



NSW POLICE FORCE

P190B

Version 4.2 (07/05)

STATEMENT OF POLICE

In the matter of:	Moses KELLIE
Place:	Bega Police Station
Date:	28 January 2010

Name:	Mark WINTERFLOOD	Tel. No:	██████████
Rank:	Detective Sergeant		
Station/Unit:	Bega Police Station		

STATES:

1. 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 52 years of age.
3. About 9am on Sunday the 17 January 2009, I was recalled to duty, and made computer and telephone inquiries regarding the accused, Moses KELLIE.
4. I travelled to Eden Police Station, where I met with Senior Constable CHIPPENDALE and Senior Constable McRAE. I made an examination of two black handled steak knives, and two lengths of thick fencing wire, shown to me by Senior Constable CHIPPENDALE. I also made an examination of a Norco brand mountain bike, lime green in colour.
5. About 10.45am I went to the charge room in Eden Police Station, where I introduced myself to the accused, Moses KELLIE. I then said to him, "You have been arrested in relation to two outstanding warrants which relate to being in possession of a knife in a public place, and failing to appear at Court, up in Sydney, do you understand that?" He said, "Yes." I said, "You have also been arrested, because you are wanted for robbing a person of his mobile phone. The information I have been given is that you robbed a man of his Apple iPhone, and that you did so with a knife, which you stabbed him in the arm with. That is known as a Robbery whilst armed and with wounding, which is a very serious offence. I will speak to you more about that

Witness: _____

A. Cooney
K. COONEY dsc

Signature: _____

Mark Winterflood
 Mark WINTERFLOOD

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In the matter of Moses KELLIE

shortly, but the first thing you need to understand is that when Police speak to you about an allegation such as this, that you are not obliged to say anything, or answer any questions unless you wish, as anything you say may later be used as evidence at Court. Do you understand that?" He said, "Yes." I said, "Do you understand what a Court is? It is where a Magistrate or a Judge sits, and they decide on evidence presented to them, if a person has committed an offence or not, and if they have, what penalty they should receive for it. Do you understand that?" He said, "Yes." I said, "The main decision you need to make this morning, is whether you wish to answer any questions about this allegation that you were involved in a robbery, or whether you wish to exercise your right to say nothing at all. Do you understand that?" He said, "Yes." I said, "The other right that you have, is that you may contact an independent lawyer to get legal advice as to what you should do in your situation, it's not appropriate that I give you any advice, but you are entitled to make phone contact with a lawyer to get advice, and that can be arranged for you at no cost, do you understand that?" He said, "Yes. I don't need a lawyer."

6. I said, "Are you willing to answer questions about this allegation that you robbed a man of his Apple iPhone?" The accused said, "Yes." I said, "Any conversation that I have with you about that, has to be electronically recorded, and that will be done in another room which has recording equipment, do you understand that." He said, "Yes." I said, "I will organise to do that shortly, but to be fair to you, I will provide you with the details of what has been alleged: The allegation is that about 2.30 in the morning, on Sunday the 11th October 2009, you approached a man who was walking in Lang Road at Centennial Park, he was talking on his iPhone at the time, that you threatened him with a knife, that you took his iPhone from his hand and stabbed him to one arm, the left upper arm. Do you understand that?" He said, "Yes." I said, "I'm informed that other Police spoke to you about a week later, on the 17th October 2009, in Centennial Park, where you had camped somewhere near a large overflow pipe, and that in a backpack that you had in your possession, was the Apple iPhone taken from this man. I am also told by other Police that checks revealed that you had put your own SIM card in the iPhone and used it several times on the same day that it was taken from this man. Do you understand that?" He said, "Yes."
7. I left the accused in the charge room and attended to other inquiries. About 11.50am I again approached the accused in the charge room with Senior Constable McRAE, and said, "Moses,

Witness: _____

K. Casey
K. CASEY D/S/C

Signature: _____

Mark Winterflood
Mark WINTERFLOOD

Statement of Mark WINTERFLOOD
In the matter of Moses KELLIE

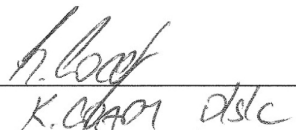
are you still prepared to answer some questions in relation to the allegation that you robbed a man of his Apple iPhone." He said, "Yes." The accused was then shown to an interview room within the Police Station that is fitted with electronic recording equipment. There I said to the accused, "As I explained to you earlier, I intend to speak to you about an allegation that you were involved in a robbery with wounding of a man in Lang Road, Centennial Park, whose name is [REDACTED] i359, which occurred on the 11th October 2009, do you understand that?" He said, "Yes." I said, "My questions and any answers you give will be electronically recorded on this equipment as our conversation takes place, do you understand that?" I indicated the recording equipment to the accused and said, "This equipment records on three DVD's at the same time, as you can see they are labelled yellow, blue and white. At the end of our conversation you will receive the white labelled DVD, however that DVD only records an audio signal, do you understand that?" He said, "Yes." I said, "The yellow and blue DVD's record in audio and video, so if you or your solicitor ever wish to view the video footage, that can be arranged for you at this Police Station. Do you understand that?" He said, "Yes. I said, "Is there anything about the procedure, or the equipment, that you do not understand, or you would like me to explain further?" He said, "No."

8. Fresh DVD's were installed and the equipment activated. I then asked the accused a number of questions, those questions together with the accused's answers, were electronically recorded as the conversation took place. The whole of the interview was recorded in this manner. During the interview, Senior Constable McRAE also asked the accused a number of questions.
9. At the completion of the interview, Senior Constable McRAE left the room and returned with Senior Constable CHIPPENDALE. He was introduced to the accused on the record, and Senior Constable McRAE and I left the room. A short time later Senior Constable CHIPPENDALE came from the interview room, I returned to the room and removed the DVD's from the recording equipment. The DVD's were appropriately labelled and the accused was offered the opportunity of signing the label of each DVD, which he did. I handed to the accused the white labelled DVD reference No RO 124178.

EXHIBIT I PRODUCE THE RECORDED INTERVIEW WITH THE ACCUSED

EXHIBIT I PRODUCE A TRANSCRIPT OF THAT INTERVIEW.

Witness:


 K. O'Connell dslc

Signature:


 Mark WINTERFLOOD

**Statement of Mark WINTERFLOOD
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10. During my interview with the accused I showed him two photographs of 1359

EXHIBIT I PRODUCE THOSE PHOTOGRAPHS

11. During my interview with the accused I showed him two maps obtained from Google Maps, which he marked.

EXHIBIT I PRODUCE THOSE MAPS.

12. The accused was returned to the charge room and served with a Court attendance notice for the matter before the Court.

13. I retained possession of the two knives found in the accused possession, which I later transferred to Bega Police Station, where they were recorded under the reference No D287282. On the 27 January 2009 I secured the knives in a sealed sharps container, and arranged for them to be conveyed to the Division of Analytical Laboratories at Lidcombe, by TNT Failsafe couriers.

Witness: *A. Coak*
K. Coak etc.
28.1.2010

Signature: *Mark Winterflood*
Mark WINTERFLOOD

Witness: _____

Signature: _____
Mark WINTERFLOOD

[I359] Robbery] Statement annexure - 2 photos of
I359

File Number: 105
Product Type: TEXT DOCUMENTS:Statement
Completed Date: 28 Jan 2010
Brief Description: Annexure to the statement of Detective Sergeant Mark WINTERFLOOD, dated 28/01/2010, an involved police officer in the matter of R v Moses KELLIE [H [REDACTED]].

D/Sgt WINTERFLOOD interviewed Moses KELLIE at Eden Police Station on 17/01/2010.

During this interview, D/Sgt WINTERFLOOD showed KELLIE two photographs of [I359] [I359] and two maps obtained from Google Maps. Attached is a copy of the two photographs shown to Moses KELLIE during the interview.

Item contained in the brief of evidence for the matter of:

Accused: Moses KELLIE, born: 05/04/1985

Offence: Robbery whilst armed with offensive weapon causing wounding - Section 98

Victim: [I359]

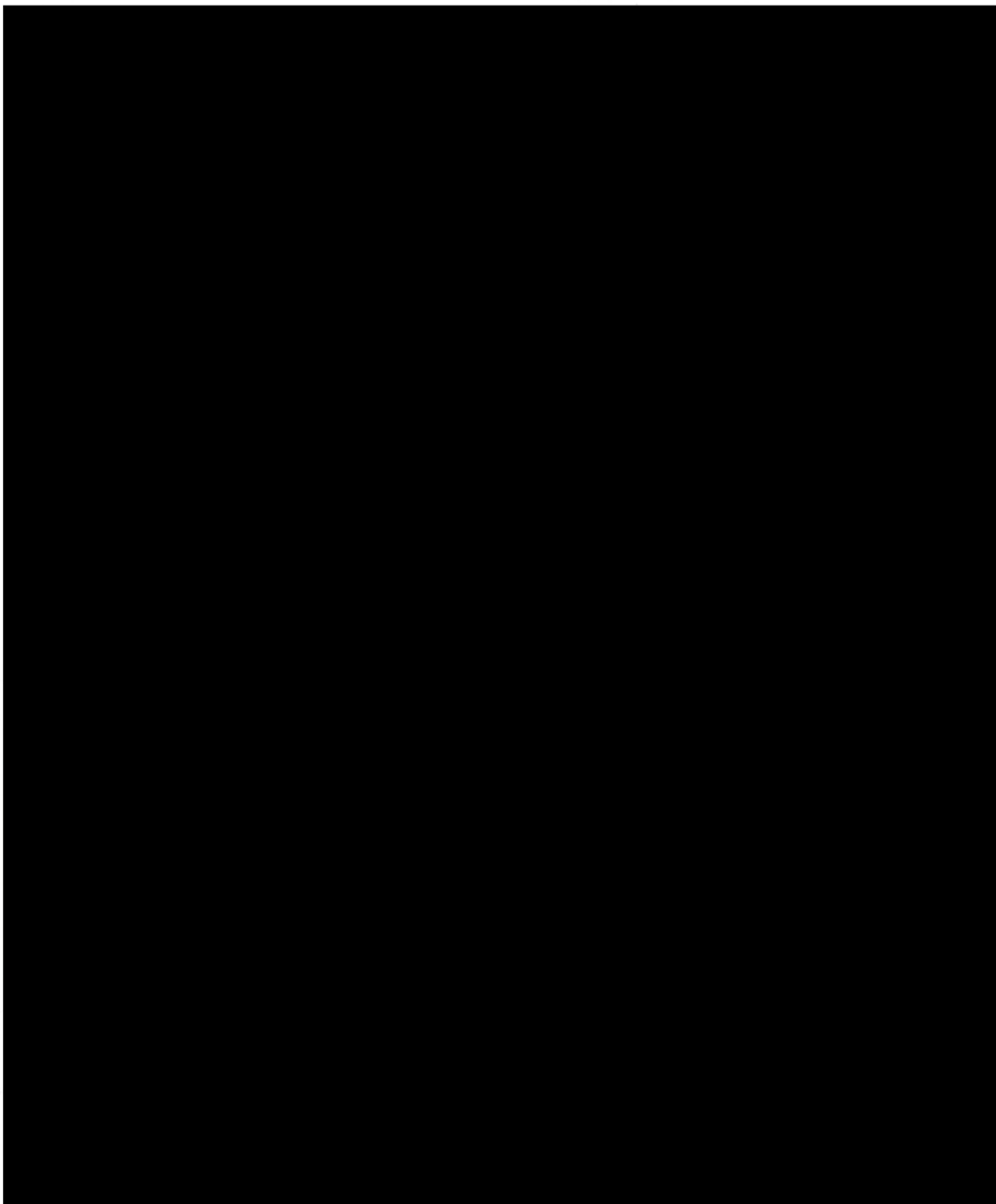
Property: Apple iPhone

Date: 11/10/2009

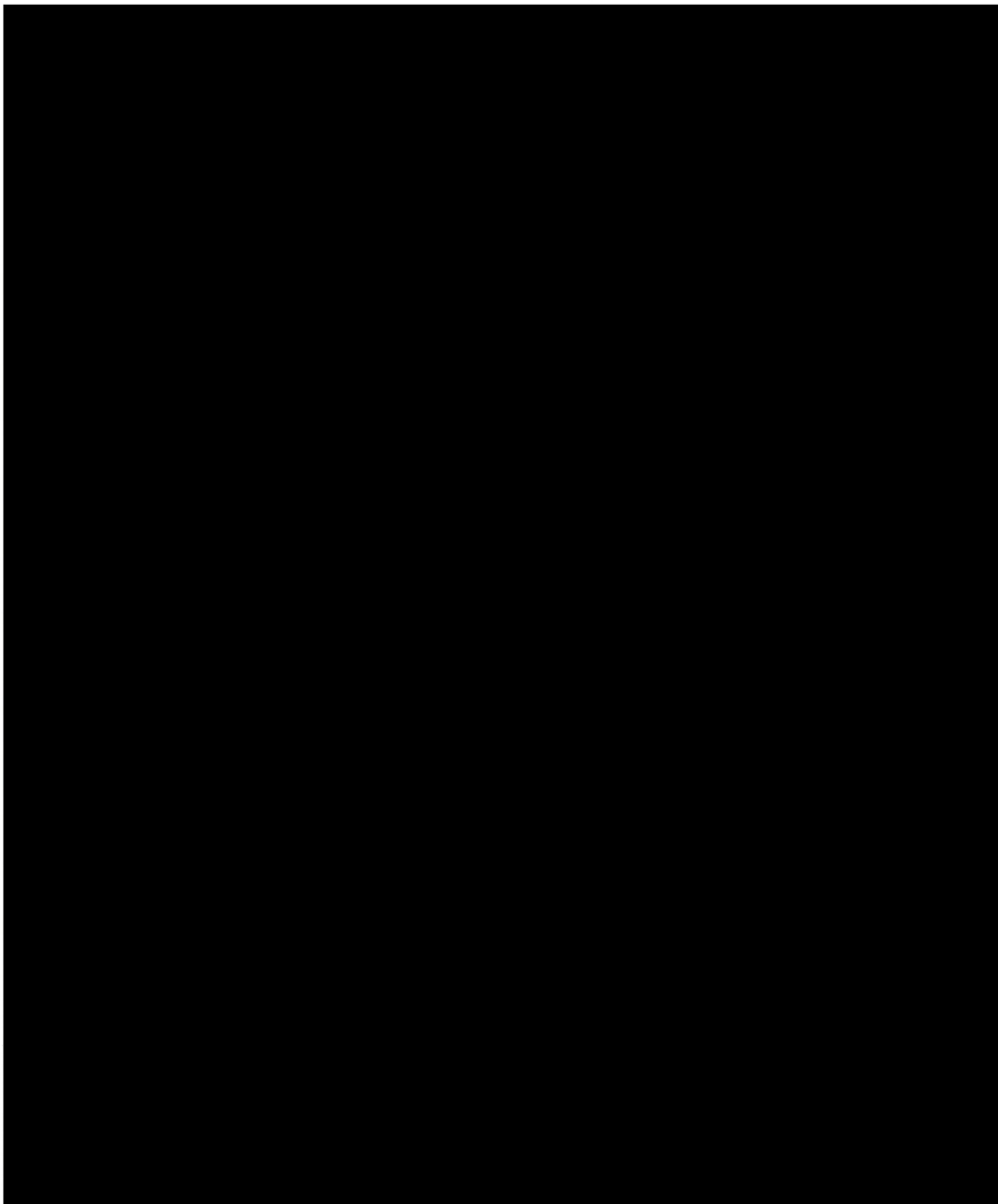
Location: Lang Road, Centennial Park, NSW

OIC: Det Sgt Stephen DAVIS, then attached to Surry Hills Local Area Command

A copy of this brief of evidence was retrieved from Surry Hills Police Station on 23/07/2014 by DSC STAPLES. Case File reference number: 12/15272 (Surry Hills).



<https://cmms.police.nsw.gov.au:7941/cmms-web/mediaContent?mediaId=10389682&...> 17/01/2010



<https://cmms.police.nsw.gov.au:7941/cmms-web/mediaContent?mediaId=10278532&...> 17/01/2010

[1359] Robbery] Statement annexure - 2 Google Maps

File Number: 106
Product Type: TEXT DOCUMENTS:Statement
Completed Date: 28 Jan 2010
Brief Description: Annexure to the statement of Detective Sergeant Mark WINTERFLOOD, dated 28/01/2010, an involved police officer in the matter of R v Moses KELLIE [H ██████████].

D/Sgt WINTERFLOOD interviewed Moses KELLIE at Eden Police Station on 17/01/2010.

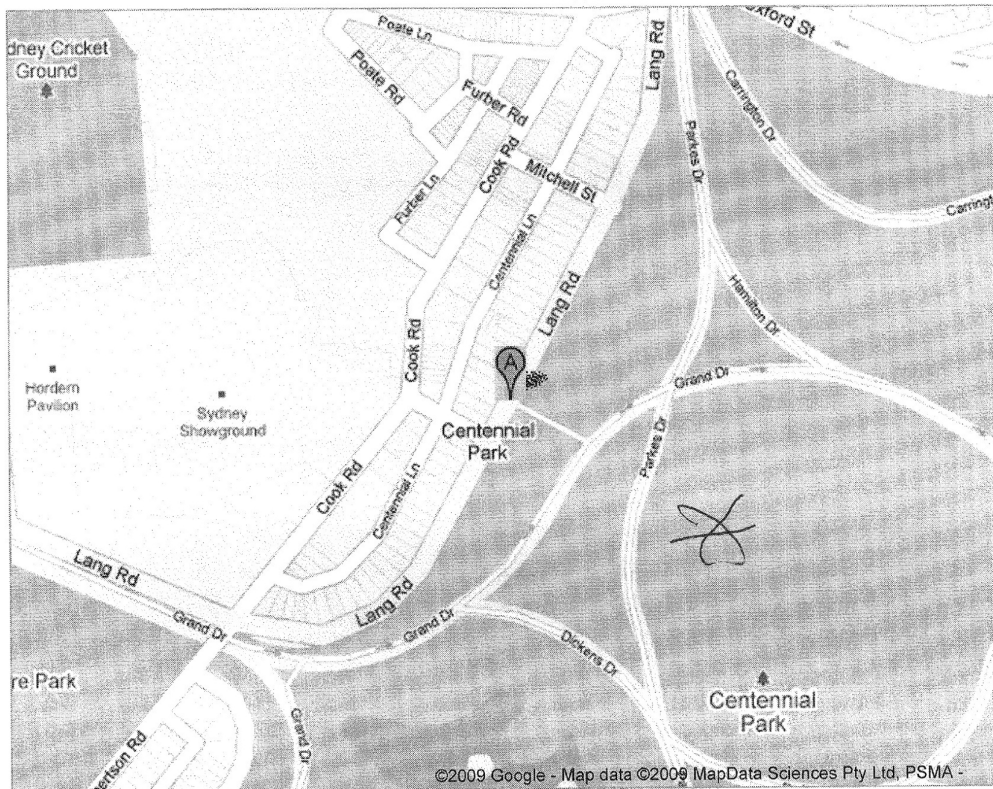
During this interview, D/Sgt WINTERFLOOD showed KELLIE two photographs of [1359] [1359] and two maps obtained from Google Maps. Attached is a copy of the two maps shown to Moses KELLIE during the interview.

Item contained in the brief of evidence for the matter of:

Accused: Moses KELLIE, born: ██████████ 1985
Offence: Robbery whilst armed with offensive weapon causing wounding - Section 98
Victim: [1359]
Property: Apple iPhone
Date: 11/10/2009
Location: Lang Road, Centennial Park, NSW
OIC: Det Sgt Stephen DAVIS, then attached to Surry Hills Local Area Command

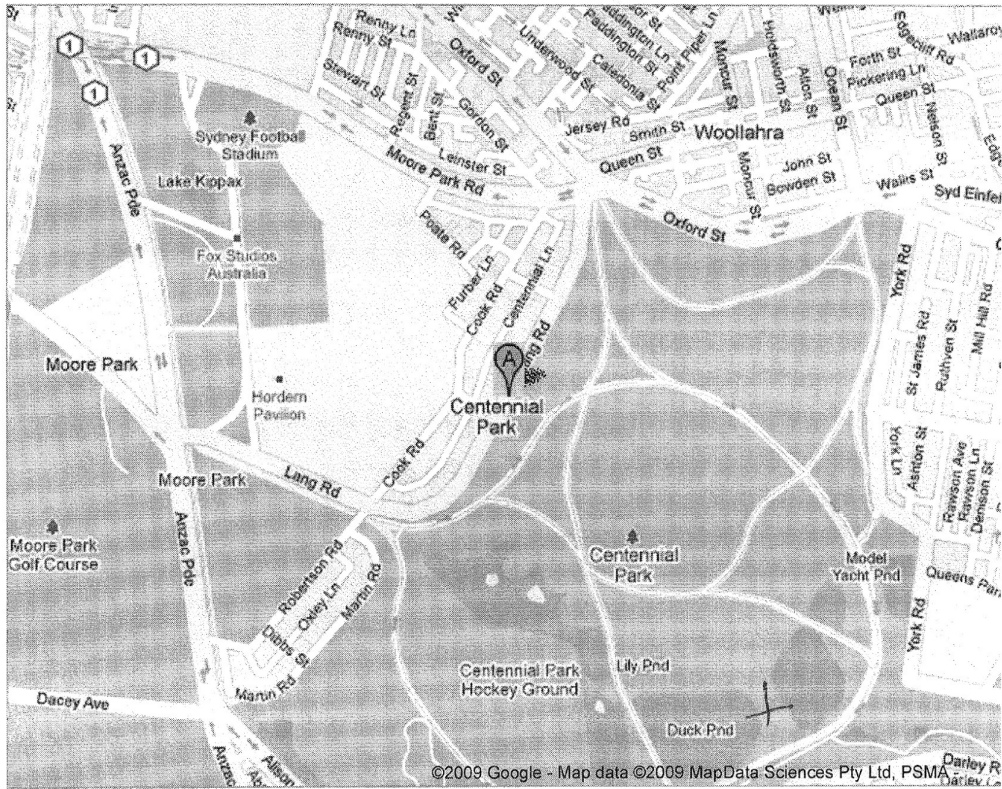
A copy of this brief of evidence was retrieved from Surry Hills Police Station on 23/07/2014 by DSC STAPLES. Case File reference number: 12/15272 (Surry Hills).

To see all the details that are visible on the screen, use the "Print" link next to the map.



Mitchell Street, Centennial Park

To see all the details that are visible on the screen, use the "Print" link next to the map.



Mitchell Street, Centennial Park