

NEW SOUTH WALES POLICE

409/97

STATEMENT in matter of:
 DEATH OF SCOTT MILLER
 Job No. 97-0120


Place: East Sydney Zone
 Crime Scene Unit
Date: 14 June, 1997

Name: VAN LEEUWEN Lyle William **AGE:** 35
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 ten years.

Witness:



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(2) About 9.25am on Monday 3 March, 1997 in company with Detective NEAL of the East Sydney Crime Scene Section I attended Wharf 5, Hickson Road, Darling Harbour, the premises of Patricks Stevedoring, where I spoke with Detective MILLIGAN and Constable COATES of the Rocks Police Station. As a result of this conversation I photographed and examined the body of a deceased male, later identified as Mr Scott MILLER, at the base of a 7 metre cliff in the North eastern side of the wharf complex. During my examination I took a number of colour photographs, collected exhibits and took a number of measurements.

(3) Located lying face down on the asphalt in the machinery yard at the base of a 7 metre rock cliff I saw the body of the deceased, Scott MILLER. He was dressed in a pair of blue denim jeans, a white T shirt over the top of another white T shirt, a pair of brown shoes, a brown belt and pair of multicoloured socks. His head was towards the eastern side of the machinery yard and turned slightly to the right. His left arm was slightly bent at the elbow, his right arm was under his body and his legs were outstretched. The back and right sleeve of his white T shirt was stained with blood. His clothing was damp to touch. A stream of diluted blood had flowed from his face, in a southerly direction across the machinery yard. His body was located on the pavement, 1.1 metres south of the southern face of the cliff and 5.59 metres east of a chain wire fence that bounded the western side of the machinery yard. I took some preliminary photographs prior to conducting any further examination.

EXHIBIT... I produce 7 colour photographs labelled 1 to 7 inclusive showing the machinery yard at Patricks Stevedoring and the body of Scott MILLER.

1. View North into the machinery yard at Patricks Stevedoring.
2. View North west, in the machinery yard, showing the body of the

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M. Sheppard

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deceased, Scott MILLER.

3. View west, showing the position of the deceased in relation to the cliff face.
4. Close view west, showing the deceased, and the blood staining to the right sleeve and the back of his shirt.
5. View east, showing the deceased.
6. View North, showing the deceased and the blood staining to the back of this shirt.
7. Further view of the blood staining to the back of the deceased's shirt.

(4) I marked the position of the deceased on the ground and then examined his injuries. I saw that he had sustained a substantial bruise to his right eye. His right eye was swollen and closed. He had small blood splashes inside his right ear, blood and blood on his left fingernails. I saw a wallet in the back right pocket of his jeans. I removed the wallet and saw that it contained personal papers and identification in the name of Scott Stuart MILLER. This identification included a New South Wales Photo Drivers Licence No 0759305 in the name of the deceased, an Orange Ex Services Club Temporary membership, a business card, a telephone card and a condom. The wallet did not contain any cash or valuables. I then contacted the Government Forensic Pathologist, Dr DuFLOU.

EXHIBIT... I produce 3 colour photographs labelled 8 to 10 inclusive showing the injury to the

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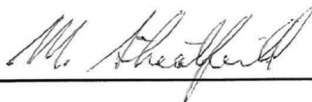
right side of the deceased's face, his wallet and contents.

8. View of the injury to the right side of the deceased's face.
9. View of the wallet in the back pocket of the deceased's jeans.
10. View of the contents of the wallet that was removed from the deceased's jeans.

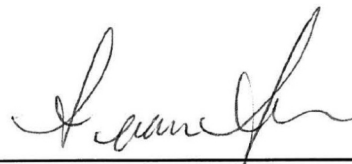
(5) Dr DuFLOU attended the scene, about 10.10am and examined the body of the deceased. I saw that post mortem lividity was present and consistent with the position the deceased was found in. I recorded the ambient and anal temperature readings taken by Dr DuFLOU. The anal temperature of the deceased at 10.20am was 23.7° Celcius and the ambient temperature was 24.9° Celcius. Rigor mortis was well established in the body. Dr DuFLOU also took an anal swab from the deceased. About 10.50am I handed the deceased wallet and contents to Detective HOWE.

(6) About 11.00am I left the scene and attended Munns Reserve, the park directly above where the deceased was located in the machinery yard. Munns Reserve is located on the southern side of Beddington Road, Millers Point, near the Palisade Hotel. The western edge of the reserve is fenced with galvanised chain wire fencing. The chain wire fencing was 1.9 metres off the ground and topped with barbed wire, which made the overall height of the fence 2.3 metres. I saw that a portion of the barbed wire on the top of the fence had come away from the support poles, near where a Melaleuca tree was leaning against the fence. The Melaleuca tree was strong enough to support my weight (100 kilograms). I could not see any recent scuff marks on the chain wire fencing or any scuff marks on the galvanised tubular steel top rails or any holes in the chain wire fence. The leaf litter on the reserve side of the fence showed no obvious signs of being recently disturbed.

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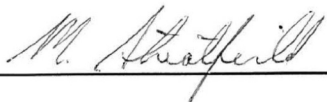
There was a green coloured section of box gutter lying amongst the leaf litter. There were no shoe prints on the oxidised paintwork of the box gutter to suggest that it had been used as a support for climbing the fence. On the outside of the chain wire fence there was a sandstone ledge which was approximately 1.8 metres below the ground level of the reserve. This ledge was approximately 1 metre wide and covered with ivy vines and other small vegetation. I could not see any recent disturbance to the vegetation or the ivy vines. I measured the height from the ledge down to the machinery yard where the deceased was lying. This height was 7 metres.

EXHIBIT...

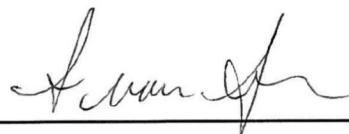
I produce 9 colour photographs labelled 11 to 19 inclusive showing Munns Reserve, Millers Point, the chain wire fence and the vegetation on the ledge outside the fence.

11. View North west in Munns Reserve.
12. View west, in Munns Reserve.
13. View along the chain wire fence at the western end of Munns Reserve.
14. View of the Melaleuca tree leaning against the chain wire fence at the western end of Munns Reserve.
15. View from the top of the chain wire fence, down to the machinery yard of Patricks Stevedoring.
16. View from the ledge outside the chain wire fence down to where the deceased was located.

Witness:



Signature:



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17. View showing the lack of disturbance to the vegetation on the ledge.
18. Further view of the lack of disturbance to the vegetation on the outside of the chain wire fence.
19. View North, showing the sandstone cliff face and the chain wire fence at the western end of Munns Reserve.

(7) I then returned to the machinery yard at Patricks Stevedoring and spoke to Detective Sergeant LAIDLAW of the South Region Homicide Unit. A short time later Detective STREATFIELD and FLIPPENCE of the Forensic Services Group Photogrammetry and Drafting Section attended the scene and conducted a Terrestrial Photogrammetry Survey of the Northern end of the Machinery Yard.

EXHIBIT... I produce a Terrestrial Photogrammetry Survey of the Northern end of the Machinery Yard.

(8) At the completion of the Photogrammetry Survey I further examined the deceased by rolling him on his back. I saw that he had sustained an abrasion to his left wrist, an abrasion to the front of his neck, some abrasions to the back of his right hand, in addition to the bruising and swelling around his right eye. I then bagged the deceased's hands to prevent the loss or contamination of any trace evidence. About 1.00pm the Government Contractor attended the scene and conveyed the deceased to the Institute of Forensic Medicine at Glebe.

EXHIBIT... I produce 6 colour photographs labelled 20 to 25 inclusive showing the injuries sustained by the deceased.

Witness:

M. Sheatfield

Signature:

[Handwritten Signature]

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20. View of the front of the body of Scott MILLER.
21. View of the right side of the deceased's face.
22. Further view of the deceased's face.
23. View of the left side of the deceased's face.
24. View of the abrasions to the deceased's neck.
25. View of the abrasion to the deceased's left wrist.

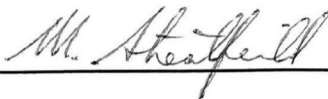
(9) About 3.00pm on Monday 3 March, 1997 I was present along with Detective NEAL at the post mortem examination, carried out by Dr DuFLOU on the body of Scott MILLER. Prior to and during the examination I took a series of colour photographs showing the deceased and his injuries.

EXHIBIT... I produce 24 colour photographs labelled 26 to 49 inclusive, taken during the post mortem examination.

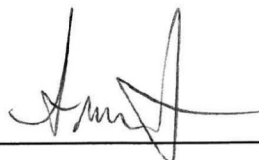
(10) At the conclusion of the post mortem examination I received the following exhibits from Dr Du FLOU:

1. Blood sample in the name of Scott MILLER.
2. A head hair sample.
3. A pubic hair sample.

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4. 2 swabs
5. 2 smears
6. A pair of blue"Jag" brand jeans.
7. A pair of multicoloured socks.
8. A pair of brown shoes.
9. 2 T shirts.
10. A piece of gravel.

(11) On Wednesday 4 March, 1997 the following exhibits were conveyed to the Forensic Biology Laboratory, Division of Analytical Laboratories, Lidcombe, courier and handed to Miss Virginia FRIEDMAN, a Forensic Biologist.

1. Anal smear taken at the scene by Dr DUFLOU.
2. A blood sample in the name of Scott MILLER.
3. An anal and an oral slide.
4. An anal and oral swab.

EXHIBIT... I produce a certificate, signed by Miss FRIEDMAN, dated 1 April, 1997 setting out the results of her examination.

Witness:

M. Sheathfield

Signature:

[Handwritten Signature]

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(12) On Thursday 6 March, 1997 I returned to the premises of Patricks Stevedoring and took a number of colour photographs of the cliff face at the western end of Munns Reserve. I searched the reserve and did not locate any holes in the fencing that would enable access to the area above where the deceased was located. The fencing along the western side of Munns Reserve and the western side of Beddington Street was intact.

EXHIBIT... I produce a compilation panorama of the western end of Munns Reserve, Millers Point.

50. Compilation Panorama of Munns Reserve, Millers Point.

(13) On Monday 14 April, 1997 I spoke with Detective NEAL of the East Sydney Crime Scene Section. He informed me that whilst bagging the deceased's clothing on Sunday 13 April, 1997 he located the following property in the right fob pocket of the deceased's jeans:

1. A Medicare card, University key card and a MasterCard in the name of Scott MILLER.
2. \$25.00 in cash.

I contacted Detective LANE from the Rocks Police Station and on 15 April, 1997 he attended the East Sydney Crime Scene Section and collected the property.

(14) From my examination of the scene, the western end of Munns Reserve, the deceased and my 10 years as a Crime Scene Examiner I have formed the following opinions:

1. The presence of blood stains on the back of the deceased's white T shirt can not be explained and is of a suspicious nature

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M. Shealfield

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2. The lack of separate individual blood spots through out the machinery yard indicate that the deceased did not stagger around the machinery yard.
3. The deceased was located lying face down on the ground at the base of the cliff. If he had fallen or jumped from Munns Reserve I would have expected his position to have been more contorted than it was.
4. The deceased had a lack of external injuries usually seen in a person who has died as a result of a fall. If he had fallen or jumped from Munns Reserve, he could have fallen a distance of between 7 and 11.1 metres.
5. There was a lack of trace evidence on the fencing at the western end of Munns Reserve indicating that the deceased had climbed the fence. It is not uncommon for clothing fibres or shoe imprints to be found on chain or barbed wire fencing or framework.
6. There was no disturbance to the vegetation or ivy on the outside of the fence at the western end of Munns Reserve.
7. There were no holes in the chain wire fence at the western end of Munns Reserve.
8. I am of the opinion that the death of Scott MILLER is suspicious

Witness:



Signature:

