

New South Wales Police

P.190

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STATEMENT in the matter of:  
Death of Scott Stuart MILLER

Place: The Rocks  
Police Station  
Date : 1 May 1997

Name: Michael lane

Address: C/- The Rocks Police Station

Tel. No.: [REDACTED]

Occupation: Plain Clothes 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 29 years of age.

3. About 8.35am on Monday 3rd March, 1997 Plain Clothes Senior Constable CRANER and I attended Patricks The Australian Stevedore gate 5 of wharf 4, Hickson Road Darling Harbour in relation to a deceased male found at the base of a cliff.

4. Patricks The Australian Stevedore is a container cargo dock area for the loading and unloading of international shipping with ten (10) wharfs covering approximately twelve to fifteen hundred metres along the waterfront. The wharf area is surrounded by a sandstone cliff face which ranges in height from about ten (10) to twenty (20) metres in height. The top of the cliff is surrounded by residential housing which includes Merriman St and Munn Reserve at Miller's Point. Miller's Point is the southern most point leading up from The Rocks area before Darling Harbour.

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5. Upon arrival at the scene I spoke to Senior Constable CROWE and Constable COATES. They told me that there was a deceased male at the bottom of a cliff in an unused part of the wharf. I then accompanied the constables to this location which is commonly referred to by the dock workers as the 'graveyard'.

6. This area is used for the storage of old heavy mechanical machinery and is fenced off with cyclone wire fencing with a gate that is usually open and accessed from inside the dock area. There is also an opening between the fence and the cliff near where the deceased's body was located. It is located in the corner of gate 5 and is surrounded by a ten (10) metre high sheer cliff face on one side and a cyclone fence on the other. On the other side of the fence is a building containing South Corp Wines and Polygram Music.

7. I then approached the deceased who was lying at the bottom of the cliff. This area had been secured taped off by Senior Constable CROWE and Constable COATES using police tape. Senior Constable CROWE told me that he had obtained the deceased's wallet from his back jeans pocket and that the NSW driver's licence in the wallet was in the name of Scott Stuart MILLER of [REDACTED] Orange, Date of Birth 27.7.75. Senior Constable CROWE told me that there were other cards and papers with the name Scott MILLER.

8. I told Senior Constable CROWE to carefully enter the crime scene and place the wallet back where he found it on the deceased which he did. Senior Constable CROWE informed me that dock workers had located the deceased earlier this morning in his present state. He also informed that the Supervisor was in attendance and on top of the cliff in Munn Reserve and that Crime Scene police had been called.

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9. I then made a closer inspection of the deceased. I noticed the deceased was a male caucasian in his early twenties about six (6) foot tall, ninety (90) to one hundred (100) kilograms in weight, with light brown short hair. He was wearing a white coloured 'Jag' T shirt, light blue denim 'Jag' jeans, brown belt and brown casual lace-up shoes. There was a large amount of blood on the right shoulder and chest area of the deceased. This blood appeared to have stained right through the material of the shirt.

10. The deceased looked to be of a neat appearance and wearing expensive casual clothes. He was lying face down on the bitumen surface more towards the left side of his face with his nose flattened onto the bitumen. The deceased was lying on his right arm which was bent underneath his chest. The deceased's left arm was laying bent slightly by his left side and he had a slight graze on the inside of his left wrist. The deceased legs and feet were lying straight out parallel to each other. There was a large amount of blood coming from the deceased's head. This blood had flowed from his head and gathered into a pool measuring about a half metre square. Some of the blood had then trickled away about a metre from the pool until it had stagnated.

11. The deceased was lying at the foot of the cliff with his left elbow lying on top of a small concrete drainage gutter about a foot from the base of the cliff. There was a small amount of green vegetation in the gutter near the deceased left side.

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12. The cliff itself has a sheer sandstone face leading up about seven (7) metres to a ledge about a metre wide with an amount of green vegetable matters including small shrubs and trees. About two to three (2-3) metres above this ledge was the top of the cliff. At the top of the cliff was a wire cyclone fence with barbed wire strands strung on top of the fence.

13. On later examination of this fence I noticed that a tree branch had fallen across part of the barbed wire stands forcing the barbed wire below the top of the fence.

14. At the top of the cliff is a large amount of thick vegetation including large bushes and trees. I then informed Senior Constable CRANER to guard the scene and Senior Constable CROWE and I drove to Munn Reserve.

15. Munn Reserve is a small council reserve which is boarded by the building containing Polygram Music and South Corp Wines on the left hand side, the cliff face on the southern end and four (4) housing commission flats and the Palisade Hotel on the right side. The reserve has a slippery dip and a small amount of playground equipment and is used mainly by the nearby residents. Munn Reserve is accessed by Bettington Street which runs off Argyle Street. Argyle Street leads down to the main tourist area of The Rocks where the popular hotels are situated.

16. Upon arrival at Munn Reserve I spoke to Sergeant John WILSON and Senior Constable WHEELER. I then informed Sergeant WILSON to tape off the area near the top of the cliff which included the 20 metre track leading from the reserve down to the cliff and the bush area surrounding it. Sergeant WILSON and Senior Constable WHEELER did this and remained at the scene.

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17. I then drove back down to the base of the cliff with Senior Constable CROWE. About 9.25am Senior Constable ROSE from the Police Media Unit arrived at the scene and I spoke to him. About 9.30am Senior Constable's VAN LEEUWEN and NEAL from the East Sydney Crime Scene Unit attended the scene and I spoke to them and informed them of my enquires so far.

18. Senior Constable VAN LEEUWEN then immediately contacted the Government Medical Officer to attend the scene as on his initial inspection he was of the belief that the deceased's death maybe suspicious. Senior Constable's VAN LEEUWEN and NEAL then made an initial canvas of the area and took several photographs.

19. About 10.10am Doctor DU FLOU, the Government Forensic Pathologist and two assistants arrived and entered the crime scene. Dr DU FLOU and Senior Constable DU FLOU had a conversation in relation to the death. They then marked the area and turned the deceased over onto his back and examined him. I saw that the deceased's face was flattened as if he had been hit by a blunt object. His nose was flattened and bent to the right. Both his eyes were swollen with his right eye completely closed and this left eye slightly open. The left side of his face was covered in blood with a large amount of thick dark red blood that appeared to be have come from his mouth and nose.

20. There was a large amount of blood on the shoulders and chest area of the deceased TShirt. Dr DU FLOU then pulled down the deceased jeans and I noticed that the deceased was not wearing any underpants. Dr DU FLOU took the deceased temperature and determined the deceased to have been dead for between 18 to 30 hours. Dr DU FLOU and his assistants then left the scene.

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21. About 10.50am Detective Senior Constable MILLIGAN and HOWE attended the scene. About 11am Detective Sergeant ROGERSON Chief of Detectives at The Rocks attended the scene and I briefed him on the investigation thus far.

22. About 11.20am the acting Patrol Commander at The Rocks Police Station Senior Sergeant WYSE attended the scene and I advised him of the situation.

23. About 11.50am Senior Constable CRANER and I went to South Corp Wines [REDACTED] Millers Point and spoke to Jason MACKEY and Liz COSTELLO. Senior Constable CRANER and I then went of Polygram Records next door at [REDACTED] and spoke to Jane McCONNELL. After making extensive enquires at both address no information about the deceased could be obtained as both offices were not opened over the weekend.

24. Senior Constable CRANER and I then came back to the scene about 1pm. I then spoke to Senior Constable ROSE and later that afternoon I gave a brief news conference at the scene to the media. I left the scene about 1.30pm.

25. I then made a number of enquires and spoke to several media representatives in relation to the deceased throughout the afternoon.

26. About 6.30pm Senior Constable CRANER and I attended the Palisade Hotel at 35-37 Bettington St Millers Point and spoke to bar staff and a small number of patrons. The Palisade Hotel is a small hotel and mainly frequented by local residents. The hotel shut about 11.30pm on the Saturday that the deceased was last seen. None of the guests at the hotel reporting seeing or hearing anything on the night.

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27. Senior Constable CRANER and I then canvassed the residents at the rear of the Palisade Hotel overlooking Munn Reserve. The residents also did not report seeing or hearing anything suspicious on the night.

28. Senior Constable CRANER and I then attended Wharf 5 of Patricks The Australian Stevedore where I spoke to Captain Yuriy BOEV of the cargo ship Western Falcon which was docked at the wharf near where the deceased was located. The Captain stated his ship came into Sydney on Sunday morning 2nd March, 1997 and that none of his men left the ship the entire time they had been docked.

29. Later that night we returned to The Rocks Detectives Office where I spoke to Detective Sergeant's LAIDLAW and LEONARD from the South Region Homicide Squad and liaised with them. I then made a number TIMS and running sheet entries on the days enquires.

30. On 4th March, 1997 Nathan White and Jason ELVY attended The Rocks Detectives Office. Both had been with the deceased on the night he was last seen alive. Both persons made statements to police. WHITE and ELVY then accompanied me to Munn Reserve Millers Point where I showed them where the deceased had been found. Both stated that they did not know the area and thought that the deceased wouldn't know of the area.

31. I then returned to the Rocks Detectives Office where I spoke to the deceased parents and family. Later that afternoon Detective Sergeant ROGERSON, Senior Constable CRANER and I accompanied the deceased's family to the crime scene location.

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32. Later that afternoon I went to Police Headquarters in College St Sydney and I participated in a media conference with the deceased's parents where we made an open request to the public for any information about the deceased's death which was later shown on all local television channels.

33. Later that afternoon Shaun KELLY attended The Rocks Detectives Office. KELLY was also with the deceased on the night of his death and was in fact the last confirmed person to have seen the deceased alive. I obtained a statement from KELLY. In his statement KELLY states that the deceased was not wearing any underpants as he didn't have any clean ones when he was getting changed at KELLY'S house earlier on the Saturday afternoon. I then took KELLY to the crime scene location and he stated that he had never been to Munn Reserve and didn't know where it was. He also stated that from his knowledge the deceased would not know of the location either.

34. On 5th March, 1997 with Detective Sergeant ROGERSON I went to Shaun KELLY'S unit at [REDACTED] Maroubra. There Detective Sergeant ROGERSON and I searched the deceased vehicle which was parked outside the address and left there by the deceased on the afternoon of Saturday 1st March, 1997. We found nothing unusual in the vehicle.

35. On 6th March, 1997 I went to [REDACTED] Merriman St Millers Point and conveyed Jade CARTER to The Rocks Detectives Office where I obtained a statement from her. She stated that she was at Observatory Hill half way between where the deceased was last seen in George St The Rocks and where the deceased was located at Millers Point. She stated she had been walking home by herself when she saw a male person fitting the deceased's description walking near Observatory Hill. She stated she did not recognise the male as a local resident and although she did

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not speak to him he appeared normal with no sign of injuries and she thought he may have been lost.

36. I then accompanied Miss CARTER to the crime scene location and she assisted me with her local knowledge of the area as she has been a resident of Millers Point all of her life, some 20 years.

37. Later that afternoon I attended the Observer Hotel in George St The Rocks. This hotel is only a short distance away from the intersection of George and Argyle Streets where the deceased was last seen. This is the hotel that the deceased was drinking at with Nathan WHITE, when they were asked to leave due to their state of intoxication.

38. I spoke to Michael DOOHAN the licensee. I then spoke to Stephen SWART who was the barman who asked the deceased and WHITE to leave. He later attended The Rocks Detectives Office and made a statement. SWART states that he was approached by another member of the bar staff Chloe GREEN to ask the deceased and WHITE to leave as they were intoxicated. SWART states that both appeared to be well effected by intoxicated liquor but that the deceased appeared to be more effected and was leaning over the bar and almost falling asleep. Both left the hotel without incident and were escorted out by the doorman Manni SOLOMONA. I later interviewed Chloe GREEN and Manni SOLOMONA and obtained statements from them.

39. WHITE states in his statement that he then walked the short distance down George Street to the Orient Hotel. As he was walking he turned and saw the deceased talking to the two women. WHITE states he yelled out to the deceased that he would meet him at the Orient Hotel. The deceased then agreed and that was the last time WHITE saw him. The two women that the deceased

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was seen talking to have never come forward after several public appeals. It is quite possible that the deceased only spoke to the women briefly and they don't even remember the incident. Or they maybe tourists and have left Sydney.

40. On 11th March, 1997 I was interviewed for a segment with the Australia's Most Wanted (AMW) program screened on channel seven (7). I assisted the case reporter and film crew with filming at the crime scene location and various other locations in The Rocks area.

41. On 19th March, 1997 Detective Sergeant ROGERSON and I attended the ship 'Ranginui' which was docked at wharf 5 of Patricks The Australian Stevedore. This ship was docked in the same place over the weekend of the deceased's death. The Captain of the ship Stuart WRIGHT and his crew were interviewed and although the captain and some of the crew had been out on the Saturday night 1st March no one reporting seeing or hearing anything suspicious around the docks.

42. Later that afternoon Senior Constable HOWE and I canvassed Argyle Street, Kent Street and the surrounding streets near Munn Reserve and handed out a flyer about the deceased.

43. On 20th March, 1997 I attended Patricks The Australian Stevedore and interviewed several of the dock workers who were working during the weekend of the deceased death. No one reported seeing or hearing anything suspicious over the weekend. All stated that they don't generally go near the area (graveyard) where the deceased was located and it would not be unusual for the deceased to lay there undetected for the length of time that he did in fact lay there.

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44. On 24th March, 1997 Senior Constable CRANER and I attended the Crime Stoppers Unit during the screening of Australia's Most Wanted program on channel seven. This program screened from 7.30pm to 8.30pm featuring the story of the deceased. Senior Constable CRANER and I stayed until 9pm and spoke with a three callers, none of which had any substantial information. Crime Stoppers only received a small number of calls to do with the deceased death and none of the callers to this date have had any substantial information.

45. On 11 April, 1997 Senior Constable NEAL from East Sydney Crime Scene Unit was handling the deceased clothing which had been in the drying room of their office when he felt something in the pocket of the deceased jeans. When he pulled the pocket out he found two (2) Commonwealth credit cards, one (1) unicolor, one (1) medicare card and \$25.00 in cash made up of one (1) \$20 note, two (2) \$2 and one (1) \$1 coins. The cards were in the name of the deceased and his mother Christine.

46. I was informed of the discovery of the deceased property on 15 April, 1997 and I immediately telephoned the deceased's father Stuart MILLER at his home address and informed him of the situation.

47. Later that day I attended the East Sydney Crime Scene Unit at the Sydney Police Centre and spoke to Senior Constable's NEAL and VAN LEEUEN. I then took possession of the property and money. Included in the property was the Commonwealth Mastercard which was thought to have gone missing, possibly stolen from the deceased's person and was mentioned in earlier running sheets.

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48. Senior Constable VAN LEEUWEN explained to me that the property was not found due to an apparent oversight as he had checked the pockets of the deceased at the scene but had not located the property probably due to the deep pockets. The clothes were then retained by Senior Constable VAN LEEUWEN immediately after being removed from the deceased on the same day at the Morgue prior to the post mortem examination. These clothes were then hung in the drying room of the Crime Scene Unit and apparently not handled until 11th August, 1997.

49. Throughout the investigation into the death of the deceased I have made extensive enquires into the background of the deceased. My enquires reveal that the deceased was a young man who was popular with his peers. He was brought up in the country town of Orange where he was a keen footballer. The deceased was the middle son of three boys and appeared to have a large and loving family. He had completed his electrical apprenticeship whilst in Orange and had just been accepted into a Sports Science degree at the University of Western Sydney which was the reason the deceased had moved down to Sydney. In fact the deceased was due to start his university course the day his body was found.

50. From all reports the deceased liked to be the life of the party and had many friends including a steady girlfriend. Enquires from his friends reveal that the deceased liked to drink alcohol when he went out. The deceased like most young men in their early 20s obviously experimented with alcohol.

51. Throughout my investigation I could find no reason why the deceased would want to commit suicide. He appeared to have no overt personal problems with relationships or otherwise and appeared to be quite excited about his future especially as he was just about to start university.

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52. As stated before the deceased appeared to be a happy go lucky type of person and did not seem to have a depressive personality, even when he drank alcohol. When looking at the relatively small size of the cliff I would suggest that a person would not guarantee death if they chose to jump from a cliff of that height and instead would select a much higher cliff.

53. From my enquires with the men who were drinking with the deceased, the deceased was very intoxicated on the night he died. This is verified from eyewitness accounts from both his friends and the hotel staff at The Observer Hotel. The toxicology report states that the deceased had a reading of 0.220 grams per 100ml of blood. This reading is in the high range limit if one was discussing drink driving.

54. When discussing the deceased's past it would be remise of me not to highlight some earlier cases where the deceased obviously drank to excess. This is corroborated by his close friends and some incidents reported by police.

(1). About 3.30am on 1st January, 1996 the deceased was observed by police riding a pushbike erratically on the roadway at Manly. The deceased was breath tested and recorded a reading of 0.255 (high range). He was arrested and charged.

(2). About 7.35am on 1st January, 1997 the deceased had an altercation with a taxi driver whilst being driven home with a friend after a night out. Chatswood Police responded to a duress alarm from the taxi driver and it was alleged that the deceased had head butted the windscreen of the taxi causing a crack. No formal action was taken by police but the deceased's particulars was taken and a report submitted. Police reported that both males were well effected by alcohol.

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55. From enquires made with the deceased's friends the deceased spent the afternoon of Saturday 1 March, 1997 with Shawn KELLY at Maroubra beach where KELLY lives. MILLER left his vehicle there and both men travelled to Nathan WHITE'S house at Willoughby later in the afternoon. The deceased and KELLY bought some alcohol at the local bottle shop and settled down in the backyard with WHITE and other mates and started drinking about 6.45pm. Initially the deceased drank beer and stated he was feeling drunk after consuming about four (4) beers.

56. Later in the evening the party moved in doors and started playing a drinking game which involved swallowing a nip of straight Tequila in one go. From the witnesses present the deceased lost at the game more that the others and appeared to more effected by the alcohol.

57. All up the deceased and the party which consisted of about five (5) to six (6) people drank a carton of full strength beer and a 700ml bottle of Tequila between approximately 6.45pm and 9.45pm. During this time it is reported the deceased did not have anything to eat. His last reported meal was at lunch. He later had a sausage sandwich after the Mardi Gras.

58. The deceased then travelled with the others by taxi to Oxford St Darlinghurst where they watched the last hour of the Gay Mardi Gras. They then purchased some alcohol which consisted of a can of beer and a can of bourbon and coke each. The deceased then travelled with WHITE by taxi to Rocks while the others travelled in another taxi with some English girls they had met.

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59. The deceased and WHITE then went to The Observer Hotel while the others went to The Orient Hotel. The deceased and WHITE drank some more alcohol which included spirits. After approximately an hour in the hotel they were asked to leave about 12.30am.

60. WHITE then went to the Orient Hotel and met up with the other party while the deceased was last seen outside The Observer Hotel. The deceased was not seen again until about 1.30am when KELLY left the Orient Hotel and saw the deceased walking across the intersection of Argyle and George Streets. This is the last time the deceased was seen by his friends.

61. What the deceased did after being asked to leave The Observer Hotel at 12.30am and when he was last seen at 1.30am is not known. It is believed he may have stayed around the George Street area near the popular hotels. There is an unsubstantiated report from a barman at The Fortune of War Hotel located in George Street only about 100 metres from The Orient Hotel that he saw the deceased in the hotel. However he is unsure of the time or even day and only remembers his face due to seeing a flyer that was handed out after his death.

62. Similarly it is not known what happened to the deceased after 1.30am on Sunday 2 March, 1997 or how his body ended up at the base of the cliff. It is interesting to note that it is basically a straight line from where the deceased was last seen to where his body was located. This distance has been measured at exactly six hundred (600) metres. If the male person that was seen by Jade CARTER at Observatory Hill is actually the deceased. The fact is Observatory Hill dissects this line in half at exactly 300 metres. Meaning that if the deceased did walk up Argyle Street and was at Observatory Hill it is only a short distance of 300 metres to the cliff face in Munn Reserve.

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63. From my enquires there is no hard evidence to suggest the deceased was either assaulted or robbed, or both. Dr DU FLOU has stated that the deceased died as a result of head and internal injuries which are consistent with being hit by a blunt object or falling from the cliff. He is unable to elaborate any further due to the lack of physical evidence. Similarly police are unable to determine whether the deceased was assaulted or if he fell from the cliff due to the total lack of physical evidence at the crime scene.

64. After analysing all the evidence obtained I have formed an opinion of how the deceased died. I have based this theory on all the available information available. This theory, I believe is the most practicable and logical theory that has developed during the investigation.

65. I believe the deceased walked from where he was last seen outside The Orient Hotel at the intersection of Argyle and George Streets at The Rocks shortly after 1.30am on Sunday 2nd March, 1997. He then walked up Argyle Street, probably alone possibly on his way to the Sydney Harbour Casino in Darling Harbour where he liked to go after having been on a night out.

66. On his way to the Casino he may have become lost or disorientated and walked up Observatory Hill which is a good vantage point. He was then seen by the witness Jade CARTER.

67. Miss CARTER is a very competent witness and I found her more than capable and believable. I noted that she is a very observant person and with this in mind I believe that the male she saw at Observatory Hill was the deceased. When considering whether the deceased was at Observatory Hill one must say the likelihood of two persons matching the exact description of the deceased being in that particular area is very unlikely.

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Consideration must also be given to the time of night and the fact that Miss CARTER saw no other people on her way home. This is not uncommon as nothing is open in that part of The Rocks late at night.

68. If the deceased was at Observatory Hill he could walk the relatively short distance which is down hill and arrive at the cliff. At the top of the cliff in Munn Reserve you can see Darling Harbour and the Casino.

69. It is important to note at this point that Miss CARTER stated to me that many people over the years have asked her where Darling Harbour was as they had become lost in Millers Point. With this in mind it is not unreasonable to suggest that the deceased knew roughly where the casino was and merely stumbled upon the cliff in Mann Reserve in his search. Remembering the deceased was only at the Casino on the previous Thursday night.

70. Once at the cliff the deceased may have attempted to take a short cut down. The lighting at the docks that night was still quite light although only being lit by the pilot lights. Scaling the cyclone fence was also made a lot easier due to the barb wire being down at one point of the fence. Bearing these two factors in mind it is not unreasonable to suggest the deceased in his intoxicated state may have thought climbing down the cliff was a good option. Once scaling the fence and finding himself on the other side the deceased may have slipped and fell or he may have realised there was no way down and fallen asleep and rolled off the cliff. Although neither theory can be determined the position of the deceased's body suggests he may have been lying at the time due to the straight position the deceased body was found lying in. I also submit that bitumen is a blunt object.

Witness: \_\_\_\_\_



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