

NSW POLICE FORCE

P190B

STATEMENT OF POLICE

In the matter of:	Strike Force Annand: Inquest into the muro	der of Anthony CAWSEY
Place:	Homicide Squad, State Crime Command,	1 Charles Street, Parramatta
Date:	9 December 2016	
		and the second
Name:	Melanie STAPLES	Tel. No:
Name: Rank:	Melanie STAPLES Detective Senior Constable	Tel. No:

STATES:

- This statement made by me accurately sets out the evidence that 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 will be liable to prosecution if I have wilfully stated in it anything that I know to be false, or do not believe to be true.
- 2. I am 41 years of age.

3. INTRODUCTION AND CONTENTS

4. This is the Officer in Charge statement for Strike Force Annand, the investigation into the murder of Anthony CAWSEY on 26th September 2009. The statement has been organised into the following sections:

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	Katherine TIERNEY		Melanie STAPLES
	Detective Senior Constable		Detective Senior Constable
	Homicide Squad		Homicide Squad
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1st times Katherine TIERNEY

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- 5. An annexure has been prepared to supplement this statement. It is 16 pages in length. This annexure contains a selection of crime scene photographs, other photographs, maps and CCTV stills from the brief of evidence to provide a visual accompaniment to this statement. When a map or image should be referred to a reference appears in the statement as follows [Refer to Map # in the annexure] or [Refer to Image # in the annexure]. These maps and images form a narrow selection only and are intended to aid in the reading of the statement.
- In this statement, the deceased Anthony CAWSEY will be referred to as CAWSEY and full dates are in numeric date format (with the exception to the inserted Facts Sheet).
- 7. This statement has been prepared after reviewing statements, reports, photographs, maps, recordings and other documents which are contained in the brief of evidence. Specific source records will not be individually produced in this statement. Rather the statement and the coronial brief of evidence have been similarly structured to enable the source material to be readily identified and located. Generally speaking, the headings and sub-headings used in this statement accord with the titles used for sections of the brief. For important evidence, the source of that evidence is clearly stated in the body of the statement.

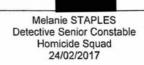
8. EXECUTIVE SUMMARY

- 9. Anthony CAWSEY was born on 26/01/1972 and was 37 years old at the time of his death. He was lean, fit and physically capable. CAWSEY worked as a stage hand for a company named Show Support and worked irregular hours. He resided in a shared apartment in Redfern. CAWSEY was a regular user of amphetamines and cannabis. CAWSEY engaged in sexual activities with both genders. Investigations into CAWSEY's background failed to identify any inter-personal issues or other problems which may have given rise to a motive to harm him.
- 10. At 5:56am on 26/09/2009, CAWSEY's body was located in Centennial Park on a path near Busby's Pond. He had sustained a single stab wound to the chest which caused his death. CAWSEY had gone to Centennial Park for the purpose of engaging in sexual activity with a male. CAWSEY's movements preceding his death were impulsive and unplanned. While at

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Centennial Park, CAWSEY had engaged in phone sex with a male he had met via the Mediatel gay chat line. This call had ended at 5:24am.

- 11. On 26/09/2009, Strike Force Annand was formed by the Homicide Squad to investigate the murder of Anthony CAWSEY. This investigation was led by then Detective Sergeant Stewart LEGGAT (now Detective Inspector LEGGAT). Strike Force Annand under the leadership of Detective Inspector LEGGAT was an exhaustive investigation. Extensive background enquiries were made into CAWSEY and a thorough victimology was established. Through the investigation a detailed timeline of CAWSEY's movements was determined for the days leading up to his murder. Strike Force Annand explored all valid lines of inquiry into the murder of CAWSEY. Through these investigations Police were able to eliminate certain lines of enquiry including ruling out that the murder was committed by a person known to CAWSEY.
- 12. One person of interest has been identified for CAWSEY's murder, that being Moses KELLIE [KELLIE], date of birth 05/04/1985. KELLIE was born in Sierra Leone. KELLIE was homeless and residing in Centennial Park at the time of CAWSEY's murder. KELLIE was living in two secreted campsites within Centennial Park and both were in close proximity to the crime scene. KELLIE was interviewed by Police on several occasions between October 2009 and January 2010. He provided inconsistent accounts regarding his movements and use of the campsites which Police assert were lies demonstrating a consciousness of guilt. KELLIE committed other personal violence offences in the Centennial Park area in September and October 2009 which Police submit have significant similarities and are capable of constituting tendency and coincidence evidence. On 17/01/2010, KELLIE was arrested near Eden for the robbery with 1359 that occurred outside Centennial Park. It is the wounding of Police case that during this interview KELLIE has described events which were inconsistent with the facts surrounding the robbery of 1359 , but rather consistent with the stabbing murder of CAWSEY. It is the Police case that KELLIE has confused these two events and the statements by KELLIE during the interview on 17/01/2010 amount to admissions in relation to the murder of CAWSEY.
- 13. Further investigation was conducted into Strike Force Annand, together with a review and assessment of the evidence gathered in relation to KELLIE. On 24/09/2015, a legal advising

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was undertaken to address the question of sufficiency. This legal advising determined that sufficient evidence existed to proceed with a charge of murder against KELLIE. On 06/10/2015, KELLIE was charged with CAWSEY's murder at Wagga Wagga Police Station.

 On 07/09/2016, prior to the commencement of the committal hearing, the Office of the Director of Public Prosecutions (ODPP) elected to no bill the matter.

KELLIE is currently in Immigration custody

pending appeal of his visa revocation and his potential removal back to Sierra Leone. The Department of Immigration and Border Protection will facilitate KELLIE's attendance at an inquest if required.

15. MURDER OF ANTHONY CAWSEY: CRIME SCENE, POST MORTEM, FORENSIC

16. Centennial Park

17. 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. [Refer to Map 1 in the annexure].

18. Discovery of CAWSEY's body

19. Investigations have determined that Anthony CAWSEY was killed between 5:24am and 5:56am on 26/09/2009 on a path along Snake Bank on the southern side of Busby's Pond, Centennial Park. [Refer to Map 1 – these locations are marked with as 32 and 36].

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20. About 5:56am on Saturday 26/09/2009, Rodney LONG was walking his dog across the playing fields in Centennial Park towards Busby Pond when he saw the body of CAWSEY lying on a path. CAWSEY was lying prone and outstretched. CAWSEY was partially positioned on the track with his feet towards Busby Pond and his head in the direction of a grass embankment. Mr LONG made observations of CAWSEY's body and saw no signs of life. There was a large amount of blood visible on the lower left side and back of his shirt. Mr LONG ran back to his car, retrieved his mobile phone and called 000. Simultaneous to this, brothers Brylan STEWART and Keaton STEWART were on a morning jog when they came across CAWSEY's body on the path near Busby Pond. They located another park user, Rita UECHTRITZ, and used her phone to call 000.

21. Crime Scene

- 22. Police attended and established a crime scene. The scene and body were examined and photographed by Forensic Police (Detective Sergeant Richard CRIMMINS) and Forensic Pathologist Doctor Rebecca IRVINE. [Refer to Images 1 to 6 inclusive in the annexure].
- 23. CAWSEY was dressed in a blue short sleeved shirt with a cut-off black top underneath. He was also wearing navy blue tracksuit pants with parallel white stripes running down each leg. The waistline of the tracksuit pants were pulled down and positioned just above his knees with a pair of pink female underpants also pulled down and just visible above them. CAWSEY was wearing a black g-string which meant that his buttocks were exposed. The g-string was covering his anus and intergluteal cleft, and when CAWSEY's was rolled over at the scene the front of the g-string was also in place and covering his genitals. CAWSEY was also wearing a blue baseball cap and a pair of brown suede female boots.
- 24. The upper body garments were lifted at the crime scene revealing a single stab wound to the left lower chest and two defects with cut edges in the lower left blue shirt. CAWSEY was stabbed proximate to where his body was located. There was no blood trail in the vicinity and blood pooling was confined to the body and area immediate area surrounding it. The black t-shirt was blood soaked.

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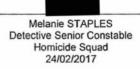
- 25. CAWSEY's wallet containing his driver's licence was located in the rear pocket of his tracksuit pants. CAWSEY had a black coloured lanyard containing a single key around his neck. CAWSEY's silver Nokia 2760 mobile phone was in the front left pocket of his shirt.
- 26. Several items were found near CAWSEYs body these being: a "rollie" cigarette butt (at "Marker 1"), a tailor made cigarette (at "Marker 2"), and a red plastic disposable cigarette lighter (at "Marker 3"). [Refer to Images 2 and 3 in the annexure].
- 27. A systematic search was conducted of Centennial Park with assorted items located. No item was established to be associated with CAWSEY's death. [Note: this search did not locate the camp sites occupied by Moses KELLIE]. Coordinated canvasses were conducted to identify witnesses, park users and CCTV sources in the extended Centennial Park area.

28. Post mortem examination

- On 29/09/2009, a post mortem examination was conducted by Forensic Pathologist Dr Rebecca IRVINE at the Department of Forensic Medicine, Glebe.
- 30. Dr IRVINE determined that CAWSEY died of haemopericardium due to a stab wound to the left chest. Autopsy revealed an otherwise healthy appearing young adult man with a single stab wound of the left chest. [Refer to Image 6 in the annexure].
- 31. Dr IRVINE stated that the stab wound that was about 2.7cm long with an approximate depth of 10cm. This did not indicate the length of the blade as the chest is able to compress. There were two small abrasions at the end of the wound which may indicate that the knife had a handle that was pushed all the way in so that it was touching the skin. The weapon used being a single edged weapon. The sharp end of the blade was facing towards the bottom of the wound. The path of the knife was through the skin and subcutaneous tissue, through the chest plate, into the pericardium and into the right ventricle of the heart. This injury would have been quickly disabling. CAWSEY had a small graze under his chin and a 4cm graze to his right elbow. He also had a large scar on each of his forearms that would indicate that he had been using a large 14 gauge needle at some stage.

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- 32. Various samples were taken for forensic examination. Toxicological examination revealed a modest (0.005 g/100m1) concentration of alcohol and the presence of cannabinoids and methamphetamine.
- 33. Forensic examination of crime scene exhibits and post mortem samples:
- 34. An analysis certificate has been prepared by Lisa Weddervang at the Forensic Biology/DNA Laboratory of the Forensic & Analytical Science Service (FASS) collating all the DNA results submitted in relation to the murder of CAWSEY.
- 35. In short, various swabs and exhibits from the crime scene (including CAWSEY's clothing) were examined for the presence of semen:

No semen was located on the tracksuit pants, the pink/purple underwear or on the oral swab
 Semen was located on the penis swab and the rectal swab and in both instances the DNA profile belonged to CAWSEY only

- The G-string had a large area with faint semen spots on it. This was a mixed DNA profile of CAWSEY and an unknown male individual

- 36. The rollie cigarette butt contained the DNA profiles from two individuals (unknown Male 'A' and unknown Male 'B'). All other items were a match to CAWSEY's DNA profile. The analysis detected some trace levels of DNA belonging to at least one other individual however at levels too low for further interpretation.
- 37. A summary of the main forensic results are as follows:

Exhibit reference:	Exhibit description	Analysis and results
Item 1 of D763175	Wallet and drivers licence	Wallet: DNA profile of CAWSEY. Traces of DNA from at least one other individual were also recovered but at levels too low for further interpretation. Drivers licence: testing was unsuccessful.
Item 2 of D763175	Rollie Cigarette Butt Cigarette [Marker 1]	DNA recovered was a mixture that appears to have originated from two individuals (unknown Male 'A' and unknown Male 'B').

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Item 3 of D763175	Cigarette [Marker 2]	Unstained area: partial DNA profile of CAWSEY
		Stained area: DNA profile of CAWSEY
Item 4 of D763175	Red cigarette lighter	DNA profile of CAWSEY.
	[Marker 3]	Traces of DNA from at least one other
		individual were also recovered but at
		levels too low for further interpretation.
Item 5 of D763175	Swab of mouth (Deceased) taken at scene	Semen not detected.
Item 6 of D763175	Baseball cap	DNA profile of CAWSEY.
Item 7 of D763175	Nokia mobile phone (multiple swabs – stained/unstained & on/off button)	DNA profile of CAWSEY.
Item 1 of D763188	Blue tracksuit pants	DNA profile of CAWSEY.
		Traces of DNA from at least one other
		individual were also recovered but at
		levels too low for further interpretation.
		Semen not detected.
Item 2 of D763188	Light blue short sleeve shirt	DNA profile of CAWSEY.
	-	Traces of DNA from at least one other
		individual were also recovered but at
		levels too low for further interpretation.
Item 6 of D763188	Black G-string	DNA recovered was a mixture that
		appears to have originated from two
		individuals: CAWSEY and unknown Male
		'C'. Semen detected.
Item 7 of D763188	Pink ladies lingerie	DNA profile of CAWSEY.
		Semen not detected.
Item 10 of D763188	Black elastic headband	Unsuitable for trace DNA testing.
Item 13 of D763188	Penis swab	DNA profile of CAWSEY.
		Semen detected.
Item 14 of D763188	Rectal swab	DNA profile of CAWSEY.
		Semen detected.
Item 15 of D763188	Left fingernail clippings	DNA profile of CAWSEY.
Item 16 of D763188	Right fingernail clippings	DNA profile of CAWSEY.

38. The DNA examinations occurred between September 2009 and early 2010. As part of the further investigation that occurred during 2015, Police liaised with Clayton Walton at FASS. WALTON was queried about the advances in DNA testing technologies and whether there was scope for further examination of samples in connection with this investigation. WALTON advised that although the equipment is more sensitive this was not of use if the results are already strong. It is only useful if there are weak results. WALTON undertook a review of the

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file to determine which samples would be suitable for re-testing and this was conducted. The analysis certificate by Lisa WEDDERVANG contains the full results of FASS' examinations.

39. On a separate note, various exhibits were submitted with respect to person of interest Moses KELLIE. These exhibits will be discussed in the section on Moses KELLIE. However, it should be noted here that no forensic link was established between KELLIE and CAWSEY i.e. no DNA belonging to CAWSEY was located amongst any of KELLIE's clothing or belongings; and KELLIE was not a match to any of the unknown male DNA profiles recovered from the crime scene.

40. VICTIMOLOGY - ANTHONY CAWSEY

41. Family background and history

42. Anthony CAWSEY was born on 26/01/1972 and was known to the family as Tony. CAWSEY was the youngest and only son of Esmond and Laurie Cawsey who have since passed away in 2015 and 2014 respectively. CAWSEY had three older sisters, Christine (18 years older); Denise (13 years older) and Kerry (11 years older). Christine Cawsey and Kerry Cawsey are his next of kin and the nominated family representatives. CAWSEY spent most of his childhood growing up in Lane Cove, Ringwood in Victoria, South West Rocks and then Carlingford. CAWSEY and his father had a particularly close relationship and spoke to each other on the phone on a weekly basis, although they hadn't seen each other for about two years. CAWSEY's contact with his other family members varied. He was a loved family member who led a strong individual life.

43. Physical description and personality

44. CAWSEY was of Caucasian appearance, 37 years old, with a lean and fit physique. [Refer to Images 7 and 8 in the annexure]. His employment was physically demanding and his main mode of transport was his bicycle or on foot. CAWSEY had short shaved hair and facial hair below his bottom lip. His friends described him as extremely physically active, super-fit, a ball of energy with very quick reflexes. He was known to be proficient in boxing and martial arts,

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and was considered capable of defending himself. Personality-wise his friends described him as positive, happy, upbeat, caring, kind, supportive, bouncy, chatty and usually the life of the party.

- 45. Kerry Cawsey provided the following insight into her brother's personality and this is consistent with information offered by his friends: "In terms of his personality, Tony had a dynamic and varied personality. He was vibrant and in your face. Tony was non-stop; he was always go go go. Tony was charismatic and people were naturally drawn to him. I have seen Tony go into a room and be the life of the party within a few minutes. Tony was brilliantly clever, street-wise, creative and a perfectionist.... Tony lived a life where he was dedicated and committed to his work, but his social life was free, easy and without responsibility. He was very personable, likeable and social. He could converse about a wide range of topics and had a natural intellect. He could read up on something or observe how to do something and then apply himself to that task with proficiency.... Tony was exceptionally generous to those that he knew and loved."
- 46. His employer David NEIL from Show Support offered the following assessment of CAWSEY at a memorial gathering after this death: "He was exactly the type of person that we at Show Support value so highly. He was reliable, committed, dependable, conscientious, and extremely hard working. I personally rate him as one of the best workers I have ever known. He always showed initiative, assisting our clients admirably. He would find out what needed to be done, and do it, quickly no matter how difficult the task, without complaint. And when it was done, he would be straight back there finding out what needed to be done next so that he could get stuck straight into that. And he would keep doing that until the job was over. You never had to carry Tony on a gig, but undoubtedly he carried many of those around him on a daily basis, which is something I know he would be proud of and is in my opinion, highly commendable..... Tony also was not afraid of long hours and always worked many late night shifts, straight into the next day's shift, as indeed he was intending to do on the very last night of his life."

47. Main friendships, relationships & associations

48. CAWSEY had a number of close friends and he kept his friendships over long periods of time. His closest friends and those he spent the most time with were his old friends Richard

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COMMISSIONE and 1366 his flatmate 1407 and his partner 1362 1362 CAWSEY and 1362 had been having a sexual relationship since April 2009. CAWSEY also had a number of other close friendships and associations which stemmed from his involvement in the underground / techno / rave dance scene. It appears that CAWSEY maintained his friendships and associations and he appeared to have been well liked.

49. During the investigation, statements were obtained from (or detailed enquiries made with) the following close friends, associates and co-workers of CAWSEY and these are produced in the brief of evidence:

1362	Vaughn McDONALD	
1407	Kim RAVELL	
Danielle WALSH	Elizabeth YOUNG	
Richard COMMISSIONE	Alex RYAN	
1366	Jodie DOORMAN	
1405	Christopher BARRETT	
1365	Daniel CLIFFORD	
1363	Michael BARRETT	
1367	Philip SCOTT	
1368	David NEIL	
1364	Amanda EFFERS	-

50. The enquiries with these people enabled Police to establish a detailed victimology for CAWSEY from which much of the background information in this statement has been derived. These enquiries failed to identify any person or group with whom CAWSEY had any recent or significant personal conflict.

51. Employment

52. His sister Kerry Cawsey advised that for most of his last seven years, CAWSEY worked in lighting and rigging in the entertainment industry. He worked for at least two employers during this period and maintained regular employment. CAWSEY loved his job and the work fed his creative talents and his thrill seeking side.

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	Detective Senior Constable	Katherine TIERNEY Detective Senior Constable Homicide Squad

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- 53. CAWSEY's employer at the time of his death was Show Support Pty Ltd (David NEIL was the Director). Show Support provides service support to the entertainment industry. This service support can include experienced loaders Concert crew, stagehands, Expo crew, Riggers, Fork lift operators, EWP operators, Audio technicians, Lighting technicians, Audio Visual operators, Film & TV crew and heavy vehicle drivers.
- 54. CAWSEY worked for Show Support as a stagehand or general crew from 18/06/2008 until his death on 26/09/2009. CAWSEY was one of the more senior guys at Show Support and had been Crew Chief or supervisor on some jobs. CAWSEY was well respected, a top worker and loved by the clients.
- 55. Show Support provided Police with a schedule of CAWSEY's allocated shifts for the period 01/09/2009 to 26/09/2009. This schedule showed the assignment length and venue details. CAWSEY's work assignments were of varying lengths (ranging from 3 hours to 8 hours) and at various times (including a lot of night shifts and afternoon shifts). There was no regular pattern to CAWSEY's work. CAWSEY worked for different clients, at different venues, with different supervisors and different co-workers. Most of his work assignments in September were at large city hotels and exhibition/function centres. The allocation and acceptance of work assignments was predominantly done via SMS and there were extensive records on CAWSEY's phone relating to work assignments.

56. Financial

57. CAWSEY had a Savings account (account number shows) into which his salary from Show Support was paid. The pattern of transactions on this account indicated that CAWSEY received weekly deposits on Wednesdays from Show Support which ranged between \$300 and \$700 and there was a subsequent withdrawal of the account balance the day after the deposit. CAWSEY also had a Credit Card number with a credit limit of \$6000 which was in debit to the amount of \$5500. There were no recent transactions on this card. Business records have been obtained from the source of the second s

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- 58. In her statement, Kerry Cawsey advised that CAWSEY had no idea how to manage money and he was frequently short of cash. She stated that CAWSEY would ask their father for cash around every three months (sums of \$500 or thereabouts) and the money would be transferred into CAWSEY's bank account. Richard COMMISSIONE stated that CAWSEY complained about being broke from time to time and expressed that he wasn't getting enough work from Show Support.
- 59. CAWSEY did not have rental expenses. His main expenses appeared to relate to the purchase of prohibited drugs. CAWSEY had no savings to speak of and it appears that he lived week to week. There is no evidence that CAWSEY had any outstanding loans or debts aside from the credit card debt.

60. Drug Use

- 61. CAWSEY was a long time user of prohibited drugs. CAWSEY had been heavily involved in the underground / techno / rave dance scene and drugs were a large part of that scene. CAWSEY is known to have predominantly used amphetamines (including methamphetamine), LSD, cocaine and cannabis. His main dependency related to methamphetamine.
- 62. In the 1990's CAWSEY was what his friends described as a low level dealer of speed, ecstasy and acid. He was getting drugs and then on-supplying them to his friends and some others. It appeared that CAWSEY still occasionally on-supplied to close friends. SMS messages between CAWSEY and 1405 are evidence of this. There was some information received following CAWSEY's death (both during witness interviews and via Crime Stoppers) suggesting CAWSEY's drug supply was the reason for his death but this information was proffered by people who had not had recent contact with CAWSEY. However, there is no evidence that CAWSEY was actively involved in any supply activities.
- 63. There appears to be a degree of consensus that although drugs were a part of his life they didn't take over his life. CAWSEY was able to maintain regular employment and maintain functioning relationships.

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- 64. This is further supported by a review of the Police holdings on CAWSEY (as contained in his CNI Report). His only criminal conviction related to a charge of mid range PCA in 1989. While he was alive, CAWSEY was only the subject of one Intelligence Report which related to drug use and that was from 10/09/2009. On this occasion, Police suspected CAWSEY and an associate 1363 may have been exchanging drugs on Stanmore Road Enmore. CAWSEY stated he was returning some money he had borrowed from 1363 and the Police believed CAWSEY had appeared drug affected at the time. CAWSEY's associate 1364 stated that CAWSEY had been the victim of a drug rip in 2001 when he was living in Surry Hills (a corresponding COPS entry 1365 of more recent drug related home invasions at the Redfern unit was unsupported by 1365 and other evidence.
- 65. Friends noted that CAWSEY had looked healthier in recent years and they didn't believe he was using drugs as heavily as he had previously. 1407 advised that he CAWSEY had been hitting the drugs (crystal methamphetamine) pretty hard about 4 or 5 years previously, but that over the past couple of years his drug use seemed to decrease. 1408 said that she was aware that CAWSEY had been trying to stop using. 1366 however stated that CAWSEY still had a daily amphetamine addiction to crystal meth. He stated that CAWSEY never used crystal meth in front of him but would smoke marijuana. 1366 stated that CAWSEY has tried to hide to hide the fact that he uses crystal meth from him. 1366 said that knew CAWSEY was still taking crystal meth because he had seen sachets of crystal powder at his home and scab marks on his arms. However, 1366 conceded that he hadn't seen any scabs the last few times they went to the beach. Richard COMMISSIONE stated that CAWSEY had track marks on his arms and would cover them up with foundation.
- 66. [1362] stated she and CAWSEY used cocaine and cannabis together and that she hadn't seen him use any other drugs.

Witness:

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(<u>1368</u>) which also related to drug supply. Of significance some of these messages were sent after CAWSEY's death, affirming that CAWSEY had a good relationship with his supplier who was prepared to supply him drugs on credit:

26/09/2009, 12:27:58PM - Tone give me a call i have 4 u 27/09/2009, 2:12:16AM - Tony plz call i have 4 u even if u need tick

- 68. The timeline of CAWSEY's movements established that he purchased half a gram to one gram of meth amphetamine on the evening of 24/09/2009 and that he had used both amphetamines and cannabis in the period preceding his murder. On 26/09/2009, an investigative search was conducted of CAWSEY's unit at Morehead Street, Redfern during which a bag containing crystalline substance believed to be amphetamine was located. Analysis of this item established that the resealable plastic bag contained methyl amphetamine weighing 0.13g.
- 69. **1407** and **1408** provide some direct evidence of CAWSEY's recent drug use. CAWSEY's toxicology results from the post mortem report indicated the presence of:

Methyl amphetamine: 0.2mg/L (blood) Delta 9 -Tetrahydrocannabinol: 0.010mg/L (blood) Delta 9 THC acid: 0.025mg/L (blood)

70. Sexual preferences and sexual activities

- 71. On the available information, CAWSEY's sexuality would best be categorised as bisexual. It appears that from the point of view of his friends and family he was heterosexual and exclusively dated women. However, from a review of his phone use, SMS history, photographs and other evidence, it is evident that CAWSEY also engaged in sexual activities with men. CAWSEY's family and friends have all indicated that he was private (even secretive) about his love / sex life. The insights offered by different friends and family include the following:
 - I366 said that he had only known CAWSEY to be heterosexual. Over the past 15 years he had met at least 10 past girlfriends but CAWSEY would never talk about his relationships.

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- Richard COMMISSIONE advised that CAWSEY used to gloat about all the girls he was having sex with but would never introduce them to his friends. He further stated, "Tony is the type of guy that if he was involved in a homosexual relationship, he wouldn't tell anyone."
- Libby YOUNG was adamant that CAWSEY was not homosexual and was upset that he had been portrayed that way in the media.
- Associate Joanne FERGUSON stated that she was of the belief that CAWSEY may
 have been bisexual although she had never seen him with a male partner.
- Cathleen DALTON (neighbour) stated she had seen him about two or three months before his death near Palmer Street at Kings Cross an area according to her frequented by transsexual prostitutes.
- Kerry Cawsey advised that, "As a family we were unaware that Tony was involved in a relationship with Rachael, a transsexual lady, or that he enjoyed having sex with men. Over the years Tony only ever introduced female girlfriends to the family. (this included an engagement in his early 20's and a 5 year relationship with 'Sarah' from about 1999 to 2004). Kerry Cawsey also indicated that as far as the family were concerned this news about CAWSEY's sexuality didn't really surprise them because CAWSEY was always a surprise.

72. At the time of his murder, CAWSEY was engaged in a regular sexual relationship with 1362 1362, a From the SMS history it is evident that CAWSEY was very interested in 1362 and wanted to pursue a relationship that was more than just sexual. In a series of text messages sent on 20/09/2009, CAWSEY stated:

- "Can u tell me if u wan2 c me this afternoon, cos my boss wants me 2 work til 10pm- but i don't wan2 if i can c u"
- "I care about u lots"
- "Do you want2 be my girl babes?"

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- "I wud like 2 try with u, nice and casual like and c how it rolls"
- "Hi babes. Wot u doing? R u home yet. I am heading home from work now. Do u hav time 2 c me? Can i spend the night with u?"
- "R u my babes? Will u b my lover? Hope so".
- 73. CAWSEY had separately shown his friends 1366, Richard COMMISSIONE, 1408 and 1405 a photograph of his new girlfriend "1362" but none of his friends had met her and there was no mention of any meeting in the future. He had spoken about attending "Swingers" parties with 1362 which was a new experience for him.
- 74. <u>1362</u> offered the following insight into CAWSEY's sexuality: "Tony was not openly gay I don't think he was gay he liked the feminine form and he didn't seem to be into guys and when I suggested two guys he didn't seem really keen. When I suggested a tranny and a female that turned him on or two girls that really turned him on. That's why when me and my friends read the articles about him being 150 metres away from a gay beat I was surprised because he really did like the female form. To my knowledge Tony never crossed dressed and was always very masculine." During a follow up enquiry with <u>1362</u> she stated that CAWSEY would often dress up in her clothing during sexual encounters and he would wear her fish-net stockings, underwear, bodysuits, corsets and boots.
- 75. There were photographs on CAWSEY's mobile phone of him wearing stockings, suspenders and female underwear. *[Refer to Images 9a and 9b in the annexure]*. He was also wearing pink ladies underwear at the time of his death. His mobile phone also contained various "selfies", photographs of his penis, and photographs of him engaging in sexual acts with women. His email account contained a message from 2008 that has photographs of CAWSEY engaging in a sexual act with a male. It is evident from the text messages located on CAWSEY's phone that he used the selfies and penis photos to send to people he met through gay chat line services.
- 76. CAWSEY was a frequent user of gay chat line telephone services such as Mediatel and Manhunt and he used these services to speak with men. CAWSEY made several calls during

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the last day of his life. CAWSEY most often called Mediatel Services Pty Ltd using the phone access number (02) 900666666. The available evidence is that CAWSEY used the gay chat line services of Mediatel and Manhunt to engage in phone sex with other males. It is reasonable to assume that CAWSEY may have also used the services to arrange casual meetings for homosexual activities however there is little sign of this and certainly no direct evidence of any meetings in the days leading up to his death.

- 77. Analysis of CAWSEY's mobile phone revealed a large number of SMS of a sexual nature going back to early 2009. From the enquiries made it appears that these SMS relate to follow up contact CAWSEY had with individuals he had spoken with via Manhunt and Mediatel. A sample incoming message was: Oh u bad boy...i got yr pxt yesterday i liked the black collar around yr neck i could put a lead on it n walk u around while yr on yr hands n knees! A sample outgoing message was: Anthony in sydney. I spoke about u taking advantage of me wen i high, 2 do things i wud never do straight. I have a little girly sissy dik. I think i sent u a pic.
- 78. CAWSEY is known to have attended the Pleasure Chest located on George Street, Haymarket on 25/09/2009 and he had in his possession a Pleasure Chest ticket with an expiry of 2:30am 26/09/2009. The Pleasure Chest is an Adult Book shop that contains a number of private booths and a men's lounge that features heterosexual pornography. Staff advised that the ticket found in CAWSEY's possession enabled him to use the men's lounge at any time until it expired.

79. Phone / Computer / Social Media

80. CAWSEY was an active user of his mobile phone which was an older style Nokia phone (Model# 2760). His mobile phone number was 0406178518 connected to the Vodafone network. This appears to have been his primary method of contact. Extensive investigations were made into CAWSEY's call charge records. A cellebrite examination was conducted of his handset which identified a lengthy contact list, various SMS and photographs. The phone contained various photographs of a sexual nature which have been previously discussed.

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- 81. CAWSEY's friends set up a facebook profile for him as a means of communicating with him more but CAWSEY was not a facebook user and did not like using social networking sites. No relevant social media usage was identified for CAWSEY.
- 82. CAWSEY was the user of the web-based email account freshfleshless@gmail.com. Police gained access to the account by utilising the password recovery function of www.google.com/gmail. Police reviewed the content of CAWSEY's gmail account and established that it was primarily used to receive information on job assignments from Show Support and also job information from SEEK. The 24/09/2009 was logged as the date of last activity on that account prior to CAWSEY's death and this related to promotional material received from WEBJET. There were no Manhunt emails on this account suggesting the existence of a further (unknown) email account.
- 83. CAWSEY's friend Richard COMMISSIONE gave him a computer in 2008, but advised CAWSEY wasn't highly computer literate. CAWSEY's computer was examined at the State Electronic Evidence Branch. CAWSEY's computer tower contained two hard drives. The analysis showed that the last usage of the tower was at 11:39pm on the 04/09/2009. No existing emails were located on the tower and no directory or any other relevant details were found. There was no internet at the unit and CAWSEY was known to frequent internet cafes.

84. Enquiries regarding CAWSEY's property

85. An investigative search was conducted at CAWSEY's unit at Morehead Street, Redfern on 26/09/2009 shortly after the murder. Police searched for items which may be relevant to CAWSEY's antecedents, movements and murder. A total of 26 items were seized. A number of enquiries were made into these items and also the items of property discovered with CAWSEY's body. These property enquiries are summarised in the statement of Detective Inspector LEGGAT, dated 11/11/2015. CAWSEY's Nokia mobile phone which was located with his body in his top shirt pocket has been the item of primary assistance in establishing his movements and antecedents. Little was gained from the review of CAWSEY's other belongings.

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86. History of interpersonal conflict

- 87. None of CAWSEY's friends knew of anyone who would want to hurt CAWSEY nor of any problems that he was experiencing in his life.
- 88. The only interpersonal conflict that was brought to the attention of Police related to CAWSEY's previous employment with a company called Mr Balloons. His sister Kerry Cawsey stated that her understanding of the dispute was "that Tony had been rude to an important client of Mr Balloons and despite there being evidence to the contrary; his boss used this incident as grounds for dismissal. Tony was taking legal action against his former employer for payment of holiday pay, superannuation payment and outstanding overtime payments. I know that Tony had a solicitor acting for his interests in the legal dispute with his former employer." Kerry Cawsey believed the dispute to be ongoing.
- 89. Police made enquiries with Ken AIRTH, the owner of the company Mr Balloons. AIRTH stated that CAWSEY worked for the company in 2006. His employment was terminated on 01/11/2006 due to the fact that the company was receiving poor feedback from clients in relation to the standard of decorations that CAWSEY was providing. There were also a number of issues in relation to the vehicle that CAWSEY was using. CAWSEY did not take is termination very well and AIRTH recalls that the last time he saw him, CAWSEY presented him with a letter disputing his entitlements in relation to his holiday pay and termination. CAWSEY complained to the ombudsman and wrote a number of nasty letters to the company and bad mouthed them to other clients. CAWSEY also made a number of threatening phone calls. The matter was resolved in favour of the company.

90. MOVEMENTS OF ANTHONY CAWSEY - 23/09/2009 TO 26/09/2009

91. A timeline specific to the movements and activities of Anthony CAWSEY in the period leading up to his murder has been prepared. This timeline is from Wednesday 23/09/2009 until the discovery of his body on Saturday 26/09/2009.

Witness:	ACT	Signature:	
_	Katherine TIERNEY Detective Senior Constable		Melanie STAPLES Detective Senior Constable
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92. Every entry in the timeline contains a sub-heading in bold which identifies the nature of the activity at a glance. The key to understanding the sub-headings used in the timeline is as follows:

Direct interaction: Direct physical interaction between CAWSEY and a named person where the person sighted and interacted with CAWSEY. Evidence contained in a statement or investigator's note.

Direct interaction [Employment]: Physical interaction specific to CAWSEY's employment. **Phone activity:** Phone calls and SMS as per the Vodafone call charge records of CAWSEY's mobile phone.

Phone activity [related to Mediatel/Manhunt]: Phone activity specific to CAWSEY's gay chat line use including contact with people he met through the use of these services.

Calendar entry - cellebrite analysis of mobile phone: Calendar information as contained on CAWSEY's mobile phone handset

SMS record from cellebrite analysis of mobile phone: SMS content derived from the cellebrite report of CAWSEY's mobile phone.

Financial record: Transaction on the account of CAWSEY as per the business records provided by St George Bank.

CCTV Footage: Physical sighting of CAWSEY captured on CCTV footage.

- 93. Any associated information, contextual material or background that is relevant to the activity is contained within the corresponding cell. This includes enquiries with people that CAWSEY met with, spoke with or attempted to contact. Throughout the timeline this information is in italics and inserted between square brackets.
- 94. The times inserted into the timeline are provided by various sources. The call charge records from Vodafone are used to provide the times for the "phone activity". The time on CAWSEY's mobile phone handset appears to have been about 5 6 minutes fast. There were some minor discrepancies regarding times offered by certain witnesses namely 1407 and Amanda EFFERS but this does not impact upon the overall reliability of the information offered.

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TIN	ALLINE SPECIFIC TO THE MOVEMENTS AND ACTIVITIES OF
	ANTHONY CAWSEY
WEDNESDA	Y 23 SEPTEMBER 2009 (selected entries only)
2:28pm (handset) 23/09/2009	SMS record from cellebrite analysis of mobile phone: SMS from CAWSEY to 1362 I think u r lovely and yummy. If u wan2 c me, i am free 2day & 2morrow.
6:29pm (handset)	SMS record from cellebrite analysis of mobile phone: SMS from CAWSEY to 1362 i I really like u alot babes. I loved being so intimate with u- having u inside me
6.00pm – 11.30pm	Direct interaction: CAWSEY ate dinner and engaged in sexual activity with 1362 at her unit in Sterling Street, Redfern. CAWSEY left 1362 i's unit at 11:30pm. 1362 first met the victim in April 2009 at the Clock Hotel in Redfern. They formed an intimate sexual relationship after a short time. 1362 is a transsexual who has not undergone gender reassignment surgery although she has had breast enhancement surgery. 1362 although she nas had breast enhancement surgery. 1362 although she has had breast enhancement surgery
THURSDAY	24 SEPTEMBER 2009
2am 24/09/2009	Phone activity: CAWSEY's mobile phone sent an SMS to (subscribed to SABACORP Pty Ltd), the SMS service for "Show Support". Message content: "2330 0230" [0411795262 was a bulk SMS system utilised by Show Support to allocate and determine the availability of staff for jobs. CAWSEY utilised SMS to accept work assignments with Show Support and to provide them with details of the hours he worked.]
7.2 3am	Financial record: CAWSEY withdrew \$650 from his St George Freedom Savings account via an ATM at Surry Hills. [There were no other transactions on his bank account following this withdrawal.]
11:02am	Phone activity: CAWSEY's mobile phone [0406178518] sent an SMS to Amanda EFFERS (Control III). Message content: 4pm- 7.30pm [Amanda EFFERS had known CAWSEY since April 2002 when they had both been employed by Mr Balloons. They had been flat mates for two years and had maintained a close friendship even though EFFERS had moved to Nyngan. EFFERS described her relationship with CAWSEY as 'brotherly/sisterly'. EFFERS

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	recalled speaking with CAWSEY on her mobile telephone as she travelled from Nyngan to Sydney. She stated that she arranged to meet CAWSEY at his unit.]
12:16pm 24/09/2009	Phone activity: Unanswered phone call from St George Bank (029952111) to CAWSEY.
2pm - 3.30pm	Direct interaction: CAWSEY met his friend Amanda EFFERS at his Morehead Street Redfern unit. EFFERS stated that they spent some time together before he went to work. She described CAWSEY's mood as upbeat and the conversation as being general in nature with them catching up on each others lives.
2:47pm	Phone activity: CAWSEY received a phone call from Amanda EFFERS [24 seconds].
3:20pm – 3:33pm	Phone activity: CAWSEY and friend 1366 exchanged a series of SMS as follows: CAWSEY: Yes. But i hav 2 work til 7.30 so it will b like 8pm. Is that ok? 1366 : Sweet. I will b down.
3:37pm 24/09/2009	Phone activity: CAWSEY's mobile phone sent an SMS to the SMS service for Show Support. Message content: 751y
3:38pm on handset	SMS record from cellebrite analysis of mobile phone: <u>SMS from Show Support – Message content:</u> Confirmed: S, Fri 25-09, 23:45pm - 06:00am(+3hrs), at SCEC, Production Office, Darling Harbour, SCEC, Daniel Clifford, Cheers.
3:42pm	Phone activity: CAWSEY received a phone call from flatmate 1407 [37 seconds]. 1407 and CAWSEY shared 1407 [37 Morehead Street, Redfern. They had been close friends for about 10 years and had a shared history of drug use. [407] hadn't noticed anything out of the ordinary with CAWSEY in the period leading up to his death. CAWSEY appeared to be working a lot of hours. 1407 stated that CAWSEY's drug use had decreased over the past couple of years. 1407 stated that CAWSEY was secretive about his personal life. CAWSEY had told him he had met a girl named. 1362 and expressed happiness about it. CAWSEY had been supporting. 1407 during his relationship difficulties with. 1408 1.1
3.45pm	Direct interaction: CAWSEY was driven to work by Amanda EFFERS at either the Sydney Convention Centre or Star City. EFFERS dropped CAWSEY off.
4:07pm	Phone activity: Unanswered phone call from St George Bank (029952111) to

Witness:

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24/09/2009	CAWSEY.
4:15pm	Calendar entry - cellebrite analysis of mobile phone: Confirmed: O, Thu 24-09, 16:15pm - 19:30pm(+ 3hrs) approx, at Barangaroo, Gate 5 Hickson Road, The Rocks, UVA, Mick Barrett,
4:27pm 24/09/2009	Phone activity: CAWSEY's mobile phone made an outgoing call to Michael BARRETT of Show Support seeking directions to the Barangaroo site [54 seconds].
4.30pm	Direct interaction [Employment]: CAWSEY worked for Show Support at Barangaroo with Michael and Christopher BARRETT – commenced work at 4:30pm. [Shift was from 4:30pm to 7:30pm, but finished early about 6pm].
5:21pm	Phone activity: CAWSEY's mobile phone sent an SMS to service for Show Support. Message content: 759y
5:29pm (5:34pm on handset)	SMS record from cellebrite analysis of mobile phone: <u>SMS from Show Support - Message content:</u> Confirmed: S, Fri 25-09, 05:15am - 08:30am(+3hrs), at Harbours Edge Function Centre, Harbours Edge Function Centre, Sydney, Stagcon, Phil Sc,
5:56pm 24/09/2009	Phone activity: CAWSEY's mobile phone made an outgoing call to 1366
5:57pm	Phone activity: CAWSEY's mobile phone made an outgoing call to Amanda EFFERS for 128 seconds. EFFERS recalled that CAWSEY contacted her around 6.00pm stating that he had finished work and asking if he could meet up with her again.
6pm	Direct interaction [Employment]: CAWSEY completed his shift for Show Support at about 6pm at Barangaroo.
6:24pm	Phone activity: CAWSEY's mobile phone sent an SMS to service for Show Support. Message content: 1630 1930
6:35pm	Phone activity: CAWSEY received a phone call from Amanda EFFERS (- saved as 'Apple' on his phone) [18 seconds].
6.00pm - 7.45pm 24/09/2009	Direct interaction: Amanda EFFERS stated that she and CAWSEY arranged to meet in her hotel room at the Amora Jamison Hotel, 11 Jamison Street, Sydney. EFFERS stated that she had not engaged in sexual activity during either of her two meetings with CAWSEY. On both occasions their conversation had been general

Witness:

ADY

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	with the pair updating each other on recent developments in their lives. EFFERS did not recall anything that CAWSEY said that would indicate that he was having issues with any other person. [According to EFFERS, CAWSEY remained with her until about 10.00pm however this time is inconsistent with known facts which indicates that CAWSEY met 1366 1366 at 7.45pm]
7:09pm 7:14 on handset	SMS record from cellebrite analysis of mobile phone: Outgoing SMS from CAWSEY to Show Support. Message content: "768"
7:27pm 24/09/2009	Phone activity: CAWSEY received a phone call from 1366 5 for 65 seconds.
7:40pm	Phone activity: CAWSEY received a phone call from 1366 for 10 seconds.
7.45pm	Direct interaction: CAWSEY met his close friend 1366 in Martin Place and they walked to a bar in William Street, Sydney. Whilst at the bar CAWSEY showed 1366 a photo on his phone of his new girlfriend 1362. CAWSEY seemed happy when he talked about her but didn't go into details. 1366 and CAWSEY had been close friends for 15 years and regularly spent time together. They had once been flat mates. 1366 had met many of CAWSEY's previous girlfriends and knew of CAWSEY's drug history and use].
8:30pm 24/09/2009	Direct interaction: CAWSEY and parted company on William St out the front of Club 77. CAWSEY told he was going to meet a friend called [1367] CAWSEY was seen walking towards Kings Cross.
8:44pm	Phone activity: CAWSEY's mobile telephone made an outgoing call to subscribed to <u>1367</u> for 49 seconds. [Investigations established that the relationship between CAWSEY and <u>1367</u>] existed for the supply of prohibited drugs namely ecstasy, ice, ketamine and LSD. Although <u>1367</u> would not conclusively say so he did state CAWSEY may have contacted him by phone on the 24/09/2009 seeking 'Ice'. However, <u>1367</u> stated that he had not actually seen CAWSEY for at least one month prior to his death.]
8:46pm 24/09/2009	Phone activity: CAWSEY's mobile telephone made an outgoing call to Image: Display to be active to an answering service. When spoken to by Police Image: Display to be active to be

Witness:

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Katherine TIERNEY Detective Senior Constable Homicide Squad

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	[1406] is believed to be involved in drug supply and to have supplied CAWSEY and 1364 at about 11:10pm that night. See corresponding entry.]
8:47pm 24/09/2009	Phone activity: CAWSEY's mobile telephone made an outgoing call to Kim RAVELI on the seconds. In the second
9:17pm	Phone activity: CAWSEY's mobile telephone made an outgoing call to 1365 1365 on for 10 seconds. 1365 was at work so the call was brief with CAWSEY stating he would try him again next week. [CAWSEY and 1365 were long time good friends who used to meet weekly when possible to read new release super hero comics. The brief phone call was in relation to meeting up however 1365 was working.]
10:14pm	Phone activity: CAWSEY's mobile phone sent an SMS to 1406 subscribed to 1406 , and saved in his phone as "Derek". CAWSEY's message was: "Hows it rolling".
10:16pm	Phone activity: CAWSEY's mobile telephone received an incoming call to use subscribed to 1364 for 54 seconds.
11:04pm 24/09/2009	Phone activity: CAWSEY's mobile telephone made an outgoing call to subscribed to 1364 for 72 seconds.
11.10pm	Direct interaction with 1364 According to 1364, CAWSEY contacted him attempting to obtain "Ice" and they arranged to meet on the corner of Wilson Street and Erskineville Road Newtwon later that night. They met in Newtown and waited for the supplier to arrive. 1364 introduced CAWSEY to his supplier "Derek" [believed to be 1406 and CAWSEY purchased either half a gram (\$300) or 1 gram (\$600) of methamphetamine (ice). He did not know for sure but believed 1 gram would last CAWSEY a couple of days. CAWSEY had told 1364 that his regular contacts could not assist him and he was his last call. CAWSEY was riding his bike and possibly wearing a white coloured polo shirt and bone coloured pants. The phone number that 1364 provided for his supplier "Derek" was 1406
11:32pm - 11:49pm 24/09/2009	Phone activity: CAWSEY and friend 1366 exchanged a series of SMS. Message content: CAWSEY: I just heard a guy say- i probably wudnt model even if i was good looking enuf, cos im a rock & roller.

Witness:

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	CAWSEY: U sent me nothing	
FRIDAY 25 SEPTEMBER 2009		
12:11am (12:16am on handset)	Phone activity: CAWSEY's mobile phone sent an SMS to subscribed to Luken Smyth, Subscribed. Cammeray stating "Hey. Where is my correspondence? Anthony". [Enquiries revealed that Smyth had been out of the country since August 2009]	
1:06am 25/09/2009	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone made an outgoing call to 90066666, subscribed to Mediatel, a gay chat line for 2564 seconds (approx 42 minutes). [Mediatel is a gay chat line service that enables users to leave and listen to messages left by others within the mailbox. On some occasions persons will through connect to talk to one another or exchange phone numbers for one to one contact.]	
1:19am	Phone activity [related to Mediatel/Manhunt]: CAWSEY received a phone call from subscribed to the Cameron Corner Store in Tibooburra for 776 seconds (approx. 13 minutes). Enquiries were made with the Cameron Corner Store but the caller could not be identified from the 40 guests at the premises. The available inference is that CAWSEY exchanged phone numbers with a Mediatel user who then contacted him to engage in further sexual conversation.	
1:24am 25/09/2009	Phone activity CAWSEY's mobile contacted 191920 (a Premium SMS service for specific entertainment content offered via mobile phone.)	
1:32am	Phone activity: CAWSEY received a phone call from 1362 (1362) for 86 seconds. 1362 was calling from Subiaco, Western Australia.	
1:36am	Phone activity [related to Mediatel/Manhunt]: CAWSEY received a phone call from subscribed to the Cameron Corner Store in Tibooburra for 3516 seconds (approx. 58 minutes). Enquiries were made with the Cameron Corner Store but the caller could not be identified from the 40 guests at the premises. The available inference is that CAWSEY exchanged phone numbers with a Mediatel user who then contacted him to engage in further sexual conversation.	
3:06am (3:11am on handset)	Phone activity: CAWSEY's mobile sent a SMS to	
3:12am	Phone activity: SMS received from 1362 -	

Witness:

RI. Katherine TIERNEY

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25/09/2009	"I am."
3:19am 25/09/2009	Phone activity: CAWSEY's mobile sent a SMS to 1362 - "I hav a hour and a half between jobs. I am a bit high. I wud like 2 come c u 4 a while."
3:20am	Phone activity: SMS received from 1362 - "Babe im in perth"
3:24am	Phone activity: CAWSEY's mobile sent a SMS to 1362 (04 - "Can u send me a pic 2 help me think of u? Can i c u wen u get bak please baby?
5am on handset	SMS record from cellebrite analysis of mobile phone: SMS from Show Support - Message content: Reminder: Fri 25-09, 05:15am - 08:30am(+3hrs), at Harbours Edge Function Centre, Harbours Edge Function Centre, Sydney, Stagcon, Phil Sc,
5:15am	Calendar entry - cellebrite analysis of mobile phone: Confirmed: Fri 25-09, 05:15am - 08:30am(+3hrs), at Harbours Edge Function Centre, Harbours Edge Function Centre, Sydney, Stagcon, Phil Sc, Cheers.
5:29am 25/09 /200 9	Phone activity: CAWSEY's mobile telephone made an outgoing call to Phillip SCOTT of Stage Connections on prior to commencing his Show Support shift at the Harbours Edge Function Centre.
5.30am	Direct interaction [Employment]: CAWSEY worked for Show Support at Harbour Edge Function Centre with Phillip SCOTT- commenced work at 5:30am.
5:42am (5:47am on handset)	Phone activity: CAWSEY's mobile sent a SMS to 1362 (- "Its all good with me if u b busy & cant catch up, as long as u r having fun i am very happy. I really like it wen u sms 2 say ur well & happy"
7:45am	Phone activity: CAWSEY's mobile phone sent an SMS to service for Show Support. Message content: 0530 0830
7:46am (7:50am on handset) 25/09/2009	Phone activity: CAWSEY's mobile phone sent an SMS to his friend 1405 1405 on 1405 was a long term associate of the victim Anthony Cawsey and provided details of his extensive drug use. 1405 1405 Jast saw CAWSEY two or three weeks prior to his death. 1405 1405 Jast saw CAWSEY two or three weeks prior to his death. 1405 1405 Jast saw CAWSEY two or three weeks prior to his death. 1405 1405 Jast saw CAWSEY two or three weeks prior to his death. 1405 1405 Jast saw CAWSEY two or three weeks prior to his death. 1405 1405 Jast saw CAWSEY two or three weeks prior to his death. 1405 1405 Jast saw CAWSEY two or three weeks prior to his death. 1405 1405 Jast saw CAWSEY two or three weeks prior to his death. 1405 1405 Jast saw CAWSEY two or three weeks prior to his death. 1405

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Detective Senior Constable Homicide Squad

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	address and smoke cannabis did not attend as he was tired from work.
7:52am 25/09/2009	Phone activity : CAWSEY's mobile phone contacted (a Premium SMS service for specific entertainment content offered via mobile phone.)
8:02am	Phone activity: CAWSEY made a phone call to flatmate [40 seconds].
8:05am	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone made an outgoing call to , subscribed to Mediatel, a gay chat line, for 310 seconds (approx 5 minutes).
8:25am - 8:26am	Phone activity: CAWSEY and 1405 exchange SMS messages with 1405 replying "yeah" and CAWSEY responding "ok".
8.30am	Direct interaction [Employment]: CAWSEY's shift for Show Support at Harbours Edge Function Centre formally concluded at 8:30am however he appears to have completed his shift earlier at about 7:45am.
8:36am	Phone activity: CAWSEY made a phone call to flatmate [407 [10 seconds].
8:37am 25/09/2009	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone made an outgoing call to the subscribed to Mediatel, a gay chat line, for 1024 seconds (approx 17 minutes).
8:44am on handset	SMS record from cellebrite analysis of mobile phone: <u>SMS from Show Support - Message content:</u> Can you do O - Fri 25-09, 15:15pm- 18:30pm (+3hrs) at Doltone House? Client TDC. Reply 778y for YES, 778n for NO. V. Await Confirmation.
8:58am	Phone activity: CAWSEY made a phone call to Jillian RIFFEL on for 8 seconds. [Jillian RIFFEL's phone number was saved in CAWSEY's phone as "Jillian". However when spoken to she denied any knowledge of CAWSEY.
8:59am	Phone activity: CAWSEY made an attempted phone call to his sister Christine Cawsey () (5 seconds).
9:00am 25/09/2009	Phone activity: CAWSEY made a phone call to any on the seconds. 15 seconds. If the second is number is saved in CAWSEY's phone as "jojo". When interviewed provided details of their friendship and association but stated that she last sent him an SMS about 12 months ago. No information was

SOCA Witness: Signature: Melanie STAPLES Katherine TIERNEY Detective Senior Constable Homicide Squad 24/02/2017 Detective Senior Constable Homicide Squad 24/02/2017

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	offered on the call made at 9am on 25/09/2009. There are cellebrite records of SMS from to CAWSEY in July and August 2009 in which she asks if he can assist her in getting some ecstasy.]
9:01am 25/09/2009	Phone activity: CAWSEY made a phone call to associate Lenah FRAZER on (subscribed to Sean) for 3 seconds. [When interviewed FRAZER advised that she had known CAWSEY for 9 years bu had not seen him for about 2 years and last spoke to him on the phone about 1.5 years ago. She had no idea why CAWSEY would've tried to call her on the 25/09/2009.]
9:01am	Phone activity: CAWSEY made a phone call to associate Libby YOUNG on for 117 seconds. [When interviewed Libby YOUNG provided background on her long standing friendship with CAWSEY. She last seen him about 5 weeks ago on King St Newtown, but did not have regular contact with him. YOUNG said that she had been trying to contact him via his mobile phone number but it was ringing out. YOUNG did not recall receiving this telephone call from CAWSEY.]
9:02am to 9:23am (handset time)	Phone activity/SEEB report: Between 9:02am and 9:23am CAWSEY made attempted phone calls from his mobile phone to number which was saved in his contact list as "Chilisa". None of these calls connected. [This service was disconnected at the time of the attempted calls but was previously subscribed to Inhouse Design & Productions, Broadway.
9:06am 25/09/2009	Phone activity: CAWSEY made a phone call to Todd SMITH on seconds. [When interviewed SMITH advised police that he may have known CAWSEY through a job that they had both been involved in on Garden Island in Sydney Harbour in the last couple of years. SMITH had no recollection and could offer no reason as to why CAWSEY may have contacted him on the 25/09/2009. A review of CAWSEY's phone has revealed that the number second a number of old friends that morning it appears the number may be an outdated contact number.]
9:07am	Phone activity: CAWSEY made a phone call to associate Alison CACHIA on (subscribed to Emily CACHIA) for 14 seconds. [When interviewed Alison CACHIA said that she knew CAWSEY from Rave partie back in the 90's, but had not spoken to him in over a year. CACHIA advised that she had moved to Byron Bay.]
9:09am (handset time) 25/09/2009	Phone activity/SEEB report: At 9:09am CAWSEY made an attempted phone call from his mobile phone to number which was saved in his contact list as "Kcaroline". This call did not connect. [Enquiries were conducted with the user of this service, Caroline ZILINSKY. ZILINSKY recalled that she had known CAWSEY about ten years ago during her

Witness:

ARX Katherine TIERNEY Detective Senior Constable Homicide Squad

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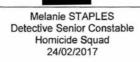
Detective Senior Constable Melanie STAPLES Strike Force Annand: Inquest into the murder of Anthony Cawsey

	studies at the University of New South Wales. She stated that they had both been involved in the "techno dance scene". She also advised police that she had not spoken to Cawsey in seven years and could not understand why he had attempted to contact her on the 25/09/2009. ZILINSKY resides in the Upper Hunter Valley.]
9:13am 25/09/2009	Phone activity: CAWSEY made a phone call to his former employer "Mr Balloons" on subscribed to David AIRTH) for 25 seconds. This phone number was saved in CAWSEY's phone as "Denise". [When interviewed, the owner of Mr Balloons, Ken AIRTH stated that CAWSEY worked for the company in 2006 but his employment was terminated on 1/11/2006 due to poor feedback from clients regarding CAWSEY's decorations. CAWSEY did not take the termination very well and there was a dispute in relation to his holiday pay and termination. CAWSEY complained to the ombudsman and wrote a number of nasty letters to the company and bad mouthed them to other clients. CAWSEY also made a number of threatening phone calls. The matter was resolved in favour of the company.]
9:14am (handset time)	Phone activity/SEEB report: At 9:14am CAWSEY made an attempted phone call from his mobile phone to number which was saved in his contact list as "". This call did not connect. [Enquiries established that the former user of this service was provided the following information: She had been a friend of CAWSEY's and on one occasion had gone on a date with him (about 1- 2 years prior to his death). She described him as a heavy user of methamphetamine had not used the for about 1.5 years and could think of no reason why CAWSEY would attempt to contact her on that number. She hadn't seen CAWSEY for about 1 year].
9:18am 25/09/2009	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone made an outgoing call to 90066666, subscribed to Mediatel, a gay chat line, for 1083 seconds (approx 18 minutes).
9:38 – 9:39am	Phone activity: CAWSEY made two phone calls to Cathleen DALTON (neighbour) on the provided of the second se
9:39am on handset 25/09/2009	SMS record from cellebrite analysis of mobile phone: <u>SMS from Show Support - Message content:</u> Can you do TODAY ASAP - Fri 25-09, 09:45am-14:00pm (+3hrs) at SCEC? Client SCEC. Reply 780y for YES, 780n for NO. Await Confirmation.

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9:39am	Phone activity: CAWSEY made a phone call to flatmate [407][22 seconds].
9:56am 25/09/2009	Phone activity: CAWSEY received a SMS from partner
11:16am 11:21 on handset	Phone activity from cellebrite analysis of mobile phone: Outgoing call from CAWSEY to Show Support (95562011) for 1 minute 3 seconds.
11:13 - 11.24am	CCTV footage: CAWSEY went to the Pleasure Chest at 705 George Street, Haymarket. The Pleasure Chest specialises in pornographic material, sex aids, and incorporates a number of private booths and a theatre for the review of pornographic movies. Admission cost to the theatre is twelve dollars and a ticket is provided to the client. On entering the store the victim purchased a theatre ticket and is depicted on CCTV footage entering the theatre (11:13am) where he remained until 11.24am before leaving. The ticket purchased by the victim, and subsequently located in his wallet, expired at 2.30am on 26 th September 2009.
11:21am on handset 25/09/2009	SMS record from cellebrite analysis of mobile phone: <u>SMS from Show Support - Message content:</u> Can you do O - Sat 26-09, 21:45pm- 01:00am (+3hrs) at Sydney Ent Centre? Client Norwest. Reply 771y for YES, 771n for NO. FH. Await Confirmation.
11:18am	Phone activity: CAWSEY made a phone call to his employer David NEIL at Show Support on Support on Seconds. [When interviewed, David NEIL stated that he thought highly of CAWSEY's work and called him for most jobs.]
12:18pm	Phone activity: CAWSEY's mobile phone received a SMS from his friend 1405 1405 on stating: "locating the brass". [An apparent reference to getting some money for the drugs CAWSEY had sourced – as per previous SMS]
12:46pm	Phone activity: Unanswered phone call from St George Bank (029952111) to CAWSEY.
12.00 – 3.00pm 25/09/2009	Direct interaction: According to 1407 CAWSEY and flat mate 1407 decided to go to Tamarama Beach together. They left the Morehead Street unit at about 12pm and cycled together to Tamarama Beach. They cycled through Centennial Park on the way there utilising the main park gates near the stables and Fox Studios. They arrived at the beach between 1pm and 2pm. CAWSEY had a swim.

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	They spent between 30 minutes and 1 hour at Tamarama Beach. They cycled back the same way, riding through Centennial Park against the flow of traffic. A Ranger spoke to HILL and told him he was riding the wrong way. As a result HILL walked his bike up to the entrance gates near Fox Studios where CAWSEY was waiting for him. They resumed riding home from these gates.
1:16pm 25/09/2009	Phone activity: CAWSEY's mobile phone sent a SMS to 1405 on stating: "Just let me kno wen u wan2 come over". [Relates to previous message regarding getting together to engage in drug use]
1:19pm	Phone activity: CAWSEY made a phone call to flatmate [1407][6 seconds].
1:23pm on handset	SMS record from cellebrite analysis of mobile phone: SMS from CAWSEY to 1407 : Come on.
3pm	Direct interaction: CAWSEY and 1407 returned to the Morehead Street unit from Tamarama Beach. They say in the lounge room, smoked some marijuana and chatted about some problems 1407 was experiencing. CAWSEY spoke to 1407 about Centennial Park. He said that from previously riding around Centennial Park he had found some little pockets of the park that he didn't know existed tha were really nice and that he would like to take a friend who would appreciate it down there for a lunch. A short time later 1407 left the unit to meet 1408 1408
3:26pm on handset 25/09/2009	SMS record from cellebrite analysis of mobile phone: <u>SMS from Show Support - Message content:</u> Can you do S - Fri 09-10, 05:45am- 10:00am (+3hrs) at AJC - Randwick? Client AE. Reply 536y for YES, 536n for NO. V. Await Confirmation.
3:29pm on handset	SMS record from cellebrite analysis of mobile phone: <u>SMS from Show Support - Message content:</u> Can you do S - Mon 28-09, 07:45am- 16:00pm (+3hrs) at Warehouse Alexandria? Client TEA. Reply 798y for YES, 798n for NO. Await Confirmation.
3:36pm	Phone activity: CAWSEY's mobile phone sent an SMS to service for "Show Support" stating: "536y" [which indicates acceptance of a job assignment].
3:36pm	Phone activity: CAWSEY's mobile phone sent an SMS to service for "Show Support" stating: "798y" [which indicates acceptance of a job assignment].

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3:36pm on handset	SMS record from cellebrite analysis of mobile phone: SMS from Show Support - Message content: Confirmed: S, Fri 09-10, 05:45am -
25/09/2009	10:00am(+3hrs), at AJC - Randwick, Front Door, Randwick, AE, Daniel Aztech, t, cheers. V.
3:36pm on	SMS record from cellebrite analysis of mobile phone:
handset	SMS from Show Support - Message content: Confirmed: S, Mon 28-09, 07:45am -
25/09/2009	16:00pm(+3hrs), at Warehouse Alexandria, Unit 4 697 Gardeners Rd, Alexandria, TEA, Matt,, cheers.
3:37pm	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone made an outgoing call to 90066666, subscribed to Mediatel, a gay chat line, for 490 seconds (approx 8 minutes).
3:45pm	Phone activity: CAWSEY received a phone call from flatmate [1407][50 seconds].
3:46pm	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone made an outgoing call to 90066666, subscribed to Mediatel, a gay chat line, for 2152 seconds (approx 36 minutes).
4pm on	SMS record from cellebrite analysis of mobile phone:
handset 25/09/2009	<u>SMS from Show Support - Message content:</u> Tomorrows Job: Fri 25-09, 23:45pm 06:00am(+3hrs), at SCEC, Production Office, Darling Harbour, SCEC, Daniel Clifford, there is a cheers.
4:03pm on	SMS record from cellebrite analysis of mobile phone:
handset	SMS from Show Support - Message content: Can you do TOMOR - Sat 26-09,
	11:45am-17:30pm (+3hrs) at Sydney Uni? Client AE. Reply 824y for YES, 824n for NO. Await Confirmation.
4:00pm –	Direct interaction: 1407 and 1408 returned to the Morehead Street unit and
5:00pm	spoke with CAWSEY.
	[1407] said, "Are you working tonight?"
	CAWSEY said, "Yeah. I've accepted all the jobs that have come in for the weekend So I'm going to have a full weekend."
	1407 said, "Have you even slept from last night?"
	CAWSEY said, "I've only had one hour sleep."
	1407 said, "Oh I feel sorry for you bro, and I commend you for it."
	CAWSEY said, "The only time I sleep well is after I've done about a week's work."

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8.15pm 25/09/2009	1408 They spent some time together and also time in separate rooms HILL thought CAWSEY may have left the unit for a period of time. 1407 GAWSEY smoke some cones of marijuana. 1407 Initiana which they got from CAWSEY. CAWSEY spent an amount of time along in the spare bedroom 1408 In the spare bedrom 1408
5:56pm 25/09/2009	Phone activity: Unanswered phone call from St George Bank (029952111) to CAWSEY.
6pm	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone made an outgoing call to 90066666, subscribed to Mediatel, a gay chat line, for 331 seconds (approx 6 minutes).
6:06pm on handset	SMS record from cellebrite analysis of mobile phone: <u>SMS from Show Support - Message content:</u> <828> Can you do 2 shifts Sat 26-09, 10:15am-13:30pm & Sat 26-09, 23:45pm - 03:00am @ Westin 1 Martin Place? 4 TDC. Reply 828y for YES, V. Await Confirmation.
6:07pm	Phone activity: CAWSEY's mobile phone sent an SMS to service for "Show Support" stating: "828y" [which indicates acceptance of a job assignment].
6:15pm on handset 25/09/2009	SMS record from cellebrite analysis of mobile phone: <u>SMS from Show Support - Message content:</u> Confirmed: S, Sat 26-09, 10:15am - 13:30pm(+3hrs), at Westin 1 Martin Place, Loading Dock, Martin Place, TDC, Matt Byrnes,
6:17pm on handset	SMS record from cellebrite analysis of mobile phone: <u>SMS from Show Support - Message content:</u> <831> Can you do 2 shifts Sun 27-09, 11:45am-16:00pm & Tue 29-09, 12:45pm - 16:00pm at Fox Studios Driver Avenue? 4 TDC. Reply 831y for YES, V.
6:18pm	Phone activity: CAWSEY's mobile phone sent an SMS to phone sent an SMS to phone sent , the SMS service for "Show Support" stating: "831y" [which indicates acceptance of a job assignment].
6:29pm	Phone activity: CAWSEY received a phone call from flatmate [407 [43 seconds].
6:43pm	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone made an outgoing call to 90066666, subscribed to Mediatel, a gay chat line, for

Witness:

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	366 seconds (approx 6 minutes).
6:46pm 25/09/2009	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone received an incoming SMS from [and the second sec
8:15pm 25/09/2009	CCTV footage: CAWSEY departed the Morehead Street unit complex with his bicycle. He had previously told [1407] of an intention to go to an internet cafe [possibly the Convenience Plus located on Crown Street Surry Hills]. [Efforts were made to examine the computers available for use at the Convenience Plus Store 464 Crown Street Surry Hills. In total, 5 computers were seized, mirrored and examined. Only two computers appeared to have been used in the specified 4 hour window of interest on 25/09/2009. However, there was nil of interest and no Manhunt or Gaydar website accesses by these computers for this period. The examination could not identify results containing any particulars that could be definitively matched to CAWSEY. At 20:23 on 25/09/2009, one of the PCs accessed YouTube.]
8:44pm	Phone activity: CAWSEY received a phone call from 1368 (04) for 0 seconds.
8:48pm 25/09/2009	Phone activity: CAWSEY received a phone call from 1368 (1368
9:01pm	Phone activity: CAWSEY made a phone call to 1368 for 46 seconds. 1368 1368 's phone number is saved as "". SMS messages between 1368 1368 and CAWSEY have established that 1368 supplied him with prohibited drugs. The subject of [1368] 1368 is explored in a separate section within the OIC statement.]
9.40pm	CCTV footage: CAWSEY returned to the Morehead Street Redfern unit.
10:09pm	Phone activity: CAWSEY made a phone call to his old girlfriend Belinda KATON

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10:10pm 25/09/2009	Phone activity: CAWSEY made a phone call to the landline telephone of his old girlfriend Belinda KATON (International in name of Andre Grant) for 50 seconds. [KATON and CAWSEY dated when they were 19 & have maintained phone contact. KATON said that she remembered him calling a few weeks ago and the call was out of the blue and late at night. During the conversation CAWSEY told her that he had found some old photos and wanted to send them too her. He sounded sentimental, happy and positive. KATON cut the conversation short as it was late at night and she was surprised by the call. He didn't mention any plans for the evening.]
10:11pm 25/09/2009	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone made an outgoing call to 90066666, subscribed to Mediatel, a gay chat line, for 1158 seconds (approx 19 minutes).
10:31pm	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone made an outgoing call to 83030303, subscribed to Manhunt, a gay chat line, for 283 seconds (approx 5 minutes).
10:37pm	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone sent a SMS to Message content: "Can u talk 2me now?" [As per above information on].
10:40pm 25/09/2009	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone received a call from [] in Mermaid Beach Queensland for 25 seconds. [As per above information on [].
10:41pm (10:46pm on handset)	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone sent a SMS to Section 2010 in Queensland (Section 2010). Message content: "Hi daddy. I am high and want 2 b punished & humiliated & sold 2 dirty old men. Film me selling myself".
	[Enquiries with methods and the section of the sect

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10:42pm 25/09/2009	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone received a call from (manhunt) in Mermaid Beach Queensland for 286 seconds (approx 5 minutes). [As per above information on [manhund]]
10:48pm 25/09/2009	Phone activity: CAWSEY made a phone call to his close female friend Kim RAVELL (Minimum) for 441 seconds. Her number was saved in CAWSEY's phone as "Kimba]. During this phone conversation RAVELL recalled that CAWSEY was not his usual self and was not in a happy mood. [RAVELL had known CAWSEY since 1996 and they spoke to each other regularly usually about once a week. RAVELL is a teacher who resides in Victoria.]
10:56pm	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone made an outgoing call to 90066666, subscribed to Mediatel, a gay chat line, for 796 seconds (approx 13 minutes).
10:59pm	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone received an incoming SMS from (manhund) in Queensland. Message content not available.
11:28pm	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone received an incoming SMS from and in Queensland (manhund). Message content: "Sound s good who is this. Sorry scott" [As per above information on and a statement of the stat
11:30pm on handset 25/09/2009	SMS record from cellebrite analysis of mobile phone: SMS from Show Support - Message content: Reminder: Fri 25-09, 23:45pm - 06:00am(+3hrs), at SCEC, Production Office, Darling Harbour, SCEC, Daniel Content of the second se
11:33pm (11:38pm on handset)	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone serve a SMS to Construction in Queensland (Construction). Message content: "Anthony in sydney. I spoke about u taking advantage of me wen i high, 2 do things i wud never do straight. I have a little girly sissy dik. I think i sent u a pic." [As per above information on Scott
11:33pm	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone server a SMS to Construction in Queensland (Construction). Message content: Message content not available. [As per above information on Construction]
11:45pm	Calendar entry - cellebrite analysis of mobile phone: Confirmed: S, Fri 25-09, 23:45pm - 06:00am(+3hrs), at SCEC, Production Office, Darling Harbour, SCEC, Daniel Clifford,

ACA Signature: Witness: Katherine TIERNEY Melanie STAPLES Detective Senior Constable Homicide Squad Detective Senior Constable Homicide Squad 24/02/2017 24/02/2017 Page 39 of 95

24 Feb 2017 Prosecution Coronial Brief: Murder of Anthony CAWSEY

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11.56pm 25/09/2009	CCTV footage: CAWSEY departed the complex on his bicycle at 11:56pm dressed in work attire (black cargo pants and black collared shirt).
SATURDAY	26 SEPTEMBER 2009
12:02am 26/09/2009	Phone activity: CAWSEY made a phone call to Daniel CLIFFORD (8 seconds. [Daniel worked for Show Support and was the shift supervisor]
12:06am	Direct interaction [Employment]: CAWSEY worked for Show Support at the Sydney Convention and Exhibition Centre (SCEC) with Christopher BARRETT and Daniel CLIFFORD.
12:06am	CCTV footage: At 12.06am, CAWSEY arrived at the Darling Drive staff entry point to Sydney Convention and Exhibition Centre [SC&EC] where he checked in with Scott GODFREY in the security control room. CAWSEY worked with Daniel CLIFFORD and Joseph FENN of SC&EC and Christopher BARRETT of Show Support. They worked on pulling down back drops, exhibition sets and the stage.
12:07am	Phone activity: CAWSEY made a phone call to Daniel CLIFFORD (1997) for 8 seconds.
12:10am 26/09/2009	Phone activity: CAWSEY made a phone call to Daniel CLIFFORD (
2:10am	Phone activity: CAWSEY made a phone call to Christopher BARRETT (subscribed to Christopher BALODIS; and saved in CAWSEY's contact list as "Chris Bazz") for 39 seconds. [Christopher BARRETT worked with CAWSEY during that shift]
2:28am	Direct interaction [Employment]: CAWSEY worked for Show Support at the Sydney Convention and Exhibition Centre (SCEC) with Christopher BARRETT and Daniel CLIFFORD. [The shift was from 12am to 4:30am]. CAWSEY completed his shift at 2:28am. CAWSEY and BARRETT chatted at the end of their shift and it appeared to BARRETT that CAWSEY wasn't in a rush to leave as he kept prolonging the conversation. CAWSEY did not discuss his plans following the end of his shift other than mentioning that his bike tyre was flat but that he was going to struggle and ride it home.
2:28am-	CCTV footage: CAWSEY depicted in CCTV footage leaving the Sydney Convention

Witness:

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2:30am 26/09/2009	and Exhibition Centre.
2:32am – 2:38am	 CCTV footage: CAWSEY depicted in CCTV footage from Sydney Harbour Foreshore Authority. 02:32:38 - Riding south along Darling Drive, Darling Harbour just north of intersection of William Henry Street. 02:34:31 - Riding South along Darling drive crossing intersection of William Henry Street. 02:36:33 - Accessing Ultimo Passenger Pedestrian Network 02:37:38 - Further south along Ultimo Passenger Pedestrian Network 02:38:57 - Riding bicycle inside the Devonshire Street Tunnel.
2: 48am 26/09/2009	CCTV footage: CAWSEY depicted in CCTV footage arriving in the foyer of Morehead Street Redfern unit complex with his bicycle. CAWSEY returned to his unit. [Refer to Image 10 in the annexure].
4:24am	CCTV footage: CAWSEY depicted on CCTV footage leaving the foyer of the Morehead Street complex on foot. CAWSEY was wearing the clothes that he was wearing when his body was discovered. He was carrying a generic grey plastic shopping bag. [Refer to Image 11 in the annexure].
4:26am (4:31 on handset)	Phone activity: CAWSEY's mobile phone sent an SMS to the SMS service for "Show Support" stating: "0000 0430
4:44am 26/09/2009	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone made an outgoing call to 90066666, subscribed to Mediatel, a gay chat line, for 36 seconds.
4:44am	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone made an outgoing call to 90066666, subscribed to Mediatel, a gay chat line, for 1043 seconds (approx 17 minutes). During one of these calls to Mediatel, CAWSEY left a sexually explicit message stating he was in a park near the city. A transcript of this message is: "Hi I'm a tall slim guy feeling really horny and kinky. I'm just in a park on the edge of the city in Sydney and um yeah I've just ah I've got a t-shirt that's cut just below my nipples, some girlie's panties and a pair of boots and I just left my pants and my shirt on the other side of the park and I'm walking through in the dark like a little sissy girl, I've got a really small little skinny cock I like, I want a man that want to treat me like a little girl show me what man cocks they've got compared to mine."
4:50 to 4:54am 26/09/2009	Arrival in Centennial Park: CAWSEY is presumed to have walked from his unit in Morehead Street Redfern to Centennial Park via the following most direct route:

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	Morehead Street, right turn into Redfern Street, left turn into Young Street, right turn into Cleveland Street, across South Dowling Street / Eastern Distributor, continue down Cleveland Street, across Anzac Parade, Federation Way / Lang Road, enter Centennial Park on Grand Parade via the main gates; and from there down to the Snake Bank Path that runs alongside Busby Pond. A walking time trial conducted by Police has revealed that this route is 2.59km and takes about 30 minutes at a moderate to brisk pace. Therefore, given that CAWSEY exited his unit building at 4:24am he would be expected to reach Snake Bank path at 4:54am; and the main entry gates of Centennial Park at about 4:50am.
5:01am 26/09/2009	Phone activity [related to Mediatel/Manhunt]: End of call to Mediatel.
5:12am – 5:24am	Phone activity [related to Mediatel/Manhunt]: CAWSEY's mobile telephone received an incoming call from the landline telephone of <u>1354</u>) in Westmead for 758 seconds (approx 12 minutes). Enquiries have determined the following: At 4:37am, <u>1354</u> contacted a gay chat line (90049004) from his home phone (02) for 32 minutes <u>1354</u> remained on the line after leaving a message indicating that he was horny and looking to chat with someone. At 5:12am, <u>1354</u> 's landline called CAWSEY's mobile phone after obtaining his number during the call to Mediatel. <u>1354</u> described the conversation in the following terms, "I remember this guy who I spoke to said he was 25 years old, and sounded like he was Aussie. He didn't tell me anything more about himself except that he was in bed. We talked about sex and what we would do like to do to each other while I had a pull. I don't remember who disconnected the call on this occasion. Usually after I've finished having a pull I'll just hang up." CAWSEY is presumed to have been masturbating whilst engaging in phone sex with <u>1354</u> . The phone call went for about 12 minutes and concluded at 5:24am. [<u>1354</u> resided in Westmead. Various enquiries including CCTV review at Westmead Railway Station confirmed that <u>1354</u> did not travel to a public transport options after the end of the phone call. <u>1354</u> did not have a vehicle.]
5:24am – 5:56am	Murder of Anthony CAWSEY occurred between the end of his phone call at 5:24am and the discovery of his body at 5:56am.
5.56am 26/09/2009	CAWSEY was discovered deceased with his clothing partially pulled down near Busby Pond in Centennial Park. His mobile phone was closed and placed in his top shirt pocket. CAWSEY appears to have been about to light a cigarette.

95. OFFENDER SCENARIOS FOR THE MURDER OF CAWSEY:

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96. Introduction and commentary on the unknown DNA profiles

- 97. Various offender lines of enquiry were identified for the murder of CAWSEY. Prior to discussing the different offender scenarios it is important to note the following in relation to the unknown male DNA profiles. Unknown male DNA profiles were recovered from items in the crime scene proximate to CAWSEY's body namely from the black G-string he was wearing and from a rollie cigarette butt located on the path. There are three unknown male DNA profiles. It is uncertain whether or not these DNA profiles were left at the scene during the murder of CAWSEY. The rollie cigarette butt (that contained two unknown profiles) was located on a path within a busy public park. There is evidence of CAWSEY's sexual behaviour and the DNA sample located on the black G-string may have been deposited during an earlier sexual encounter. 362
 362
 1362
 commented in her statement that CAWSEY always wore the same clothes which had a musty smell about them and it is reasonable to suppose that his personal washing habits may have been irregular. Regardless, extensive efforts were undertaken to eliminate known persons as being the contributors of these DNA profiles. These efforts are outlined in the sections below.
- 98. A summary of the various offender lines of enquiry for the murder of CAWSEY is provided below. The summary contains an analysis of the evidence which supports and discredits each scenario.

99. Person known to CAWSEY (including drug related)

100. Extensive investigations were conducted into CAWSEY's background, movements and associates. These enquiries established that CAWSEY was a user of prohibited drugs, mainly amphetamines (methamphetamine), cocaine and cannabis. He was known to supply small amounts of methamphetamine to friends and associates. There is evidence from the 1990's and early 2000's that the victim was quite an active drug supplier however this was certainly not the case at the time of his death. CAWSEY was described as a high-functioning drug user who was reliable and able to maintain employment and relationships. There is no evidence to indicate that CAWSEY had drug debts or any drug-related conflict which could have led to a motive to kill him.

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Detective Senior Constable
Homicide Squad
24/02/2017

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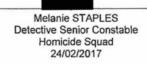
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- 101. 1368 initially emerged as a potential person of interest, however he appears to have been one of CAWSEY's drug suppliers. There are inaccuracies in the version of 1368 but this can be accounted for due to 1368 not wanting to implicate himself in drug supply activities. A SMS sent by 1368 to CAWSEY in the days after the murder makes reference to having 'some' which could be supplied 'on tick' if needed. This behaviour is consistent with 1368 being one of CAWSEY's drug suppliers and is inconsistent with him being the killer. 1368 has been eliminated from the enquiry. A volunteer DNA sample was provided by 1368 and this has been excluded as being a contributor to the unknown DNA profiles.
- 102. CAWSEY was involved in a sexual relationship with 1362 [born 1974]. 1362 last saw the victim on the evening of the 23 September 2009 when they had engaged in sexual activity at her Surry Hills unit. At the time of the murder 1362 was in Western Australia which is confirmed by telephone records and security footage from Perth and Sydney Airport. 1362 boarded a Qantas flight (QF583) in Sydney at 7.20pm on Thursday 24/09/2009 arriving in Perth at 11.15pm. At 8.00pm on Friday 25/09/2009, 1362 attended a Maori cultural event at the Perth Casino. She remained in Perth until returning to Sydney on Virgin Flight arriving about 6.25am on the Tuesday 29/09/2009. A volunteer DNA sample was provided by 1362 and this has been excluded as being a contributor to the mixed DNA profile on the victim's G-string and the rollie cigarette butt located at the crime scene.
- 103. CAWSEY and 1408 had once had sexual relations several years ago. This was at one time a source of conflict between 1407 and CAWSEY, however stated that this issue was behind them. Given this history and their living situation, Investigators explored the movements and whereabouts of 1407 and 1408. Police reviewed the CCTV footage from the Morehead Street unit complex which determined that they did not depart the apartment during the night of 25/09/2009 or early morning of 26/09/2009. About 7:59am on 26/09/2009, 1407 and 1408 were depicted on CCTV at Redfern Railway Station. These movements were consistent with the versions provided in their statements.

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- 104. A detailed timeline was established in relation to the CAWSEY's movements in the days and hours leading up to the murder. This timeline incorporated his work activities, CCTV footage, witness evidence and mobile phone activity. Thorough investigations were made of the call charge records for the CAWSEY's mobile phone. Those persons with recent phone contact with CAWSEY were canvassed and interviewed. These enquiries failed to identify any person or with whom CAWSEY had any recent or significant personal conflict. Furthermore none of CAWSEY's family or friends were aware of him having any conflicts or inter-personal issues. No persons of interest were nominated by any of CAWSEY's friends or family.
- 105. These enquiries also failed to identify any planned meetings at Centennial Park or elsewhere on the morning of 26/09/2009. The available evidence indicates that the CAWSEY's decision to go to Centennial Park was unplanned and he did not have a pre-arranged meeting with any particular individual. CAWSEY's Show Support shift which commenced at 12am on 26/09/2009 was originally scheduled to conclude at 6am (as per the work assignment SMS) however it concluded earlier at about 2:30am. This fact also serves to discount there being any pre-planned meeting made by CAWSEY. The evidence indicates that CAWSEY made a spontaneous decision to go to Centennial Park for the purpose of seeking a man to engage in consensual sexual activity with.
- 106. During their interviews, the friends and associates of CAWSEY's were all asked to provide an account of their movements on 25/09/2009 and 26/09/2009. Extensive call charge records were also obtained to explore the whereabouts of these persons known to CAWSEY (these records are not produced in the brief of evidence but are available if required). Further to these enquires, volunteer DNA samples were obtained from a large number of friends, associates and co-workers. These people are listed in the table below. All were excluded as being contributors to the unmatched DNA samples from the G-string and rollie cigarette butt.
- 107. The table below lists those friends and associates whose DNA was compared to the unknown DNA profiles.

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Person	Item 4 Cig Butt	14iii Unknown Semen on G- string	Association link
1362	Excluded	Excluded	Partner
1407	Excluded	Excluded	Flatmate
1368	Excluded	Excluded	Associate
1366	Excluded	Excluded	Associate
	Excluded	Excluded	Associate
	Excluded	Excluded	Associate
1364	Excluded	Excluded	Associate
	Excluded	Excluded	Associate
	Excluded	Excluded	Victim Mobile CCR
1365	Excluded	Excluded	Victim Mobile CCR
	Excluded	Excluded	Victim Mobile CCR
1367	Excluded	Excluded	Victim Mobile CCR
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
1405	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
1363	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
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	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact

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	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
1369	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Victim Mobile Contact
	Excluded	Excluded	Work Colleague
	Excluded	Excluded	Work Colleague
	Excluded	Excluded	Work Colleague
Nugent	Excluded	Excluded	Property located at Centennial Park

108. On 22/09/2010, 1370, DOB: 1370, attended Manly Police Station and stated that he was responsible for murdering Anthony CAWSEY in Centennial Park about 12 months ago. Detective Senior Constable FRAME of the Homicide Squad interviewed 1370. The information provided by 1370 was not consistent with the known facts and cause of death in relation to CAWSEY's murder. 1370 believed he killed CAWSEY because he was feeling guilty and felt that he was doing things that he wasn't aware of. 1370 stated that CAWSEY was bashed and thought he'd used a Stanley knife to kill him. 1370 'confession' has been eliminated and he is not a person of interest in the murder of CAWSEY.
1370 suffers from mental illness. A DNA sample was also obtained from 1370 for comparison purposes and he has been excluded as a contributor to the unknown profiles.

109. On 29/06/2012, 1370 attended Dee Why Police Station wanting to again hand himself in for the murder of CAWSEY. 1370 stated that he had handed himself in last year but voices

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in his head were telling him he should do it again. 1370 had no further information to offer. He stated that he had run out of his psychiatric medication and was hearing voices. This information was recorded in a NSW Police Intelligence Report reference number , a copy of which is contained in the "CNI Report for Anthony Warren CAWSEY".

110. Related to Gay chat line contact by CAWSEY

- 111. As stated, CAWSEY was a frequent user of gay chat line services, namely Mediatel and Manhunt, and he used these services to speak with men. One offender scenario is that CAWSEY was killed at Centennial Park by someone with whom he had recent contact via one of these gay chat line services.
- 112. Matthew PRICE (Mediatel) and Mark BURROWS (Manhunt) were both interviewed and they provided detailed information on the operations of the gay chat line services together with various business records and call records. Mathew PRICE from Mediatel advised that these chat line services work in the following manner: A caller dials into the chat line from their mobile or landline telephone using one of many access numbers. The caller is prompted to record their name and a brief description of themselves which can then be listened to by other users. The caller is then able to listen to the names and descriptions of other users who are connected to the system at the time. A user can record a message and send it to another user. Users in the system can request a "live" chat with other users. If the other party accepts the request the two users are connected together and can speak to each other directly. However once a user hangs up, their name and description is no longer offered to other users and within 24 hours the messages passed between users are removed. Mark BURROWS of Manhunt advised that their service works in the same way. It is understood that once callers have established contact with someone they are interested in they may choose to swap phone numbers and call each other directly outside of the system.
- 113. Specific analysis of CAWSEY's Mediatel call records (annexure A to Price's affidavit of 13/05/2010) indicate that during the month of September 2009 CAWSEY called Mediatel on 26 occasions with specific date details as follows:
 - 03/09/2009 4 calls

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- 13/09/2009 3 calls
- 14/09/2009 5 calls
- 15/09/2009 2 calls
- 25/09/2009 10 calls
- 26/09/2009 2 calls
 - Total for September 2009 = 26 calls
- 114. Given this call pattern, and also because of how the systems work and retain messages, only the calls made by CAWSEY on 25/09/2009 and 26/09/2009 were deemed relevant to this line of enquiry and specifically those calls in his last 12 hours. There were 5 calls to Mediatel during this period and 1 call to Manhunt (83030303). The precise times of these calls are contained in the movement timeline.
- 115. Also of significance, was the content of the message CAWSEY left during his last call to Mediatel at 04:44:58 on 26/09/2009 (duration 23 minutes) about 1 hour prior to the discovery of his body. His recorded message was: "Hi I'm a tall slim guy feeling really horny and kinky. I'm just in a park on the edge of the city in Sydney and um yeah I've just ah I've got a t-shirt that's cut just below my nipples, some girlie's panties and a pair of boots and I just left my pants and my shirt on the other side of the park and I'm walking through in the dark like a little sissy girl, I've got a really small little skinny cock I like, I want a man that want to treat me like a little girl show me what man cocks they've got compared to mine."
- 116. It is important to note that CAWSEY's recorded message on Mediatel at 4:44am did not identify the park or suburb where he was located. The absence of specific location details lends itself to excluding the other gay chat users as alternate persons of interest. Neither Manhunt nor Mediatel could determine who CAWSEY may have live chatted or connected with directly through these telephone calls. It is impossible to say what arrangements or information may have been planned or discussed during such interactions. Furthermore, Investigators do not

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have audio clips of the messages left by the other gay chat line users to determine if there was mention of Centennial Park.

- 117. As a result extensive enquiries were undertaken to identify and interview those males who were using the gay call lines (Manhunt / Mediatel) at the same time as CAWSEY during the 12 hour period preceding his death (However, if the premise is accepted that CAWSEY's last Show Support shift was originally scheduled to conclude at 6am of 26/09/2009, this would preclude any arrangements for a meeting occurring before his last calls to Mediatel at 4:44am. Therefore it is only the overlapping chat line users from the 4:44am calls that are of significance).
- 118. The Manhunt / Mediatel enquiries are produced and summarised in the statement of Detective Inspector LEGGAT dated 11/11/2015. In summary, by using the phone records provided by Mediatel and Manhunt, Investigators identified those callers who were using the gay chat line services at the same time. Subscriber checks were conducted and this identified callers from the Sydney metropolitan area, county New South Wales, interstate landlines and mobile telephones. Call charge records were then organised for each mobile phone service to establish the cell sites used by the callers. Analysis was made of the data including the call start and end times, the cell tower locations and the corresponding distances to Centennial Park. Through this process callers were identified or eliminated from further investigation.
- 119. Efforts were then made to obtain volunteer DNA samples from those male callers who were in the Sydney metropolitan area (and therefore capable of travelling to Centennial Park) at the time of the calls. This led to the taking of a large volume of volunteer DNA samples for comparison to the unknown male DNA profile recovered from the semen on CAWSEY's Gstring and the unknown male DNA profiles from the cigarette butt in the crime scene. In total 76 volunteer DNA samples were obtained from Mediatel / Manhunt callers (as per the table below). No match was identified. Furthermore, although some callers declined to provide DNA samples for privacy reasons they did provide an account of their movements. No persons of interest have been identified from this line of enguiry.

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Person	Item 4 Cig Butt	14iii Unknown Semen on G- string	Association link
	Excluded	Excluded	Manhunt
	Excluded	Excluded	Mediatel
1354	Excluded	Excluded	Mediatel
	Excluded	Excluded	Mediatel

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Excluded	Excluded	Mediatel
Excluded	Excluded	Mediatel

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Excluded	Excluded	Mediatel
Excluded	Excluded	Mediatel

120. Hate crime related / anti homosexual violence

- 121. <u>Centennial Park as a gay beat for sexual activity</u>: Information sourced from the internet, Park Rangers (Colin CHESHIRE) and security guards (Juliet JOHNSON, Ernest BENSON, Lee DOULL, David NELSEN) all indicate that the area near Lachlan Swamp within Centennial Park was a beat used by men for public sexual activity.
- 122. Park Ranger Colin CHESHIRE specifically stated that in 2009 there were two areas in Centennial Park which seemed to attract male sexual activity. The area known as Carrington Drive in the north of the park was used by homosexual males; the Lachlan Swamp was used by a combination of bisexual and homosexual males; and heterosexual activity seemed to be more dispersed throughout the park. To CHESHIRE's knowledge the Snake Bank and Busby's Pond were not known for male sexual activity.
- 123. The website www.cruisinggays.com contained the following information on the location of gay beats within Centennial Park' and, again, Snake Bank and Busby's Pond were not mentioned. The website advised:

"A cruiser helps us out: There are at least TWO cruising areas in this park. The one described in your Guide, the one beside Oxford Street, is in CARRINGTON DRIVE and may be described as the NORTHERN beat. As stated in the Guide it is a nocturnal beat, largely because of its open nature and proximity to the boundary of the park.

The only other cruising area known to me is what I call the CENTRAL beat. This is in DICKENS DRIVE. See attached map on which both beats are marked with pink triangles. DICKENS DRIVE bisects the cruising area which consists of a toilet block adjacent to a belt of trees to the north,

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and a paperbark (Melaleuca) forest called LACHLAN SWAMP to the south. NOTE: There are two identical toilet blocks in Dickens Drive, this is the eastern one. Most men park in Dickens Drive and walk the circuit. The park is open to vehicles sunrise to sunset every day except on one monthly vehicle-free day. Park staff knows what goes on here and from time to time someone is put on Beat Duty. This means sitting in a truck parked beside the swamp with the orange flashing light turned on. This discourages Cruisers for a while. Best times are mid morning to late afternoon with an emphasis on midday. There may be action at night in summer for those prepared to find a gap in the perimeter fence of the park and walk to its centre."

- 124. <u>Gay hate crime / anti-homosexual violence</u>: On the subject of gay hate activity, input was received from Kim ORA, Forensic Psychologist, on the typical characteristics of anti-homosexual violence. Kim ORA has provided Investigators with various journal articles on the subject.
- 125. Kim ORA was asked about the nature or dynamics of 'gay hate crime / anti-homosexual violence' and whether or not the circumstances of CAWSEY's murder (single stab wound to the chest) fits with this type of specific victim targeting. Kim ORA has advised the following: *Bias or* hate crimes are generally characterised by excessive and brutal violence where patterns of harm such as overkill and mutilation can exist. With gay hate crimes the intent is to "send a message of fear and terror based in bigotry". Common characteristics of a gay hate crime include: Multiple offenders; Victim is more likely to be killed in own home; to be older than the offender; to be brutally beaten to death or repeatedly stabbed; to be killed by a stranger.
- 126. ORA further stated that in relation to the murder of CAWSEY, "I think primarily the absence of excessive violence against the victim in this case would be the main factor that does not support this as being a hate crime, especially as it is believed by investigators that the victim was engaged in a sexual act prior to his death and his partial undress was related to this rather than to any action on the part of the offender. If for example, it was believed that the offender pulled the victim's pants down to expose his female underwear with the intention of humiliating or degrading him then perhaps there would be more support for the crime to be classified as a bias crime."

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- 127. Detective Senior Constable Ben WHITEHOUSE conducted a review of all COPS events (Police database records) for Assault, Robbery & Homicide incidents between 01/04/2009 and 30/11/2009 for the Police Local Area Commands that cover Centennial Park and surrounding areas. A targeted key-word search was also undertaken of the narratives for these Police reports looking for words which may indicate whether or not the offence had a sexual prejudice dimension. The keyword search included terms such as: homosexual, homo, poof, poofter, queer, gay, trans, transgender, transsexual, transsexual, tranny and trannie. This review found no evidence during the 6 month period that any person/s were committing bias or gay hate or transgender/transsexual targeted crimes in those areas.
- 128. A request was also submitted to the NSW Police Force Bias Crimes Unit seeking further information on the use of Centennial Park as a gay beat and whether they had any evidence of gay hate offending within the Centennial Park area during the period 01/01/2008 to 31/12/2010. Although there were some gaps in their data during this period the Bias Crimes Unit likewise had no records of any incidents in and around Centennial Park.
- 129. A review of internet resources, namely the Beat Project (http://beatproject.org.au/), was also conducted to determine the existence of any reports of gay-hate offending in Centennial Park. The Beat Project is a peer-based online resource and community network for beat users. The project is open to all men who frequent beats in NSW whether they identify as straight, gay, bisexual, transgender, intersex. The Beat Project was initiated by beat users in response to what they perceived as unacceptable police harassment, and the inappropriate responses by NSW Police to address homophobic violence against beat users. The website primarily focuses on police conduct and harassment at beats. However, a clear focus and intent of the website is also to promote the development of a network for beat users to share their experiences and report incidences of violence at gay beats. Various reports were posted on the website regarding violence at certain beats. In relation to Centennial Park however, the search results all related to media reports concerning the murder of CAWSEY. These posts were made between 26/09/2009 and 30/09/2009. There were no other reports on the Beat Project website relating to Centennial Park.

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130. Analysis and opinion: It is known that CAWSEY went to Centennial Park to engage in sexual activity with a male and was more than likely indicating his intent. Forensic examination established that CAWSEY sustained a single fatal stab wound to the left side of the chest. There were some minor superficial abrasions to his chin and forearm. From the information received on gay-hate offending, the murder itself is not indicative of it being hate crime related. Furthermore, the area of Snake Bank and Busby's Pond was not known as being a place for male sexual activity. This therefore makes it unlikely that a person intent on committing violence against males engaging in homosexual activity would choose to focus on this area rather than the publicly documented areas of Carrington Drive and Lachlan Swamp. Finally, there are no Police records or internet records indicating that gay-hate offending was occurring in the Centennial Park area during 2009. Consequently I am of the opinion that CAWSEY's murder was not a targeted 'gay-hate' attack, although the sexual conduct of CAWSEY is likely to be very relevant to the circumstances which precipitated his murder.

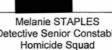
131. Robbery related

- 132. There was no evidence of any property being stolen from CAWSEY. CAWSEY's mobile phone was located in the top pocket of his shirt. CAWSEY's card holder containing his driver's licence and other identification was located in the zipped rear pocket of his tracksuit pants.
- 133. Extensive searches of the Police database were conducted during the initial investigation (2009 - 2010) and again in 2015. Detective Senior Constable Ben WHITEHOUSE conducted a review of all COPS events for Assault, Robbery & Homicide incidents between 01/04/2009 and 30/11/2009 for the Local Area Commands of Botany Bay, Eastern Beaches, Eastern Suburbs, Redfern, Rose Bay, Surry Hills. A targeted key-word search was also made looking for events with similarity to the circumstances of CAWSEY's murder and the offending by Moses KELLIE. [This keyword search also included the following words and misspellings: Africa, African, Affrica, Afreca, Affreca, knife, blade, razor, sharp, black, dark, skin, accent, ascent, Centennial, Moore, homeless, park, Moses, Kellie, Kelly, Kelley]. This review showed that there was no pattern of assault or robbery offences being committed within Centennial Park for the stated period aside from the offences identified for Moses KELLIE. In addition to the two known offences for KELLIE (which occurred in October 2009 and for which he was

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charged and convicted), the review by Detective WHITEHOUSE also identified a further incident which is believed to have been committed by Moses KELLIE on 23/09/2009 (this is discussed in detail in the section on KELLIE).

134. Other random and unknown offender (including Crime Stoppers Reports)

- 135. Another offender scenario is that a random and unknown offender approached and killed CAWSEY between 5:24am (end of phone call to _________) and 5:56am (the time CAWSEY's body was located). However, in my opinion, the time of the murder and the narrow time frame of opportunity makes this scenario unlikely, especially given that the murder occurred in a public location at dawn and with the impending presence of early morning park users.
- 136. On 20/10/2009, an anonymous person contacted Crime Stoppers and

then violently attack them. Someone said he would kick them whilst wearing motorcycle boots often kicking them in the face and then stomping on their head. Most of these assaults would be carried out around the same areas near Centennial Park."

- 137. Checks on the Police database indicate that the second problem of the police notice since 2002. He has 8 outstanding warrants from 2002 for frauds, property offences, domestic violence related assaults and contravene apprehended violence order. His whereabouts have been unknown since 2002. The intelligence report nominating treads as though it was done as an act of spite by someone with intimate knowledge of the second problem o
- 138. Given the totality of the evidence gathered in relation to the CAWSEY's movements, the contact to Mediatel and his cause of death, no credence is given to this Crime Stoppers Report.

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139. Moses KELLIE

 Moses KELLIE is the only identified person of interest for the murder of CAWSEY. The evidence implicating KELLIE is outlined in the section below.

141. POLICE CASE AGAINST MOSES KELLE

142. The information provided in this section of the statement is largely drawn and adapted from the Facts Sheet that was prepared when KELLIE was charged in October 2015.

143. Overview and summary of Police case

- 144. A summary of the Police case is presented below to provide an overview and context for the more detailed information to follow (which incorporates the tendency and coincidence matters).
- 145. It is the Police case that Anthony CAWSEY was stabbed and killed by Moses KELLIE ('KELLIE') during an interaction in which CAWSEY propositioned KELLIE for gay sex.
- 146. KELLIE was homeless and residing in Centennial Park. KELLIE has provided separate accounts of his movements on 25/09/2009 and 26/09/2009 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 southerm bank of Busby's Pond. This campsite was approximately seventy five metres east of the crime scene. It is the Police view that KELLIE deliberately lied about matters relevant to the murder because he knew that the truth would implicate him in the murder, and that these lies amount to a consciousness of guilt.

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- 147. KELLIE has been charged and convicted of other offences that occurred in similar circumstances and which the Police contend constitute tendency and coincidence evidence. These other offences were the robbery with wounding of 1359 on 11/10/2009 and the assault of 1360 on 16/10/2009. One further offence has also been identified that occurred on 23/09/2009, that being the assault of 1361 which was committed by an African male. The common features of these offences were: unprovoked violent attacks; no personal history with the victims; involving the use of knives or bladed weapons; 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. KELLIE has a demonstrated tendency to carry knives. It is the Police case that these offences and the murder of CAWSEY reveal patterns of behaviour in relation to KELLIE.
- 148. On 17/01/2010, KELLIE was interviewed regarding the robbery of 1359 . It is the Police 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 Police 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.

149. Background on Moses KELLIE

150. KELLIE was born on 05/04/1985 in Sierra Leone. KELLIE immigrated to Australia in 2006. In September 2009, 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. [Refer to Images 12 and 13 in the annexure] He speaks English which is heavily accented. KELLIE was homeless and living in Centennial Park between April 2009 and November 2009. KELLIE had several campsites within Centennial Park.

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- 151. KELLIE made various assertions about his past including claiming that he was a child solider in the RUF in Sierra Leone and that one or both of his parents were murdered. KELLIE has given different accounts of his backgrounds during interviews and to Corrective Services.
- 152. His older sister 1357 provided family background information on KELLIE and the KELLIE family. In her statement dated 18/01/2016, 1357 provided a commentary on the previous representations made by KELLIE. This information related to both his family background and mental health. 1357 disputed KELLIE's assertion that he had been a child soldier or a member of the Rebels RUF. She further disputed that their father was killed by the Rebels; rather he died in 2006. 1357 confirmed that their mother was murdered by the Rebels in about 1993 but disputed that KELLIE had witnessed the murder or that their mother worked in the local council. She asserted that KELLIE told lies and wasn't honest.

153. Outline of the different versions & interviews of Moses KELLIE

- 154. KELLIE has provided a number of versions to Police which are relevant to this investigation. KELLIE has provided a witness statement and participated in a number of electronically recorded conversations, interviews and walk-throughs. An overview of these versions is provided below, listed in chronological order:
- 155. <u>Conversation between Detective Sergeant Peter BISHOP and Moses KELLIE at Centennial Park on 03/10/2009</u>: About 5:15am on 03/10/2009, Detective Sergeant Peter BISHOP was at Centennial Park conducting a witness canvass in the direct vicinity of the crime scene. Detective BISHOP observed KELLIE during this canvass and spoke with him. KELLIE provided an account to Police in relation to living in Centennial Park and he showed Police two locations where he slept; namely a sandstone pavilion and his usual camping site which was over in the 'SW paddock', near the Kensington entrance of the park. Evidence of this conversation is contained in the statement of Detective Sergeant Peter BISHOP dated 07/12/2009 and the statement of Detective Senior Constable Scott JOHNSON dated 11/02/2010.
- 156. <u>Statement of Moses KELLIE 03/10/2009</u>: On 03/10/2009, after speaking with Detectives BISHOP and JOHNSON, KELLIE provided a three page typed statement to Detective JOHNSON at Maroubra Police Station. This statement offered background information on

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KELLIE and then provided information regarding where he resided in Centennial Park, his movements on 25/09/2009 and 26/09/2009, his knowledge of violence and homosexual activity occurring in the park, and his knowledge of the murder.

- 157. ERISP Interview with Moses KELLIE at Waverley Police Station 16/10/2009: On 16/10/2009, an electronically recorded interview was conducted between Detective Sergeant Michael TODD, Detective Paul JONES and KELLIE at Waverley Police Station regarding the assault of 1360 During this interview KELLIE provided background information; information on his practices of using and carrying knives; he made reference to the murder in Centennial Park and being interviewed by Police; made reference to finding an iPhone (later determined to be the proceeds of the 1359 robbery) and his efforts to use it; and denied involvement in the assault of 1360 This interview and a transcript was contained in the brief of evidence for the offence of Assault Occasioning Actual Bodily Harm, Custody of Knife in Public Place. The officer in charge was Detective Paul JONES, then attached to Eastern Suburbs Local Area Command
- 158. <u>Electronically recorded conversation between Detective Sergeant Peter BISHOP and Moses KELLIE at Centennial Park at 12:32pm on 17/10/2009</u>: About 11am on 17/10/2009, Police located KELLIE sitting in the entrance of a large concrete drain on the southern bank of Busby's Pond in Centennial Park. Detective Sergeant Peter BISHOP proceeded to have a conversation with KELLIE which was electronically recorded. KELLIE was then searched, and this search was also video recorded.
- 159. <u>Volunteer Interview with Moses KELLIE at Maroubra Police Station 17/10/2009</u>: On 17/10/2009, an electronically recorded volunteer interview was conducted between Detective Inspector LEGGAT, Detective Senior Constable FRAME and KELLIE at Maroubra Police Station. During the interview, KELLIE provided information on:
 - his background;
 - his use of campsites within Centennial Park;
 - his ownership of items within the 'drain campsite';
 - his ownership of knives and carrying practices;

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- his movements from Friday 25/09/2009 to Saturday 26/09/2009;
- the last time he had been in the Busby's Pond area of the park (where CAWSEY's body was located)
- his knowledge of homosexual activity in Centennial Park.
- 160. <u>Video recorded walkthrough with Moses KELLIE 17/10/2009</u>: On 17/10/2009 (between 7:37pm and 7:43pm), a video recorded walkthrough was conducted between Detective Inspector LEGGAT, Detective Senior Constable FRAME and KELLIE at Centennial Park (following the completion of the volunteer interview). During this walk-through, KELLIE described his position and movements on the morning of 26/09/2009 when the crime scene was established following the discovery of Anthony CAWSEY's body. Between 7:50pm and 7:59pm, Detectives LEGGAT & FRAME drove with KELLIE in a police vehicle to further canvass his movements on 26/09/2009 and the route he walked to and from Kensington.
- 161. <u>ERISP Interview with Moses KELLIE at Eden Police Station 17/01/2010</u>: On 17/01/2010, an electronically recorded interview was conducted between Detective Sergeant Mark WINTERFLOOD and KELLIE at Eden Police Station. KELLIE was interviewed regarding the robbery of <u>1359</u> on Lang Road, Centennial Park on 11/10/2009. It is the Police view that during this interview, KELLIE has confused the robbery of <u>1359</u> with the murder of CAWSEY. KELLIE described circumstances and particulars which were consistent with the murder and inconsistent with the robbery. This interview and a transcript was contained in the brief of evidence for the offence of robbery whilst armed with offensive weapon causing wounding Section 98 [Heat and Inconsistent Stephen DAVIS, then attached to Surry Hills Local Area Command
- 162. <u>ERISP Interview with Moses KELLIE at Wagga Wagga Police Station 06/10/2015</u>: On 06/10/2015, an electronically recorded interview was conducted between Detective Senior Constable STAPLES, Detective Senior Constable Julia BRADLEY and KELLIE at Wagga Wagga Police Station. On this date, KELLIE was arrested at Wagga Wagga Police Station in connection with the murder of CAWSEY. During the interview, the allegation was put to KELLIE that during the ERISP at Eden Police Station on 17/01/2010, he had described circumstances

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consistent with the murder rather than the circumstances relevant to the robbery of <u>1359</u>. KELLIE denied this. KELLIE also denied using the other campsite that Police located on 9 November 2009 (less than 100 metres from the crime scene) and denied ownership of the items located at this campsite.

- 163. Facts presented chronologically and incorporating the matters which Police allege constitute tendency and coincidence evidence
- 164. <u>[Note 1:</u> The Facts Sheet was prepared when KELLIE was charged and they necessarily included the last known movements of CAWSEY. There will therefore be some repetition of material already contained in this statement. In the Facts Sheet CAWSEY was referred to as the Victim which is reflected in the material presented below.]
- 165. [Note 2: Furthermore, two additional sections have been added to the Facts to incorporate additional material not known at the time of arrest; namely the assault of 1361 and the admission made to his sister 1357
- 166. <u>[Note 3:</u> The location of KELLIE's campsites and the proximity of the various offences is a significant aspect of the Police case against KELLIE. A map has been prepared to chart these different locations. The map also depicts the locations referred to by KELLIE in his dealings with Police and the areas where KELLIE was sighted by witnesses. These maps should be referred to when reading the Facts. [Refer to Map 2 and Map 3 in the annexure]
- 167. <u>[Note 4</u>: In the Facts a description is offered in relation to KELLIE's "drain campsite" which was located hidden amongst bushes approximately 75 metres from where CAWSEY's body was found. Photographs of this campsite are contained in the annexure. *Refer to Images 14 to 16 inclusive.*]

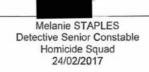
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The Facts in this matter, presented chronologically, are:

Events of 23 September 2009: Assault of 1361

At about 4:10am on Wednesday 23 September 2009, <u>1361</u> was walking along the eastern side of Anzac Parade at Moore Park. He was carrying a red sports bag over his shoulder. When he was opposite Sydney Girls High School, he heard a male yelling and screaming from the other side of the road. The male was yelling, "*Why are you looking at me? You look at me*". The male repeated this a number of times, and it appeared to the victim that the male was trying to get his attention. The male was approximately 40-50m from the victim, on the other side of Anzac Parade and Cleveland Streets outside Sydney Girls High. The victim ignored the male and continued walking.

A short time later **1361** heard something behind him and turned to look. He observed a male walking directly behind him about 5m away. The male was a dark skinned African, with a very rounded face, in his early 20s, about 175-180cm tall, of medium or average build, short black hair which he believed was shaved like a number 1 or number 2, wearing a grey coloured jacket and long dark pants.

The victim turned back and continued walking, moving towards the road so that the male could pass him. He then felt something hit him twice to the back of the head. The victim turned around and the African male said, "Why did you say what you said to me before down the street?" The victim recognised the male's voice as being the same voice of the male outside Sydney Girls High, and that the African male spoke with a dense accent, which caused the victim to think that the male was from one of the former British colonies in west Africa.

The African male lunged towards the victim and the red bag that the victim was carrying, while the victim tried to dodge the African male to make his escape. The victim does not remember if the African male was holding anything in his hands.

The victim ran onto Anzac Parade and scaled the fence that divides the northbound lanes from the southbound lanes. When he was about 50m from where the assault occurred, the victim looked back over to where the African male had been, and saw that the African male was running back in the direction from which he had come. The victim touched his head where he had been struck and felt that he was bleeding.

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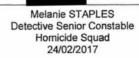
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As a result of the assault, the victim suffered a small laceration which was glued at St Vincent's Hospital. He then went directly to Surry Hills Police Station where he reported the matter and made a statement.

It is the Prosecution case that the location of the assault of <u>I361</u> is a walking distance of approximately 750m from the Robertson Rd gates entrance to Centennial Park. It is the Prosecution case that the offender was KELLIE.

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 Mark 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 Lachlan YOULL and Ms Harriet 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.

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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 prearranged 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.

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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.

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.

Witness:

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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 and 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 Joel 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.

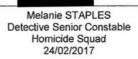
At 5.15am, Police walked along the path that runs alongside the southern bank of Busby's Pond and stopped at a point close to where the victim's body had been located. Police observed KELLIE nearby, walking through the trees on the northern perimeter of the rear McKay Playing Fields. KELLIE was wearing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

Witness:

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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 was 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 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 1359

is a male of Caucasian appearance, aged 25 years at the time of the offence, 180 centimetres tall, medium build, with short dark hair. About 2.00am on Sunday 11 October 2009, 1359 began walking home from a friend's house in Randwick. He was slightly to moderately affected by alcohol at this time.

Witness:

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

At about 2.30am, 1359 was walking on Lang Road and had reached a poorly-lit residential area opposite the Park. When 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. 1359 heard hurried footsteps and turned in that direction. KELLIE passed within about 30 centimetres of 1359 's left shoulder and then stopped and faced 1359.

KELLIE began to yell at 1359 who was unable to understand what was being said. 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

 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, **1359** heard **1359** have an interaction with another male and heard **1359** scream before the phone went dead. Ms **1359** tried on several occasions to call **1359** 's phone. On one occasion a male voice answered the phone and spoke. Ms REYNOLDS 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. 1369 found a corresponding cut through the upper left sleeve of his jacket. 1369 had not been injured prior to this incident.

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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 is 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.

The offence against 1359 was committed 15 days after the murder of CAWSEY, and 18 days after the assault of 1361 KELLIE was charged and ultimately pled guilty to the robbery of 1359.

Events of 16 October 2009: Assault of 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.

Witness:

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About 8.27pm on Friday 16 October 2009, 1360, a female then aged 30 years, exited the Fox Studios Complex, Centennial Park after seeing a movie. 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 1360 walked past KELLIE, he said hello to her and she acknowledged him in reply. 1360 continued to walk and turned left onto Lang Road. Near the intersection of Lang Road and Cook Street, 1360 suspected the man may have been following her and she turned around but did not see anyone. 1360 turned left and continued up the hill on Lang Road. After 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.

 1360
 became fearful but continued to walk.
 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
 1360
 Iwas carrying her handbag on her right shoulder.

 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,
 1360
 saw KELLIE run back down the hill in the direction they'd come from.

The taxi took 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, 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 was on a brick wall a short distance away.

Witness:

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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. The offence was committed 5 days after the robbery of 1359, 20 days after the murder of CAWSEY, and 23 days after the assault of 1361

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: [Refer to Images 14 to 16 inclusive in the annexure].

 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 and 13 October 2009. The Apple iPhone and one black handled knife were located inside a backpack inside the concrete drain.

Witness:

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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 rise.

Witness:

Katherine TIERNEY

Detective Senior Constable

Homicide Squad

24/02/2017

Signature:

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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 people standing and watching. KELLIE said that he saw that 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 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.

Witness:

Trui
Katherine TIERNEY
Detective Senior Constable
Homicide Squad
24/02/2017

TAX

Signature:

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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 a short distance from 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.

Witness:

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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 later 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 January 2010: 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.

Witness:

Katherine TIERNEY Detective Senior Constable Homicide Squad 24/02/2017 Signature:

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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 1359 KELLIE expressed that he recognised 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 1359 and the victim, Anthony CAWSEY, are physically similar to each other, and both were talking on their mobile phones at the time of their 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...

Witness:

ALA Katherine TIERNEY

Detective Senior Constable

Homicide Squad 24/02/2017

Signature:

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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 his recorded message on Mediatel so the rest of his call was listening to other messages and perhaps live chatting with other users. 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 were 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:

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"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 - - - "

In this description of their second interaction, KELLIE describes threatening to stab the male if he didn't leave him alone. 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 who are plutonic friends that were engaged in general conversation only. It is the Prosecution case that KELLIE was describing the occasion when the victim was having gay phone sex with 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.

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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. KELLIE described threatening to stab the victim when he was approached for gay sex on the second occasion.

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.

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Admission to 1357

1357is the eldest sister of KELLIE. She provided a statement to police on 18January 2016 and disputes a number of matters that KELLIE told police in relation to hisbackground. In her statement at paragraph 20 she describes a visit to KELLIE while he was inGoulburn Gaol.1357asked KELLIE directly what he did and whether he did the killing.KELLIE told her that it was his friends who did the killing but they ran away and Moses was the onethat got caught. He said that his friends did the killing in a group and he was there. There is noinformation to suggest that the killing occurred in a group however Police assert that this statementto1357is an admission that can be used against KELLIE.

Arrest of Moses KELLIE on 6 October 2015

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 1369 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.

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168. Forensic examinations relevant to Moses KELLIE

- 169. Various items were located in the three campsites utilised by KELLIE. A large number of exhibits including knives, assorted clothing, backpacks and other items were seized, particularly from the "drain campsite". Some of these exhibits were relevant to the other offences linked to KELLIE; namely proceeds of the offence (<u>1359</u>)'s Apple iPhone) and some clothing worn by KELLIE.
- 170. A large volume of these exhibits were submitted for forensic examination. This included the knives in KELLIE's possession at the time of his arrest in Eden on 17/01/2010. Analysis of all of these items failed to establish a forensic link between KELLIE and CAWSEY i.e. no DNA belonging to CAWSEY was located amongst any of KELLIE's clothing or belongings. Furthermore, KELLIE was not a match to any of the unknown male DNA profiles recovered from the crime scene exhibits.
- 171. The Document Examination Unit examined the handwriting samples contained in two notebooks which were seized as exhibits from the 3rd campsite. KELLIE is believed to have written and drawn in these notebooks. His name "Moses" and "Moses Kellie" appears written in the scrapbooks. Examination of these items was conducted however an expert opinion on the authorship of the handwriting couldn't be expressed due to the low quantity and low quality of the questioned writings. Despite this result, Police assert that there is sufficient evidence to conclude that the notebooks did in fact belong to KELLIE when the names, self-portraits and other drawings are all taken into account.

172. FURTHER INFORMATION REGARDING MOSES KELLIE

- 173. Investigation timeline, summary of key dates and ODPP decision to no bill the matter
- 174. Provided below is a chronology of key dates in relation to the investigation into CAWSEY's death and KELLIE's involvement. The chronology also includes the decision by the ODPP in September 2016 to no bill the matter.

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- 175. On 26/09/2009, Strike Force Annand was formed by the Homicide Squad to investigate the murder of CAWSEY. This investigation was led by then Detective Sergeant Stewart LEGGAT (now Detective Inspector LEGGAT) and Detective Senior Constable Fiona FRAME until their respective promotions and transfers. I was given carriage of the investigation in November 2013.
- 176. Strike Force Annand under the leadership of Detective Inspector LEGGAT was an exhaustive investigation. Extensive background enquiries were made into CAWSEY and a thorough victimology was established. Through the investigation a detailed timeline of CAWSEY's movements was determined for the days leading up to his murder. Strike Force Annand explored all valid lines of inquiry into the murder of CAWSEY. Through these investigations Police were able to eliminate certain lines of enquiry including ruling out that the murder was committed by a person known to CAWSEY. Only one person of interest was identified for CAWSEY's murder, that being Moses KELLIE.
- 177. KELLIE was arrested on 17/01/2010 on an outstanding warrant. KELLIE was ultimately charged and convicted of two other offences which occurred in the Centennial Park precinct shortly after the murder of CAWSEY. These being the robbery with wounding of 1359
 1359 on 11/10/2009 and the assault upon 1360
 on 16/10/2009. KELLIE remained in custody following his arrest on 17/01/2010.
- 178. On 17/06/2011, KELLIE appeared before the Sydney District Court in relation to the **1359** robbery and was sentenced to a five year term of imprisonment with a minimum term of three years. His full sentence was set to expire on the 17/10/2015.



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	Homicide Squad
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- 180. Whilst KELLIE was in custody there were changes to the Migration Act 1958 which meant that on 16/12/2014, KELLIE's visa was mandatorily cancelled on character grounds due to his criminal history (serving a full-time sentence of imprisonment of 12 months or more). Accordingly, KELLIE would be taken into immigration detention following his release from Correctives custody when he was eligible for release. KELLIE opted to serve his full term of imprisonment rather than apply for parole (his full sentence was due to expire on 17/10/2015).
- 181. As a result of these changes to the Migration Act 1958, Investigators conducted a review of the investigation holdings of Strike Force Annand, including the various versions and interviews with KELLIE. Investigators sought a legal advising on whether there was sufficient evidence to charge KELLIE with the murder of CAWSEY. This legal advising was conducted on 24/09/2015 and attended by Acting Inspector Wayne KELLY and Sgt Clint NASR of the Police Prosecutions Command. Advice was received from Acting Inspector KELLY that there was sufficient evidence to prosecute Moses KELLIE for the offence of murder.
- 182. On 06/10/2015, KELLIE was brought to Wagga Wagga Police Station from Junee Correctional Centre pursuant to a Section 25 order. KELLIE was arrested for the murder of CAWSEY. KELLIE participated in an electronically recorded interview during which he denied involvement in the murder. KELLIE was charged with murder, COPS charge reference H58741437 relates.
- 183. On 25/08/2016, the committal hearing for KELLIE was listed to commence at the Central Local Court, before Local Court Magistrate GROGIN. The brief of 14 volumes was handed up by solicitor for the Office of the Director of Public Prosecutions (ODPP) Fiona ROWBOTHAM. Ms ROWBOTHAM requested the Committal be adjourned on the basis that the Director had not yet made a decision on whether to 'No bill'.
- 184. On 07/09/2016, Ms ROWBOTHAM advised Detective WHITEHOUSE that the Director of the ODPP had made a direction that there be no further proceedings in this matter. The matter was listed before the Court on 07/09/2016. The court was advised of the determination, upon which the prosecution was discontinued.

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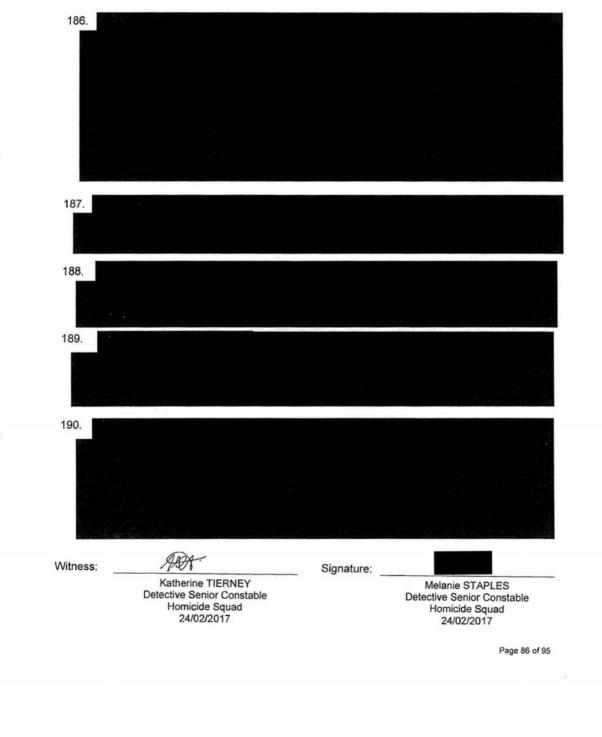


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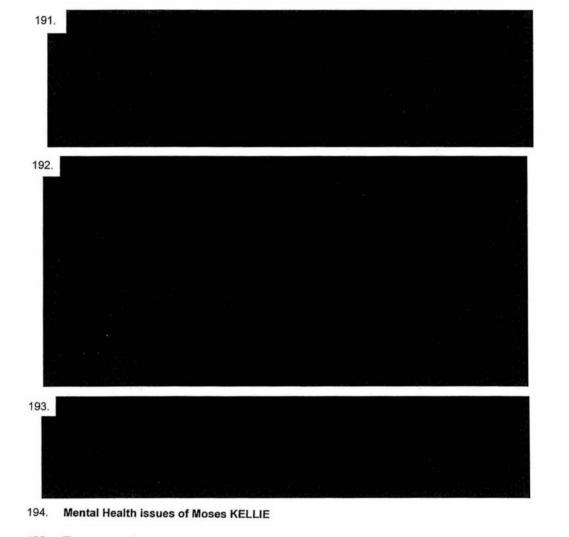
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185. On the afternoon of 07/09/2016, KELLIE was released from Parklea Correctional Centre and detained by personnel from Australian Border Force. KELLIE is currently detained at Villawood Detention Centre.



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195. There are no known records of any mental health diagnoses regarding KELLIE around the time of the offences or indeed prior to 2010 (with conflicting information offered by KELLIE on this subject).

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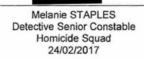
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- 196. Upon review, some of the observations made of KELLIE in September and October 2009 could be seen as indicators that he had some mental health issues. These indicators are namely not dressing according to the weather, (i.e., wearing a heavy coat in hot weather), shouting at people for no apparent reason, and muttering to himself. (I refer to the statements made by 1361), Mark KAY, Joel EDGINTON and Susan HUNT).
- 197. His sister 1357 was interviewed in January 2016 regarding KELLIE's history of mental health. At Paragraph 13 she advised the following: "Detective Staples has asked me about my knowledge of any mental health issues affecting Moses and if so what his symptoms, complaints and treatment were. I can say there must be something wrong with Moses for him to lie and behave in a bad way. But I was not aware of any problems until he was arrested. His lawyer contacted Daniel and I and said they had found out Moses had a sickness that was causing his problems." 1357 refuted certain information provided by KELLIE including his claim that their father had schizophrenia and was treated with psychiatric medication. On several occasions 1357 stated that there must be something wrong with KELLIE for him to be lying so frequently.
- 198. KELLIE was in the custody of Corrective Services NSW from 17 January 2010 to 7 September 2016. Police have obtained records from Corrective Services NSW and Justice Health and Forensic Mental Health for the period 17 January 2010 to 6 October 2015. These records contain extensive information regarding KELLIE's time in custody and his mental health.
- 199. During his time in custody, KELLIE was ultimately diagnosed with schizophrenia which involved auditory hallucinations, paranoid delusions and sleeping difficulties. KELLIE reported that his symptoms were generally worse at night times. KELLIE was prescribed various antipsychotic medications whilst in Corrective's custody including Zyprexa (olanzapine), Seroquel (quetiapine) and Risperdal (risperidone).
- 200. It is significant and worthy to note that KELLIE did not present as someone requiring mental health treatment or assessment from the outset of his incarceration. In his initial screening assessment on 20/01/2010, the Corrective Services electronic case notes record that no

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medical or psychological issues were reported by KELLIE. On 25/01/2010 KELLIE was assessed by Psychology and denied the need for further contact.

- 201. This likewise accords with the mental health assessments made of KELLIE in 2009 and 2010 when he was in Police custody either upon arrest or as a volunteer. On 16/10/2009 and 17/01/2010 when KELLIE was in custody, Police endorsed that KELLIE "did not show any sign of mental illness or display any sign of self harm". Furthermore, KELLIE answered in the negative when asked if he had any mental problems.
- 202. KELLIE himself sought out Mental Health services himself complaining of hearing auditory disturbances and feeling anxious. In the Justice Health records there is an Assessment Form A1 dated 15/07/2010. In this form, KELLIE stated that he heard voices at night and received messages from the television. This appears to be the first mental health record for KELLIE. Following this KELLIE received further psychiatric assessment which included reviews by Dr ELLIOTT (forensic psychiatrist) and Dr NGUY (Psychiatrist) at the Mental Health Screening Unit. KELLIE offered similar information and was commenced on anti-psychotic medication. KELLIE continued to report ongoing psychotic symptoms of "delusions of thought control and auditory hallucinations". Various records state his principal diagnosis was schizophrenia. KELLIE provided some history of suicidal thoughts and self harm.
- 203. It is apparent from reading KELLIE's records from Corrective Services NSW and Justice Health and Forensic Mental Health that KELLIE often provided contradictory and inconsistent accounts on various subjects including his background, his mental health and the extent to which he was intoxicated (or otherwise) by alcohol and marijuana at the time of certain offences. This is an important consideration in the reading of his mental health records.
- 204. The Justice Health records contain a 10 page Psychiatric Report in relation to KELLIE prepared by Dr Jonathon ADAMS (Forensic Psychiatrist) on 15/06/2011 for the court hearing on 17/06/2011 (related to the 1359 robbery). The psychiatric report contains information provided by KELLIE during an interview together with a review of the Justice Health records. The report was commissioned by Defence and is sympathetic to KELLIE's purposes. This psychiatric report does not comment upon KELLIE's mental health at the time of the offence

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upon upon with Dr ADAMS advising that he would require further collateral information in order to do so.

205. There is some concern based on the material contained in the Justice Health records that KELLIE has created or exaggerated a mental health situation because he saw that as being advantageous to his court proceedings. Support for this concern is drawn from the following:

- KELLIE answered in the negative to all initial queries into whether he had any mental illness. Both Police and Correctives noted no indicators that he was suffering from a mental illness. KELLIE had been in custody for 6 months before seeking out Mental Health services.
- In KELLIE's Corrective Services Electronic Case Notes on 22/06/2010 was an assessment by the Psychology section which stated: KELLIE assessed by Psychology. Presentation: Inmate Kellie presented stable in mental state, nil psychotic phenomena present.... Inmate presented with good insight into his thoughts and behaviours. He acknowledged having problems to control his angry reactions and described events wherein he impulsively lashed out or made threats to others. Inmate complained about sleep difficulties which adds to his agitation. Assessment: Inmate Kellie presents with high internal anger and poor levels of anger control. He was able to formulate that his anger patterns arise from external sources as he has difficulty coping when others provoke him or show to have control of him, or others taking things from him without permission, being negatively labelled by others or others condemning him. Inmate Kellie acknowledged becoming easily provoked and sensitive to the remarks made by other inmates hence leading him into arguments with others. He was insightful to discuss his anger towards himself as he realised that it was his wrongful behaviours that got him into prison. He described his list of charges viz, being robbery with knife wounding, armed kidnapping and possession of a knife in public place. Inmate stated that his offending behaviours were not driven by money or drugs and alcohol but as a way for him to maintain his self esteem. He denied heavy drug and alcohol abuse but acknowledged that he was intoxicated at the time when he was found

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with the knife in a public place. [It is worth noting that this self assessment by KELLIE accords with the case theory regarding the murder of CAWSEY; that being an angry reaction by KELLIE to CAWSEY approaching him for gay sex]

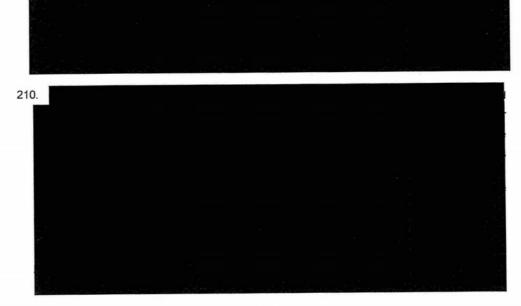
- Further to this, in a Justice Health 'progress note' dated 09/08/2010, KELLIE was
 recorded to have said "I think so in some ways I have a mental problem. I believe
 l've got temper problem easily lose my temper in twinkle of an eye".
- KELLIE has given various versions regarding his mental health history. A Justice Health file note dated 03/11/2010 stated, "continues to change his story throughout interview, inconsistent responses to all questions. Admits to telling lies for secondary gain but then goes on to tell the same story."
- The Justice Health note by Dr ELLIOTT on 03/11/2010 stated: On this occasion KELLIE stated he was worried about court. Dr ELLIOTT noted, "now denies hearing AH (auditory hallucinations) and appeared to indicate he said this only to convey his distress re court... said he cannot remember offence."
- 206. During his period of imprisonment, KELLIE was involved in assaults with other inmates on numerous occasions and was charged on one occasion. KELLIE later undertook the Violent Offenders Therapeutic Program (VOTP) which he completed in December 2014. Throughout 2014 and 2015 KELLIE submitted forms requesting Special Management Area Placement (SMAP) because he feared for his safety and was vulnerable.

207. KELLIE's immigration status and his availability to attend an inquest

208. Regarding KELLIE's immigration status, there were initial indications that KELLIE (via his legal representative) would apply for revocation of the decision to cancel his visa. Only the Minister can revoke the decision. If the cancellation decision is revoked, KELLIE will be able to remain in Australia. If the cancellation decision is upheld, KELLIE will be removed from Australia and won't be allowed to return.

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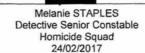
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- 211. There have since been indications that KELLIE does not want to pursue this appeal process. KELLIE will remain in immigration detention until the necessary travel documentation had been received from Sierra Leone and arrangements can be made for his return. It is DIAS' expectation that KELLIE will be in detention within Australia for several years. It will take a couple of years to obtain a passport for KELLIE from Sierra Leone and that request won't start until the application for revocation (and any subsequent appeal) is completed.
- 212. The Department of Immigration and Border Protection have stated that they will facilitate the attendance of a detained person at any court hearings or inquests that they are required to attend. This can be either in person or via video link. A request is to be made in writing to the Department. KELLIE is currently in Villawood but even if he were removed to Christmas Island his attendance at any future inquest could be arranged.

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213. On 23/02/2017, I spoke with Katica DIAS at the Department of Immigration and Border Protection. DIAS advised that there had been no changes regarding KELLIE's case or immigration status. KELLIE was still requesting voluntary removal from Australia.

214. CONCLUSION AND OPINION

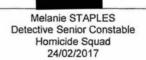
- 215. Anthony CAWSEY was killed between 5:24am and 5:56am on 26/09/2009 on a path along Snake Bank on the southern side of Busby's Pond, Centennial Park. CAWSEY died from a single stab wound to the chest. CAWSEY had gone to Centennial Park for the purpose of engaging in sexual activity with a male. CAWSEY's movements preceding his death were impulsive and unplanned. CAWSEY had no prior arrangements to meet any particular person.
- 216. It is the firm opinion of Police that KELLIE is the person responsible for CAWSEY's murder. The Police case is that KELLIE stabbed CAWSEY during an interaction in which CAWSEY propositioned KELLIE for gay sex. A summary of the key pieces of evidence implicating KELLIE are as follows:
 - KELLIE's account of his movements on 25/09/2009 and 26/09/2009 are inconsistent across his versions and inconsistent with other evidence.
 - There were deliberate attempts by KELLIE to distance himself from the Busby's Pond area and therefore the crime scene where CAWSEY's body was located. KELLIE claimed not have been in that area of the park at all on 25/09/2009 and 26/09/2009 despite witness evidence to the contrary. KELLIE failed to disclose the existence and location of the drain campsite to Police when spoken to on 03/10/2009. Police discovered KELLIE at this well established (and primary) campsite on 17/10/2009 its location is approximately 75 metres from the crime scene. KELLIE claimed not to have stayed at the drain campsite for 1 to 2 weeks prior to the murder. Items from the drain campsite at Busby's Pond yielded evidence of their use proximate in time to the murder namely newspapers dated 20 September 2009.

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- KELLIE gave a blended account of the 1359 robbery and the CAWSEY murder during the ERISP interview on 17/01/2010. KELLIE's account in relation to the 1359 robbery is not consistent with known facts - however it is consistent with the CAWSEY murder. A summary of KELLIE's account on 17/01/2010 was: He was approached by the male for gay sex on two occasions first at the main gates and then down at the sports oval; the man was in the park for one hour; the male was engaging in sex talk on the phone; the man approached him a second time down near the area where he was living; he got angry and threatened to stab the male. The accounts by KELLIE (if taken to be about CAWSEY) are tantamount to an admission of being involved in a direct confrontation with CAWSEY. There is evidence to corroborate that this version by KELLIE specifically relates to CAWSEY and no other person for the following reasons. CAWSEY was in Centennial Park for a 1 hour period; CAWSEY was there to engage in gay sex with another male in the park; CAWSEY was engaging in sex talk on the phone to 1354 just prior to his death; and CAWSEY was in the Busby's Pond area. All of these circumstances are applicable to CAWSEY and the circumstances preceding his murder on 25/09/2009.
- There are other offences which may constitute tendency and coincidence evidence which reveal a pattern of conduct in relation to KELLIE.
- 217. It is my opinion, and the opinion of other officers involved in this investigation, that sufficient evidence existed to prosecute KELLIE for the murder of CAWSEY. KELLIE was charged on that basis. The evidence against KELLIE can essentially be divided into three categories or 'pillars'. Police and the family were both accepting and philosophical that if one of these 'pillars' of evidence were deemed inadmissible at court then the case against KELLIE would likely 'fall over' or fail. But it is our shared opinion that the admissibility of any evidence should have been left to the determination of the court. The decision by the ODPP to no bill the prosecution just prior to the committal hearing without offering detailed reasons to the Police and next of kin was unsatisfactory. It would be easier to accept a decision by the court after a fair and thorough evaluation of the evidence; and the court would supply reasons in support of their

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decision. The next of kin, Christine Cawsey and Kerry Cawsey, feel that their brother did not have the opportunity to receive the justice he deserved. I share this view.

- 218. It is hoped that a thorough review of the evidence during this coronial process will either affirm the adequacy of the Police case against KELLIE or illuminate those issues which would impact upon a successful prosecution.
- 219. A recommendation is raised for consideration by the Coroner: This relates to the provision of information by the ODPP to the Police following a decision by the ODPP to no bill a prosecution. As expressed in the email to Ms ROWBOTHAM, there is a need for Police to be given a detailed evaluation of any evidence issues when a matter is no billed. In some investigations, there may be some strategies or avenues available to address certain issues or deficiencies. In other investigations, a detailed conference would allow Police to gain a full appreciation (and acceptance) of any issues or shortcomings. From a family's perspective this information may provide some understanding and closure. The current situation creates dissatisfaction and is unfair to the other parties. Such feedback would be beneficial both as a learning opportunity and for application in future investigations.

Witness:

Katherine TIERNEY Detective Senior Constable Homicide Squad

24/02/2017

Signature:



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