

New South Wales Police

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STATEMENT in the matter of:

Death of David ROSE

Place: Maroubra

Police Station

Date : 27 December 1997

Name: John Paul BYERS

Address: Maroubra Police Station

Tel. No.: [REDACTED]

Occupation: 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 anything which I know to be false or do not believe to be true.

2. I am 43 years of age.

3. Shortly after 11.20pm on Monday the 22 December, 1997 I received a Police radio message to attend [REDACTED] Addison Street, Kensington in respect of a concern for welfare of a male person at that address. A short time later I attended that address and on arrival saw two male persons and one female person standing at the entrance to that block of units. I then proceeded to the top floor of those units and on reaching the top most landing I saw two Police Officers coming down the stairs. These Police were from the Police Rescue Squad. I had a brief conversation with one of those Officers and I was informed that a male person was deceased in unit 9 of that address. I then went to the front door of the premises which was open and I saw Constable Noffke standing at that location.

4. I then entered the premises where I met with a Constable Sims in the hallway of the premises. In the hallway near the door

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I saw a number of bangles lying in the hallway along with a handkerchief. I also saw in the hallway lying on the ground a pink coloured breast insert and a photograph frame lying face down. I then followed Constable SIMS down the hallway into the lounge room area. This lounge room area lead into an eating area and then into the kitchen. In the eating area of that unit I saw a male person who is now known to me to be a David ROSE lying on his back with his head facing the outer wall of the unit and his feet nearest the kitchen area. I saw that there was a quantity of dried blood which appeared to have flowed from the nasal area of the deceased face. I also saw a small contusion near the right temple and what appeared to be a graze on his right cheek. At this time I also saw that there appeared to be spots of what looked like blood on the deceased white T shirt that he was wearing. This spotting appeared to be a type of splatter possibly from the facial area. He was also wearing a pair of light coloured shorts and no foot wear.

5. In the kitchen area I saw that a dinner plate was smashed all over the kitchen floor and lying near the feet of the deceased was a large can of no frills brand plum jam. I noticed that one side of the can had a flattened appearance. I saw that the dinning room window was open along with the balcony door were both in the open position yet on the balcony door there was a wire screen door fitted with an umbrella leaning up against it. Adjacent to the dinning area in the lounge room a television was lying screen down on the floor and an ironing board appeared to have been knocked over. Just to the left on the lounge room area in the hallway I saw what appeared to be some type of answering machine which had also been knocked to the ground.

6. I then made a number of other observations of the unit and

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I saw a further breast insert on the loungeroom floor and on a table in the loungeroom I saw a plastic bag containing an amount of tablets. Along side that there was bottles of vitamins and other medication. Overall it appeared to me that some sort of disruption had taken place in the unit. I then went to the front door of the premises and saw that the front door lock appeared to be in working order this being a bolt type dead lock. I then went to the bathroom area of the unit yet saw nothing out of the ordinary and it appeared to be in order. I also went to the bedroom areas and again in these rooms nothing appeared to be out of order.

7. I then went back to the loungeroom area and a short time later Detectives PINCHAM and KITCHING arrived at the unit. Constable SIMS then had a conversation with those Police and explained the situation as to what had transpired. At this time I then left the unit and went down stairs where I spoke to persons who I now know as Bertha, Max and Ian ROSE parents and brother of the deceased. I had a brief conversation with those persons and explained to those persons that we were waiting on other Police attending the scene. A short time later I saw Police from the Crime Scene Unit attend the location and I had a brief conversation with those Police and explained the situation. A short time later I then left the scene and attended to other matters.

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