her knowledge he did not socialise with such persons. He was a lonely man who did not have any personal relationships apart from a few friends and his immediate family. In the time that she knew him he did not have a sexual relationship with a man or woman. She was very sure she would have know about it if he had one. She stated that he had been to the Taxi Club (Grosvenor Club) in Surry Hills but was not a regular visitor.

73. She stated that he was devoted to his work in community radio and this, combined with his busy work schedule at Westpac, suggests that he didn't have a great social life outside of work. She had never been to the deceased's premises and suggested that he suffered from low self-esteem and was nervous about inviting people to his unit believing that they would not come. To her knowledge, the deceased did not have any enemies and referred to the incident which led him to leave 2RPH. She further stated that to her knowledge he did not have any financial problems and professionally was well regarded. He did not spend much money but would go on expensive overseas trips. The deceased was not a heavy drinker or a drug user.

EXHIBIT: I PRODUCE THE STATEMENT OF MEGAN BROWNLOW.

74. On Wednesday the 24th of December 1997 a statement was obtained from Ai Lun GU of [REDACTED] Addison Street, Kensington. Ms GU was a resident in the same block of units as the deceased. The unit was owned by her son and she had lived there since November 1997. She stated that she had previously stayed at these premises from 1994 to 1995 during which time she first saw the deceased. Their only conversation was to say "hello" to each other at the

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clothes line.

75. Ms GU stated that between 1.00pm and 2.00pm on Saturday the 20th of December 1997 she saw the deceased when she went downstairs to collect clothes from the clothes line. She saw the deceased, who was wearing womens clothing, walk out of the block to the backyard towards the garbage bins and garages. They said "hello" to each other and the deceased walked towards the front of the block. She did not see where he went nor did she see him again.

EXHIBIT: I PRODUCE THE STATEMENT OF AI LUN GU.

76. On Wednesday the 12th of August 1998 further information was obtained from Ms GU regarding the deceased. She stated that she did not recall seeing any injuries on the deceased. She could not describe what clothes he was wearing at the time when she saw him. This information was recorded on a running sheet.

EXHIBIT: I PRODUCE RUNNING SHEET 3/5/2.

77. On Thursday the 25th of December 1997 a statement was obtained from Oswald CARRANCO of [REDACTED]. Mr CARRANCO, a Sports Therapist, stated that he was the boyfriend of Stella PRESTON who once stayed with the deceased at [REDACTED] Addison Street, Kensington whilst she was looking for somewhere to live. This period of occupation was about three to four months. He describes Ms PRESTON's and the deceased's relationship as platonic. He met the deceased through his relationship with Ms PRESTON. Ms PRESTON resided with Mr CARRANCO after moving out of the deceased's unit and had done so since that time.

78. He stated that Ms PRESTON worked with the deceased at radio station 2SER and became a close friend. He stated that she remained in contact with the deceased at least once a week and went out on social occasions at least once a month. Mr CARRANCO stated that he knew very little about the deceased's background as he didn't speak much about his family.

Witness : 

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STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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He knew that the deceased went to his parents home every Friday for dinner. Mr CARRANCO stated that the deceased talked mainly about his grandmother and appeared to have a better rapport with her than his mother.

79. He stated that he was aware of the deceased's employment and volunteer work at the two radio stations. He stated that the deceased's believed that "he was a woman in a man's body" and that he would dress in female clothing and jewellery. He stated that Ms PRESTON told him that the deceased wanted to have a sex change and take female hormones. He described the deceased as intelligent with a good sense of humour and stated that he never saw the deceased in a depressed state. He further stated that he was not aware of any enemies of the deceased.

80. Mr CARRANCO then stated that the deceased was a regular traveller overseas. On one occasion when he travelled overseas, the deceased gave him and Ms PRESTON keys to the unit. He stated that there was a key to the front screen door and one to the front door. He went to the deceased's unit three to four times whilst he was away to water plants in the unit. On the deceased's return, he gave the keys back to him. He never duplicated any of the deceased's keys.

81. Mr CARRANCO stated that he was tolerant of the deceased's lifestyle and had hoped to become a closer friend. He was not aware of any partners of the deceased although Ms PRESTON had told him that the deceased had had sex with one woman in the past and was not sexually active with any man. He was not aware of the deceased attending any gay establishments and was once embarrassed when he went to the Albury Hotel in Darlinghurst. Mr CARRANCO believed that the deceased wanted to meet a man to have a relationship with but not in a homosexual way. It was more like a woman wanting to meet a man.

82. Mr CARRANCO last saw the deceased eight months prior to his death and spoke to him about three months prior to his death. At the time of the deceased's death, Ms PRESTON was in New York dealing with an illness and was contacted by Mr CARRANCO after he learnt of the death.

Witness :



Signature :



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EXHIBIT: I PRODUCE THE STATEMENT OF OSWALD CARRANCO.

83. On Wednesday the 24th of December, 1997 a statement was obtained from Elizabeth LING of [REDACTED]. Ms LING was a close friend of the deceased having known him for some nine years and had worked with him at radio station 2RPH. She describes the deceased as not a social person because of his work and volunteer commitments. She would keep in regular contact with the deceased and would sometimes refer to him as "Samantha". She stated that the deceased had told her that he was a virgin and he had never been in any sexual relationship, male or female.

84. Ms LING stated that over the last few months prior to his death, the deceased talked to her about Sandra DURWARD. She was aware that Ms DURWARD was a friend of the deceased who was having problems with alcohol. She stated that the deceased told her that he did not want Ms DURWARD coming to his unit any more as she was stealing things. She further stated that the deceased was having difficulties with her due to her alcohol problem.

EXHIBIT: I PRODUCE THE STATEMENT OF ELIZABETH LING.

85. On Tuesday the 23rd of December 1997 a statement was obtained from Tom CROZIER of [REDACTED]. Mr CROZIER was the manager of the radio station 2RPH where the deceased had worked. He described the deceased's working arrangements with 2RPH. He stated that between three and six months prior to his death, the deceased had left the radio station by resigning on air due to his unwillingness to abide by the station's rules regarding personal comments made on air. Mr CROZIER did not see the deceased again until the 5 December 1997 at a Christmas function for 2RPH.

86. He stated that he had contacted the deceased prior to this function advising him not to attend due to what had happened with his resignation. The deceased did attend the function but according to Mr CROZIER he did not speak to him on this night and had not seen or heard from him since. He was aware that the deceased attended work dressed in ladies clothing. He believe that Steve BECKER was his closest friend at the station. He was unaware of the

Witness: _____

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deceased having an sexual relationships or preferences.

EXHIBIT: I PRODUCE THE STATEMENT OF TOM CROZIER.

87. On Tuesday the 23rd of December 1997 a statement was obtained from Nicola SVENSON of [REDACTED] Ms SVENSON was the program manager at radio station 2RPH and had known the deceased for about two years whilst there. She described herself as a close friend of the deceased as a result of her work association. She stated that the deceased always wore womens clothing and would refer to himself as a woman rather than a man.

88. She stated that in October 1997 she became aware that the management of 2RPH were not happy with the deceased's 'on air' comments. She recalled that the deceased had told her that Mr CROZIER had sent the deceased a letter regarding this and not long after the deceased resigned on air. This on air resignation also included comments regarding his disagreement with management.

89. Ms SVENSON stated that she last saw the deceased at the Christmas function for 2 RPH. She had made arrangements to meet him on Christmas Day. The last communication she had with the deceased was on Thursday the 18th of December 1997 when he left a message on her answering machine. The message related to him being sick and that he was leaving the answering machine on as he wanted to sleep.

90. Ms SVENSON stated that the deceased had talked to her about having a sex change and had been taking female hormones for about two months. She was not aware of the deceased having any financial problems nor any enemies. She was not aware of the deceased having any sexual partners but would often talk about men. She described the deceased as being depressed after the Christmas function but believed he was sick rather than depressed.

EXHIBIT: I PRODUCE THE STATEMENT OF NICOLA SVENSON.

Witness :



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91. On Friday the 26th of December 1997 a statement was obtained from Carl John ELLWOOD of ■ Dobell Circuit, St Clair. Mr ELLWOOD had lived at this address for a period of three weeks prior to the death of the deceased. He lived here with Diedre MILES and her daughter Paris.

92. In his statement he stated that about two days after moving into this address a person by the name of Sandra also moved in. The person was Sandra DURWARD who I will discuss later in this statement.

93. He stated that Ms DURWARD drank alcohol almost every day she'd been there. She would get up and have a drink to start the day. He was not aware how much money she had but had enough to buy some food and alcohol. He stated that she went out most days and would travel by taxi. She usually left early in the morning and would come home late at night.

94. Mr ELLWOOD then outlined his movements of the weekend of the death of David ROSE. He stated that on Friday the 19th of December 1997 he stayed at home. He believed that Ms DURWARD went out. On Saturday the 20th of December 1997 he stated that he left home at 6.00am to attend a job interview at Newtown. When he left, Ms DURWARD was asleep on the lounge. He arrived back home between 6.30pm and 7.00pm. He didn't recall Ms DURWARD being home. On Sunday the 21st of December 1997 he stated that he stayed home all day. He wasn't sure, but he believed that Ms DURWARD was out all day. On Monday the 22nd of December 1997 he stated that he was home all day. He stated Ms DURWARD was out all day.

95. A couple of days prior to making his statement, he recalled Ms DURWARD showing him a paper where she remarked that a person depicted in a picture was a friend of hers. He recalled the person being dressed in weird clothing. Presumably, this was a picture of the deceased. He further recalled that on the day previous to this, Ms MILES had told him that one of Ms DURWARD's friends had died. That afternoon he saw Ms MILES and Ms DURWARD talking together and then Ms DURWARD crying and believed that she had been told about her friend's death.

Witness : 

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96. He stated that on Christmas Eve, Ms DURWARD left the house to go to North Sydney for the funeral of her friend. When she left, she didn't seem too upset and got back home later that afternoon. He stated that she talked about her friend on a couple of occasions but couldn't remember the context of those conversations.

EXHIBIT: I PRODUCE THE STATEMENT OF CARL JOHN ELLWOOD

97. On Tuesday the 30th of December 1997 a statement was obtained from Gordon Josef SHARP of [REDACTED]. Mr SHARP, a marriage celebrant, worked as a volunteer radio announcer at 2RPH where he knew the deceased. He kept in frequent contact with the deceased by telephone and in person at the radio station.

98. Mr SHARP stated that he last spoke with the deceased in early November 1997. He stated that the deceased rang him at home and discussed his concerns about Ms DURWARD. This concern was regarding her alcohol and drug dependency. The deceased had been visiting Ms DURWARD in rehabilitation centres throughout Sydney.

99. Mr SHARP stated that the deceased warned him not to allow Ms DURWARD into his house as she had been stealing from her sister and he believed that she would steal from him. The deceased told Mr SHARP that he would not let her into his unit and would not answer the door unless he knew who it was. He further stated that Ms DURWARD had stayed at his home once prior to the deceased's warning and to his knowledge no property was taken. She had left the next day after he asked her to leave. He did not see her again till the deceased's funeral where she discussed her distress over his death and mentioned that she was working at a massage parlour in St Marys.

100. Mr SHARP stated that he did not believe Ms DURWARD to be a violent person and she had in fact been the victim of domestic violence, namely from her former husband Paul HILTON. He had also seen her recently with bruises and wounds and believe these to be injuries from assaults upon her from drug associates. He believed that she had been a user of Heroin. Mr SHARP also stated that when in the detoxification centre at Jarrah House, Ms DURWARD met

Witness :



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Dee (Diedre MILES) who supplied her with Heroin. He was later told by a friend, Donna DEVITT, that Ms DURWARD had offered some to her. Ms DEVITT was also a friend of Ms DURWARD. He also mentioned that Paul HILTON had previously stayed at the deceased's unit when he was away on holidays and had stolen property from there.

EXHIBIT: I PRODUCE STATEMENT OF GORDON JOSEF SHARP.

101. On Wednesday the 31st of December 1997 a statement was obtained from Marcia VAGG of [REDACTED]. Ms VAGG was a student at the University of New South Wales and a former volunteer worker at radio station 2SER. She first met the deceased at 2SER in 1984 and had kept a close friendship with him since that time. She stated how the deceased would wear ladies clothing and jewellery and considered him a transsexual.

102. Ms VAGG stated that the deceased did not go to night clubs as he did not consider that his scene and the smoky environments irritated his sinuses. He did not go to the gay Mardi Gras either. She stated that she had discussed with the deceased about him having a sex change operation. He told her that he would never do it as it would upset his parents. She further stated how she bought the deceased prosthetic breasts at his request in 1997 which he wore all the time.

103. Ms VAGG stated that the deceased commenced taking hormone tablets about three months prior to his death. During the course of taking these tablets, he told her that he was not feeling physically different but was having difficulty dealing with emotions and mood swings. On Wednesday the 17th of December 1997 she spoke with the deceased by telephone. He told her that he was taking double doses of the hormone treatment at the treating specialists direction which caused him to be ill and take time off work. She stated that by the tone of his voice he sounded depressed and she was worried that he may harm himself.

104. She spoke with the deceased on Friday the 19th of December 1997 where he told her that he was feeling a little better and the specialist had told him to stop taking the hormone treatment until he was completely better. He did not sound as depressed as he was on the

Witness : _____

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previous telephone call. This was the last time she spoke with the deceased. On Sunday the 21st of December 1997 she tried to contact the deceased at his home but the telephone was continually engaged. She stated how she contacted Telstra and she was informed that there was a fault with the line.

105. She described how the deceased was very security conscious and would always keep his doors locked. He never opened the door to anyone he didn't know. She stated that the balcony door and windows would often be open when she was at the unit.

106. She related a telephone call she had with the deceased at his work four or five months prior to his death. She describes the deceased being distressed about a telephone call he received from a friend. He told her that a friend of his was having serious personal problems and she was an alcoholic and addicted to Heroin. He told her that this friend had been thrown out of her sister's house as she had been caught stealing and that her sister had warned him not to let her in to his unit. He had told Ms VAGG that he had caught this friend drinking turps or methylated spirits when she last stayed at his unit. Ms VAGG believed that the deceased was worried about stealing from him or concerned that she may be violent towards him. She was not aware of the name of this friend but I believe this person to Sandra DURWARD.

EXHIBIT: I PRODUCE THE STATEMENT OF MARCIA VAGG.

107. On Friday the 26th of December 1997 a statement was obtained from Diedre Gloria MILES of [REDACTED]. Ms MILES lived at this address with her daughter Paris, Carl ELLWOOD and Sandra DURWARD.

108. Ms MILES stated that she first met Ms DURWARD around October 1997 at Jarrah House, Little Bay which is a drug and alcohol rehabilitation centre. She stated that she didn't really like her as she had an attitude problem and that she kept much to herself. Ms DURWARD was a self confessed Heroin addict but was not sure if she was a current addict. She only knew Ms DURWARD for a period of two weeks.

Witness: _____

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109. Ms MILES stated that about two or three weeks after she left Jarrah House, she received a telephone call from Ms DURWARD who sounded depressed and had been drinking again. Ms DURWARD went and saw Ms MILES where they discussed her problems. Ms DURWARD stayed at Ms MILES's house for about three days before staying with a man by the name of Eric BEARD nearby. She stayed there for a few days before moving in with Ms MILES. Ms MILES stated that she was short of money and allowed her to stay there and help with rent.

110. Ms MILES stated that Ms DURWARD was a prostitute working at the Final Touch Relaxation Centre in Queen Street, St Marys and had been working there since moving in with her. She would work every day between 10.00am and 1.00am. Her mode of transport was always by taxi. She stated that she had not seen Ms DURWARD drink much alcohol in front of her but at times would appear intoxicated. Ms MILES also described how her daughter [REDACTED] on one occasion was kicked by Ms DURWARD in a fit of anger. She stated that Ms DURWARD did get 'cranky' but not out of the ordinary. She stated that Ms DURWARD received a number of telephone calls whilst at the house, generally from her family.

111. Ms MILES stated that on Friday the 18th of December 1997 Ms DURWARD was at work all day and arrived home at 6.00pm. Ms MILES went out for the night whilst Ms DURWARD looked after her daughter. She stated that she arrived home at 2.00am the following morning and went to bed about 6.00am. She did not see Ms DURWARD during this time and assumed she was in bed.

112. About 10.00am on Saturday the 19th of December 1997, Ms MILES went shopping with her daughter and Ms DURWARD and arrived back about 11.00am. She then fell asleep and awoke around 1.00pm. Neither her daughter or Ms DURWARD were home at the time. She tried to contact Ms DURWARD at work at which time her daughter came back home from playing with a neighbour. She recalled that Ms DURWARD spoke a couple of times on the telephone in the morning but did not know who to.

113. Later that day, between 5.30pm and 6.00pm, Ms MILES received a telephone call from Ms DURWARD as a result of leaving a message at her work. The conversation as she

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remembered was regarding the whereabouts of Ms MILES's daughter earlier in the day. Ms MILES stated that she had an early night and did not see Ms DURWARD that night. The next time she recalled seeing Ms DURWARD was on Monday the 22nd of December 1997. She stated that Ms DURWARD left for work about 10.00am and appeared quite normal as usual. She did not see her again until about 9.00am on Tuesday the 23rd of December 1997.

114. Later that day Ms MILES received a telephone call from Ms DURWARD's sister, Fiona FEARY informing her that a friend of Ms DURWARD's called Dave had died. Ms MILES later contacted Ms DURWARD and told her about the murder of the deceased. According to Ms MILES, Ms DURWARD appeared genuinely upset but remained at work.

115. Ms MILES again spoke with Ms DURWARD on Wednesday the 24th of December 1997 where she talked about the deceased. She then raised some concerns to Ms MILES regarding her stepson who had stayed at the deceased's unit two years previous and may have had keys still in his possession. This person was later identified as Joel HILTON. She later heard Ms DURWARD speaking with someone called Donna and another person called Steve BECKER. The basis of the conversations were around the funeral of the deceased.

116. Ms MILES recalled that either on the Monday the 22nd or Tuesday the 23rd of December 1997 she was in the lounge room when Ms DURWARD pointed out to her that one of her eyes was bruised. She told Ms MILES that she received this from one of her clients who had kneeed her in the eye accidentally. Ms MILES also noticed that she had a bruised elbow. She further recalled that a week prior to this she saw that one of Ms DURWARD's arms had dark bruising on it and Ms DURWARD told her that this was caused by her bag.

EXHIBIT: I PRODUCE THE STATEMENT OF DIEDRE GLORIA MILES.

117. On Tuesday the 30th of December 1997 a statement was obtained from Helene Rosemond TOPP of [REDACTED] Ms TOPP, a Credit Manager, was nominated by Steve BECKER as an alibi for his whereabouts on Saturday the 20th of December 1997. She stated that she had known Mr BECKER for about twenty six years and is the god

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father of her daughter.

118. Ms TOPP stated that Mr BECKER arrived at her house on Saturday the 20th of December 1997 between 4.30pm and 5.00pm. Whilst there they spoke about, amongst other things, the deceased who was a close friend of Mr BECKER. She also stated that they talked about Mr BECKER's eye which he told her was injured by his dog. Mr BECKER left her house about 7.30pm and he told her he was going to see his mother at a nursing home in Botany. He did not mention anything about going to the deceased's unit.

119. She stated that she again spoke to Mr BECKER on either Sunday the 21st or Monday the 22nd of December 1997 where he told her that he had been to see his mother who was asleep and he didn't disturb her. He mentioned to her that he had been to see Ms TOPP's ex-husband but wasn't sure when this happened. Mr BECKER told her that he had been to the deceased's unit on Saturday the 20th of December 1997 after leaving her house but there was no answer. He had been trying to contact the deceased but was unable to. She stated that he contacted her on Monday the 22nd of December 1997 and told her about the deceased's death.

EXHIBIT: I PRODUCE THE STATEMENT OF HELENE ROSEMOND TOPP.

120. On Wednesday the 31st of December 1997 a statement was obtained from Emma Marie VESCIO of [REDACTED]. Ms VESCIO was employed as a Personal Assistant with Westpac Banking Corporation and a friend of the deceased since 1988. She stated that she regularly (every two weeks or so) saw the deceased usually meeting him for lunch and would speak to the deceased by telephone once a week.

121. Ms VESCIO stated that although she and the deceased were fairly close, they did not discuss his personal life to any great extent and only knew what he had told her. She was aware of his lifestyle in so far as his cross-dressing but was not aware if whether he had had any partners during the time she knew him nor did she know what his sexual preference was as they never discussed it. She stated that she was aware of his family and that the deceased had told her that he didn't get on with his mother but she didn't know why.

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122. Ms VESCIO stated that she had been to the deceased's unit on six to eight occasions with the last time being between three to four months prior to his death. The last time she spoke with the deceased was on Friday the 19th of December 1997 where she spoke to him at home and he told her that he wasn't feeling well due to the female hormones he was taking.

123. She stated that the deceased never mentioned any fear for his safety or any person he was concerned about. The deceased was a regular traveller but was not aware who looked after his unit while he was away. She stated that the deceased had helped a friend of his named Sandra (presumably Ms DURWARD) who had a problem with alcohol and he allowed her to stay at his place. About six months prior to his death, this friend needed a place to stay but the deceased was reluctant to let her stay at his unit because of her alcohol problem. Ms VESCIO stated that the deceased was very security conscious. She did not know how many sets of keys there were.

EXHIBIT: I PRODUCE THE STATEMENT OF EMMA MARIE VESCIO.

124. On Wednesday the 31st of December 1997 a statement was obtained from Monica NYE of [REDACTED]. Mrs NYE, a freelance journalist, was a friend of the deceased since 1983 whom she met at radio station 2RPH.

125. Mrs NYE stated that she was aware of the deceased being a cross-dresser. She was of the opinion that the deceased considered himself a woman and that he had told her that he was sexually attracted to men but had never acted upon his feelings. She was also aware that he was interested in a sex change operation. She nominated Ms DURWARD as a heavy drinker and a close friend of the deceased.

126. Mrs NYE stated that she got married in 1993 after which she noticed that the deceased started to become 'clingy' to her and persistent in maintaining contact. This persistence was such, that after moving to a new house in 1994, she did not want to give her home telephone number to him as she wanted to keep her personal life separate from her work. She stated that she actually left a message on his answering machine explaining that she wanted no further

Witness : Signature : 

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contact with him.

127. She stated that the deceased had spoken to her about his family. He had told her that his mother used to dress him up in womens clothing because she always wanted a daughter. She stated that he spoke fondly of his family and there was never any mention of any family problems. She was not aware of any enemies of the deceased.

EXHIBIT: I PRODUCE THE STATEMENT OF MONICA NYE.

128. On Saturday the 3rd of January 1998 I attended the Pennant Hills Police Station and spoke with Elina HALME. Ms HALME is the de-facto wife of Steve BECKER living at [REDACTED]. Mr BECKER nominated Ms HALME as an alibi for his movements between Saturday the 20th and Monday the 22nd of December 1997. I obtained a statement from Ms HALME.

129. Ms HALME stated that she had been in a relationship with Mr BECKER for nine years. It was during this time that she became acquainted with the deceased. She had known the deceased for about five years through Mr BECKER's work association at 2RPH. The deceased had only been to their house on one occasion for a barbecue in November 1997. She was not aware of his personal life but was aware of cross-dressing and the female hormone treatment.

130. Ms HALME stated that between 10.00am and 11.00am on Saturday the 20th of December 1997 she was at home with Mr BECKER when he rang and spoke with the deceased. She stated that it was only a short conversation and that the deceased had told Mr BECKER that he was too tired to talk. Mr BECKER expressed to her that he was concerned about well being.

131. She stated that Mr BECKER left home about 4.00pm that day to go to Hurstville and deliver some presents to the daughter of Helene TOPP. This is confirmed in the statement of Ms TOPP. Ms HALME stated that she thought Mr BECKER told her that he intended going to the deceased's unit to deliver his present. She stated that she left home and went to work at

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Hornsby about 5.00pm that afternoon.

132. Ms HALME stated that Mr BECKER picked her up at work around midnight and expressed his concern about the deceased. He told her that he had been to the deceased's unit but there was no answer. He left the present between the front door and the screen door. This information coincides with the statements supplied by Bertha ROSE and Constable WAITES regarding the locating of the present.

133. She further stated that Mr BECKER tried to contact the deceased by telephone on Sunday the 21st of December 1997 but the telephone was continually engaged. Mr BECKER expressed to her his concern that due to the deceased's demeanour on their last conversation, that the deceased may have taken some tablets or done something stupid. Mr BECKER had made inquiries with a local hospital with a negative result.

134. Ms HALME stated that on Monday the 22nd of December 1997 Mr BECKER contacted the mother of the deceased informing her that he had been unable to contact the deceased. She stated that Mr BECKER contacted her later that day informing her that the body of the deceased had been located in his unit and that he may have taken his own life.

EXHIBIT: I PRODUCE THE STATEMENT OF ELINA HALME.

135. On Tuesday the 6th of January 1998 a statement was obtained from Louise Margaret CLIFFORD of [REDACTED]. Ms CLIFFORD, a shop assistant, was a former employee at the Final Touch Relaxation Centre in St Marys. Her working name was 'Mandy' and she left these premises in December 1997.

136. She stated that in late November or early December 1997 a woman started work at the Final Touch using the work name of 'Veronica'. She believed this person's real name to be Sandra (Ms DURWARD). She stated that 'Veronica' worked a lot of double shifts generally from 10.00am to 12.00 midnight and used taxis as her transport. She stated that she only spoke with 'Veronica' on a work basis. She was aware that 'Veronica' was supposed to be a

Witness : _____

Signature : _____

STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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reformed alcoholic but could smell alcohol on her at work.

137. Ms CLIFFORD stated that on Friday the 19th of December 1997 she was at the Final Touch for a couple of hours between 2.00pm and 7.00pm during which time she saw 'Veronica' there. The next time she was at the Final Touch was 5.00pm on Tuesday the 23rd December 1997. During her shift she recalled seeing 'Veronica' sitting behind the desk in the reception area crying. The receptionist, Trisha, was with her. Ms CLIFFORD was informed that one of 'Veronica's' friends had been murdered. She stated that 'Veronica' made a number of telephone calls and talked about the deceased.

138. Ms CLIFFORD stated that she next worked at the Final Touch on Saturday the 27th of December 1997. During the course of her shift she spoke with 'Veronica' who told her that the police would be ringing the premises to confirm that she worked there. She also told Ms CLIFFORD that she had informed the police that she knew who killed the deceased. 'Veronica' further mentioned that her fingerprints would be all over the unit from when she stayed there while the deceased was overseas. Ms CLIFFORD also stated that 'Veronica' had told her that she had keys to the unit when the deceased was murdered. She also mentioned about her stepson stealing property from the deceased while he was away.

139. Ms CLIFFORD stated that on this same day police attended the Final Touch and spoke with the receptionist, Trish. During this time, 'Veronica' spoke with Ms CLIFFORD and said, "At least I now know what day it happened on. They're not telling me anything about how it happened." Ms CLIFFORD found this strange because the police had not spoken to 'Veronica' whilst at the premises. She then noticed 'Veronica' write a list of things down on an envelope. These things included something about an A.A. meeting, a train to St Marys, and five or six mens names. Ms CLIFFORD heard 'Veronica' make a telephone call and leave a message for a 'David'. She then said to Ms CLIFFORD, "I just want to let David know that the police will want to speak with him to verify what I have said. I'm not going to tell him what it's about." I believe this person to be Ms DURWARD's alibi, David THWAITES.

EXHIBIT: I PRODUCE THE STATEMENT OF LOUISE MARGARET CLIFFORD.

Witness: _____

Signature: _____

STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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140. On Monday the 5th of January 1998 I attended the premises of [REDACTED] and spoke with Donna Ann DEVITT. Ms DEVITT, a legal secretary, was a friend of the deceased as well as Ms DURWARD. She had met the deceased at radio station 2RPH where she once trained to be a radio announcer.

141. Ms DEVITT stated that she had known the deceased for about twelve years and mainly kept in contact with him through Ms DURWARD. She was aware of his cross-dressing and had been told by him of his female hormone treatment. She stated that he did not express any concerns about anyone he may have been having trouble with.

142. Ms DEVITT stated that she last saw the deceased about two months prior to his death when he came to her place for dinner but had spoken to him regularly since that time. She stated that the main reason for their communication was the deceased's concerns regarding Ms DURWARD. She described Ms DURWARD as having a problem with alcohol and heroin and would constantly contact people looking for a place to stay. There was also a problem that she may have been stealing from her friends to support her 'substance abuse'. She stated that the deceased was aware of this and was worried about her staying at his unit.

143. Ms DEVITT stated that on one occasion she had to call the police to remove Ms DURWARD as she refused to leave after Ms DEVITT would not let her stay at her house. She stated that about four or five months prior to the deceased's death, Ms DURWARD had stayed at his unit and the deceased had noticed that his bottles of methylated spirits were disappearing and eventually realised that Ms DURWARD was drinking it. As a result of this and her continued downhill slide, the deceased did not allow her to stay at his unit anymore.

144. Ms DEVITT stated that after the funeral, Ms DURWARD contacted her and left a message on her answering machine. Ms DURWARD wanted her to contact her urgently regarding something "nasty and serious" that was worrying her. Ms DEVITT did not return her call. She also handed me the cassette containing the telephone message which I have retained.

Witness : _____

Signature : _____

STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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**EXHIBIT: I PRODUCE THE STATEMENT OF DONNA ANN DEVITT.
I PRODUCE THE ANSWERING MACHINE CASSETTE TAPE MESSAGE OF
SANDRA DURWARD.**

145. On Wednesday the 7th of January 1998 a statement was obtained from Mandy Frances POLGAR of [REDACTED]. Ms POLGAR, a lawyer, had known the deceased since 1977 where she met him at the University of New South Wales.

146. Ms POLGAR stated that the deceased was very security conscious and would always lock the front doors of his unit. IN the time that she knew him, the deceased kept his door keys on a string around his neck.

EXHIBIT: I PRODUCE THE STATEMENT OF MANDY FRANCES POLGAR.

147. On Wednesday the 7th of January 1998 a statement was obtained from Gaynor Margaret FOSTER of [REDACTED]. Ms FOSTER, a writer, was a former friend and work colleague of the deceased at 2RPH for about two years. She described how the deceased liked to dress in female clothing and considered that the deceased was asexual. The deceased had never expressed any fear of anyone or any problems he was having. She felt he was estranged from his family due to his cross-dressing.

148. She stated that on Tuesday the 23rd of December 1997 she received a telephone call from Stephen BECKER who informed her of the death. He also told her that he had been concerned about the deceased as he had contacted him and he was too tired to talk as he was ill. He told Ms FOSTER that he had attempted to contact the deceased during the weekend but the telephone was off the hook. He was so concerned that he had contacted the deceased's mother. Mr BECKER also mentioned to her that he had left a present at the deceased's unit front door.

EXHIBIT: I PRODUCE THE STATEMENT OF GAYNOR MARGARET FOSTER.

Witness : _____

Signature : _____

STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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149. On Tuesday the 23rd of December 1997 I attended the premises of [REDACTED] where I spoke with Dr Philip GEORGOURAS. Dr GEORGOURAS was a medical practitioner operating his surgery a short distance from the deceased's unit. Dr GEORGOURAS treated the deceased's illness in the week prior to his death.

150. On Wednesday the 7th of January 1998 Dr GEORGOURAS attended Maroubra Police Station where I obtained a statement from him in relation to his medical treatment of the deceased. He stated that he saw the deceased at 10.00am on Thursday the 18th of December 1997 where he complained of nausea with no abnormal physical signs. He stated that the deceased had informed him that he was taking female hormones consisting of Progynova and Androcur. He further informed Dr GEORGOURAS that he was allergic to Stemetil tablets which had caused muscular spasms when taken in the past but had taken Maxolon tablets previously without any problem.

151. Dr GEORGOURAS's provisional diagnoses of the deceased was nausea due to female hormones and prescribed anti-nausea tablets Maxolon and Pyridoxine.

152. He stated that the deceased returned to his surgery on Friday the 19th of December 1997 still complaining of nausea. The deceased was informed to continue his anti-nausea medication and given a medical certificate for three days off work. He stated that the deceased did not complain of any injury and informed Dr GEORGOURAS that he had stopped taking the hormone tablets because of his nausea. This was the only time he had treated the deceased.

EXHIBIT: I PRODUCE THE STATEMENT AND MEDICAL RECORDS OF DR PHILIP GEORGOURAS.

153. On Saturday the 27th of December 1997 a statement was obtained from Irene Patricia BURROWS of [REDACTED]. Mrs BURROWS was employed as the receptionist at the Final Touch Relaxation Centre at St Marys where Ms DURWARD worked.

Witness :



Signature :



STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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154. She stated that about three weeks prior to making this statement, Ms DURWARD had contacted the Final Touch looking for work and commenced that night. Ms DURWARD used the working name of 'Veronica'. She stated that since working there, Ms DURWARD had worked a number of double shifts from 10.00am to 12.00am and would catch a taxi to and from work. She considered Ms DURWARD moody but not cranky. She stated that Ms DURWARD was not popular with clients and would make about \$200 to \$250 per week.

155. Mrs BURROWS stated that she didn't know much about Ms DURWARD's personal life only that she lived with a person called 'Dee' and had some sisters whom she spoke with on the telephone from work. Ms DURWARD had also made three or four telephone calls to a person called David. I believe this person to be David THWAITES. Mrs BURROWS recalled that on 23rd December 1997 Ms DURWARD received a telephone call from this David which appeared to be a happy call but was not aware what they talked about.

156. Mrs BURROWS stated that she first noticed an injury to Ms DURWARD's eye about Wednesday the 24th of December, 1997. Her eye had a reddish black bruise on it and there was another bruise on one of her elbows. She asked Ms DURWARD to cover the bruised eye with makeup but didn't ask her how she got it. Ms DURWARD did not inform her of how she got it and had not made any report of receiving an injury from a client. No records were kept of these reports anyway but as they didn't happen often she recalled this particular incident.

157. Mrs BURROWS describes how Ms DURWARD received a telephone call on Tuesday the 23rd of December 1997 from 'Dee'. Ms DURWARD cried for a little while before telling Mrs BURROWS that "my best friend has been murdered". On Wednesday the 24th of December 1997 Ms DURWARD was at work and talked about the deceased with Mrs BURROWS. Mrs BURROWS stated that Ms DURWARD said to her, "I think I know who did it. My stepson has keys to the unit." She also mentioned about the deceased's unit door being locked and there was no sign of forced entry.

EXHIBIT: I PRODUCE THE STATEMENT OF IRENE PATRICIA BURROWS.

Witness : _____

Signature : _____

STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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158. On Thursday the 29th of January 1998 a further statement was obtained from Irene Patricia BURROWS, a receptionist at Final Touch Relaxation Centre. In this statement she relates how she invited Ms DURWARD to stay with her if she was unable to find someone to live. She stated that on Wednesday the 14th of January 1998 she received a telephone call from Ms DURWARD taking up the offer to stay at her home.

159. Mrs BURROWS stated that she picked up Ms DURWARD from The Final Touch and she told her that she couldn't stay any more at [REDACTED] because a cousin Ms MILES, who she was staying with, was attempting to have sex with her and so she decided to leave. She told Ms DURWARD that she was able to stay at her home until she got money together for a unit of her own.

160. Mrs BURROWS stated that on Tuesday the 27th of January 1998 she went to work and spoke with her boss who told her that she had found a needle in the toilet. Her immediate thoughts were that it belonged to Ms DURWARD as she had told Mrs BURROWS that her friend David THWAITES was a heroin user. She knew that none of the other girls who worked there used drugs. She also stated that since Ms DURWARD had been working at Final Touch she had found a number of empty bottles of vodka under the beds and had also found empty vodka bottles at her home where Ms DURWARD was staying.

161. She then relates how Ms DURWARD purchased a mobile phone two days prior to moving in with her. Ms DURWARD made comment to her that she could keep her telephone calls private as she did not receive an account. Ms DURWARD was using disposable (pre-paid) SIM cards for her mobile phone. She would always use her mobile phone to make calls. She stated that Ms DURWARD received a number of calls from Mr THWAITES at work and Ms DURWARD would always ring him back on her mobile phone. Mrs BURROWS stated that Ms DURWARD had told her that she was in love with Mr THWAITES and was having a sexual relationship with him. She stated that since she had known Ms DURWARD she had always noticed bruises on her body and that they were becoming increasingly worse.

Witness : _____

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STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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162. Mrs BURROWS then stated that in the week prior to making this statement, she had been at work with Ms DURWARD and gave her a lift home. When they got home, Ms DURWARD put her head into her hands and said, "Maybe I did kill him." Mrs BURROWS replied, "Well you either know whether you did or you didn't." Ms DURWARD did not reply to this and went to bed. On the evening of Wednesday the 28th of January 1998 she came home and found Ms DURWARD packing her bags. She left saying, "I've fucking had enough. I've fucking had enough of it all." She also left without giving her keys back to Mrs BURROWS.

163. Mrs BURROWS made comment that she had never seen Ms DURWARD in this mood before. She described Ms DURWARD as being in a rage. Mrs BURROWS made a comment of interest in paragraph 25 of her statement dated 29th January 1998. She says, "If you ask me if I thought she was capable of murder in the mood she was in last night I would say yes."

EXHIBIT: I PRODUCE THE 2ND STATEMENT OF IRENE PATRICIA BURROWS.

I PRODUCE ONE LETTER FROM SANDRA DURWARD TO IRENE BURROWS.

164. On Saturday the 10th of January 1998 a statement was obtained from Marisa CRACKER of [REDACTED]. Ms CRACKER was employed as a receptionist at Final Touch Relaxation Centre at St Marys. She had been there for about ten months and normally worked there on weekends between 10.00am and 12.00am. She was also employed as a receptionist at Bare Bunnies brothel in St Marys. She worked at these premises seven nights a week between 5.00pm and various finishing times.

165. Ms CRACKER stated that 'Veronica' (Ms DURWARD) commenced working at the Final Touch about six weeks prior to the making of her statement. Ms DURWARD also worked some shifts at Bare Bunnies but mainly at Final Touch. She stated that between 4.30pm and 5.00pm on Saturday the 20th of December 1997 she arrived for work at Final Touch and Ms DURWARD was not there. She was annoyed because Ms DURWARD was late for work. She recalled receiving a telephone call around 5.00pm from a person called 'Dee' (Ms MILES) who told her that Ms DURWARD was going to be late as she was having coffee with a friend. This person also mentioned something about her child missing and wanted Ms DURWARD to

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contact her when she got in.

166. Ms CRACKER stated that Ms DURWARD got into work between 6.30pm and 8.00pm and recalled that Ms DURWARD told her that she had been in the city and had had coffee with a friend who was screwed up and she had tried to sort out his problems. She had mentioned to Ms CRACKER about something to do with Neutral Bay but couldn't remember why.

167. She stated that when Ms DURWARD arrived she was wearing a blue coloured dress with no shoes. She asked her to put shoes on but Ms DURWARD told her that she had a sore foot or leg and couldn't put any on. She did not notice any injuries to Ms DURWARD. She recalled that Ms DURWARD appeared exhausted and slept most of the shift on the couches in the lounge area.

168. She stated that on the morning of Sunday the of 21st December 1997 she attended Final Touch some time after 10.00am. Ms DURWARD arrived late for work and told her that she had slept in. She noticed that Ms DURWARD had a bruised eye and when questioned about it, Ms DURWARD told her no to worry about it and that a client had kicked her. There was no further discussion about it.

169. Ms CRACKER stated that either on Wednesday the 31st of December 1997 or Thursday the 1st of January 1998 she was working at Bare Bunnies as was Ms DURWARD. Ms DURWARD was falling asleep on the lounges and when questioned by Ms CRACKER regarding her tiredness she replied, "My life has been a real nightmare for the last few weeks." She further stated that later that night she approached Ms DURWARD and spoke to her about her sleeping at work. Ms DURWARD commented, "I don't know what's wrong with me. Maybe it's not a nightmare. Maybe I did kill him." Ms DURWARD the said, "I've got to make a phone call, this is my alibi."

170. Ms CRACKER stated that Ms DURWARD tried to call someone on the pay phone but hung up without speaking to anyone. Ms DURWARD sat down and said, "Maybe it's not a nightmare, maybe I did kill him in my sleep." Ms DURWARD again made reference to her

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STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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stepson previously staying at the deceased's unit when he was overseas. She also made reference to her fingerprints being in the unit because she had stayed there before. Ms CRACKER stated that Ms DURWARD made a number of attempts to contact someone during the night without success.

171. Later that night Ms DURWARD spoke with Ms CRACKER relating to her making a statement to police, seeing Legal Aid, and not being a suspect anymore. Ms DURWARD had also repeated this conversation to someone on the telephone during the night. Ms CRACKER also stated that she spoke with Ms DURWARD regarding her black eye and other bruising to which Ms DURWARD gave the same excuses for receiving these injuries from a client.

EXHIBIT: I PRODUCE THE STATEMENT OF MARISA CRACKER.

172. On Monday the 26th of January 1998 an additional statement was obtained from Marisa CRACKER clarifying certain aspects of her original statement. She stated that when spoke with Ms DURWARD on either the 31st of December 1997 or 1st of January 1998 at Bare Bunnies brothel, Ms DURWARD did not appear to be drunk or under the influence of any drugs.

EXHIBIT: I PRODUCE THE ADDITIONAL STATEMENT OF MARISA CRACKER.

173. On Saturday the 10th of January 1998 a statement was obtained from Linda SWEET of [REDACTED]. Ms SWEET was a receptionist at the Final Touch Relaxation Centre. She stated that she had worked there for about four or five months usually on Saturdays from 10.00am to 5.00pm.

174. She stated that 'Veronica' (Ms DURWARD) had been working there for about six weeks and knew she was a reformed alcoholic. She stated that 'Veronica' had been going to Alcoholics Anonymous meetings and had spoken with a person named David whom she believed to be a support from Alcoholics Anonymous.

Witness: _____

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STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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175. Ms SWEET then recalled a telephone call she received from a female person around lunch time on Saturday the 20th of December 1997 asking to speak with 'Veronica'. This telephone call related to a missing child belonging to the caller. I believe that this is the call of Diedre MILES. She stated that about an hour later she received a telephone call from 'Veronica' who told her that she was in the city and was just checking on her roster. Ms SWEET passed on the message relating to the earlier telephone call and recalled that 'Veronica' sounded like she was calling from a pay phone and that it was noisy in the background.

EXHIBIT: I PRODUCE THE STATEMENT OF LINDA SWEET.

176. On Saturday the 10th of January 1998 a notebook statement was obtained from Nazeem Nisha HUDSON of [REDACTED]. Ms HUDSON was a prostitute employed at Bare Bunnies brothel in St Marys. She worked under the name of 'Jasmine'.

177. She stated that she was working at Bare Bunnies on Wednesday the 31st of December 1997 and during the shift she recalled 'Veronica' (Ms DURWARD) being in the reception area lying on the lounge. 'Veronica' said, "I must have done it in my sleep." She also said, "I must've killed this guy, didn't you see it on telly. The cross dresser. I couldn't have done it. He was my best friend." Ms HUDSON stated that 'Veronica' said a couple of times, "I might have killed him in my sleep" and then would add, "No, it couldn't have been me. I must have been drinking". Ms HUDSON also recalled that 'Veronica' tried to make a couple of telephone calls saying that it was her alibi.

EXHIBIT: I PRODUCE THE NOTEBOOK STATEMENT OF NAZEEM NISHA HUDSON.

178. On Monday the 12th of January 1998 a further statement was obtained from Ms HUDSON at Mt Druitt Police Station. This statement outlined the same information given by her on 10th January 1998. She also made mention of seeing the bruising on Ms DURWARD's body. She further stated that Ms DURWARD had made comments regarding police investigating her.

Witness : _____

Signature : _____

STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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EXHIBIT: I PRODUCE THE ADDITIONAL STATEMENT OF NAZEEM NISHA HUDSON.

179. On Friday the 9th of January 1998 a statement was obtained from Christopher John WOODS of [REDACTED]. Mr WOODS was the Manager of the Telephone Banking Systems within Westpac Banking Corporation situated at 140 Phillip Street, Sydney. He was the direct boss of the deceased. Ms WOODS outlined the employment history of the deceased.

EXHIBIT: I PRODUCE THE STATEMENT OF CHRISTOPHER JOHN WOODS.

180. On Friday the 9th of January 1998 a statement was obtained from Fiona Kathryn FEARY of [REDACTED]. Mrs FEARY was the sister of Ms DURWARD. She stated that she would see Ms DURWARD about once a month and around Christmas 1997 had seen her about three times. She stated that Ms DURWARD had had a problem with alcohol addiction for some fifteen to twenty years and had also previously had a problem with a heroin addiction.

181. Mrs FEARY stated that she was aware that Ms DURWARD was a close friend of the deceased through their association at radio station 2RPH. She stated that she had met the deceased on two prior occasions but had spoken to him regularly in the last three months in relation to Ms DURWARD's problems.

182. Mrs FEARY stated that she found out about his death from her mother who had been contacted by Stephen BECKER. On Tuesday the 23rd of December 1997 she spoke with Diedre MILES and left a message for Ms DURWARD in relation to the deceased. She was concerned how Ms DURWARD would cope with the news due to her emotional state. She was later contacted by Ms DURWARD who sounded extremely upset. She further stated that she had spoken with Ms DURWARD since then and she had mentioned that the police were investigating her.

183. Mrs FEARY outlined how Ms DURWARD had stayed at the deceased's unit three to four months prior to his death for a period of two weeks. During this time Mrs FEARY spoke with

Witness: _____

Signature: _____

STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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the deceased who was concerned about Ms DURWARD's health. As far as she was aware, Ms DURWARD had left of her own accord.

184. Mrs FEARY stated that after Ms DURWARD had left his unit, the deceased contacted her by telephone regarding Ms DURWARD returning his unit keys. She spoke with Ms DURWARD about the keys and Ms DURWARD told her that she would organise to return them. She was of the belief that the keys were returned but could not be one hundred percent sure.

EXHIBIT: I PRODUCE THE STATEMENT OF FIONA KATHRYN FEARY.

185. On Monday the 12th of January 1998 a statement was obtained from Gunta ANSPAL of [REDACTED]. Ms ANSPAL was a Pharmacist at the Doncaster Chemist, Doncaster Plaza Kensington.

186. Ms ANSPAL stated that on Tuesday the 7th of October 1997 she dispensed medication known as Progynova and Androcur to the deceased. On Saturday the 15th November 1997 she dispensed another packet of Progynova to the deceased. She stated that Progynova was a oestrogen hormone while Androcur was an anti-androgenic hormone used to lessen one's sex drive.

EXHIBIT: I PRODUCE THE STATEMENT OF GUNTA ANSPAL.

187. On Wednesday the 14th of January 1998 a statement was obtained from Christopher John GREEN of [REDACTED]. Mr GREEN, a Special Effects Artist, was a cross-dresser who frequented the Taxi Club in Flinders Street, Darlinghurst.

188. He stated that about 10.00pm on either Saturday the 20th December 1997 or Sunday the 21st December 1997 he attended the Taxi Club. At this time he walked the up stairs from the foyer area to the main bar when he saw a male person dressed in drag or womens clothing, sitting alone at a table near the stairs.

Witness :



Signature :



STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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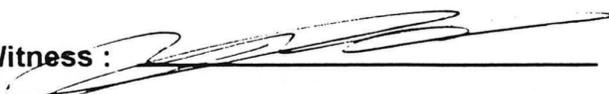
189. This male person was wearing jeans, a blouse, and appeared to have breasts which did not look real. He described him as not being a good drag dresser. He described this person as having teased hair around the side and a receding hairline. He appeared as if he was waiting for some one. Mr GREEN stated that he spent a couple of hours at the Taxi Club but did not see him after this time.

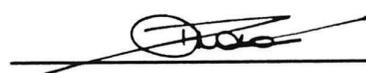
190. He believed that he had seen this person at the Taxi Club on previous occasions. Mr GREEN was previously spoken to about this matter by Constable LINDLEY and shown a photograph of the deceased. He stated that he was 85% sure that the deceased was the person he saw on this occasion. Inquiries revealed that the deceased was not a member of the Taxi Club under his name or any similar aliases.

EXHIBIT: I PRODUCE THE STATEMENT OF CHRISTOPHER JOHN GREEN.

191. As a result of this information, the security video tapes from the Taxi Club were seized and viewed for Saturday the 20th of December 1997 and Sunday the 21st of December 1997. During the course of viewing the tapes, a male person was seen to enter the Taxi Club who appeared very similar in appearance to the deceased. The time recorded on the video was 12.08am on Monday the 22nd of December 1997. This person remained in the club premises for at least one hour. On entering the club premises this person swiped his membership card in a machine in the foyer of the club.

192. Subsequent inquiries were made on this machine. On Thursday the 29th of January 1998, I attended [REDACTED] and spoke with Anthony SPENCER. Mr SPENCER was a member of the Taxi Club and his membership card was used by the male person mentioned above. Photographs were developed from the security video of the Taxi Club depicting this male person. It was clear that the person depicted in the photograph was Mr SPENCER and not the deceased. Mr SPENCER was very similar in appearance to the deceased and this would concur with Mr GREEN's alleged sighting of the deceased in the Taxi Club. Mr SPENCER's premises was situated around the corner from the Taxi Club.

Witness : 

Signature : 

STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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193. On Wednesday the 15th of January 1998 a statement was obtained from Michael GUILHAUS of [REDACTED]. Mr GUILHAUS was an Associate Professor at the University of New South Wales. Mr GUILHAUS read an article in the local paper, The Messenger, in relation to the murder of the deceased. In the article was a photograph of the deceased which caused him to contact police.

194. Mr GUILHAUS stated that on the weekend of Saturday the 20th and Sunday 21st of December 1997 he spent most of his time working in his front garden installing a new watering system. He stated that at one stage during the weekend he noticed a person on the eastern side of Willis Street walking in a southerly direction. This person walked past him and continued on. He stated that he recognised this person as being someone he seen at the University of NSW in the 1970's. This person had the same walk and demeanour.

195. He stated that the person he saw was wearing a straw hat with a wide brim and a ribbon on it possibly going under the chin of the person. He described it as being a ladies hat. The person was also wearing a light coloured shirt, pants and running shoes. On first observations, he thought the person was female but when he got closer he could tell it was a male. He further described the clothing as female clothing. The person was in possession of a walkman, had bangles on his wrists, long and dark frizzy hair, and may have been wearing glasses.

196. Mr GUILHAUS was shown a photograph by Constable KITCHING of the deceased wearing a wide brim ladies sun hat and holding a snake. He stated that he recognised the deceased as being the same person that walked past him on this weekend. Mr GUILHAUS's best recollection was that this sighting of the deceased would have been on Saturday afternoon being the 20th December 1997.

187. A number of inquiries have been made especially at the Kingsford Markets which is nearby Mr GUILHAUS's residence which have met with a negative result. There have been no other reported sightings of the deceased at this time in the Kingsford area. Investigations have revealed from telephone records that the deceased was home at 2.48pm on Saturday the 20th December 1997 when he had a telephone conversation with Louise SADEK. It is after this

Witness : _____

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STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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telephone call that the deceased is not able to be contacted again.

198. The possible sighting of the deceased on the weekend of Saturday the 20th and Sunday the 21st December 1997 by Mr GUILHAUS may be categorised in four ways - that Mr GUILHAUS saw the deceased in Willis Street, Kingsford on the afternoon of Saturday the 20th of December 1997; that he saw the deceased on a weekend or some date prior to the weekend in question; that he mistakenly identified the deceased as being someone similar to who he saw or knew, or that his memory of the person he saw was influenced by the photograph of the deceased in the newspaper article prior to making his statement.

EXHIBIT: I PRODUCE THE STATEMENT OF MICHAEL GUILHAUS.

199. On Wednesday the 14th of January 1998 a statement was obtained from Elizabeth Ruth KING of [REDACTED]. She stated that she first met Ms DURWARD at the end of October 1997 at Jarrah House. This was a rehabilitation centre for women with addictions to alcohol and drugs. She described Ms DURWARD as being inquisitive of other peoples' private lives but kept mainly to herself. She was very dominant and appeared quite intelligent.

200. Ms KING stated that Ms DURWARD was not very well liked at Jarrah House. She had jokingly made threats at staff within the centre after which she was given an official warning. Ms KING described her association with Ms DURWARD, Diedre MILES and another person called Vicki. She then related how she was introduced to the deceased by Ms DURWARD who he had visited a number of times at the centre. This was all she knew about the deceased.

201. Ms KING stated that on Saturday the 3rd of January 1998 she received a telephone call from Ms DURWARD informing her of the murder of the deceased. During the conversation Ms DURWARD told her that the police were hassling her. When asked what they were looking for she replied, "Dave's keys." Ms KING further stated that Ms DURWARD admitted that she was drinking again but it was under control. Ms KING also had a conversation with Ms MILES.

Witness : _____

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202. Ms KING stated that on Sunday the 11th of January 1998 she received a telephone call from Ms MILES who told Ms KING that she was scared of Ms DURWARD because she had left with her money, keys and clothes. She told Ms KING that Ms DURWARD had told her so many lies and had left a number of empty bottles of vodka under her daughter's bed. Ms MILES expressed to her that if anything happened to her or her daughter that Ms DURWARD would be responsible for it. She also expressed her concern regarding Ms DURWARD kicking her daughter (Paris).

203. Ms KING stated that in the time she knew Ms DURWARD she found that she could change her personality very quickly. One minute she could be happy and the next very quiet and withdrawn. She stated that Ms DURWARD could be sadistic in her actions. Although she never knew her to be physically aggressive, she was occasionally verbally abusive to other people.

EXHIBIT: I PRODUCE THE STATEMENT OF ELIZABETH RUTH KING.

204. On Wednesday the 14th of January 1998 a statement was obtained from Mark Richard DAVEY of [REDACTED]. Mr DAVEY was an employee at Maisy's Cafe, Military Road Neutral Bay. He stated that he worked at Maisy's Cafe on the night of Friday the 19th December 1997. He worked through to the morning of Saturday the 20th December 1997 and was due to finish at 8.00am. He stated that he worked through until around 9.00am.

205. He recalled seeing a female person with ginger hair and scabby arms in the cafe on the Saturday the 20th of December 1997. He could not remember the time but noticed the woman because of her scabby arms. He recalled that she was large in build with freckly fair skin and was wearing a dress. He stated that he would be able to positively identify her if he saw her again. He did not remember if she was with anyone at the time.

206. The description given by Mr DAVEY would appear to be that of Ms DURWARD although the time he saw her is uncertain.

Witness : _____

Signature : _____

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EXHIBIT: I PRODUCE THE STATEMENT OF MARK RICHARD DAVEY.

207. On Thursday the 15th of January 1998 I attended [REDACTED] Addison Street, Kensington and spoke with Takao ASANO in relation to his statement of Monday the 22nd of December 1997. He confirmed that the sound of a breaking plate was heard by him on the morning of Sunday the 21st December 1997. He had previously worked in a restaurant and was familiar with the sound of breaking plates. He stated that the sound came from the above him and indicated towards the direction of the deceased's kitchen.

EXHIBIT: I PRODUCE RUNNING SHEET 9/41/1.

208. On Thursday the 15th of January 1998 a statement was obtained from John KAFES of [REDACTED]. Mr KAFES owned a automotive business at [REDACTED]. He stated that about 11.00am on Saturday the 20th December 1997 Paul HILTON attended the business premises in relation to vehicle repairs. Mr HILTON owned a Toyota Landcruiser which had its front differential and axles replaced between the 5th and 11th of December 1997 at Mr KAFES's business premises. Mr HILTON returned it to the premises on Saturday the 20th of December 1997 because it needed further repairs. Mr KAFES stated that he spoke with Mr HILTON on this day and he appeared calm and went for a test drive with Mr HILTON. They then went to [REDACTED] Tyre Service where they spoke with the owner 'Ossie' regarding tyres that were previously placed on the vehicle. He believes that he last saw Mr HILTON around 11.30am that day and had not seen him since.

EXHIBIT: I PRODUCE THE STATEMENT OF JOHN KAFES.

209. On Thursday the 15th of January 1998 a statement was obtained from Thaddeus Australia (Ossie) ZLOKOWSKI of [REDACTED]. Mr ZLOKOWSKI was the owner and operator of the business [REDACTED] Tyre Service Pty Ltd situated at [REDACTED].

Witness : 

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210. He stated that on Saturday the 20th of December 1997 he was working at [REDACTED] Tyre Service when John KOFES and Paul HILTON attended the premises. They arrived in Mr HILTON's Toyota Landcruiser which he had previously put tyres on between the 5th and 11th of December 1997. Mr HILTON complained to him of the vehicle pulling to the left. The wheel alignment of the vehicle had to be fixed. He stated that they were there between 11.00am and 12.00 midday on Saturday the 20th December 1997. He had not seen Mr HILTON since.

EXHIBIT: I PRODUCE THE STATEMENT OF THADDEUS AUSTRALIA ZLOKOWSKI.

211. On Thursday the 22nd of January 1998 a statement was obtained from Patricia DURWARD of [REDACTED]. Mrs DURWARD was the mother of Sandra DURWARD. She stated that she was aware that her daughter was a friend of the deceased and also knew that he was a cross dresser. She was aware that her daughter had stayed with the deceased at his unit at Kensington around August 1997 for a week or so after which she stayed with family members.

212. Mrs DURWARD stated that she was aware that her daughter had a set of keys to the deceased's unit and that he was trying to get them back. As far as she could recall from what she had been told, her daughter met with the deceased near Hyde Park in Sydney. She assumed that the keys were given back to him as she had heard no more about them.

EXHIBIT: I PRODUCE THE STATEMENT OF PATRICIA DURWARD.

213. On Wednesday the 21st of January 1998 a statement was obtained from Pamela NOBLE of [REDACTED]. Ms NOBLE was a Pharmacist and the owner of the Doncaster Chemist, Doncaster Plaza Kensington where the deceased received his hormone medication.

214. Ms NOBLE stated that she dispensed medication known as Androcur and Progynova to the deceased on Saturday the 6th of December 1997. She also dispensed Progynova to the deceased on Saturday the 13th of December 1997. The medication was dispensed in relation

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to his hormone treatment. Ms NOBLE stated that the deceased usually came into the chemist to receive his medication on Saturdays but records indicate that he did not attend there on Saturday the 20th of December 1997.

EXHIBIT: I PRODUCE THE STATEMENT OF PAMELA NOBLE.

215. On Wednesday the 21st of January 1998 a statement was obtained from Alfred STEINBECK of [REDACTED]. Dr STEINBECK was a medical practitioner who had treated a number of Transsexuals seeking hormonal treatment in changing to the opposite sex.

216. Dr STEINBECK stated that he first met the deceased on Tuesday the 7th of October 1997 after being referred by Dr FINKLESTEIN. The deceased had told him that he had never had a sexual relationship with a male or female person and that from an early childhood age he had wanted to be a female and felt very strong about it. He stated that the deceased had told him that he wasn't attracted to men and was only attracted to women as friends. The deceased had told him that his family did not approve of his transsexuality but had excepted it.

217. Dr STEINBECK stated that he prescribed a hormonal treatment of Androcur and Progynova to the deceased. During the course of treating the deceased, there appeared to be no problems and the deceased had not disclosed any problems, physically or mentally, to him. He was not aware of any person who would want to harm the deceased.

EXHIBIT: I PRODUCE THE STATEMENT OF DR ALFRED STEINBECK.

218. On Wednesday the 14th of January 1998 Detective Senior Constable O'REILLY and I attended the premises of [REDACTED]. We interviewed Peter John HELMERAND and obtained a statement from him. Mr HELMERAND was a self employed computer consultant under his registered business of [REDACTED] which he had owned since June 1997.

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219. Mr HELMERAND stated that in 1979 he met a man called John Frederick ROSE who lived at Darling Point with his parents. With John ROSE, he began a company called 'Economic Digital Control' which imported and exported computer equipment. Mr HELMERAND stated that in 1980 he ended the company because he and John ROSE did not agree with certain aspects relating to the running of the business. He did not see or speak with John ROSE from that time till 1987 where he saw him at Chatswood.

220. Mr HELMERAND described John ROSE as being in his mid 40's (present time), 178cm tall, short dark brown hair (not receding) Caucasian, fair complexion and large build. He stated that he did not know any person by the name of David ROSE and had never been in a business partnership with anyone by that name.

221. He stated that on Saturday the 20th of December 1997 he was at home until about 2.00pm. He was at home with his mother. He then drove to Holmwood Nursing Home to visit his grandmother who was ill. He remained there till 4.00pm. He then went to a doctors appointment at Kogarah and left there at 5.00pm. He then went back home and remained there with his mother for the rest of the day. He stated that on Sunday the 21st of December 1997 his grandmother died and he remained at home all day. On Monday the 22nd of December 1997 he went with his mother to a funeral home where he spent most of his day and then stayed at home.

EXHIBIT: I PRODUCE THE STATEMENT OF PETER JOHN HELMERAND.

222. On Thursday the 30th of July 1998 I contacted Sister Janet WALL of the Holmwood Nursing Home at Bexley. Sister WALL confirmed the story of Mr HELMERAND in relation to his grandmother dying on Sunday the 21st of December 1997 although could not confirm whether he attended the nursing home that day.

EXHIBIT: I PRODUCE RUNNING SHEET 20/5/1.

Witness : _____

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223. On Thursday the 27th of August 1998 I contacted the surgery of Dr Karl KOLLER at [REDACTED] in relation to the appointment of HELMERAND. I spoke with his secretary, Wendy MURSA, who confirmed the appointment and stated that he would have been there for about an hour and that it was the last appointment for that day.

EXHIBIT: I PRODUCE RUNNING SHEET 20/3/2.

224. On Thursday the 29th of January 1998 I attended the premises of [REDACTED] and spoke with David John THWAITES. I conveyed Mr THWAITES to Chatswood Police Station where I interviewed him and obtained a statement from him in relation to his knowledge surrounding the death of David ROSE.

225. He stated that he resided at the Willoughby address, which he described as a half way house, in accordance with his drug and alcohol rehabilitation program. He would also attend a minimum of ten Alcohol and Narcotics Anonymous meetings per week.

226. Mr THWAITES stated that between 11.00pm and midnight on a Friday night late in 1997, he spoke with a guy he knew as 'Peter' at a bus stop at Crows Nest. He met this person previously at a Herbert Street Clinic meeting some months earlier. 'Peter' had mentioned to him about an Alcoholics Anonymous meeting he went to at Neutral Bay and that it was good. Mr THWAITES stated that he told him that he might go.

227. Mr THWAITES stated that he received a telephone call from Ms DURWARD at the half way house the following morning (Saturday) whom he had known for about five months. He informed her of the meeting at Neutral Bay and she told him she would meet him there. He stated that he arrived at the meeting between 12.00pm and 12.30pm that afternoon. The meeting was actually from 12.00pm to 1.30pm.

228. He stated that at the end of the meeting he turned around and saw Ms DURWARD at the back of the room talking to a couple of people. He thought she had only just got there but she later told him she had been there a while. He stated that they left the meeting and went to

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Maisy's Coffee Shop which is just around the corner. They met two other people being 'Peter' and 'Clive'. He stated that they had coffee and just talked.

229. Between 2.30pm and 3.00pm 'Peter' left the coffee shop and about ten minutes later they all left. He stated that before they left, Ms DURWARD made a telephone call to a girl called Diedre (Ms MILES) who she was living with at the time. He stated that the reason for the call was to see if Diedre's daughter had been found as she had gone missing that morning.

230. Mr THWAITES stated that after the call, he and Ms DURWARD went for a walk and talked for about an hour mainly about her new job. Ms DURWARD mentioned to him that she was late for work and she caught a taxi. He assumed that she went to work at St Marys. He then went to a Narcotics Anonymous meeting at Manly Hospital.

231. Mr THWAITES stated that he had been contacted by Ms DURWARD and had spoken to her on a number of occasions since this meeting. She had told him that her friend had been murdered and that he was her alibi as she had been at the same meeting at Neutral Bay on the weekend of her friends death. He stated that at this meeting at Neutral Bay, Ms DURWARD did not appear to have been drinking nor did she appear distressed about anything.

EXHIBIT: I PRODUCE THE STATEMENT OF DAVID JOHN THWAITES.

232. On Sunday the 1st of March 1998 a statement was obtained from Basil MICHALOPOULOS of [REDACTED]. Mr MICHALOPOULOS was the owner of [REDACTED] Real Estate situated at [REDACTED]. He was the managing agent of the deceased's unit at [REDACTED] Anzac Parade, Kensington.

233. Mr MICHALOPOULOS stated that he had known the deceased for about fifteen years when he was asked to manage this unit owned by the deceased. He collected the rent on behalf of the deceased and under a arrangement that was made, the deceased would come to the agency and collect his statements. The statement was normally made available on the last banking day of the month and the deceased usually picked up the statement on a Saturday.

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234. He stated that on Friday the 19th of December 1997 the deceased attended his agency to wish him a merry Christmas and handed him a box of chocolates. During the course of their conversation the deceased indicated to him that he was going away and would not be able to pick up the statement and advised him to post it. He told Mr MICHALOPOULOS that he would be back in January 1998 and would collect that statement. He stated that he didn't ask the deceased where he was going but was certain he said he was going away. That was the last time he spoke with the deceased.

EXHIBIT: I PRODUCE THE STATEMENT OF BASIL MICHALOPOULOS.

235. On Thursday the 19th of February 1998 I attended Manly Police Station where I spoke with Clive Ronald STARLING of [REDACTED]. This statement was in relation to an alibi given by Ms DURWARD.

236. Mr STARLING stated that he had been attending Alcoholics and Narcotics Anonymous meetings for about five years at various locations in Sydney. During the course of these meetings he had met a person by the name of 'David' and had known him for about three months. I believe this to be David THWAITES.

237. Mr STARLING stated that on Saturday the 20th of December 1997 he went to an Alcoholics Anonymous meeting at the Neutral Bay Community Centre but didn't get there till 1.15pm. Whilst inside he saw 'David' and a woman he knew as 'Sandra' sitting in the meeting. He had met 'Sandra' on about four previous occasions at meetings. He stated that she looked agitated. The description he gave of 'Sandra' I believe to be Ms DURWARD.

238. He stated that he talked to 'Sandra' and they went to Maisy's Cafe around the corner in Military Road, Neutral Bay. He stated that he was with 'Sandra' on his own and 'David' came in later. He stated that she appeared very agitated to the degree of being emotionally distressed. She was so upset he could not understand what she was talking about.

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239. Mr STARLING stated she seemed concerned about what had happened to a friend of hers. He was aware that she was worried about her personal life and was looking for somewhere to stay. He stated that he did not know at the time what she was trying to get at but believed at the time of making his statement that it was about the death of her friend.

240. He stated that she was looking for somewhere to stay fairly urgently. She told him that she had to make a couple of telephone calls but he didn't see her make any. He stated that they all left around 3.30pm. He thought that 'Sandra' and 'David' may have had an argument after they left. He went to Burwood to see his sponsor.

241. Mr STARLING stated that he had spoken to 'Sandra' on a number of occasions since this meeting and she had told him that she was very emotionally distressed about the death of her friend. He stated that due to her alcoholic condition 'Sandra's' state of mind was such that she may have thought that she had some involvement in the death of her friend. She was frightened and concerned regarding her friend's death, the death itself and the police investigation. He further stated that it is not uncommon for alcoholics to have blackouts and not remember certain things. He stated that he had not been told by 'Sandra' about any involvement but he could tell this by her body language and emotional state.

EXHIBIT: I PRODUCE THE STATEMENT OF CLIVE RONALD STARLING.

PERSONS OF INTEREST

242. Sandra DURWARD was interviewed at Mt Druitt Police Station on Friday the 26th of December 1997 by Detective Sergeant MATTHES and myself after she contacted investigating police. This contact was in relation to her concern over the deceased's death and wanted to speak with police. Ms DURWARD was a 42 year old single woman, living at [REDACTED] and employed as a prostitute at The Final Touch Relaxation Centre in St Marys.

243. Ms DURWARD was interviewed by ERISP where she outlined her relationship with the deceased. She stated that she first met the deceased at radio station 2RPH in 1986 or 1987

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and remained very close friends both at work and socially. She stated that they would have spent more time together only for the problems associated with her alcohol and drug addictions where she spent time in rehabilitation centres. It was her alcohol addiction that caused her to leave the radio station. She stated that the deceased visited her whilst she was in rehabilitation.

244. She then outlined her employment history and previous living arrangements. She stated that during the times she was in and out of rehabilitation centres, she stayed at various places including the deceased's unit. She stated that she had stayed at the deceased's unit for a couple of nights some months prior. She later clarified that she last stayed there about five months prior to the interview for a period of two weeks. She also stated that the deceased had refused to let her stay at his place on some occasions when she had no where to stay because he believed the only way to help her was to place her into rehabilitation.

245. Ms DURWARD stated that when she stayed there the deceased gave her his spare set of keys to use. She described them as being on a bronze coloured dolphin key ring with three keys on it - a screen door key and two front door keys. She stated that when she left she gave the keys back to him and didn't have any copies cut. She was not aware if anyone else had a set of keys to the unit. She stated that he used to put his set of keys next to his phone and answering machine but didn't know where he kept the spare set.

246. She stated that she had been living at St Clair since around Sunday the 7th of December 1997 with Diedre MILES and her daughter. She found out about the deceased's death from a mutual friend Stephen BECKER who had told her that he was murdered. She then contacted a couple of friends and told them about it.

247. Ms DURWARD stated that she could not remember her movements on Saturday the 20th of December 1997. She believed that she was in the St Marys or St Clair area and would have been at work but was not sure if she had worked a single or double shift at the Final Touch in St Marys. A single shift would have been between 10.00am and 5.00pm. The evening shift was from 5.00pm to midnight. When further questioned as to her movements that evening, she

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recalled that she did in fact work and had a memorable client. She worked at the Final Touch till midnight and then worked at Bare Bunnies brothel in St Marys till 3.00am. She stated that on Sunday the 21st of December 1997 she probably worked the day shift till 5.00pm. She also stated that her mode of transport was mainly public transport and taxis.

248. Ms DURWARD then outlined her concern regarding the deceased's death. She stated that between two and a half to three and a half years ago, the deceased went on an overseas trip and she looked after his unit. Her former lover, Paul HILTON, and his girlfriend, Suzy (Susan NORTH) were looking for somewhere to stay at the time and she allowed them to stay there. She stated that she would have given them the deceased's keys to the unit while she held onto the spare set.

249. She could not recall exactly how long they stayed here for but they caused problems with the neighbours. She described them as intravenous users. She stated that HILTON's son, Joel HILTON, who was also a heroin addict, stayed at the unit one night and stole an amount of property from the deceased. She stated that she made Paul and Suzy leave after this. When the deceased returned, she stated that she came to some arrangement with him regarding paying for the stolen property.

250. Her main concern was whether Joel HILTON may of obtain a copy of the set of keys given to his father by Ms DURWARD. She stated that the newspapers had not mentioned anything about forced entry into the deceased's unit and, although this occurred some years ago, she stated that it has been nagging her and decided to advise police.

251. Ms DURWARD then explained that she had received a black eye from an accident involving a client at the Final Touch and had reported this to the receptionist Trish. She stated that she did not know anyone who had a grudge against the deceased. She then outlined her knowledge of his personal life and his hormone treatment. Ms DURWARD denied any involvement or knowledge regarding the murder of David ROSE. She also supplied police with a set of elimination fingerprints.

Witness : _____

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EXHIBIT: I PRODUCE THE TRANSCRIPT OF THE RECORD OF INTERVIEW WITH SANDRA DURWARD ON 26/12/97.

252. On Friday the 6th of February 1998 Detective Sergeant MATTHES and Detective Senior Constable O'REILLY conducted a second interview with Ms DURWARD at Redfern Police Station. The purpose of this interview was to clarify a number of issues raised by Ms DURWARD in the first interview at Mt Druitt Police Station on Friday the 26th of December 1997.

253. Detective MATTHES questioned Ms DURWARD in relation to a telephone call she made to him about clarifying her movements on Saturday the 20th of December 1997. She contacted Detective MATTHES on Saturday the 27th of December 1997, the day after her first interview, and told him that she had been to an Alcoholics Anonymous meeting at Neutral Bay and gave him the alibis of David THWAITES, Peter and Clive. She also told him that she had been to Maisy's Cafe. She then stated that there was nothing further to add regarding her movements.

254. Ms DURWARD then clarified her movements on Sunday the 21st of December 1997 with regards to her work commitments that day at the Final Touch. This clarification also included staffing sheets which recorded times with clients. These sheets indicated that Ms DURWARD's first client on Sunday the 21st of December 1997 was at 12.10pm. She further stated that normal starting time would have been 10.00am but because of the late finish from her previous shift, it is likely that she got in late. She stated that she got to work by taxi. She further stated that, even though the staffing sheets did not record her having clients throughout the day, she would not have finished her shift till midnight.

255. Ms DURWARD was then asked to give her version of movements from Saturday the 20th of December 1997 (Question 77). She stated that she woke up in the morning and at some stage later that morning, caught a taxi or local bus to St Marys or Mt Druitt railway stations, caught a train to Wynyard and then went to the Alcoholics Anonymous meeting at Neutral Bay. She was running late and she stopped and bought a pair of shoes at Wynyard station. She then caught a bus or taxi to Neutral Bay. She attended the meeting, met a few people and then

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went to Maisy's Cafe. She then went for a walk with David (THWAITES) and about 4.00pm, realising she was late for work, caught a taxi to Town Hall and then a train to St Marys and commenced work at Final Touch around 6.20pm.

EXHIBIT: I PRODUCE THE TRANSCRIPT OF THE RECORD OF INTERVIEW WITH SANDRA DURWARD ON 06/02/98.

256. On Tuesday the 30th of December 1997 Detective MATTHES and I spoke with Susan NORTH of [REDACTED]. This was as a result of the information supplied by Ms DURWARD. Ms NORTH indicated that she had stayed at the deceased's unit with Paul and Joel HILTON and vaguely recalled some property being stolen. She claimed tha she had only stayed at the unit a few times visiting Paul HILTON but had never met the deceased and was not able to assist any further.

257. On Tuesday the 30th of December 1997 Detective MATTHES and I spoke with Paul HILTON of [REDACTED]. He stated that he had stayed at the deceased's unit some three or more years ago for about two months. He also vaguely recalled an incident where his son Joel may have stolen some property. He stated that he returned the keys of the unit to Ms DURWARD and had never met the deceased.

258. Mr HILTON stated that he had gone to his mother's place on the morning of Saturday the 20th of December 1997 and went shopping with her at Chatswood. He then went for brekfast at Darlinghurst and later met Ms NORTH at Granville. On the afternoon of 30th of December 1997 Mr HILTON contacted Detective MATTHES and informed him that he saw his mother on Sunday the 21st of December 1997 and not the previous day. He claimed that he had been to Newtown for breakfast on Saturday the 20th of December 1997 before meeting with Ms NORTH.

EXHIBIT: I PRODUCE RUNNING SHEET 19/11/1.

Witness: _____

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STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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259. On Monday the 5th of January 1998 Detective STIRTON interviewed Paul HILTON at Surry Hills Police Station and obtained a statement from him. He stated that he had had a previous relationship with Ms DURWARD of five to six years and had known her for about twenty years. He stated that he previously had a drug habit but had not touched heroin for at least three years.

260. He then reconfirmed his previous story of Tuesday the 30th of December 1997 regarding staying at the deceased's unit. He believed this to be in May 1994 for about six weeks. His girlfriend, Susan NORTH, also stayed there on and off during that period. He stated that when he moved out he cleaned the unit and handed the keys back to Ms DURWARD. He also recalled an incident where Ms DURWARD contacted him about some property taken from the unit.

261. He stated that on Saturday the 20th of December 1997 he had breakfast at Newtown and then took his vehicle to [REDACTED] for vehicle repairs and gave the proprietor, John KAFES, as his alibi. Together they went to [REDACTED] Tyre Centre in relation to the vehicle. He then went to Ms NORTH flat at Granville and arrived there around midday. He stayed there that afternoon and night.

262. He stated that on Sunday the 21st of December 1997 he had breakfast at Darlinghurst, drove to his mother's house around 11.30am and returned home at Surry Hills where he remained all day. He denied any knowledge surrounding the death of David ROSE.

EXHIBIT: I PRODUCE THE STATEMENT OF PAUL RICHARD HILTON.

263. On Friday the 2nd of January 1998 I spoke with Debbe HILTON of [REDACTED], [REDACTED]. Mrs HILTON is the mother of Paul HILTON. She confirmed the version of movements supplied by Mr HILTON to police.

EXHIBIT: I PRODUCE RUNNING SHEET 19/20/1.

Witness : _____

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STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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264. On Thursday the 1st of January 1998 Joel HILTON, of [REDACTED] was interviewed at Newtown Police Station by Constable KITCHING. Mr HILTON stated that he was on a methadone program and had lived at Enmore for a period of three months with his girlfriend. He also stated that he had resided at ten different locations over the past 4-5 years.

265. Mr HILTON stated that he knew Ms DURWARD through her former relationship with him when he was younger. He stated that he did not remember ever staying at the deceased's unit nor did he ever have access to any keys to the deceased's unit. He further stated that he had never met the deceased.

EXHIBIT: I PRODUCE RUNNING SHEET 19/15/1.

266. On Friday the 26th of December 1997 a search was made of Ms DURWARD's room at [REDACTED] with her permission. During the course of the search, Detective O'REILLY located a letter written by Ms DURWARD addressed to a 'Geoff'. The significance of letter is in paragraph three where Ms DURWARD writes, "...whinged by horror not only at the fact that Dave has gone forever, but by the distinct possibility that I was responsible, however indirectly." The letter was incomplete and Ms DURWARD had not explained in the letter what she had meant by that comment.

EXHIBIT: I PRODUCE THAT DOCUMENT AND RUNNING SHEET 19/14/1.

267. On Saturday the 3rd of January 1998 I spoke with Fraser John BLACK of [REDACTED] [REDACTED]. Mr BLACK is the cousin of Ms DURWARD. He stated that Ms DURWARD had stayed at his house about two years prior and had met the deceased when he had come to visit Ms DURWARD. He described Ms DURWARD's relationship with the deceased as a close one.

268. Mr BLACK stated that Ms DURWARD had lost a lot of friends due to addiction to drugs and alcohol. These friends had closed the door on her and would not allow her to stay at their premises in fear of her stealing or other acts. She had had a falling out with some friends because she had borrowed money and not repaid it.

Witness: _____

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STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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EXHIBIT: I PRODUCE RUNNING SHEET 19/16/1.

269. On Saturday the 3rd of January 1998 I attended the Alcoholics Anonymous meeting at Neutral Bay where I met and spoke with David THWAITES of [REDACTED]. Mr THWAITES was an alibi given by Ms DURWARD. He stated that he had spoken to Ms DURWARD on the evening of Friday the 19th of December 1997 and agreed to meet her at the Neutral Bay meeting the following day.

270. He stated that Ms DURWARD did not get to the meeting till around 1.15pm and that after the meeting they went to Maisey's Cafe in Military Road. They stayed there till about 4.00pm where Ms DURWARD caught a taxi to work and he went to Manly. He stated that Ms DURWARD had spoken to about being an alibi for her and that his alibi was genuine. I also spoke with Deborah HIRST who was a member of the Neutral Bay Alcoholics Anonymous meetings. She stated that records of attendances are usually kept but only of first names. The names given by the people who attend are not necessarily their real names due to the anonymity of the meeting. She checked the attendance book for Saturday the 20th of December 1997 and there was an entry for a 'Sandy'. She stated that she thought she recognised the face of Ms DURWARD but was not able to say if she was there on Saturday the 20th of December 1997.

EXHIBIT: I PRODUCE RUNNING SHEET 19/17/1.

271. On Tuesday the 10th of February 1998 Detective O'REILLY and I interviewed Peter Leonard THORNTON of [REDACTED] at Lane Cove Police Station. A statement was obtained from him in relation the alibi of Ms DURWARD.

272. Mr THORNTON stated that he attended the Neutral Bay Alcoholics Anonymous meeting on Saturday the 20th of December 1997 and had been to this meeting on previous occasions. During the course of the meeting he saw 'David' (THWAITES) whom he recognised from other meetings. After the meeting he went to Maisey's Cafe with 'David', a man he knew as 'Clive' and a woman who was with 'David' (presumably Ms DURWARD). He recalled that the lady may

Witness : _____

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STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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have been looking for accommodation and he recalled her making a couple of telephone calls from the coffee shop. He stated that he left the coffee shop no later than 2.30pm. The others were still there when he left.

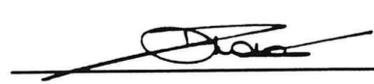
273. Mr THORNTON stated that on Saturday the 7th of February 1998 he was approached by the same lady (Ms DURWARD) at the Neutral Bay meeting who asked him to be an alibi for her in relation to someone she knew that had been murdered.

EXHIBIT: I PRODUCE THE STATEMENT OF PETER LEONARD THORNTON.

274. On Wednesday the 16th of September 1998 Detective O'REILLY and I attended [REDACTED] and spoke with Fiona FEARY the sister of Ms DURWARD. The purpose of this visit was to confirm a telephone conversation that she had had with the deceased on Wednesday the 10th of December 1997. The deceased had contacted her and she stated that this conversation was generally about how she was coping with Ms DURWARD's behaviour. She further stated that the return of the deceased's keys were not mentioned in this telephone call but a call made some months prior. As far as she was aware Ms DURWARD had returned the deceased's unit keys some months prior to his death.

275. Of importance during the conversation with Mrs FEARY was her recollection of a theory given by Ms DURWARD for the deceased's death. Ms DURWARD believed that the deceased's television may have fallen from its stand onto the deceased causing his death. According to Ms DURWARD the television stand was unstable. This statement may be of some significance as the television in the deceased's unit was found up turned on the floor when the deceased's body was found. It appeared that some struggle had taken place causing the television to fall onto the floor of the lounge room. No persons other than investigating police and members of the deceased's family were aware that signs of a struggle were evident in the unit and that the television was not found in its normal place. Information concerning the television was not published in the media. The deceased's body was not found in the vicinity of the television. The deceased's family do not know or have not met Ms DURWARD and have not been in contact with either Ms DURWARD or Mrs FEARY.

Witness : 

Signature : 

STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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276. Stephen BECKER was interviewed electronically by Detective O'REILLY and myself at the Pennant Hills Police Station on Monday the 22nd of December 1997. This interview was as a result of information supplied by the deceased's mother regarding Mr BECKER's contact with her that morning and the present left by him at the deceased's front door. Mr BECKER outlined his association with the deceased having known him for a period of five years through radio station 2RPH. He stated that he had remained close friends with the deceased even after the deceased's resignation. This resignation was caused as a result of a disagreement with management of 2RPH.

277. Mr BECKER then outlined his movements from Saturday the 20th of December 1997. He stated that he contacted the deceased about 11.15am on Saturday the 20th of December 1997 and the deceased told him that he was tired and could not talk at the time. Mr BECKER told him that he would call him the next day. He stated that he visited some friends later that day at Hurstville and about 8.45pm went to the deceased's unit to deliver a present. He was not able to raise the deceased and noticed that there were no lights on in the unit nor was there any noise coming from the unit. He left the present (consisting of a CD and card) between the screen door and the front door.

278. He stated that he made a number of attempts to contact the deceased on Sunday the 21st of December 1997 but the telephone was continually engaged. He also contacted the Prince of Wales Hospital at Randwick and made inquiries regarding the deceased but he had not been admitted or treated. On Monday the 22nd of December 1997, after a number of further attempts to contact the deceased, he made contact with the deceased's mother and expressed his concern regarding the deceased's welfare.

279. Mr BECKER described the deceased as a jovial, witty, happy and intelligent person with no enemies to his knowledge. He was aware of the deceased's femininity and the deceased had told him of his desire to have a sex change. He was also aware that the deceased was taking female hormones. He was not aware of the deceased being in any relationship in the time he knew him and considered himself as a very close friend of the deceased.

Witness :



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STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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280. Mr BECKER stated that he had not seen the deceased since the Friday the 5th of December 1997 when he attended the 2RPH christmas party. He further stated that he had not been to the deceased's unit since March 1996 and did not have any keys to the unit nor did he know anyone, other than the deceased, who might have had keys to the unit. As far as he was aware the deceased never brought people back to his unit.

281. Mr BECKER stated that he would contact the deceased by telephone about once a fortnight either at home or work. He described his last conversation with the deceased as strange in that the deceased was not his normal self and after so many attempts to contact the deceased, he thought the deceased may have taken some sort of drastic action which may have been relate to his hormonal treatment. He considered it unusual that the deceased had not left his answering machine on. He stated that he didn't intend to visit the deceased on that evening, but as his previous engagement had fallen through he decided to go to his unit and give him a christmas present. He stated that he had given presents to the deceased before.

**EXHIBIT: I PRODUCE THE TRANSCRIPT OF THE RECORD OF INTERVIEW BETWEEN
DETECTIVE THORNTON AND STEPHEN BECKER ON 22/12/97.**

282. Whilst interviewing Mr BECKER, I noticed that he had an eye affliction to his left eye which appeared to be infected. When questioned about this he stated that he received the injury when he was bitten by his dog. This was later confirmed by his de-facto wife, Elina HALME. A photograph of this injury was taken. Mr BECKER also volunteered a set of elimination fingerprints for comparison with those located at the crime scene.

283. Ian Grant ROSE, the brother of the deceased, was electronically interviewed at Waverley Police Station on Wednesday the 31st of December 1997 by Detectives MATTHES and O'REILLY. Mr ROSE was a Sales Representative living at [REDACTED].

284. He described his relationship with the deceased as a typical brotherly one leading to a reasonably close relationship. They spoke at least once a week either on the telephone or at dinner at their parents house. He described the deceased as being private. He stated that he

Witness :



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STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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had only been to the deceased's unit three or four times in the past three to four years. This was normally to drive him to or home from the airport when he travelled. He had not been to the unit for at least six months and did not have a spare set of keys to the unit.

285. Mr ROSE stated that he did not know anything about the death other than what he had been told by police. He was aware that the deceased was sick just prior to his death and last spoke to him on Thursday the 18th of December 1997. He stated that the family would normally have dinner together at their parents place on Friday nights and that was when he basically saw the deceased. He stated that he tried to contact the deceased during the weekend of his death but the telephone was engaged. He stated that he did not attend the deceased's unit over that weekend. Mr ROSE stated that when he spoke on the telephone to the deceased on Thursday the 18th of December 1997, the deceased told him that he wasn't feeling well and that he wouldn't be going over to their parents for dinner on the Friday night.

286. He stated that he rarely socialised with the deceased. He described the relationship between his parents and the deceased as a loving one and they appeared to be close. He stated that there was some tension in the family regarding the feminine attire of the deceased especially with his mother. He stated that he had mentioned this to the deceased and, as he put it, was told to mind his own business by the deceased. He had told the deceased that their mother was concerned and unhappy about his manner of dress. He stated that it was of no great consequence to him. As far as he was aware the deceased mainly cross-dressed in his unit.

287. Mr ROSE stated that he was not familiar with the deceased's friends. He was not aware of anyone living with the deceased but people had looked after the unit when the deceased was away on holidays. He had never met these people. He was aware that the deceased was financially independent and "had quite a creditable balance" in his bank account. Mr ROSE stated that he was not under any financial difficulty himself. He was not aware of the existence of a will nor any beneficiaries.

Witness :



Signature :



STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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288. He stated that although the deceased dressed femininity, he was not aware of the deceased considering a sex change. The deceased had no discussed with him his sexual preference. He believed the deceased to be heterosexual.

289. Mr ROSE stated that he spent most of Saturday the 20th of December 1997 by himself at home except around lunchtime when he did some shopping at Bondi Junction. He was back home around 1.30pm or 2.00pm. He stated that he just watched television and played games on his computer. He stated that he may have spoken by telephone to his mother and a person by the name of Alex ELLIS who he normally spoke to on a Saturday. He could not provide any alibi for his movements.

290. He stated that on Sunday the 21st of December 1997 he went shopping at Edgecliff and then went to his mothers for lunch. He got a ferry home and spent the rest of the day at home watching television. He could not remember with any certainty whether he spoke with anyone by telephone that day. On Monday the 22nd of December 1997, at the request of his mother, he went with her to Randwick Police Station in relation to the concern of the welfare of the deceased.

291. Mr ROSE stated that he was jealous of the deceased to some degree in that the deceased had been more overtly successful in regards to material things than he had. He stated that they had fought as kids but had not come to blows for well over fifteen years. He stated that there was nothing he could do about the distress the deceased was causing his family in relation to his dress and considered it not his place to say anything to him. He stated that he was not embarrassed and as the deceased felt comfortable with the way he dressed, he let it go.

**EXHIBIT: I PRODUCE THE TRANSCRIPT OF THE RECORD OF INTERVIEW BETWEEN
DETECTIVE MATTHES AND IAN GRANT ROSE ON 31/12/97.**

Witness :



Signature :



STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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GENERAL INQUIRIES

292. A number of inquiries were made with various homosexual, transsexual and gender based organisations with regards to the deceased. These inquiries did not reveal any relevant information to the investigation and it appeared that the deceased was not a member of any of these organisations.

293. Inquiries were made with the Camera Detection Unit in relation to possible photographs taken of a motor vehicle leaving the scene. A red light camera is erected at the intersection of Anzac Parade and Todman Avenue, Kensington which is around the corner from the deceased's unit. The camera detects vehicles travelling in a northerly direction in Anzac Parade towards the city. Information from the Camera Detection Unit was that the camera was not in operation over the weekend of the murder. This line of inquiry was not able to assist the investigation.

294. Similarly, inquiries were made regarding the operation of any speed cameras in the vicinity, however this was met with a negative result.

295. The murder of David ROSE received the usual media coverage at the beginning of the investigation, however this was toned down through the investigation at the request of the family of the deceased. Requests were made to have the murder featured on Australia's Most Wanted however the family of the deceased declined this offer based on privacy reasons. Of the media attention made available, little information was forthcoming that assisted the investigation.

296. Inquiries were also made in relation to COPS reports of incidents in Addison Street Kensington and surrounding streets, arrested persons, intelligence reports and any other collated information. This line of inquiry was used to ascertain any similar offences or modus operandi that had occurred in the vicinity within the last twelve months. There was no information gathered from these inquiries that assisted the investigation.

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297. The usual canvasses were done of Addison Street and surrounding streets in Kensington. Once again no information was forthcoming which assisted the investigation.

298. A number of inquiries were made on motor vehicles located outside the deceased's unit block on Monday the 22nd of December 1997. No information from these inquiries assisted the investigation.

299. A number of statements and other general information was obtained from friends and work colleagues of the deceased. This information obtained related mainly to the lifestyle of the deceased but did not take the investigation any further.

MOTIVE

300. The investigation has not been able to establish a motive for the murder of David ROSE. All inquiries have indicated that the deceased was well-liked and respected for his work commitments and personal attributes. He was engrossed with his computer work at Westpac and his commitment to volunteer radio. It appears he had not received any threats nor had he complained about being concerned for his safety from any person.

301. The apparent lack of evidence of any forced entry into the unit suggests that the deceased knew his assailant. Although keeping an open mind, this is based on the security consciousness of the deceased and the fact that he would not allow strangers into his unit.

The possible motives are as follows:

302. At the time of the murder, Ms DURWARD was desperately seeking accommodation. She had often turned to the deceased for help in the past. From the information obtained, Ms DURWARD had caused a number of friendships to cease due to her drug and alcohol problems. Friends had been warned by the deceased not to offer Ms DURWARD accommodation in fear that she would steal from them and would not rehabilitate from her problems.

Witness: _____

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STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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303. It is possible that Ms DURWARD went to the deceased's unit with the intention of seeking accommodation with the deceased. Aware of the warnings that the deceased had made to various friends and family of Ms DURWARD, she has panicked and gone into an alcoholic rage violently arguing with the deceased and subsequently causing his death.

304. Ms DURWARD was familiar with the security of the unit not to mention the second set of keys she would have known the location of. During the interview with her at Mt Druitt Police Station on Friday the 26th of December 1997, she initiated a conversation in relation to keys and the lack of forced entry into the unit. She further provided suspects who may have had access to keys. This may have been a legitimate concern, however she may have know the significance of the keys and nominated suspects to draw attention away from herself. During the course of the investigation it became apparent the Ms DURWARD had a tendency to hold onto keys of premises where she stayed. It still has not been established positively whether the deceased's second set of keys have been returned by Ms DURWARD.

305. Ms DURWARD had the opportunity from the time that she left the Alcoholics Anonymous meeting at Neutral Bay to the time she attended work at St Marys. The only alibi to say that she left Mosman at 4.00pm is David THWAITES who may not be a creditable witness due to his drug problems and his intimate relationship with Ms DURWARD. In fact, when Ms DURWARD was aware of her involvement with investigating police she immediately contacted Mr THWAITES in relation to her alibi. This allowed ample time for Ms DURWARD and Mr THWAITES to manufacture an alibi. I know from information obtained that she was in fact late for work that evening being Saturday the 20th of December 1997. Information obtained from State Rail Authority indicated that regular train services were available to St Marys on Saturday the 20th of December 1997. This is not to discount the fact that she may have caught a taxi from the deceased's premises to St Marys as this was her favoured mode of transport.

306. Furthermore, Ms DURWARD had made many strange comments to her work colleagues and friends with regards to being responsible for the murder of the deceased. One significant comment made was to her sister, Mrs FEARY, when she made reference to her theory that the deceased's television had fallen from its unstable stand onto the deceased causing his death.

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307. This comment, along with other evidence obtained in the investigation, suggests Ms DURWARD may have had direct knowledge of the crime scene. These comments may be attributed to stress caused by the police investigation as well as Ms DURWARD's unstable mental state due to alcohol and drug dependency.

308. Ms DURWARD was physically capable of committing the murder in comparison to the size of the deceased. The deceased had a mild nature making it less likely he would defend himself particularly against an attack from a female. Ms DURWARD was certainly capable of violent behaviour as evidenced by her unprovoked assault upon the six year old child of Diedre MILES. Patricia BURROWS also provided evidence of witnessing Ms DURWARD's enraged state upon leaving her premises. This together with Ms DURWARD's fragile emotional state caused by her drug and alcohol dependency, may have contributed to an outburst of violence upon the deceased causing his death.

309. The deceased's brother Ian ROSE had made arrangements with the deceased to obtain money from him on Friday the 19th of December 1997 for the purpose of contributing towards a gift which he had already bought their parents for the Jewish festival of "Hanukkah" on Tuesday the 23rd of December 1997. It is possible that he attended the deceased's unit, not only to check on the welfare of the deceased, but to obtain the money for the gift.

310. Ian ROSE was also aware of the difficulty his mother was having coming to terms with the femininity of the deceased. It is possible that he had asked the deceased to either stop or tone down his appearance for the benefit of their parents. It is likely that the deceased would not agree to this and in defence of the embarrassment caused to the family, Ian ROSE has struggled with the deceased subsequently causing his death.

311. Ian ROSE had stated that he was playing computer games during the Saturday afternoon when the deceased was murdered. Subsequent checks of his computer hard drive indicted two time logs on this date. That being approximately 1.30pm and 7.30pm. The deceased is unable to provide an alibi for this period of time and would have had the opportunity to attend the deceased's unit.

Witness : 

Signature : 

STATEMENT (continued) in the matter of : Death of David Samuel ROSE
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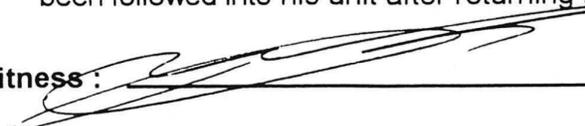
312. Ian ROSE was a beneficiary of part of the deceased's estate and whether he knew of this or not it must be taken into consideration. When police sought to interview Mr ROSE about the deceased he stated that he had sought legal advice and refused to participate in any further interviews. Police believe that the deceased's mother requested the legal advice.

313. Stephen BECKER was a very close friend of the deceased and at this stage there is no motive which can be established for him. He is the last person police know to have attended the deceased's unit around 8.45pm on Saturday the 20th of December 1997. He stated that he knocked on the deceased's door and upon no answer left a christmas gift between the front door and security door of the unit. Between 9.00pm, which is the time he stated that he left the deceased's unit, and midnight when he picked his wife up from work, there is no person who can give an alibi for Mr BECKER.

314. However, if police believe that the assault upon the deceased took place around the time when his telephone became engaged which was around 3.00pm on Saturday the 20th of December 1997, this would suggest that the deceased was possibly already dead when Mr BECKER attended his unit. There is no reason at this time to disbelieve Mr BECKER's version of events in his statement.

315. Another possible motive would be that of robbery. This is the least probable motive as no property was actually stolen from the premises, the unit was locked and secured, and it would be most unlikely that the offender would have been able to climb down a nearby downpipe from the third floor balcony of the deceased's unit. A small amount of money was actually located in the deceased's wallet.

316. Police also cannot discount the fact that this may have been a homosexual hate crime against the deceased. There is no evidence to suggest that the deceased frequented gay or transgender establishments and to the contrary suggest otherwise. All inquiries indicated that the deceased had never been sexually active throughout his life. It is unlikely that he would invite a sexual partner to his unit. Although unlikely, it is possible that the deceased may have been followed into his unit after returning from outside where he was assaulted inside his unit

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by an unknown assailant. Police consider this scenario unlikely as the assailant had locked the unit upon leaving.

317. Furthermore, it is unlikely that his death may have been caused as a result of injuries sustained outside of his unit due to the dishevelled state of his unit inside. From medical evidence, the extent of the injuries sustained would preclude the deceased ascending three flights of stairs without collapsing.

318. There is also one significant and puzzling aspect of this investigation. Part of a broken plate was found in the refrigerator of the deceased. The remainder of the plate was found on the kitchen floor near the deceased. Mr ASANO, the occupant of the unit below the deceased's, distinctly recalled hearing the sound of a plate breaking on the morning of Sunday the 21st of December 1997. Relying on Mr ASANO's recollection of the breaking plate, it may be the case that the deceased's killer was in the unit on Sunday the 21st of December 1997 or had returned to the unit from the previous day to check on the deceased and may be clean any physical evidence.

319. The other possibility is that part of the plate had been placed in the refrigerator on Saturday the 20th of December 1997 and the other part placed on the kitchen bench. This may have been blown from the bench by the breeze coming through the windows of the kitchen on the Sunday. There was no physical evidence from the plate which assisted the investigation. If I were to rely on the assumption that the deceased was killed on Saturday the 20th of December 1997 I can think of no other reason for the sound of the plate breaking the following morning. I can think of no reason why anyone would place pieces of a broken into the refrigerator.

OPINION

320. David ROSE died as a result of head injuries caused by fatal blows to his head. I believe that he knew his assailant and had allowed the offender into his unit. I do not believe that access was gained via the third floor balcony. I do not believe the killing was pre-meditated in

Witness : _____

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the sense that the offender went to the unit specifically to kill the deceased. I can find no reason why the deceased was murdered other than the possible motives I have mentioned above. The investigation has been conducted as thoroughly as possible but despite this no persons have been arrested for the murder of David ROSE.

321. As a result of this investigation I have come to the finding that :

David Samuel ROSE, 41 years old, was bashed to death in his unit at [redacted] Addison Street, Kensington between 3.00pm Saturday the 20th December 1997 and 11.00am on Monday the 22nd December 1997 by a person or persons unknown.

322. Extensive records have been documented from this investigation and are to be retained at Maroubra Police Station. Any information received in the future will be thoroughly investigated.

Witness: 
Name: David Hill
Rank: P.C. Sen Cst
Date: 23/10/98

Signature: 
P. THORNTON
DET SEN CUST
23.10.98