



## FACTS SHEET

H [REDACTED]

**NAME AS CHARGED:** Moses KELLIE

**DATE OF BIRTH:** [REDACTED]/1985

**CNI:** [REDACTED]

**ADDRESS:** No fixed place of abode  
Currently an inmate of Junee Correctional Centre

**CHARGES:** Murder

**SECTION & ACT:** 18, Crimes Act 1900/40

### Overview and summary

Strike Force ANNAND was established to investigate the murder of Anthony CAWSEY, at Centennial Park on Saturday 26 September 2009. The murder occurred between 5:24am and 5:56am.

It is the Prosecution case that Anthony CAWSEY was stabbed and killed by Moses KELLIE ('KELLIE') during an interaction in which CAWSEY propositioned KELLIE for gay sex.

A summary of the Prosecution case against KELLIE is presented below to provide an overview and context to this Facts Sheet:

KELLIE was homeless and residing in Centennial Park. KELLIE has provided separate accounts of his movements on 25 to 26 September 2009 relative to the murder of CAWSEY. KELLIE's accounts are inconsistent with one another and inconsistent with other evidence. KELLIE made false statements to distance himself from the area where the victim's body was located; an area known as Busby's Pond. Investigations have established that KELLIE had two campsites in this area, with one of these campsites being a concrete drain pipe on the southern bank of Busby's Pond. This campsite was approximately seventy five metres east of the crime scene. It is the Prosecution case that KELLIE deliberately lied about matters relevant to the murder because he knew that the truth would implicate him in the murder. These lies amount to a consciousness of guilt.

KELLIE has been charged and convicted of other offences that occurred in similar circumstances and which the Prosecution contends constitute tendency and coincidence evidence. These other offences were the robbery with wounding of [1359] on 11 October 2009 and the assault of [1360] on 16 October 2009. The common features of these offences were: unprovoked violent attacks; no personal history with the victims; involving the use of knives or bladed weapons; inside or in the immediate vicinity of Centennial Park; during the evening or early morning; and all within a one month period between September and October 2009. It is the Prosecution case that these offences and the murder of CAWSEY reveal patterns of behaviour in relation to KELLIE. The offences will be described in these Facts.

On 17 January 2010, KELLIE was interviewed regarding the robbery of [1359] [1359]. It is the Prosecution case that during this interview, KELLIE has confused the robbery of [1359] with the murder of CAWSEY. KELLIE described circumstances and particulars which were consistent with the murder and inconsistent with the robbery. This included specific information about the activities of CAWSEY that were not publically available and could only be known by someone with direct knowledge of the murder and the circumstances surrounding it. It is the Prosecution case that KELLIE's statements are tantamount to an admission of being involved in a direct physical altercation with CAWSEY, and this interaction was proximate in time and place to the murder.

**Background: Centennial Park**

Centennial Park is public land located in the suburb of Centennial Park. Centennial Park is 189 hectares in size and features formal gardens, ponds, grand avenues, statues, historic buildings and sporting fields. Centennial Park is open to the public 365 days a year, however vehicle access is generally prohibited between sunset and sunrise.

Centennial Park is bordered by Oxford Street, Woollahra to the north; York Road, Bondi Junction to the east; Darley Road, Randwick to the south-east; Alison Road, Kensington to the south-west; and Lang Road, Centennial Park to the west.

**Background on the Victim: Anthony Warren CAWSEY**

The victim Anthony Warren CAWSEY ('the victim') was born on 26 January 1972 and was aged 37 years at the time of his death. The victim was a male of Caucasian appearance, about 176m centimetres tall, with a fit and lean physique. The victim had medium tanned skin with short dark hair.

The victim was employed as a rigger by a promotions company named "Show Support" and he was involved in setting up sound equipment, lighting equipment and staging at different concert venues. This employment meant that the victim worked irregular hours at various times of the day.

The victim resided at [REDACTED] 43 Morehead Street, Redfern with his flat-mate [REDACTED] 1407. The victim was the user of mobile telephone service 0406178518. The victim was a user of prohibited drugs, mainly amphetamines (methamphetamine), cocaine and cannabis.

Investigators have established that the victim engaged in sexual acts with both genders and dressed in female lingerie. The victim's telephone records indicated that he regularly contacted gay chat lines such as "Manhunt" and "Mediate!". The victim's friends believed that he was exclusively heterosexual and were unaware that the victim also engaged in homosexual activity. The victim was involved in a relationship with [REDACTED] [REDACTED] 1362 whom he met in April 2009. The victim and [REDACTED] 1362 last saw each other on the evening of 23 September 2009 and at the time of the murder [REDACTED] 1362 was in Western Australia.

The victim had a number of close friends who described him as being kind, friendly, talkative and extremely fit. Investigations into the victim's background failed to identify any inter-personal issues or other problems which may give rise to a motive to harm the victim.

**Background on the Accused: Moses KELLIE**

The Accused Moses KELLIE ('KELLIE') was born on [REDACTED] 1985 in Sierra Leone. KELLIE immigrated to Australia in 2006. At the time of the subject offences, KELLIE was

aged 24 years. He is of black African appearance, about 172 centimetres tall, with a medium build. KELLIE has a round face, short dark hair and large full lips. He speaks English which is heavily accented.

KELLIE was homeless and between April 2009 and November 2009, he was living in Centennial Park. KELLIE had several campsites within Centennial Park.

**The Facts in this matter, presented chronologically, are:**

**Events of 25 September and 26 September 2009: Murder of Anthony CAWSEY**

The known movements of the victim on Friday 25 September 2009 are as follows: Between 5.30am and 8.30am, the victim worked at the Harbours Edge Function Centre as part of his employment with "Show Support". At 11.13am, the victim went to the Pleasure Chest 705 George Street, Haymarket where he purchased a ticket for the theatre which shows pornographic movies. The victim departed the Pleasure Chest at 11.24am and returned to his unit in Redfern. Shortly after 12pm, the victim and this flatmate [1407] left the unit complex and rode through Centennial Park to Tamarama Beach to socialize together. The victim and [1407] returned to the Redfern unit at about 3.00pm.

At 3.00pm on Friday 25 September 2009, a witness Mr KAY entered Centennial Park and commenced a walk with his dog that took him onto the path that runs along the southern bank of Busby's Pond. In a position approximately half way along the path, Mr KAY had an interaction with a male that bears a strong physical resemblance to KELLIE. This male emerged from a densely bushed area adjacent to the path. The male caught and held Mr KAY's attention because it was a very hot day and he was wearing long black trousers and a zipped up dark silver or black hooded jacket with the hood pulled up over his head. The male made eye contact with Mr KAY and looked at him very intensely. The male continued to stare at Mr KAY in a manner he found to be aggressive and in a way that made him feel uncomfortable. It is the Prosecution case that this male was KELLIE.

Between 7.30pm and 8.30pm on 25 September 2009, witnesses Mr YOULL and Ms PEMBROKE were jogging through Centennial Park when they saw a suspicious male consistent in appearance to KELLIE. The male was described as wearing all dark clothing, long pants and a jumper or jacket with a hood over his head. The location where this male was positioned was next to the fence which surrounds the McKay Oval about 15 metres before the track which leads to the toilet block and Busby's Pond. This male is strongly believed to be KELLIE.

The victim spent most of the evening of Friday 25 September 2009 at his unit in Redfern. At 11.56pm, the victim departed the Redfern unit complex with his bicycle dressed for work. At 12.06am on Saturday 26 September 2009, the victim arrived at the staff entrance to the Sydney Convention and Exhibition Centre where he worked with

three other staff members until 2.28am.

Between 2.32am and 2.38am the victim's movements were captured on various CCTV cameras maintained by the Sydney Harbour Foreshore Authority as he rode his bicycle towards his unit building. At 2.48am, the security footage from the Morehead Street, Redfern unit complex depicted the victim entering the foyer by himself with a bicycle.

At 4.24am the security footage from the Morehead Street, Redfern unit complex depicted the victim leaving the foyer by himself. At 4.44am the victim's mobile telephone service was connected to a gay chat line Mediatel Services for 36 seconds. At 4.44am, the victim's mobile telephone service made a second call to Mediatel Services. Mediatel Services operates a telephone based 'virtual chat' contact system aimed at the gay community. The system operates as follows: A user calls into the system using one of the access numbers. The user is prompted to record a message and a brief description of themselves. Once this is done, the user is able to listen to the descriptions left by other users who are also connected to Mediatel. Other options exist whereby a user can send a message to another user or be through connected.

At 4.45am, the victim left a recorded message on Mediatel that outlined his description, the fact that he was sexually aroused and wandering through a park on the edge of the city in Sydney wearing "girlies panties", a t-shirt cut just below his nipples and a pair of boots. He also stated that he had left his pants and shirt on the other side of the park and he was walking through the park in the dark. The victim provided details about the size of his penis and the fact that he wished to engage in a sexual act with another male.

It is the Prosecution case that the victim left his apartment to go to Centennial Park for the purpose of engaging in consensual sexual activity with another male. The victim did not have a pre-arranged meeting with any particular individual. Having departed his unit at 4.24am, it is the Prosecution case that the victim walked directly to Centennial Park reaching the main entrance gates (also known as the Robertson Road Gate) at about 4.52am. Investigations have established that the most direct walking route from the victim's unit in Morehead Street, Redfern to Centennial Park would lead the victim to the Robertson Road Gate, which then leads to the Grand Drive, a circular road within Centennial Park. The walking distance is approximately 2.2 kilometres and at a moderate pace would take about 28 minutes.

The victim's phone was still engaged to Mediatel at the time he reached the Robertson Road Gate to Centennial Park, and remained engaged for a further 15 minutes. The total duration of the victim's call to Mediatel was 23 minutes (from 4.44am to 5.07am).

It is the Prosecution case that upon arriving at Centennial Park, the victim undertook to locate and approach other males in the park wanting to engage in sexual activities with them. It is the Prosecution case that the victim came into contact with the accused KELLIE on two separate occasions; the first being upon arrival near the main entrance

gates. On this occasion (and the latter occasion) the victim expressed an interest in having gay sex with KELLIE. This sexual advance was not reciprocated by KELLIE and KELLIE moved away from the victim.

At 5.12am, [1354] used the landline telephone from his apartment in Western Sydney to contact a gay chat line. [1354] remained on the line after leaving a message indicating that he was "*horny and looking to chat with someone*". Telephone records indicate that [1354]'s home telephone line was engaged to the mobile telephone service used by the victim. [1354] advised that he spoke to a male who said he was 25 years old and sounded like he was Australian. [1354] said that he and the male (the victim) talked about sex and what they would like to do with one another while [1354] masturbated. After he finished masturbating, [1354] hung up the phone. The phone call concluded at 5.24am.

It is the Prosecution case that the victim was engaged in a sexually explicit phone conversation with [1354] whilst in Centennial Park and was more than likely masturbating at the time.

It is the Prosecution case that between 5.24am and 5.56am on Saturday 26 September 2009, the victim and KELLIE came into contact again on the path on the southern side of Busby's Pond. The victim again expressed an interest in having gay sex with KELLIE. During a brief altercation, KELLIE stabbed the victim to the left side of the chest with a knife. This act caused the death of the victim and he died in the immediate area to where the interaction occurred. This area was in close proximity to KELLIE's main campsite in Centennial Park, which was located (several weeks later) inside a large drain culvert on the southern bank of Busby's Pond.

At 5.56am on Saturday 26 September 2009, several users of the park located the body of the victim on the path near Busby's Pond. The Police were contacted and a crime scene was established. The crime scene was examined by Forensic Police and the Forensic Pathologist.

The victim was positioned face down, partially on the path and partially on the grass. The victim was wearing navy blue tracksuit pants with parallel white stripes running down each leg. The tracksuit pants were pulled down to a position just above his knees. The victim was also wearing a pair of pink female underpants that were also pulled down level with the tracksuit pants. The victim's buttocks were exposed and he was wearing a black g-string. The g-string was pulled up in a normal position covering his genitals. The victim was also wearing a blue short sleeved shirt, with a black midriff top underneath, both of which were pulled up exposing his waist. The victim was wearing a pair of brown suede female boots. The victim's silver Nokia mobile phone was positioned in the left breast pocket of his shirt and his card-holder with identification was located in his rear back pocket. A tailor made cigarette, a "rollie" cigarette and a red plastic disposable cigarette lighter were found near the victim's body.

A post mortem examination identified a twenty millimetre entry wound on the victim's chest just below the left nipple and a wound that extended 7.5cm into the chest piercing the cartilage between two ribs, the pericardia and the right ventricle of the heart, causing death.

The weapon used to inflict the injuries to the victim has not been located. There is no physical evidence linking KELLIE to the victim; or KELLIE to the immediate crime scene where the victim's body was discovered.

At 6.00am, Mr EDGINGTON began riding his mountain bike through Centennial Park and observed the arrival of Police responding to the discovery of the victim's body. As EDGINGTON rode through the park he observed a male consistent in appearance to KELLIE on a bush track in the area adjacent to Martin Road. This area is on the south western side of Centennial Park in an area known as the 'SW paddock'. KELLIE was wearing a dark coloured camouflage jacket with the hood over his head, dark pants and was carrying what looked like a clear 2 litre water bottle with a red or orange top. Mr EDGINGTON's attention was drawn to the male because he was wearing a hooded jacket in weather conditions which weren't very cold. KELLIE stared at Mr EDGINGTON and this further aroused his suspicion.

#### **Events of 3 October 2009**

In the early morning of Saturday 3 October 2009, precisely one week after the murder, Police attended Centennial Park to canvass park users in connection with the murder investigation.

At 5.15am, Police walked along the path that runs alongside the southern bank of Busby's Pond and stopped at a point close to where the victim's body had been located. Police observed KELLIE nearby, walking through the trees on the northern perimeter of the rear McKay Playing Fields. KELLIE was wearing a black hood on his head (which was not attached to the jacket), a dark coloured jacket, long pants and leather sandals.

Police spoke to KELLIE and established that he was homeless and living in Centennial Park. KELLIE advised that last night he had slept in a sandstone pavilion (between Busby's Pond and Randwick Pond) because it was raining. KELLIE was asked to show Investigators the area where he usually resided in the park. KELLIE led Police to an area in the park known as the 'SW paddock'. At this location KELLIE indicated to a large tree (beneath which were some items of clothing, various papers and food packaging) and a nearby wooden park bench with a wooden board where he said he slept. This area is close to the Alison Road, Kensington entrance of the park.

These were the only two camping areas that KELLIE indicated to Police on 3 October 2009.

KELLIE agreed to accompany investigators to Maroubra Police Station where a three

page witness statement was obtained. In this statement, KELLIE provided background information and an account of his movements on 25-26 September 2009. KELLIE stated, "I currently reside in Centennial Park... I have been residing there since April 2009. I reside on my own and keep to myself. I don't have any possessions to carry or to hide."

In this statement, KELLIE provided the following account of his movements: On Friday 25 September 2009, he was in the Centennial Park staying at a camp he had set up near Alison Road, Kensington. KELLE said he stayed there for most of the day and that night he slept under the tree on the park bench. KELLIE said he woke up about 3.00am that morning (26 September 2009) and walked on Anzac Parade down to Kensington, to the newsagency located at the intersection of Anzac Parade and Todman Avenue. KELLIE said he grabbed one or two old newspapers from out the front of the newsagency before continuing to walk down Anzac Parade to the University of NSW. KELLIE said that as he reached the University the sun was starting rise, so he decided to go back to Centennial Park. KELLIE stated that he walked back to Centennial Park by walking north on Anzac Parade. KELLIE said he returned to his bench and stayed there for a while until he became thirsty. KELLIE said he started to walk towards the football ground, to a shed where he usually got his water from, but as he approached the shed he noticed there were Police present and police tape set up. KELLIE said he got some water from another location, before returning to the park bench where he remained for all of Saturday.

**Events of 11 October 2009: Robbery with Wounding of [REDACTED] 1359**

[REDACTED] 1359 is a male of Caucasian appearance, aged [REDACTED] years at the time of the offence, [REDACTED] centimetres tall, [REDACTED] build, with [REDACTED] hair. About 2.00am on Sunday 11 October 2009, [REDACTED] 1359 began walking home from a friend's house in Randwick. He was slightly to moderately affected by alcohol at this time.

[REDACTED] 1359 walked along Anzac Parade towards Surry Hills. As he walked he made a call to a female friend, [REDACTED]. [REDACTED] 1359 turned from Anzac Parade into Lang Road, continuing to walk east towards Paddington, whilst still talking on the phone. [REDACTED] 1359 walked on the right side of Lang Road along the footpath. This path took [REDACTED] 1359 along the fence line of Centennial Park.

At about 2.30am, [REDACTED] 1359 was walking on Lang Road and had reached a poorly-lit residential area opposite the Park. When [REDACTED] 1359 was opposite 78 Lang Road, he passed beneath a large tree and at the same time he saw the shadow of a person approach him from his left. [REDACTED] 1359 heard hurried footsteps and turned in that direction. [REDACTED] 1359 saw KELLIE passing within about 30 centimetres of his left shoulder. KELLIE stopped and faced [REDACTED] 1359.

KELLIE began to yell at [REDACTED] 1359 who was unable to understand what was being said. [REDACTED] 1359 saw that the male offender was holding a silver-coloured object in his left



hand, about ten centimetres in length. [1359] believed the object to be a knife. KELLIE brought his left hand with the object up quickly past [1359]'s chest area, then waved the object back and forth aggressively in front of [1359]'s face and chest. [1359] felt threatened and feared for his safety.

[1359] stepped backwards away from KELLIE and felt his back touch the fence to Centennial Park. [1359] had been holding his Apple iPhone in his left hand to his left ear as he was still talking to his female friend when KELLIE approached him. [1359] then held the phone out towards KELLIE. KELLIE forcefully took the phone from [1359]'s hand. KELLIE then ran west down the footpath of Lang Road in possession of [1359]'s phone. As he walked home he could feel his left arm tingling and experienced numbness in that area.

During the phone call, [REDACTED] heard [1359] have an interaction with another male and heard [1359] scream before the phone went dead. [REDACTED] tried on several occasions to call [1359]'s phone. On one occasion a male voice answered the phone and spoke. [REDACTED] described the male voice as having a strong accent.

[1359] arrived at his residence and spoke to his parents, who assisted him out of his jacket. [1359]'s arm was covered in blood from a wound to his left upper arm. This wound comprised a cut that penetrated the skin on the outside of his left upper arm. [1359] found a corresponding cut through the upper left sleeve of his jacket. [1359] had not been injured prior to this incident. Police were contacted and attended along with an ambulance. [1359] was taken to a nearby hospital for treatment. He received two sutures for the wound. [1359] was uncertain as to how the injury was occasioned during the incident.

The offender was described by [1359] as a male, 25 to 30 years old, about 180cm tall, of a medium build, wearing a dark coloured hooded jacket with a centre zip. The hood of this jacket was worn up over the offenders head, disguising his facial features. He was also wearing a pair of dark coloured pants.

KELLIE's involvement in this offence was not known until after 17 October 2009 when [1359]'s Apple iPhone was found amongst KELLIE's possessions in the drain campsite on the southern bank of Busby's Pond. Also located amongst KELLIE's possessions were kitchen knives and clothing of a similar description, namely a black hooded jacket and a pair of dark pants. Subsequent investigations into KELLIE's involvement in this offence established the following:

- The Apple iPhone serial number was found to be identical to the phone that was reported stolen by [1359]
- During forensic analysis of the Apple iPhone, fingerprints were located on the phone identical to those of KELLIE.
- Enquiries with telecommunications companies have revealed that a SIM card subscribed in the name of KELLIE was used in the stolen Apple iPhone handset

eleven hours after the robbery.

- Investigations found no record of an iPhone purchase from a pawn shop as alleged by KELLIE.

#### Events of 16 October 2009: Assault of [REDACTED] 1360

Between 7.50pm and 8.10pm on Friday 16 October 2009, KELLIE approached Education Ranger Sandy HUNT while she was conducting a 'Spot Light Prowls' tour on the path that follows the southern bank of Busby's Pond at Centennial Park. KELLIE muttered something vaguely about "lights" and gestured towards the torches the group were carrying. At the time KELLIE was wearing a black jacket and a black hood which was over his head and tied up under his chin. KELLIE was carrying a backpack. KELLIE was also carrying a clear soft drink bottle with an orange yellow liquid inside it. HUNT last saw KELLIE walking along the Snake Bank path towards the Robertson Road Gates of Centennial Park.

About 8.27pm on Friday 16 October 2009, [REDACTED] 1360, a female then aged [REDACTED] years, exited the Fox Studios Complex, Centennial Park after seeing a movie. [REDACTED] 1360 exited the Fox Studio Complex via Errol Flynn Boulevard and as she was walking along the footpath she noticed KELLIE sitting on a small brick wall near the entrance to the complex drinking from a bottle. At the time KELLIE was wearing a hooded jacket (with the hood off) and he had a dark coloured backpack next to him.

As [REDACTED] 1360 walked past KELLIE, he said hello to her and she acknowledged him in reply. [REDACTED] 1360 continued to walk and turned left onto Lang Road. Near the intersection of Lang Road and Cook Street, [REDACTED] 1360 suspected the man may have been following her and she turned around but did not see anyone. [REDACTED] 1360 turned left and continued up the hill on Lang Road. After [REDACTED] 1360 had walked about three hundred metres she heard footsteps behind her and turned around to see KELLIE about 15 metres behind her. At the time KELLIE had a hood drawn over his face.

[REDACTED] 1360 became fearful but continued to walk. [REDACTED] 1360 then heard KELLIE break into a run and she immediately moved out towards the road where there was more street light. Seconds later, KELLIE grabbed hold of both her arms and began pulling her out of the street light away from the road and towards the bushes in front of a house. At the time of being grabbed [REDACTED] 1360 was carrying her handbag on her right shoulder. [REDACTED] 1360 pulled harshly away from KELLIE and struck his arms. After breaking free from KELLIE she ran out onto Lang Road and managed to stop a taxi. Upon entering the taxi, [REDACTED] 1360 saw KELLIE run back down the hill in the direction they'd come from.

The taxi took [REDACTED] 1360 directly to Waverley Police Station where she reported the incident, providing detailed location and description information of the male offender. As a result of being grabbed by KELLIE, [REDACTED] 1360 sustained a scratch on her right hand

and a bruise on her left bicep. [1360] had never seen KELLIE before and was distressed by the incident.

At 8.45pm on Friday 16 October 2009, Police went to the Fox Studio Complex and observed KELLIE sitting on a brick wall on Errol Flynn Boulevard near the intersection of Lang Road. This was the same position where [1360] had first encountered KELLIE. KELLIE was approached and searched by Police. KELLIE was wearing a black coloured jacket; but the hood was not on his head. The black hood was detachable. KELLIE had a backpack in his possession which contained various items including an amount of Australian currency and an Optus paper receipt. Located in a garden bed directly behind KELLIE was a kitchen knife with a brown handle and silver serrated blade. A plastic 1.25 litre Fanta brand soft drink bottle which was half full of orange liquid was on a brick wall a short distance away. KELLIE was arrested for offences including possession of a knife and the alleged assault of [1360].

KELLIE participated in an electronically recorded interview. KELLIE denied assaulting [1360] in the manner described. He stated that he had been seated on the brick wall the entire time. KELLIE admitted to ownership of the knife. KELLIE was charged and ultimately pled guilty to possession of a knife in a public place and to assault occasioning actual bodily harm.

#### **Events of 17 October 2009: Drain campsite located & interview of Moses KELLIE**

On the morning of Saturday 17 October 2009, Police attended Centennial Park to conduct another canvass. Police then undertook a search of Centennial Park to locate KELLIE. About 11.00am, Police observed KELLIE walking along the path that runs alongside the southern bank of Busby's Pond, before he disappeared from view into bushes on the pond side of the path. Police inspected this area of foliage and found no discernible entry point, however they could hear what sounded like commercial radio coming from the bushes. Police made their way through the foliage and climbed down a 1.5 metre embankment to the southern shore of Busby's Pond. Police located KELLIE sitting in the entrance of a large concrete drain opening.

This location was clearly an established campsite and it contained a large volume of rubbish, personal belongings and other property. A search was made of both KELLIE and the campsite and the following items were located:

- A large amount of clothing including a black zip up jacket, a detached black hood, a number of pairs of jeans & trousers, two t-shirts, brown sandals, sneakers, socks, a belt, gloves, a 'Combined Roofing' jacket;
- Five knives with black handles;
- An Apple iPhone and a Nokia mobile phone;
- Other items including four backpacks, an amount of Australian currency in coins hidden in socks and plastic bags, 21 adult magazines, a watch, pens, DVDs, earrings and torches;

- Bedding in the form of a foam mattress, a sleeping bag and a pink pillow;
- A large amount of rubbish, beer bottles and food packaging.

Amongst the rubbish were newspapers dated 19-20 September 2009 and 13 October 2009. The Apple iPhone and one black handled knife were located inside a backpack inside the concrete drain.

The location of this campsite was approximately 75 metres east of where the victim's body was located. Significantly, KELLIE did not disclose the existence of this campsite to Police when he was spoken to on 3 October 2009. It is the Prosecution case that the drain campsite on the southern bank of Busby's Pond was KELLIE's primary campsite within Centennial Park, as evidenced by the presence of bedding and a large number of personal items. No other campsite of KELLIE's contained such a volume of belongings. The number of knives in KELLIE's campsite and in one of his bags provide KELLIE with the means to cause the injuries that brought about the death of the victim.

KELLIE agreed to accompany Police to Maroubra Police Station where he voluntarily participated in an electronically recorded interview. During this interview, KELLIE re-affirmed that he had been living in Centennial Park for 4 to 5 months. However, he provided vague and inconsistent answers regarding the locations where he slept and his usage of the drain campsite. KELLIE stated that he used the drain campsite on and off and didn't stay there permanently because of the possibility of rain. At one point KELLIE stated that he had been living over in the Kensington part of the park "for over one month, two months, yeah" but on another occasion he indicated that he'd only left the drain campsite a few days before the 26 September 2009.

KELLIE admitted to exclusive use of the drain campsite and to ownership of all the items located there including the clothing, the black backpack and the knives. KELLIE provided inconsistent evidence in relation to the knives. KELLIE stated that he carried the knives around with him in a backpack while he was walking, but later stated that he left the knives in a backpack at the campsite.

During the interview, KELLIE was asked to provide an account of his movements from Friday 25 September 2009 to Saturday 26 September 2009. KELLIE re-affirmed that he was staying in a picnic area near the Kensington Gate during this time and confirmed that it was the area he had previously shown the Police.

KELLIE explained that that morning (26 September 2009) he woke up around 5:30am and went to Kensington to go to the newsagent. KELLIE stated that he exited the park via the Kensington Gate (over a little bridge) onto Alison Road, then onto Doncaster Avenue and down to Kensington. KELLIE said he went to the newsagents but didn't collect any newspapers. KELLIE said that he saw that a shop had put some electronics out and he decided to walk down to the college (University of New South Wales) looking at the rubbish that people were throwing out. KELLIE stated he stood near the theatre at the university for a few minutes as the sun was starting to come up.

KELLIE stated that he returned to Centennial Park at "around 6.00 or almost past". He said that he first noticed that something was happening when he saw that a lot of people were jogging in a different area than usual. KELLIE went to see what the problem was and saw that police were diverting people. KELLIE said he took his water bottle to get some water. KELLIE stated that he saw that Police were there (4 or 5 at first) and saw a lot of people standing and watching. KELLIE said that he saw the Police [crime scene] tape. KELLIE stated that he decided to get water and after doing so he went back to where he'd been staying near at the Kensington side of the park. KELLIE's account in relation to getting water and returning to the Kensington side of the park establishes the male seen by Mr EDGINGTON as being KELLIE.

During the interview, KELLIE was asked whether he went to the area where the police tape was, anytime in the night or day before. KELLIE denied being in the area near Busby's Pond on the 25 and 26 September 2009. Furthermore, he stated that it had been one week or two weeks since he had been there. KELLIE said that he usually likes to stay in one part of the park at any one time, and on this occasion it was near the first barbecue area at Kensington Pond.

KELLIE denied killing the victim, Anthony CAWSEY. KELLIE denied ever seeing the victim. KELLIE knew of the murder having seen and heard media reports about it.

KELLIE denied being homosexual or engaging in homosexual sex. KELLIE stated that he had never been approached by anyone in Centennial Park for gay sex and denied ever seeing two men engage in gay sex within the park. This assertion is inconsistent with his statement to Police on 3 October 2009. During this statement, KELLIE stated that he had seen males in the park who appear to be there to engage in homosexual activities. KELLIE said he wasn't homosexual, so he ignored the homosexuals in Centennial Park and the signals they made.

Following the electronically recorded interview, KELLIE accompanied Investigators to Centennial Park where he physically identified locations referred to during his interview. KELLIE then accompanied Police on a drive where he provided a different account of the route he took from Centennial Park down to Kensington, the University of NSW and back to Centennial Park.

#### **Further campsite found and efforts to locate Moses KELLIE**

On 9 November 2009, Police made a search of the south-western corner of Centennial Park focusing on areas of thick vegetation and areas that may provide shelter to KELLIE. During this search another campsite was found in the bushes that separate the McKay playing fields and the Mission fields. This tract of vegetation also runs adjacent to a drainage gully that drains from Busby's Pond through the drain pipe in which KELLIE was found to be residing on 17 October 2009. The campsite was well hidden and not visible. Amongst the items located at this campsite were a number of

newspapers dated 16, 19 and 20 September 2009, a black Caribee back pack and two notebooks which had Moses KELLIE's name written in them.

KELLIE never disclosed the existence of this campsite. This campsite is also located less than 100 metres from where the victim's body was located on 26 September 2009 and the campsite was being used around the time of the murder as evidenced by the newspapers located there.

Between Monday 19 October 2009 and Thursday 10 December 2009, Police conducted a number of vehicle patrols and foot patrols of Centennial Park looking for KELLIE. KELLIE was not located during these patrols. It has since been established that some time following the interview with police on the 17 October, 2009, KELLIE left the Centennial Park area.

#### **Investigations into KELLIE's versions**

Investigations have established that KELLIE's accounts of his movements on 25 to 26 September 2009 are both inconsistent across his versions and inconsistent with other evidence.

KELLIE has stated that he did not go to the Busby's Pond area of Centennial Park on 25 and 26 September 2009. This is inconsistent with the evidence of Mr KAY who saw a male bearing a striking resemblance to KELLIE on the path that runs parallel to the southern shore of Busby's Pond at 3pm on the day before the murder. This location was within 75 metres of where the victim's body was later located.

KELLIE initially stated that he left Centennial Park at 3am on the morning of the murder, (26 September 2009) to walk to Kensington. However in his next version, KELLIE stated that he left the park at 5.30am and he knew this to be the exact time because he was wearing a watch. The Prosecution asserts that it is significant that KELLIE has attempted to absent himself from Centennial Park at the approximate time of the murder (the murder occurred between 5.24 and 5.56am).

KELLIE has provided different accounts of the route he walked from Centennial Park to Kensington, then onto the University of NSW, and back to Centennial Park. A review has been made of CCTV footage from establishments on Anzac Parade between 4am and 7am. This CCTV review failed to identify KELLIE on Anzac Parade where he stated that he had walked on the morning of 26 September 2009. It is the Prosecution case that KELLIE deliberately provided a false version as to his movements.

The Prosecution asserts that by his own accounts and other evidence, KELLIE has a demonstrated tendency to walk around Centennial Park at night and in the early hours of the morning. This is relevant and corroborative of his account during his later interview on 17 January 2010. This afforded KELLIE the opportunity to commit the murder of the victim.

It is significant that KELLIE has attempted to distance himself from the campsites close to Busby's Pond and therefore the crime scene where the victim's body was located. On 3 October 2009, KELLIE was asked to identify locations that he was occupying inside Centennial Park. KELLIE only disclosed the campsite which was the most remote campsite to where the murder occurred. KELLIE deliberately withheld information about the location and existence of the campsites close to Busby's Pond. Furthermore, KELLIE deliberately lied about when he had last used the 'drain campsite'. KELLIE's assertions are at odds with newspapers located at the campsites, which are indicative of usage in the immediate period preceding the murder.

It is the Prosecution case that the inconsistencies in each of KELLIE's accounts amount to deliberate lies and that these lies demonstrate a consciousness of guilt in relation to the murder of the victim. It is the Prosecution case that KELLIE deliberately lied to Police regarding his movements on 25 to 26 September 2009 and the existence of the campsites close to the southern bank of Busby's Pond, because he knew the truth would implicate him in the commission of the murder.

**Events of 17 October 2009: Interview of Moses KELLIE at Eden Police Station**

About 8am on 17 January 2010, KELLIE was arrested by Police from Eden Police Station near Aslings Beach. At the time, KELLIE was riding a green mountain bike and he was wearing a hooded jacket with the hood over his head, with the draw string pulled tight and tied up under his chin. KELLIE had a bag with him and inside that bag were two black handled steak knives. An arrest warrant had been issued for KELLIE in connection with the robbery upon [1359].

KELLIE participated in an electronically recorded interview with Police in relation to the robbery with wounding of [1359] on Lang Road, Centennial Park on 11 October 2009; the circumstances of which have been described previously in these Facts.

It is the Prosecution case that during this interview KELLIE described events which were inconsistent with the facts surrounding the robbery of [1359], but specific and particular to the murder of the victim.

The movements of [1359] are incompatible with the version provided by KELLIE during the interview. [1359] never entered Centennial Park; was walking directly from a party to his residence on the roads outside the park; was talking to a female friend on the phone; was not engaging in phone sex; is not homosexual and was not seeking to engage in homosexual activity. KELLIE stated that he and the man were involved in an argument. According to [1359], there was no argument with KELLIE and they only had one interaction which occurred on Lang Road.

During the interview, KELLIE was provided with a detailed account of the allegation and the fact that the male was talking on a mobile phone at the time. In his free account in reply to the allegation, KELLIE stated that that particular morning he'd come from one of

the restaurants or cafes in the Centennial Park where he'd sourced some food. He then came out of the gates. KELLIE stated that the area is a popular spot for gay people and people get approached. KELLIE stated, *"Yeah people are approaching, they just keep come, coming after you, you know, he was standing there you know, he, he start talking about something, which I don't understand about, yeah. I tell him I'm not like interested in the guy."*

KELLIE's free account was interrupted by the interviewer. KELLIE was shown a map of Centennial Park and a photograph of [REDACTED] 1359. KELLIE expressed that he recognised [REDACTED] 1359 as being the man that had approached him for gay sex, and furthermore that he had seen him a few times. It is significant that [REDACTED] 1359 and the victim, Anthony CAWSEY, are physically similar to each other, and both were talking on their mobile phones at the time of the respective events.

KELLIE stated that after the man approached him for gay sex, and KELLIE told him that he wasn't interested, the man started to pretend he was talking on the phone.

*Well, well when I, when I actually, actually say I'm not interested, like when he was talking then, he start to pretend he was talking on the phone.*

*Yeah, so he start to walk, he start, no make like, he's still forcing, still forcing himself like, I said, I'm not interested like in gay sex, because that's where they thought anybody they see around that area...*

It is the Prosecution case that KELLIE is describing the victim CAWSEY's arrival at the Robertson Road Gates. It has been established that had the victim walked directly from his Redfern unit to Centennial Park, he would have reached the Robertson Road Gates while still engaged to the gay chat line, Mediatel. The victim had already left is recorded message on Mediatel so the rest of his call was listening to other messages. It is therefore consistent with the known facts surrounding the murder of the victim that he was on the phone at the time of the interaction described by KELLIE; and that it would appear that he was pretending to be on the phone.

On several occasions during the interview, KELLIE stated that the man was in the park for one hour. Investigations have established that this is indeed the approximate length of time the victim was in the park.

KELLIE also stated on several occasions during the interview that he was approached twice by the man asking for gay sex.

*Like ..... two time, the first time I was entering to the Park, when I, when I met with him and he had like the, the spot area down, but when I, when I enter the park, I come up, he was still like behind me – and he was talking.*

KELLIE described the second location as *"That was the area I used to live. Around that area."* At another point in the interview KELLIE described the location of one of the



interactions as being down by the sporting area (an apparent reference to the McKay Sports Ground and McKay Fields). He said this was “a popular place” – a reference understood to mean the location was popular for homosexual activity. KELLIE said “they don’t hide any stuff around that area” just like “a lady on the street”. It is the prosecution case that these statements by KELLIE are references to the southern bank of Busby’s Pond. The victim’s body was located on the path at this location. KELLIE had campsites in this specific area, within a drain and some bushes on the other side of the path. Both of these campsites are in the vicinity of where the victim’s body was located.

The interviewer provided further information from the witness statement of [1359] that outlined specific details concerning the robbery allegation. KELLIE denied any knowledge of this incident as per the outlined allegation. He later admitted to finding the phone.

During the interview, KELLIE described having direct verbal and physical interactions with the victim that occurred because the victim approached him for gay sex. In his own words, KELLIE stated:

*“I said, I’m not interested, he forced, he forced attempt.”*

*“I actually said, I’m not interested ..... Back off” but some people when you say you’re not interested don’t go away*

KELLIE described the latter confrontation in the following manner:

*“When, when, when I, when I come outside ...I said what is your problem, we start arguing, we start to argue. Yeah, when we start to argue I said, If you don’t, I said, If you don’t, I said the F word. I said I, I will, I will, you know I will, I will stab you ..... I was not carrying a knife - - -”*

Also in relation to their second interaction, KELLIE said,

*“...then he come, he come again, come like, he was talking ..... he was talking to ..... on the phone, but he was talking on the same topic, yeah about sex stuff...”*

This is a specific reference by KELLIE to the male engaging in talk about sex on the phone at the time of their second interaction with one another. This is inconsistent with the versions of [1359] and his friend [REDACTED] who are plutonic friends that were engaged in general conversation only. It is the Prosecution case that KELLIE is describing the occasion when the victim was having gay phone sex with Mr [1354] within Centennial Park. Witness evidence from [1354] and call charge records have revealed that this phone call ended at 5.24.

During the interview, KELLIE was directly asked, “what did he confront you with that made you end up in a struggle with him?” KELLIE replied that “it was the gay sex”. KELLIE again stated that at first this happened at the main entrance to the gates one hour before. KELLIE described that location as being the main entrance gate that leads

to the Grand Drive. After the first interaction occurred KELLIE said *"When I enter I came to the café, he was still there, so I decided to, to, it's like ..... like when I come out of there, where I'm gunna go next, it's like, is, is there this ... One, two, two, three times, not the first time I've seen him, seen him."* KELLIE later reiterated that he tried to avoid the man and take the other road but he was there again.

From his own version, the route KELLIE would have walked from the cafe to his campsites in the drain and bushes, would have brought him onto the path along the southern bank of Busby's Pond, and into direct contact with the victim.

KELLIE said that he had seen the male three or four times before and that the male had approached him for gay sex on those occasions as well. KELLIE was asked what his reaction was to being approached on the previous occasions. KELLIE responded, *"I'm still not interested I didn't like force, I didn't, it did not anger me, because like people do it you know, but when he start, keep coming, that's when I get angry over this"*.

It is the Prosecution case that this is an admission by KELLIE to becoming angry about being propositioned for gay sex on a second occasion.

The interviewer challenged KELLIE about the version of events he gave because it did not accord with the statement provided by [1359]. KELLIE attempted to use information received from the interviewer when responding to questions, however it remains clear from his answers that KELLIE has confused the robbery of [1359] with the murder of the victim.

It is the Prosecution case that during this interview KELLIE gave specific and particular information which is relevant to the murder of the victim. The information that was not publicly known were the length of time the victim was in Centennial Park (1 hour); the fact that he was engaging in gay phone sex (the phone call with [1354]) and that the victim was there to engage in gay sex (although there was extensive media speculation).

It is the Prosecution case that during this interview, KELLIE was describing his interactions with the victim on 26 September 2009. KELLIE described having two interactions with the victim which are proximate in time and place to the murder. The murder occurred in a narrow time frame between 5.24am and 5.56am on the path that runs along the southern bank of Busby's Pond which is at the rear of the sporting fields in Centennial Park and close to two of KELLIE's campsites. KELLIE described being angered after being approached for gay sex and described having a physical altercation.

It is the Prosecution case that this provides significant evidence implicating him in the murder of the victim. The information given by KELLIE was not publically known and would have only been known by a person with intimate knowledge of the offence and the circumstances surrounding it. It is the Prosecution case that KELLIE's knowledge of these circumstances was due to him being responsible for stabbing the victim and causing his death.

On 6 October 2015, KELLIE was arrested at Wagga Wagga Police Station for the murder of Anthony CAWSEY.

KELLIE participated in an electronically recorded interview. During the interview, KELLIE denied involvement in the murder. The allegation was put to KELLIE that during the interview at Eden Police Station on 17 January 2010, he described the circumstances of the murder rather than the circumstances relevant to the robbery of [1359]. KELLIE denied this and affirmed his involvement in the robbery of [1359] and proceeded to describe his involvement in a manner now consistent with the Facts Sheet for the robbery. When KELLIE was questioned about some of the specific details he had given during the interview at Eden Police Station, KELLIE tried to distance himself from the earlier statements he had made and provided yet another version.

KELLIE was questioned about the other campsite that Police located on 9 November 2009 less than 100 metres from where the victim's body was discovered. KELLIE denied ever using this campsite and denied ownership of the property located there, including the two notebooks which contained his name and drawings.

During the interview, KELLIE provided another account in relation to his usage of the "drain campsite" within Centennial Park, which is inconsistent with his previous versions and other evidence. KELLIE denied stabbing the victim or causing his death.

KELLIE is charged with the murder of Anthony CAWSEY between 5.24am and 5.56am on Saturday 26 September 2009.

Melanie Staples  
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