

DETECTIVE SERGEANT TODD

Q1 This is an electronically recorded interview between Moses Kellie, spelt K-E-L-L-I-E ---

A Mmm.

Q2 --- and Detective Sergeant Todd at the Waverley Police Station on Friday, the 16th of October ---

A Yeah.

Q3 --- 2009.

A Mmm.

Q4 The time at the moment is 10.25pm. Also present in this interview is Detective Paul Jones.

A OK.

Q5 For the purpose of voice identification, could you, Detective Jones, could you please state your name, rank, and spell your surname?

CONSTABLE JONES

Constable Paul Jones, J-O-N-E-S, and I'm attached to the Eastern Suburbs Local Area Command, Bondi Detectives.

A I thought Waverley.

Q6 Sorry?

A Is that Waverley Council?

Q7 Eastern Suburbs Command.

A Mmm.

Q8 But we're with the Bondi Detectives.

A OK.

DETECTIVE SERGEANT TODD

7161 - 09/R0112374

1

175455

- Q9 Mr Kellie, I intend to ask you further questions in, in relation to the allegation of you possessing that knife ---
- A OK.
- Q10 --- and also a large quantity of cash.
- A Is that large?
- Q11 A large quantity of cash.
- A OK.
- Q12 Do you understand that?
- A Mmm.
- Q13 What I propose to do is I'm going to have my questions and any answers you care to give to those questions ---
- A Mmm.
- Q14 --- recorded on this machine here as the interview takes place. Do you understand that?
- A I do.
- Q15 At the conclusion of the interview ---
- A Mmm.
- Q16 --- you'll be given a copy of the audio only DVD of this interview. Do you understand that?
- A I do.
- Q17 Also at the conclusion of the interview one of the audio, one of the DVDs will be sealed in your presence. Do you understand that?
- A OK.
- Q18 A viewing of the DVD will be arranged at a later date if required. Do you understand that?
- A OK.

7161 - 09/R0112374

2

175455

Q19 You do not have to take part in this interview. Do you understand that?

A I understand.

Q20 OK. Anything you say or do will be recorded and may be used in court.
Do you understand that?

A I do.

Q21 Do you want to partake in this electronically recorded interview?

A Yeah.

Q22 OK. For the purpose of this interview, Mr Kellie, can you just state your full name.

A Moses Kellie.

Q23 And could you say your date of birth.

A 5th April '85.

Q24 And what's your address?

A I was living [REDACTED] Marrickville, 2204.

Q25 How long ago did you live there?

A 1 years, 6 months, yeah, 1 year 6 month ago.

Q26 That's 1 year 6 months ago ---

A Mmm.

Q27 --- that you've lived at that address?

A Yeah. And is the same address that's

Q28 Where have you been living for that past 1 year 6 months?

A I've been living about. Anywhere I can get a space in a homeless centre in the city, yeah.

Q29 You're living in a what kind of a centre?

A In a homeless shelter in the city.

Q30 In a homeless centre?

7161 - 09/R0112374

3

175455

- A Yeah.
- Q31 OK. And are you working?
- A I was working before I become homeless.
- Q32 What were you working at?
- A TNT, I was working in the assembly line work.
- Q33 How long did you work with TNT?
- A 6 months.
- Q34 How much did they pay you?
- A They pay me \$29.95 per hour.
- Q35 Per hour, was it?
- A Mmm.
- Q36 How many hours per week would you do?
- A I was doing, I was working there full-time.
- Q37 Yeah.
- A It was a contract job.
- Q38 It was, what kind of a job?
- A It's on assembly of light, like this type of light.
- Q39 All right.
- A Mmm.
- Q40 But how many days, how many hours per day did you work?
- A It was 7.00 to 5.00, 7.00 to 4.00, I mean yeah, 7.00 to 4.00.
- Q41 7.00am to 4.00pm?
- A Yeah. Well, sometime I can't —
- Q42 So how much would you get in your hand each week?
- A Each week sometimes 500 or \$600.00.

7161 - 09/R0112374

4

175455

- Q43 Where were you living when you were working with TNT?
- A [REDACTED] Marrickville, 2204.
- Q44 OK.
- A
- Q45 Just let me clarify that you said you were working with TNT about 6 months ago?
- A Yeah.
- Q46 And you said that you last lived at [REDACTED] 1 and a half years ago, or did you mean that you ---
- A What, what I mean is same time same period.
- Q47 Right. So ---
- A When I left, when I, when I, because of the landlord, I have problem with her, yeah, so I decided to leave the place.
- Q48 OK.
- A She was ---
- Q49 So just ---
- A --- argument because of 'cause she start to argue she started arguing so I decided to leave the place.
- Q50 OK. So just for me to clarify this ---
- A Mmm.
- Q51 --- you were still living at [REDACTED] ---
- A [REDACTED] Marrickville.
- Q52 --- when you were working with TNT?
- A Yeah.
- Q53 And how long did you work with TNT for?
- A I was working there about six to 7 months, yeah.

Q54 6 to 7 months?

A Mmm.

Q55 And so now when you, when you had problems with your landlord at Fletcher Street ---

A I decided to leave the place.

Q56 And you left TNT ---

A Yeah.

Q57 --- at the same time?

A Yeah.

Q58 Was the, did you have a lease on that place?

A I don't have a lease with me here.

Q59 OK, yeah. But was your name on the lease?

A Yeah, my name - it's not on the lease.....

Q60 Who did you ---

A --- It's share accommodation

Q61 Who did you live there with?

A Huh?

Q62 Sorry, who did you live there with?

A With, I live alone.

Q63 Sorry?

A Alone.

Q64 You lived alone?

A Mmm. It was a share accommodation.

Q65 Do you have any family here?

A I have family in Blacktown.

7161 - 09/R0112374

6

175455

- Q66 Mmm.
- A My elder sister, 1357
- Q67 And do you have any girlfriend yourself?
- A No, no. I've never attempted to.
- Q68 And so since you've left TNT and your address at [REDACTED] about 6 months ago, just to clarify that, have you just been living at the homeless centre?
- A Yeah, I was going around living in different homeless shelter but I was living in in the city.
- Q69 OK. And, Mr Kellie, do you agree ---
- A Mmm.
- Q70 --- that we first spoke to you, I've got it written in my notebook about 8.55pm today?
- A 8.....
- Q71 Is that right?
- A Yeah.
- Q72 Do you agree, do you know the name of the street that you were in at the time?
- A I was sitting there on, yeah, I, I ---
- Q73 On that brick wall where you were sitting.
- A Yeah.
- Q74 Do you know the name of that street?
- A I don't really know.
- Q75 OK.
- A It's my first time to go there.

Q76 Not a worry. Well, I have written down that street as being Errol Flynn Boulevard.

A Mmm.

Q77 Do you agree with that?

A Yeah.

Q78 And do you agree that at the time you were sitting on that cement wall?

A Yeah.

Q79 And at that time you had a bottle of Fanta?

A Yeah.

Q80 And at that time you had a black backpack?

A Mmm.

Q81 And at that time you had this black hood?

A no, it was cold, you know.

Q82 Yeah, yeah, I know it's cold —

A For the ears.

Q83 — but do you agree that, that, that you were wearing that at the time?

A I was wearing it.

Q84 Yeah. You were wearing this at the time when we first stopped you?

A Yeah.

Q85 OK, a black hood.

A It's not —

Q86 Does that, does that attach to that?

A Yeah, it actually —

Q87 Attach it to your jacket, does it?

A The jacket I have. I think it is, is there

7161 - 09/R0112374

8

175455

- Q88 OK. So you agree you were wearing that at the time?
- A I have the coat I don't want to wear the big jacket because, you know, this one's ---
- Q89 OK.
- A Yeah so I decided to put this one on.
- Q90 But you, yeah, but you agree that when we spoke to you ---
- A Mmm.
- Q91 --- when we first come up to you ---
- A Mmm.
- Q92 --- you were wearing this hood ---
- A Yeah.
- Q93 --- black hood?
- A Yeah.
- Q94 OK. Do you agree that we said, that I said to you that we'd had a report of someone committing an offence?
- A I, I didn't remember. You said you just came and you said, You are under arrest, that's what I remember.
- Q95 What, what, what, how do you interpret it?
- A I, I remember you said, Somebody you are under arrest for, I dunno what you actually said..... but I do remember that I was somebody had committed a crime that related to me.
- Q96 Yeah, OK.
- A Mmm.
- Q97 Do you agree that I asked you for you to produce some identification?
- A ID card yeah.
- Q98 And do you agree that you didn't have any identification on you?

A No.

Q99 Did you agree then that we said that we were going to search you?

A Yeah.

Q100 And do you agree then that Mr Jones here ---

A Mmm.

Q101 --- found this knife ---

A Mmm.

Q102 --- on the ground behind you?

A Yeah.

Q103 OK. In relation to this knife ---

A Mmm.

Q104 --- now you don't have to speak to us about this unless you wish to but ---

A I can speak, yeah

Q105 --- but, but whatever you say is going to be recorded and may be used in evidence. Do you understand that?

A Yeah, that's why I, that's what I want to explain.

Q106 Can you explain why you had possession of this knife?

A Yeah. When I, when I'm living in the homeless, 'cause I'm living there's one big ... in the Woollahra Council there's a bakery there where I usually go and get bread so I have that knife in my bag. What, usually when I want to go to that cinema..... I wanted to go there..... sometime some gangster there, they usually sit there, yeah. So I actually go there and that, this, this is my, my first night to go there. I've never ventured to go that area because usually when I want to go there, there are a lot of people, gangster causing so I decided to stay away, yeah.

Q107 So just explain why did you have the knife on you.

A It's for the bread when I usually go to the ---

7161 - 09/R0112374 10 175455

- Q108 It's for the?
- A Bread.
- Q109 For the bread.
- A Usually I go to the bakerywhere they bake bread in Woollahra
- Q110 You go to the bakery in Woollahra?
- A Mmm. There's a bakery there in Woollahra.
- Q111 And what's this you mentioned about ---
- A centre.
- Q112 And what's this you mentioned about gangsters?
- A Yeah, usually gangsters go there. I said, This is the first time I actually go there, because I usually..... go there to that area..... I talk to because I have some, I said, I want to go to look.... movie..... there are some movies on the wall, I thought I want to..... some movies.
- Q113 All right.
- A But I, I ask somebody
- Q114 So what are you saying that you were going to use the knife just in case you were mugged or something?
- A No, I, is usually happen, like, on Saturday, because I tried it once to go enter there, there was gangstersso I decided to return. It was not for, like, from violence anyway. I thought ---
- Q115 So you're saying you wanted the knife for protection?
- A Not actually for protection, but to, just to put it there, you know, in case, you know, if you come across a gangster, you know ---
- Q116 OK.
- A --- you chase them off something like that. But I don't actually use it. I'm not a crim - I'm not a criminal I've never had never had any criminal record.....

Q117 Mr Kellie, have you heard that it's an offence to have a knife ---

A Is it?

Q118 --- to carry a knife?

A Is it an offence?

Q119 It is an offence in New South Wales to carry a knife ---

A Mmm.

Q120 --- without having a legitimate reason.

A The legitimate reason is because I, I usually use it for to slice bread and prepare my food.

Q121 Yeah. Would you agree that carrying a knife around at this time of night, you wouldn't be out cutting bread at this time of night?

A Yeah, that is the time I usually go down to get bread.

Q122 OK. Is there anything you want to ---

A But, but this today particular this today, today I, I decided to go there and watch movie because I saw the sign there - IMAX. I thought maybe there is a cinema there. I saw it on the newspaper - IMAX cinema ... I decided to go but I asked some two people, they told me the cinema is located.... in city but I decided to sit down and watch people go about you know yeah. I was just, just relaxing, just watch people go around. I was not there to do anything, just to watch people, you know, passing by, yeah. Because I never been there. That's my first time to be there where you met me.

CONSTABLE JONES

Q123 How do you normally cut your bread?

A I, I slice it all, like, when I went to the, the, the bakery they usually put the bread out because some of the bread they didn't sell the next, the day after, they put it out.

Q124 Yeah.

7161 - 09/R0112374

12

175455

- A So I usually take it, slice it up.
- Q125 And ---
- A Cos I want to save my money.
- Q126 Did you ---
- A I keep my money.
- Q127 Did you cut some bread today?
- A Yeah. I have some I have bread because when the rain came about ... days ago where I was, where I kept some of the food is soaked, so I decided to, left it I usually want to save my money, so I put everything.
- Q128 But did you buy some bread today?
- A No.
- Q129 OK.
- A I have to yeah.
- Q130 OK. And where do you normally keep the knife?
- A In the bag.
- Q131 OK. So why was the knife out of the bag tonight?
- A It was, it was in the bag, but because when I saw you guys because I recognise the, the car, because yeah, sometime when, I've been questioned many times by police, many, many, many times.
- Q132 Yeah. But why, why was the bag, why was the knife ---
- A Mmm.
- Q133 --- behind you and not in your bag?
- A It was in my bag but my bag was open, so when I, when I saw you guys I thought maybe, you know, I'm going to be questioned, that's why I decided to take it out, because the bag was behind me like this. The bag was open, you guys, you saw it, it was open.

Q134 And ---

A The knife was in there.

Q135 And why did you take the knife out?

A I, I took it out just to put it down, maybe, I thought maybe, you know, I will, you know, I will not have any problem you know, you know.

Q136 So did you

A I, I took it, I, I just took it out, I not for any particular intention, anything like that, I just decided to took it out because I saw you guys. I knew you guys were the authority.....

Q137 Who, who did you think we were?

A I thought, I, I really think you guys were authorities or maybe police officer Because I've been interviewed many times, when I, when I usually walking the street yeah, many times by police, you know. The other time I was, you know the time ---

Q138 So ---

A The time the murder happened in this park they decided to took me to a police station and they question me everything, I was with the same knife, everything. They didn't have, didn't have any problem with it.

Q139 OK.

A Yeah. I told them everything, what happened.

Q140 If you, if you didn't intend to use the knife ---

A Mmm.

Q141 --- why did you take it out of your bag?

AIt was not taking out, it was, it was in the bag. Well, when I saw you guys I, I thought maybe this gunna be a problem, you know. I decided to put, I wanted to put the whole bag down.

Q142 OK.

7161 - 09/R0112374

14

175455

A Yeah. When I saw you I get scared you know like that.

Q143 OK.

A Mmm.

Q144 Can, can I also ask about the money, OK.

A Mmm. Yeah, because I'm a person that usually listen to radio because when I hear there is a particular problem on 2GB you know they said about this if catch you with a knife it's going to be 10 year, 15 years in gaol, you know. So I decided when I saw you guys, I thought Oh this is gonna be a problem bad person.

DETECTIVE SERGEANT TODD

Q145 Can, can I just get you to slow your speech down a little bit?

A Yeah.

Q146 You're speaking --

A OK.

Q147 -- pretty quick and we've got to record it.

A Yeah, I know, yeah.

Q148 So if you can just slow your speech down a bit we might be able to --

A Is OK.

Q149 Thank you.

A What, what I thought is that I thought maybe, 'cause I usually listen to radio I thought because they some boys, like, walk you know, with knives, yeah. So when I saw you guys, I thought maybe if I'm caught, you know, I'm going to be charged like that. So I decided - scared took it out you know, put it just just away from me you know.

CONSTABLE TODD

Q150 The knife?

A It's not, yeah, it's not, because usually ok I decided when I left the Centennial Park I said I want to go to the bakery because this is usually the time 8 o'clock, I used to go there and get the bread so when that, this particular I decided to walk around, maybe I saw the IMAX cinema, I saw there was a cinema, I went there, I asked a few people living in the park, yeah.

Q151 Mmm.

AIf they are friendly enough I ask them. They said the cinema is not located there it's in the city so I decided to go and sit there and just watch -
-

Q152 Watch people?

A Yeah, people going about.

Q153 OK.

DETECTIVE SERGEANT TODD

Q154 How long had you been sitting there for?

A Just a few minutes, it's not long, maybe 5 minutes, yeah.

CONSTABLE JONES

Q155 Before we came?

A Yeah, before you guy came, maybe 5 minutes, yeah. It's not even that much minutes.

DETECTIVE SERGEANT TODD

Q156 Anything further you want to ask about the knife?

CONSTABLE JONES

Not about the knife, no.

DETECTIVE SERGEANT TODD

Q157 OK. Mr Kellie, what we're going to do is move onto the amount of money that you had in your bag.

7161 - 09/R0112374

16

175455

- A Yeah.
- Q158 Now once again, I'll just remind you that you don't have to speak to us unless you wish to ---
- A Mmm.
- Q159 --- but whatever you do say is going to be recorded on the DVDs and may be used in evidence.
- A OK.
- Q160 Do you understand that?
- A Yeah.
- Q161 OK. Do you agree that at the time when we spoke to you, you emptied your pockets, you pulled out a large quantity of notes?
- A Yeah the money was located in my right
- Q162 Sorry?
- A The money was located..... because I usually keep it here.
- Q163 In your top pocket, yeah. Do you agree that when we came back from the station, we counted this cash out ---
- A Mmm.
- Q164 -- and it amounted to \$2,228.25?
- A Mmm.
- Q165 And do you agree also that in your backpack ---
- A Mmm.
- Q166 -- was a sock which contained a quantity of \$2.00 coins?
- A Yeah.
- Q167 Do you agree that those coins tallied \$243.00?
- A Yeah.
- Q168 And that gives us a total of \$2,471.25.

7161 - 09/R0112374

17

175455

- A Mmm.
- Q169 Do you agree that that's about what you had in your bag?
- A Yeah. I, I was having more than that. Can I explain? I was having more than that but when I use it yeah, it you know it dwindle to that amount.
- Q170 OK. Where did that money come from?
- A I have it. When I was working, I got that money.
- Q171 All right.
- A Yeah. I didn't, because the, the house where I was living It was equivalent to the lady, the landlord decided to increase I decided not to pay that amount for that houseI decided to leave it.
- Q172 So you're saying that you've been carrying that money, amount of money around for the last 6 months?
- A For last 1 year, yeah.
- Q173 For the last year.
- A It was \$10,000.00. That's what I said, it was \$10,000.00 all in all.
- Q174 Well, where did the \$10,000.00 come from?
- A It was only payment I got from the job I was doing working contract, I was with this Job Wire it's a job network.
- Q175 So you say you've been carrying that cash around for 12 months?
- A Yeah, when I was because I didn't decide, I, I took, how do you call it, the, the money they get from the Government. How do you call it? The social welfare money. I was taking that, so that's how I was

CONSTABLE JONES

- Q176 Which money?
- A The money that they are giving from Centrelink.
- Q177 Yeah.

7161 - 09/R0112374

18

175455

A I was receiving money from Centrelink. So that's how I kept the money you know. So when I was given that, I was using that one and kept this one.

DETECTIVE SERGEANT TODD

Q178 Do you have a bank account at all?

A Yeah, I used to have a bank account but ---

Q179 bank account, who was that with?

A It was Commonwealth.

Q180 Commonwealth, was it?

A Mmm.

Q181 CBA.

A Mmm. But one time they, they do

Q182 Do you still have those bank accounts still current?

A No, I decided to maybe but I decided to, because it they do something to me one time when I, I withdraw money from the Oxford Street and the, the machine, the ATM machine, so when I went there, the money didn't come out because I receive, I withdraw more than 1,000 to \$2,000.00. The money didn't come out because they say you should not exceed more than \$1000.00 so I went there the next morning to receive some of the money I should have -

Q183 So you withdraw this money from a bank account?

A Yeah, I withdraw some of the money when I was ---

Q184 How much money did you withdraw from the bank account?

A How much money I receive?

Q185 How much money did you take out of the bank account?

A I mean, when I was with Commonwealth ---

Q186 Yeah.

7161 - 09/R0112374

19

175455

A --- they, they do, because they do some if you don't, if you don't give them the money you receive from the ATM they decided to say, you know, that of the money because you have taken from your account, if you don't have any receipt. So that's when I decided to take all of, all of my money out.

Q187 When did you do that?

A That was 1 year ago, yeah, I took all the money out, all of it.

Q188 And how many of that is the \$10,000.00 you took out 1 year ago?

A Yeah, it was about

Q189 And that was from the CBA Bank account?

A It was, yeah, Commonwealth

Q190 And you maintain that you've been carrying that money around with you for the whole time?

A Yeah, it was in my bag, I kept it, but I don't use it that much you know, because they are, there are places you can go to get, you know, food, you know, things like that. So I decided to keep

Q191 You got anything to say.....

CONSTABLE JONES

Q192 Yeah. When did you, when did you finish working when you were assembling lights, when did you finish?

A When I was working, because it was a contract job, first I work with one of these other company..... it was not only

Q193 Yeah.

A It was, it was a like a..... you

Q194 But when, when did you finish working, stop working?

A I took about six to seven

Q195 Six to seven?

7161 - 09/R0112374

20

175455

A Yeah.

Q196 Month?

A I start working

Q197 How long ago?

A Equivalent to the time when I, because when I was working there, I was working there in, I decided, I think it was September, it was January, January -

DETECTIVE SERGEANT TODD

Q198 Where was the TNT assembly line, where is the actual physical, the actual building, where was that at?

A At Padstow.

Q199 Padstow.

CONSTABLE JONES

Q200 Padstow?

A Yeah. The building was in Padstow.

Q201 And when did you ---

A It was, the job network was Job Wire because I, I was with ---

Q202 An agent?

A --- Job Network Australia

Q203 An agency, is it?

A Huh?

Q204 An agency?

A Agency, yeah.

Q205 OK.

7161 - 09/R0112374

21

175455

A I was with Job, Job Network, but I didn't get anything within 6 months, when I, when I transfer to Job Wire they decided to give me a job that area.

Q206 OK.

A Yeah.

Q207 And, and when, when did you become unemployed?

A Equivalent to the time when the financial crashes start, yeah, that was 1 year 6 month ago.

Q208 One, 1 year and 6 months ago?

A Yeah.

Q209 And when you became unemployed ---

A Mmm.

Q210 -- is that when you drew out \$10,000.00?

A Yeah, I drew the money out. I said, I don't want to put, because they, because when the financial crashes start most of the people---

Q211 You just have to slow down, I can't understand you.

A Yeah. When the, all the financial crash starts ---

Q212 Yeah.

A --- the landlord, and some of his people increase their rent, so I decided not to pay that type of money for that type of house.

Q213 OK.

A I decided to leave and took all my, all my ---

Q214 And ---

A --- all my, my belongings.

Q215 And how did you pay your landlord?

A I didn't pay her, I took, decided to leave.

Q216 No. But how were you paying her?

A I was paying, not with receipts, but cash.

Q217 Cash?

A Mmm.

Q218 OK.

A Because it was share accommodation.

Q219 And how much cash per week?

A It was 80, \$89.00.

Q220 \$89.00?

A Yeah.

Q221 A week?

A A week. It was share accommodation.

Q222 It was what?

A Share accommodation.

DETECTIVE SERGEANT TODD

Q223 Share accommodation.

CONSTABLE TODD

Q224 OK.

A Yeah.

Q225 And how much did she put the rent up to?

A She raise it up to \$5.00.

Q226 So \$94.00?

A Mmm.

Q227 OK. And um how ---

A Because I decided not to pay that kind of money because I also have family in Africa, I don't want to pay, you know ---

Q228 OK.

A --- big money for it.

Q229 And when you were getting paid ---

A Mmm.

Q230 --- when you were working ---

A Mmm.

Q231 --- how did you get paid?

A It was on the, because I have a website ---

Q232 Yeah.

A --- I have a email address, all the payment is there.

Q233 Yeah.

A How much money I've been paid.

Q234 And, and how did, how did they pay the money, did they give ---

A It was, it was ---

Q235 --- did they give it to you in cash?

A No, it was to my email... they, they are paying to the bank.

Q236 Through the bank?

A Yeah.

Q237 Because I yeah.

A And, and which bank?

Q238 Commonwealth, same Commonwealth.

DETECTIVE SERGEANT TODD

Q239 CBA.

7161 - 09/R0112374

24

175455

CONSTABLE TODD

Q240 OK.

A When I give my email address all the payments is there right now all the, the receipts, all like, when they pay you they send email to ---

Q241 Yeah.

A --- this amount I've been paid ---

Q242 OK.

A --- last week, yeah.

DETECTIVE SERGEANT TODD

Q243 They just send you an email, saying that's what's been put in your bank account?

A Yeah everything is there.

Q244 Right.

A Mossley.com.au

CONSTABLE TODD

Q245 OK.

A Mmm.

Q246 Why didn't you want to keep the money in your bank account?

A Well, I decided not to, because the last one, the last time I withdraw the money from the bank they, they cheat me. When I went to, when I first decided to all my money, like, \$1,000.00, 1,000, yeah, it was \$1,000.00, I decided to, I took it's only then some of the money I decided to withdraw the receipt come out, but the money didn't come out. So I went down the next day to the bank to get the money, because I lost the receipt. The lady start to argue with me, you know if, if you will attempt to get the money, you know.

Q247 Mmm.

7161 - 09/R0112374

25

175455

A Yeah. She did argue with me, like that, you know, she said maybe I've got the money, like that, you know, because I haven't evidence like the receipt I have lost ... yeah, she said I didn't have the, maybe that's what she said, maybe how you call it, the, the ATM machine has a fault.

Q248 OK.

A Yeah, in, that's in the city.

Q249 OK.

A She said ---

Q250 Is that ---

A --- I'm a lying person, you know.

Q251 Is that why you took the money out?

A Yeah, that's why I took, I decided to take all the money out ---

Q252 OK.

A --- because they have cheated me on the first money I decided to out.

Q253 OK.

A the next day or maybe the week after to get to receive the money have attempted to withdraw originally..... out.

Q254 OK. And do you, what was your boss' name when you were working?

A She was, she was, she was [REDACTED]

Q255 [REDACTED]?

A Yeah.

Q256 And who does [REDACTED] work for, is it the agency?

A The [REDACTED] yeah.

Q257 OK.

A Yeah.

Q258 All right. When, when you decided to leave your accommodation ---

7161 - 09/R0112374

26

175455

A It was May 25.

Q259 May 25?

A Yeah, 2008.

Q260 Where have you been staying

A Just homeless shelter, from homeless shelter to ---

Q261 OK.

A --- anywhere. I could afford.

Q262 OK.

A Yeah.

DETECTIVE SERGEANT TODD

Q263 You've mentioned to us you've been ---

A From hotel.

Q264 --- living in Centennial Park.

A Yeah, I live in hotel, from, from hotel to Centennial Park, yeah.

Q265 Mmm. When was the last time you've been spoken to by the police?

A Maybe it was 3 weeks ago, yeah.

Q266 And what happened there?

A I think it was in Centennial Park when the murder I think the murder took place, yeah.

Q267 Mmm.

A Mmm.

Q268 Did they search you on that occasion?

A Yeah, they search me, they search everything, I was ---

Q269 Did you have your money on you at that occasion?

Ahide it... because I usually hide it. I usually because today was Friday and I thought maybe if I go there when I saw the cinema I thought maybe I'm gunna watch film.

Q270 You, you hid the money?

A I usually, yeah, I usually hid it.... and keep it.

Q271 Where did you hide it?

A Anywhere, I, I, anywhere I know people will not you know, not recognise, I put it there. Leave it there and walk around becausewalk around you have gangster around target people. I usually go to the Bondi..., Bondi movie centre, you have know they people so I decided not to walk with it. This was the first mistake I made today, walking with it.

Q272 Did you have that knife on you then when the police were searching you?

A Yeah, it was in my bag.

Q273 Mmm.

A Usually I leave in my bag.

Q274 And did the police find that knife then?

A No, they didn't find it the last time.

Q275 --- or was that with the money?

A When I was

Q276 That night hidden with the money?

A The money was with some cash that was with me but they didn't check, they didn't search me, they just went to the police station. They asked me what did I know about what happened in Centennial Park. I ---

Q277 Yeah. Well, was that knife, that knife with the money, or did you have that knife on you?

A I usually keep it with the money, like ---

Q278 OK.

A Yeah.

Q279 So you didn't have that knife on you when the police spoke to you?

A No, no, no. But I, I usually took some, you know, when I usually go to certain place I took my money, you know, because I thought there's a cinema there. I thought maybe I will go to the cinema, but I didn't go there it's like advertisement.

CONSTABLE TODD

Q280 So why, why were you carrying the money tonight, why didn't you hide it?

A Yeah, well I hide it, I thought maybe there's a cinema 'cause there is that place I usually saw people coming out of there I thought

Q281 I don't, I don't understand you.

A I thought there is this cinema.

Q282 Yeah.

A The IMAX sign is there.

Q283 Yeah.

A I thought if I go there maybe there's a cinema. I saw something on the, how you call it, the newspaper ... watch it. I saw all the, on the wall all the advertisement. I thought I will go and watch it, but I went there I meet some, some, one, one lady and one guy who are going there, they said, It's, it's not a cinema, it's like a advertisement everything, it's like, they have like entertainment there. It's not actually cinema, it's like entertainment centre and clubs there.

Q284 Mmm.

A It's not the place you know, which I was thinking.

Q285 Mmm.

DETECTIVE SERGEANT TODD

Q286 Why did you have so many coins?

- A The coins?
- Q287 Yes.
- A Is the change, like, some of the money when I get coins, I keep it.
- Q288 Coins, there's \$243.00 just in coin.
- A Mmm.
- Q289 Actually, there's more than that, it's 200 and ---
- A Is the change.
- Q290 Actually, there's \$270.00 all in coin.
- A Mmm.
- Q291 It's a lot of coin to be carrying around because of the weight eh.
- A Yeah.
- Q292 Why would you be carrying around so much coin?
- A Actually actually I didn't want to carry it, because I have some of the coins, but I decided because is the \$2.00 coin, I have some \$1.00 coins with me.
- Q293 Yeah. There's one \$1.00 coin
- A Yeah, I have them. Yeah, they are there in Centennial
- Q294 All the rest were \$2.00 coins.
- A Yeah because that it is I want one, one, \$1.00 coin with me. It was because it's easy to like if you want to buy something because sometimes people have problem with it when you want to buy something with lot of coin, yes, so I decided to carry the \$2.00 coinwith me.
- Q295 And what about other change like 10 cents and 5 cents and 50 cent pieces? There was none of that
- A I have them.
- Q296 Two 10 cent pieces and one 5 cent piece

A I have them. They are with me 50, 50 —

CONSTABLE TODD

Q297 Don't, don't touch that.

A OK.

Q298 Yeah.

A Well, I thought maybe if I, is OK.

Q299 Yeah. Sorry, go.

A I have 50, 50 coin, 20 coin, \$10.00 coin, I have them, but I don't because they are too many, I don't want to carry them around. Because I'm the type of person that usually keep coin, when I have coin I put it, when I have coins, any time I buy something I and they give me coin, I kept it.

DETECTIVE SERGEANT TODD

Q300 OK.

A Mmm.

Q301 Anything else you want to say about any of those matters?

CONSTABLE TODD

Um. No, not that I can think of. No.

DETECTIVE SERGEANT TODD

Q302 OK? OK. Further, Mr Kellie ---

A Mmm.

Q303 --- as we said before when we first spoke to you ---

A Yeah.

Q304 --- we told you that we are investigating another crime and that you were in the area.

A Yeah.

Q305 Do you understand that?

7161 - 09/R0112374

31

175455

- A Mmm.
- Q306 OK. Now, we have received a complaint from a lady ---
- A Mmm.
- Q307 --- that says that a person matching your description had grabbed her from behind by the arms ---
- A Yeah.
- Q308 --- and tried to pull her into the bushes a little bit further up the street. Do you wish to tell us anything about that?
- A No.
- Q309 You don't have to speak to us about that unless you wish to ---
- Abecause I was---
- Q310 -- wish, hang on --
- A --in that...--
- Q311 Hang on, stop, please.
- A Mmm.
- Q312 You don't have to say anything about that unless you wish to ---
- A Yeah.
- Q313 --- but whatever you do say will be recorded on the DVD ---
- A Yeah, that's, that's why I'm, that's why I'm
- Q314 -- and may be used in evidence. Do you understand that?
- A Yeah.
- Q315 OK. No, would you like to say anything about that?
- A About what?
- Q316 About this allegation this lady has made, that you have tried to grab her from behind and drag her in the bushes.

A Well, that, the place where I, I was arrested it, was a people walk around.

Q317 Yeah. It didn't happen there.

A That's that place I was.

Q318 OK. The allegation is that this lady walked past you whilst you were sitting on that fence.

A Mmm.

Q319 She kept on walking up Lang Road ---

A Mmm.

Q320 --- walked for about a further 300 metres ---

A Mmm.

Q321 --- up around the, going up the hill and a bit around the corner.

A Mmm.

Q322 She said that she looked around ---

A Mmm.

Q323 --- saw you were following her.

A Mmm.

Q324 She kept on going.

A Mmm.

Q325 Then you've come up and grabbed her and pulled her into the bush.

A No.

Q326 She said that you got, she saw you sitting on the wall where we found you.

A Mmm.

Q327 OK?

A Yeah.

Q328 That you were wearing this black hoodie on your head.

A Yeah.

Q329 Excuse me. That you followed her up the road for about 300 metres.

A Yeah.

Q330 Then you've taken hold of her and tried to drag her off the street there.

A No.

Q331 Do you wish to say anything about that?

A No, because everybody was passingbecause I'm not the type of person people are I usually decided to greet people like that, you know. I was sitting there, people are passing by, you know maybe because usually people walk by, you know, greet me, I don't ---

Q332 Do you ---

A --- usually talk to people

Q333 Did, did you greet anybody?

A (NO AUDIBLE REPLY)

Q334 Did you say, hello, to anybody?

A Yeah, when people are passing by they greet me, I don't have any choice but to answer, you know. When you live in this society you have to answer anybody that pass, they greet me. I don't want to say you know problem. I usually greet people when they, when they pass, but I don't usually confront people like that, you know

CONSTABLE TODD

Q335 Mmm.

A I'm not ... type of person.

DETECTIVE SERGEANT TODD

Q336 What we would like to do is take some of your, take a sample of DNA from you, do a buccal swab. Would you agree to that?

7161 - 09/R0112374

34

175455

A Yeah.

Q337 OK. This will be for comparison ---

A Mmm.

Q338 --- on other matters.

A OK.

Q339 Further, this lady believes that she got a good look at you. Are you willing to participate in a line-up?

A Yeah.

Q340 Do you know what a line-up is?

A Yeah.

Q341 OK. Can you just explain to me what you think a line-up is, just so I know that you understand.

A Yeah, because I watch, like, some of this TV showslike NCIS. When you line up people, yeah, take a peek and some of the you know.

Q342 OK. Anything else?

CONSTABLE TODD

Q343 When you were sitting on the wall tonight ---

A Mmm.

Q344 --- did many people pass you?

A A lot of people pass by, all the people passing, they are going in entertainment centre.

Q345 Going inside?

A Inside.

Q346 Did many people pass going out?

A A few people, like, two guys, yeah.

Q347 And ---

7161 - 09/R0112374

35

175455

A
Q

Q348 And as the Sergeant asked you, did, did you say, hello, to anybody?

A No, only them that greet me, like, one guy was passing with dog. He say, hello, you know I wanted to, 'cause it were late at night I thought this guy is walking dog in the middle of the night, I decided dog, he say why dog, you know, like that leave me alone.... like that. That's when I, I was sitting the same place where you met me. Somebody was walking the dog up entertainment centre..... yeah that's where I was sitting.

Q349 And how, how long were you sitting there for?

A Five, 5 minutes, five, yeah, exactly.

Q350 And did you ---

A I sitting there for a long time.

Q351 Did you stay there?

A If I stay there?

Q352 Did you move?

A No. I was sitting there constantly.

Q353 And how did you get to, to there tonight?

A How did I get there? I walk from Kensington.

Q354 From where?

A Kensington.

Q355 Kensington?

A Yeah.

Q356 And ---

A I, I went to the, the place there and bought, where I bought the Coke, there, the Fanta in that 7-Eleven. There's a 7-Eleven shop there.

DETECTIVE SERGEANT TODD

7161 - 09/R0112374

36

175455

Q357 Have you been drinking anything else this evening?

A Yeah, I was drinking, yeah, VB, yeah. When, when I went to Bondi Junction and I met with some, some friends. We are drinking, yeah we decided to ...

Q358 So when was the last time you had a beer?

A 5 hour ago, yeah.

Q359 5 hours ago?

A Mmm.

CONSTABLE TODD

Q360 One more question.

A Mmm.

Q361 When I searched your jeans pocket ---

A Mmm.

Q362 --- do you agree that I found a piece of paper ---

A Mmm.

Q363 --- with a SIM card?

A SIM card, two SIM card.

Q364 Two SIM cards?

A Mmm.

Q365 I only, I only saw one SIM card.

A Two, it was supposed to be two. The one is in my phone.

Q366 Where's your phone?

A My, I've, I've, I find a phone I find a found..... like, when the people are the stuff, like you know, people speaking to someone and pull the things out they put some entertainment system out of their houses so I I saw that phone. Well, the phone actually with the SIM card, he said,

SIM card is invalid yeah, so I decided to discard it. The SIM was in there
..... SIM, because it was \$4.00 SIM. I bought it in the 7-Eleven near Bondi
Junction

Q367 So you just ---

A Because I found the phone just walking.

Q368 So you just had a SIM card ---

A Yeah.

Q369 --- no phone?

A No phone. Yeah, before, like, I'm finding that entertainment system they
put outside from one of these houses in Bondi Junction, I thought the
phone was working, but when I checked it and put the SIM card in there it
doesn't work, it say SIM card is invalid, so I decided to discard everything
because the SIM card is not valid.

Q370 So why ---

A Is \$4.00 SIM card.

Q371 So why do you have the SIM card, why did you have ---

A Is the two SIM card, the one I bought it in the 7-Eleven, that is \$17 that's
why I kept it because that one is expensive.

Q372 So that one works?

A Yeah. Maybe I will, maybe, maybe I, I bought a phone, but my other card
was not, like, altogether, all my identification. All my identification is, like,
this, how you call it, this, homeless shelter in Cleveland Road all my
identificationis there.

Q373 OK.

A That's the last place I ever ---

Q374 And where are your belongings?

A ... my belongings?

7161 - 09/R0112374

38

175455

Q375 Yeah.

A That is why when whenever Centrelink is sending my document, my letter, that is where they send it, ██████████ Cleveland Road.

Q376 ██████ Cleveland?

A Yeah. That is where I usually, ██████ Cleveland Road. You know Cleveland by Oxford Street, Cleveland Street?

Q377 Cleveland Street?

A Yeah. That's where they send all my document for Centrelink.

Q378 And is that where all your belongings are?

A That's where my documents are.

Q379 What about your clothes and your ---

A Well, I usually walk withwalk with clothes, not too many clothes.

Q380 You don't have any?

A I have, but I usually change ... like, when I, because I have money I went and bought, like this one I bought it. I go and buy it, you know, change.

Q381 What, what is that on your jacket?

A On my jacket?

Q382 What is that?

A Is food.

Q383 Is it food, is it?

A A pie. Yeah, when I was sitting

Q384 OK.

A Mmmyou know.... is a pie, is the meat

DETECTIVE SERGEANT TODD

Q385 OK. Mr Kellie, I'll just read through this statement that I've got here from this lady ---

7161 - 09/R0112374

39

175455

- A Mmm.
- Q386 -- and then she says that, about 8.27pm this evening, today, Friday, being the 16th of October --
- A Mmm.
- Q387 -- she's walked out of Fox Studios down toward Lang Road --
- A Yeah.
- Q388 -- near Centennial Park.
- A Yeah.
- Q389 As she was leaving, she noticed a male who was of slim build, about 170 centimetres tall --
- A OK.
- Q390 -- in your early twenties of black, African appearance. He had a broad face and thick lips.
- A Mmm.
- Q391 He was wearing a black hooded jumper and dark jeans or pants.
- A OK.
- Q392 He was sitting on a small brick wall east of the main entrance.
- A Mmm.
- Q393 I believe that's where we located you when we pulled up.
- A Yeah.
- Q394 Do you agree?
- A Mmm.
- Q395 He was drinking out of a bottle, and she had walked directly past this person. As she passed, she alleges that you said hello to her.
- A OK.

- Q396 She responded with, Hello, and kept on walking. She walked up Lang Road and approached the intersection of Lang Road and Cook Street at Centennial Park. It's up there where the lights are. Do you know where that is ---
- A Yeah.
- Q397 --- just at the bottom of the hill?
- A Mmm.
- Q398 She continued walking up the street, towards home. She walked about 300 metres, and she heard footsteps behind her. She's turned around and noticed the same person who was sitting on that brick fence about 15 metres behind her. She also noted that the, that you had the hood pulled over your face, and you were still carrying the bottle that you were drinking out of. She's turned around, still walking, heard him break, heard you break into a run, immediately moved out towards the road ---
- A Mmm.
- Q399 --- and more into the streetlight.
- A Mmm.
- Q400 Seconds later, you've grabbed her by both arms, pulling her out of the streetlight ---
- A Mmm.
- Q401 --- away from the passing cars toward the bushes on the wall in front of the houses.
- A In the bushes?
- Q402 Yeah.
- A
- Q403 She's managed to break free and ran out to the road in front of a car. That car didn't stop. You stayed on the footpath, out of the streetlight.
- A Mmm.

7161 - 09/R0112374

41

175455

Q404 She moved further up the road and got into a taxi. When she got into the taxi, that's when you ran off. What do you have to say about that?

A I got nothing to say..... I don't like that. Where I was sitting was where you met me.

Q405 Did you follow that girl up the road?

A No.

Q406 Did you grab that girl by her arms and try to drag her off?

A Not at all.

Q407 Did you see anybody else of African appearance in that area?

A There are lots of people there in that particular cinema. It's like, maybe it's like

Q408 Was there anybody else there sitting on that brick wall with you?

A Yeah, I some few peoples sitting there when I came, but ---

Q409 And what did they look like?

A There are some Asians and some other different people, like, Islanders, because usually sit, like, Friday and Saturday, there are lots of people sitting there. It's usually popular place. But today I decided to sit, I decided to go there and maybe check out what is going on. I saw the IMAX sign I maybe go and watch, maybe there's a cinema there, because I usually saw it on the newspaper. IMAX ... there's a cinema, and I decided to go there, and maybe look around, because I also wanted to

Q410 Is there anything further you want to say?

CONSTABLE TODD

No.

DETECTIVE SERGEANT TODD

Q411 Is there anything further you want to say about this particular matter?

A Not at all.

Q412 Is there anything further you wish to say about the knife?

A the only thing I can say ...I have it to, to, to process my, my food, my bread. When I usually go to the, the, the bakery when they usually put the bread out to get, to get some bread and process it. If I was a criminal all information will be in the system. I've never, never have any conviction or any problem with anybodies.

Q413 Is there anything further you wish to say about the cash?

A The cash is mine.

Q414 OK. At this particular stage, I'm going to suspend this interview ---

A Mmm.

Q415 --- and my partner over here will go out and obtain a independent officer who has basically got nothing to do with this investigation. Now, their purpose ---

A Can I just ---

Q416 --- is to come in here ---

A Mmm.

Q417 --- and speak to you to make, to ensure the fairness of this interview. Do you understand that?

A Can I, can I, can you repeat it? I don't understand what you just said.

Q418 What, sorry?

A Can you repeat?

Q419 Not a worry.

A Mmm.

Q420 My friend here is going to go out and get another police officer.

A Mmm.

Q421 They're going to come in here.

A Mmm.

Q422 We're going to leave.

A OK.

Q423 If you have any complaints about the way you've been treated or you want to say something else ---

A Mmm.

Q424 --- you speak to that officer ---

A OK.

Q425 --- without us being here.

A OK.

Q426 Do you understand that?

A Yeah. Can I, can I use the toilet

Q427 In a sec, this will take us a couple of seconds.

A Yeah, I want to ---

Q428 It won't take very, very long.

A I want to use it, I want to piss, that's why.

Q429 Can, can you hang on for a couple of seconds?

CONSTABLE TODD

Q430 Just 2 minutes

DETECTIVE SERGEANT TODD

Q431 2 minutes?

A OK.

CONSTABLE TODD

7161 - 09/R0112374

44

175455

Q432 OK. The time is now 11.11, according to the ERISP machine, and I'm going to leave the room.

DETECTIVE SERGEANT TODD

Q433 OK. Whilst my friend is out of the office, the machine is still going, so if you do say anything further, the machine will record anything that's said, and may be used in evidence. Do you understand that?

A (NO AUDIBLE REPLY)

Q434 Do you understand that?

A I understand.

INTERVIEW SUSPENDED.

INTERVIEW RESUMED

DETECTIVE SERGEANT TODD

Q435 The time is 11.14pm. Sergeant Drakes enters the room. Mr Kellie, this is Acting Sergeant Drakes. She's an officer not connected with the matter in which we've been speaking about.

A OK.

Q436 Do you understand that?

A Mmm.

Q437 She's going to ask you some questions about the manner in which this interview was conducted. Do you understand that?

A I do.

Q438 OK. And I will now leave the room.

ACTING SERGEANT DRAKES

Q439 OK. I'm Acting Sergeant Drake, Drakes, and as you've been told, I'm an officer that's not connected with the investigation that the officers were just speaking with you about.

A OK.

7161 - 09/R0112374

45

175455

Q440 Do you understand that?
A Mmm.
Q441 OK. My function is to ensure fairness in the conduct of this interview.
A OK.
Q442 Do you understand that?
A Yeah.
Q443 OK. Are you Moses Kellie?
A Yeah.
Q444 OK. Have you made this record of interview of your own free will?
A Yeah, my own free will, yeah.
Q445 Yeah. Has any threat been held out to you to give these answers?
A No.
Q446 OK. Has any promise been or offer of advantage been held out to you to give these answers?
A No.
Q447 OK. Do you have any complaints that you want to make in relation to the interview?
A Somehow because of the money, the money that's involved, my money that's involved yeah, 'cause that's a lot of cash money, yeah. It's my, my money, yeah.
Q448 OK. But ---
A Mmm.
Q449 --- what I'm here to talk about is the interview.
A OK.
Q450 What the police ---
A Yeah, OK.

7161 - 09/R0112374

46

175455

Q451 --- have just ---

A Yeah, and that's, that's not any threat, that's not any offer, you know, the --

-

Q452 Do you have any complaints about the interview?

A No.

Q453 OK. OK. I'll just get the other officers to come in, in the room again and they'll turn off the tapes.

A OK.

Q454 OK.

DETECTIVE SERGEANT TODD

Q455 OK. Detective Sergeant Todd and, and Detective Jones return. This interview is now concluded.

INTERVIEW CONCLUDED

7161 - 09/R0112374

47

175455