

NEW SOUTH WALES POLICE

STATEMENT in matter of:
 Death of David Samuel Rose
 Job No. East Sydney 97-0750


Place: Sydney Crime Scene Section
 Surry Hills
Date: 18 October, 1998

Name: VAN LEEUWEN Lyle William **AGE:** 36
Address: Level 5 Sydney Police Centre **Tel.No.** [REDACTED]
 151 Goulburn Street, Surry Hills 2010.
Occupation: Detective Senior Constable of Police **STATES:-**

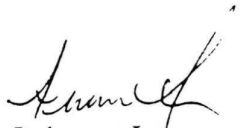
This statement made by me, accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecutions if I have stated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

- (1) I am attached to the East Sydney Crime Scene Unit, where part of my daily duties include the examination of scenes of crime. Duties at the scene include the collection of Physical Evidence, preparation of plans, the taking and processing of photographs and the macroscopic examination of objects and articles requiring considerations of minute detail. I have completed the Crime Scene Examiners Course and The Disaster Victim Identification Course conducted by the New South Wales Police Force. I have completed the Police Bomb Technicians Course conducted by the Royal Australian Army, the Explosives Course and the Police Drafting Course conducted by the Department of Technical and Further Education at Sydney Technical College and the Bomb Scene Examiners Course at the Victorian State Forensic Science Centre. I am the holder of a Powdermans Certificate of Competency for the use and disposal of commercial explosives. I have completed the Leica Microscopy Course in the use and maintenance of Macro and Microscopes. I hold a Diploma in Applied Sciences (Forensic Investigation) issued by the Canberra Institute of Technology. I have been carrying out crime scene examinations for eleven years.

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(2) About 12.30pm on Monday 22 December, 1997 in company with Senior Constable PROTHERO of the East Sydney Crime Scene Section I attended Unit [REDACTED] Addison Road Kensington where I spoke with Detective Sergeant MATHES, GODDARD and LINDLEY of the Maroubra Police Station. As a result of this conversation I photographed and examined the unit and the body of a deceased male person later identified to me as Mr David Samuel ROSE.


(3) During my examination of the premises and the deceased, Detective Senior Constable MEALING of the Forensic Services Group Photogrammetry and Drafting Section attended the scene and took a number of measurements for the preparation of a scale plan.

EXHIBIT... I produce a Computer Aided Drafting Plan of the premises at unit [REDACTED] Addison Road Kensington.

(4) [REDACTED] Addison Road, Kensington is a 3 storey home unit block located on the southern side of the street. It is bounded on the eastern, western and southern sides by further 3 storey home unit blocks. [REDACTED] is a 2 bedroom unit located on the top floor at the southern end of the block. The front door was fitted with a metal security screen. The security lock on the screen showed no signs of having been forced. The door jamb was fabricated from metal and the security door striker on the door jamb showed no signs of having been forced open. The front door of the unit was fitted with a "Lockwood" brand security latch and a "Kwikset" brand key operated locking bolt. A set of keys was in the top door lock on the back of the door. Both these locks were intact and showed no signs of having been forced open and can not be locked without using the appropriate key.

(5) Affixed to the front door of the unit between the 2 door locks was a yellow "Post It" note bearing the inscription "Please ring me the minute you get home. URGENT! Mum." On the floor between the 2 doors was a yellow and white plastic bag that contained a

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compact disc. On the carpet in the hall, just inside the front door I saw an envelope addressed to the victim.

EXHIBIT...

I produce 10 colour photographs labelled 1 to 10 showing the premises at ■■■ Addison Road, Kensington

1. View south east, showing ■■■ Addison Road, Kensington.
2. View south west, showing ■■■ Addison Road, Kensington.
3. View North, showing the rear of ■■■ Addison Road, Kensington.
4. Front entrance to Unit ■■■ Addison Road, Kensington.
5. View of the door lock on the front security door.
6. View of the security door jamb.
7. View of the yellow plastic bag that contained the Compact Disc.
8. View of the card on the floor inside the front door of ■■■ Addison Road, Kensington.
9. View showing the post it note between the 2 door locks.
10. View of the front door locks.

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- (6) The main bedroom and bathroom was located on the western side of the hallway, the second bedroom on the eastern side of the hallway, the lounge room at the south eastern end of the hallway and the kitchen and dining room at the south western end of the hallway. At the southern end of the hallway a doorway opened onto a balcony on the south eastern side of the unit. The doorway was fitted with an aluminium fly screen door. An umbrella was leaning against the fly screen door. The external door was latched to the wall with a hook. I examined both doors and saw that there was no signs of forced entry present.

EXHIBIT... I produce 2 colour photographs labelled 11 and 12 showing the balcony coor of
 ■■■ Addison Road, Kensington

11. View of the balcony door and flyscreen door.
12. View showing the umbrella leaning against the security door.

- (7) Access to the dining room and kitchen was via a doorway on the western side of the lounge room. The dining room was furnished with a table against the southern wall under the window, a chair in the south eastern corner, a chair in the south western corner and a cupboard along the western wall. I saw that the window in the dining room was open. Lying face up on the floor in the dining room with his head leaning against a chair that was lying on its side was the body of the deceased, David Samuel ROSE. He was dressed in an orange coloured short skirt, a pair of black coloured lace underpants, a bra and a white t shirt. He was wearing 5 coloured plastic bangles on his left wrist and 8 silver coloured bangles on his right wrist. His arms were outstretched from his body at an angle of approximately 45 ° , his head angled slightly to his left and his legs were apart. There was a trail of dried blood down the left and right side of his face, commencing at his nose

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and passing over his right eye lid and forehead onto the floor. He had a badly bruised right eye and a bruised left eye. He was bare footed. There were spots of dried blood on the front of his t shirt. Between his legs was a "No Frills" brand can of plums.

(8) The Government Forensic Pathologist, Dr LAWRENCE attended the scene and also examined the deceased.


) I saw that he had maggot infestations in his left eye and in his right and left nostril. I collected a sample of these maggots for later entomological examination. Post mortem lividity was fixed in position and consistent with the position that the deceased was located in. There were no signs of petechial haemorrhages inside his left and right eyelids. Rigor mortis was not present. His finger tips had begun to darkened as a result of decomposition. An anal temperature was taken at 2.30pm and this anal temperature was the same as the ambient temperature of the room, 28.5° Celsius indicating that he had been dead for a considerable period of time. Government contractors attended the scene and the deceased was taken to the Institute of Forensic Medicine at Glebe for a post mortem examination.

(10) On the floor, 1 metre to the east of the deceased I saw a silver bangle. To the right of the deceased's right foot I saw a number of small pieces of broken plate on the floor. These pieces of broken plate were mustard in colour and the largest piece of plate was on the floor in the kitchen, to the right of the stove. On the south western corner of the kitchen bench I saw the telephone. The receiver was off the hook and hanging down onto the floor. The telephone was still connected to the wall socket. On the floor in front of the stove I saw 3 small dark brown spots on the lino tiles. I carried out a presumptive test for blood on these 3 spots and a negative result was obtained. I checked inside the refrigerator and saw 2 large piece of broken plate, the same colour as the pieces on the floor. One piece of broken plate was on top of some packaged muesli and the other piece

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was inside the crisper box. Some of the contents of the refrigerator had spilled inside and the shelves were in disarray.

EXHIBIT...


I produce 16 colour photographs labelled 13 to 28 inclusive showing the deceased David Samuel ROSE at Unit [REDACTED] Addison Road, Kensington.

13. View from the lounge room into the dining room at [REDACTED] Addison Road, Kensington showing the deceased, David Samuel ROSE.
14. View east in the dining room showing the deceased, David Samuel ROSE. Also shows the bangle on the floor to the right of the deceased.
15. View south, showing the deceased, David Samuel ROSE.
16. Further view of the deceased, David Samuel ROSE.
17. View showing the blood stained T shirt and the facial injuries sustained by the deceased, David Samuel ROSE.
18. Further view of the facial injuries sustained by David Samuel Rose.
19. View of the left side of the deceased's face
20. View of the right side of the deceased's face.
21. View of the tin of plums between the deceased's legs

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22. View of the jewellery on the deceased's right hand.
23. View of the jewellery on the deceased's left hand.
24. View of the broken plate on the floor in front of the oven.
25. View of the broken plate on the floor in the kitchen.
26. View of the telephone on the kitchen bench.
27. View of the 3 spots on the kitchen floor that tested negative for the presence of blood.
28. View showing the broken plate in the refrigerator.


(11)

The lounge room was furnished with a number of plastic crates and a television set along the northern wall, 2 bookshelves and a stereo in the north eastern corner, a coffee table and chair along the eastern wall, a lounge suite, lap top computer and a desk along the southern wall. The Venetian blinds were closed and I noted that there was no electricity available in the unit. An ironing board in the middle of the room had fallen against the television set and dislodged the television from the crates. The ironing board had a shirt hanging from the end and the iron was face down on the floor on top of an extension lead. The iron had melted the electrical insulation on a power cord on the floor and inturn short circuited the fuse for the unit. On the lounge room floor near the doorway to the dining room and in an area approximately 0.45 metres east of the western wall and between 1.57 and 1.91 metres North of the southern wall of the lounge room I saw 3 silver coloured bangles, similar to the ones worn by the deceased. A silicon breast enhancer was located on the lounge room floor, 0.78 metres east of the western wall and 1.96 metre North of

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the southern wall, an upturned picture 0.8 of a metre east of the western wall and 2.3 metres North of the southern wall, an earring .59 metres east of the western wall and 2.87 metres North of the southern wall and a further picture and frame 1.77 metres east of the western wall and 2.42 metres North of the southern wall.

EXHIBIT...

I produce 7 colour photographs labelled 29 to 35 inclusive showing the lounge room of [REDACTED] Addison Road, Kensington.

29. View North east in the lounge room of [REDACTED] Addison Road, Kensington.
30. View South east in the lounge room of [REDACTED] Addison Road, Kensington.
31. View south west in the lounge room of [REDACTED] Addison Road, Kensington.
32. View North west in the lounge room of [REDACTED] Addison Road, Kensington.
33. View along the western wall of the lounge room showing the 3 silver bangles, the silicon breast enhancer and the upturned picture frame.
34. View of the other photo frame on the floor in the lounge room.
35. View of the earring on the floor in the lounge room.

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- (12) A matching silicon breast enhancer was located in the hallway of the unit, near the entry to the bathroom door. A pair of glasses and a handkerchief was located in the doorway between the lounge room and the hallway and an answering machine was located in the middle of the hallway. I removed the tape from the answering machine. The power supply to the answering machine was unplugged. I located an earring under the southern side of the book shelf in the hallway that matched the earring found in the lounge room.

XHIBIT... I produce 6 colour photographs labelled 36 to 41 inclusive showing the hallway of [REDACTED] Addison Road, Kensington.

36. View South in the hallway of [REDACTED] Addison Road, Kensington.

37. Further view south in the hallway of [REDACTED] Addison Road, Kensington.

38. View of the silicon breast enhancer in the hallway


39. View of the answering machine in the hallway.

40. View of the glasses and the handkerchief in the hallway.


41. View of the earring in the hallway, near the bookshelf

- (13) The main bedroom was furnished with a wardrobe along the southern wall, a dressing table along the western wall, a single bed in the north western corner, a divan lounge in the north eastern corner and a further dressing table along the eastern wall. As a result of a search of the bedroom by investigating Police I photographed a wallet that contained \$41.50 in cash, a New South Wales Drivers Licence in the name of David Samuel ROSE

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and a set of car keys.

EXHIBIT..


I produce 8 colour photographs labelled 42 to 49 inclusive showing the main bedroom of [REDACTED] Addison Road, Kensington.

42. View North west in the main bedroom.
43. View North east in the main bedroom.
44. View east in the main bedroom.
45. View south east in the main bedroom.
46. View south in the main bedroom.
47. View south west in the main bedroom.
48. View of the contents of David Samuel ROSE's wallet.
49. View of David Samuel ROSE's car keys.

(14) Whilst at the scene I collected the following items as exhibits:

1. 3 silver bangles from the lounge room.
2. Breast enhancer from the lounge room.
3. Breast enhancer from the hallway.

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4. Prescription glasses from the hallway.
5. Card from the front door.
6. Bag and present from the front door.

I handed these items to Detective Sergeant MATHES. I also collected the following exhibits from the body of the deceased:

7. Sample of maggots from the left nostril (Killed).
8. Sample of maggots from the right nostril.

Detective PROTHERO and I left the scene about 6.30pm and returned to our office.

(15) On Tuesday 23 December, 1998 the following items were forwarded to the Forensic Biology Laboratory, Division of Analytical Laboratories at Lidcombe by Forensic Courier for examination and handed to Miss Vivien BEILBY:

1. Left finger nails, David ROSE.
2. Right finger nails, David ROSE.
3. Oral swab.
4. Oral smear,
5. Rectal swab.

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6. Rectal smear
7. Blood sample in the name of David ROSE.
8. Swab from east side of down pipe
9. Swab from North side of down pipe.

EXHIBIT... I produce a certificate signed by Miss Vivien BEILBY dated 7 January, 1998 setting out the results of her findings.

(16) The following samples were conveyed by forensic courier to Mr Garry LEVOT, Forensic Entomologist with the New South Wales Department of Agriculture, for examination.

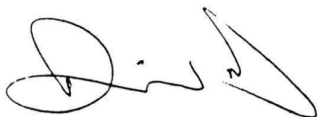
1. Maggot sample (Killed) left nostril.
2. Maggot sample right nostril.

EXHIBIT... I produce a report dated 5 January, 1998 and signed by Mr Garry LEVOT setting out the results of his findings.


(17) From my examination of the scene at [REDACTED] Addison Road, Kensington I have formed the following conclusions.

1. There was no signs of forced entry to either the front security screen door or the front door of the unit.

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2. There was no signs of forced entry to the balcony doors of the unit.
3. The front door can only be closed and locked by using a key.
4. The assault appears to have commenced in the hallway near the bathroom door and continued on into the lounge room, where the ironing board has been knocked over and shorted out the electricity to the property.
5. The assault had continued into the kitchen area where the deceased was found.
6. The offender has left the premises via the front door, closing and locking the door with a key upon leaving. The offender did not lock the security door as a "post it" note had been placed on the front door by the victim's mother.

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