

DETECTIVE SERGEANT WINTERFLOOD

Q1 O.K. This is an electronically recorded interview between Detective Sergeant Mark Winterflood and Moses Kellie - - -

A Mmm.

Q2 - - - at Eden Police Station, on Sunday the 17th of January 2010, also present and seated opposite me is Senior Constable Scott McRae - -

-

A Yeah.

Q3 - - - and seated to my right at the end of the table is Moses Kellie. First thing Moses, do you agree there's a total of three of us in the room?

A Yes.

Q4 There's no-one else in the room?

A No.

Q5 No.

A No.

Q6 And just looking at my watch, do you agree it's just past 5 to 12.00?

A Mmm.

Q7 Right, as I explained to you before the start of the recording, I intend to ask you further questions in relation to a robbery with wounding, of a man by the name of [REDACTED] 1359

A Mmm.

Q8 Which occurred in Lang Road, Centennial Park, back on the 11th of October 2009. I'm going to ask you further questions about your knowledge of this matter, you're not obliged to say or do anything unless you wish to do so, but whatever you say or do is going to be electronically recorded as our conversation takes place.

A Yeah.

Q9 Do you understand that?

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A Yeah.
Q10 Yeah, and you also understand that any conversation that is recorded

A Mmm.
Q11 --- may later be used as evidence at court.
A Yes.
Q12 All right? Do you understand that?
A Yeah understand that.
Q13 Right, you understand what it, a court does, has a magistrate or a
 judge?
A Yes.
Q14 Makes decisions about people, about what they've done?
A Yeah. Mmm.
Q15 All right, do you agree that prior to starting the recording of this
 matter, I told you that I intended to ask you some further questions
 about this?
A Yeah, but I didn't want to tell you.
Q16 Sorry?
A About this yeah.
Q17 About this, yeah.
A Didn't want to tell you.
Q18 Yeah, all right, do you agree I told you that?
A Yeah.
Q19 And do you agree that I told you that my questions and any answers
 that you gave to those questions would be electronically recorded on
 this equipment on three DVDs as our conversation took place.
A Yeah.
Q20 And do you agree that I told you that at the end of our conversation,
 you'd receive the white labelled copy of the DVDs?

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A Yes.
Q21 O.K. What you need to understand is that the white labelled DVD ---
A Mmm.
Q22 --- only has audio recording, so only has voice recording.
A Voice, O.K.
Q23 There's, there's no picture.
A Mmm.
Q24 But if you or your solicitor want to view the video recording.
A Mmm.
Q25 You make an arrangement with Eden Police Station.
A Mmm.
Q26 And they will play the video for you.
A O.K.
Q27 O.K?
A Yeah.
Q28 So there is a video recording being made.
A Yes.
Q29 But it'll be stored at the police station.
A O.K.
Q30 The copy that you receive is audio only.
A Yeah.
Q31 O.K.
A Mmm.
Q32 But it's still an original copy of our conversation.
A O.K.
Q33 All right, simply for the record, can you state your full name, your date
of birth and your address?
A My name is Moses Kellie, I was born on the [REDACTED] 1985.
Q34 O.K. Do you have a current address Moses?
A (NO AUDIBLE REPLY)

Q35 Where are you living at the moment?
A I just live um, anywhere I like, like when I come here today, I camp here.
Q36 Yeah.
A Yeah.
Q37 O.K. Have you, have you - - -
A
Q38 - - - been camping in Eden?
A In Eden? No, I just arrived like this morning.
Q39 O.K.
A Mmm.
Q40 Can you say where you spent last night?
A Last night camp over there, like I came early this morning.
Q41 Mmm Mmm.
A About 3 o'clock.
Q42 Can, but can you say what town you were closest to when you camped last night?
A It was this camp over there, right at the, the, the river over there.
Q43 At the river?
A Yeah, that's where the police, meet me.
Q44 All right.
A This morning.
Q45 O.K. Well the area that the police spoke to you this morning.
A Mmm.
Q46 Is called Aslings Beach, that was on the beach.
A Yeah.
Q47 You were riding along a walk way, near the beach?
A Yeah.
Q48 - - - is that correct?
A Yes.

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Q49 Yeah.

A Mmm.

Q50 Is it correct to say at that time you were on a, a bright lime green push
bike, a mountain bike?

A Yeah.

Q51 Yeah, and that was about 5 to 8.00 this morning.

A O.K.

Q52 That right?

A Yes.

Q53 All right, and it's now about 5 to 12.00.

A Five to 12.00.

Q54 So a few hours ago now.

A Mmm.

Q55 All right. All right, and do you agree that later this morning, I spoke to
you in another room in the police station?

A Yes.

Q56 Introduced myself to you?

A Mmm.

Q57 All right, do you agree at that time that I explained to you one of the
rights that you have when you've been arrested by the police, is that
you don't have to answer questions or say anything unless you wish.

A Yeah.

Q58 But anything you say, may later be used as evidence at court. Right,
do you agree I told you that?

A Yeah.

Q59 And you understood that?

A I understood.

Q60 O.K. And do you agree that in the police station another uniform
police officer spoke to you and also explained that right to you. Do

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you remember that occurring?

A Yes.

Q61 All right, and did he also explain to you that when you're under arrest like this, you have the, the right to contact a solicitor to get legal advice?

A Yes.

Q62 All right, did he offer you that?

A Yeah.

Q63 All right, did you seek to, to contact a solicitor?

A No.

Q64 Right, do you feel you need to - - -

A Not at, not at the moment, yeah.

Q65 No, you're right at the moment?

A Mmm.

Q66 All right, but it's a right you have, if you feel - - -

A Yes.

Q67 - - - you want to contact a solicitor to get independent advice.

A Mmm.

Q68 You're quite welcome to do that, 'cause it's not appropriate that I or any other police give you advice.

A O.K.

Q69 You need to get independent advice from someone outside.

A Yes.

Q70 All right?

A Mmm.

Q71 All right, what I'm getting to, is in relation to your rights.

A Mmm.

Q72 Do you feel you understand the rights that you have - - -

A I can understand you, yeah.

Q73 O.K.

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A Yeah.
Q74 All right, in relation to the pushbike that you have with you.
A Mmm.
Q75 Can you tell me where you got that?
A That's was in Sydney, like a, one I, I, I like bought it, because when I was in living at Botany Bay.
Q76 All right.
A Yeah.
Q77 What I'm saying is, did you buy it from a shop or a person or where did you get it?
A Not, not from a shop, from a, from another person.
Q78 All right, what were the circumstances you meeting this person?
A I was there, I was living there at the, near the golf club.
Q79 Right.
A Yeah.
Q80 And how'd you come to buy it? How - - -
A I, I, I've like, I've like a few money, like one thousand dollar, which I give, yeah.
Q81 How much sorry?
A Half of the amount, 500 dollar, but I used to have like one thousand dollar with me.
Q82 So you paid him 500?
A But, I don't, yeah.
Q83 But it was worth a thousand, was it?
A Yeah, so I ...
Q84 So do you still owe him some money?
A Yeah.
Q85 O.K. Do you know that person's name?
A I, I think it was Yewis, something like that, Yewis.
Q86 Yewis, Louis?

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A Yeah, Yewie - - -
Q87 Loui?
A Yewie, Yewie.
Q88 Yewie?
A Yeah, actually, something like ...H E... But it's Yewie.
Q89

A I, I used to call him, yeah.
Q90 O.K. I'm not a, a pushbike expert.
A Mmm.
Q91 But just looking at it, it's a very high quality bike, it'd be worth a lot of
 money - - -

A Yeah yeah.
Q92 Yeah, sorry?
A It worth a lot of money, yeah.
Q93 Yeah, do you know how much it'd be worth?
A That I don't know.
Q94 O.K.
A Mmm.
Q95 All right, the other thing at the, after you were arrested and you were
 brought back to Eden Police Station by another police officer.

A Yeah.
Q96 Yeah, he made a search of your clothing in your bag.
A Mmm.
Q97 Remember that?
A Yeah.
Q98 He informs me that in your possession you had - - -

A This wire.
Q99 A length of wire?
A Yeah.
Q100 And there, actually two pieces?

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A Yes.
Q101 Can you tell me what that's for?
A This one like, because I don't have lock at the moment, for the bike,
it's like to, that's why I have the pliers. The pliers are also in the bag.
Q102 All right, to secure the bike?
A Yeah.
Q103 Yeah.
A And to twist it all, like if I want to go like to the supermarkets.
Q104 O.K.
A Like to but it's only if I coming back, yeah.
Q105 All right, well also in your bag - - -
A
Q106 - - - he found these two black knives.
A Yeah.
Q107 What can you tell me about those?
A This knife like, well when I was, like, like usually like if I'm fishing, like
where I was camping. Yeah when I, when I was camping, fishing
.....
Q108 Fishing, all right.
A Yeah
Q109 Were these in your bag or in your clothing?
A In my, my, my bag.
Q110 In your bag.
A . Yeah.
Q111 O.K.
A Some like, some tomato sauce there.
Q112 On the paper there?
A Yeah.
Q113 All right. And you got some fishing - - -
A And also in the bag.
Q114 All right, yeah.

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- A Yeah tomato sauce in the bag, yeah.
Q115 O.K. All right, just for the sake of the record, I've showed Mr Moses -
--
- A Mmm. Two black knives.
Q116 --- two black, what would appear to be steak knives.
A Yeah.
Q117 One of them has the inscription, stainless steel knife, stainless steel china and quite a wide serration.
- A Mmm.
Q118 The other one has no writing on it ---
A
Q119 --- and it's got a finer serration.
A Mmm.
Q120 And it's missing a couple of rivets.
A yeah.
Q121 Yeah. O.K. All right, I now come to the issue that I wanted to speak to you about Moses, and it relates to a gentleman by the name of
1359
- A Mmm.
Q122 Who informs police that he was walking back to his home, along a road known as Anzac Parade.
- A Mmm.
Q123 And at the time he was carrying an iPhone.
A Yeah.
Q124 In one hand, and he was talking to a friend on the phone.
A Mmm.
Q125 At which time he describes was about 2.30 in the morning, he was on Lang Road, just short of Mitchell Street, Centennial Park.
- A Mmm.
Q126 When a male person wearing a black hooded jumper, came up in

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front of him.

A Mmm.

Q127 Seized the phone from him, and at the same time stabbed him to the left upper arm.

A Yeah.

Q128 Do you care to tell me anything about your knowledge of that incident?

A Umm that, that particular morning, I was like coming from one of the restaurants, there's a café there, in the, in the Centennial Park.

Q129 Mmm Mmm.

A There's a café in the Centennial Park, the Centennial Park Café ---
Q130 In the park itself?

A Yeah, in the park yeah.

Q131 Yeah?

A So I, as I come out of the gates, I used to have like, this ... Compaq... as I come out of the gates, the guy, 'cause it's a popular spot like for gay people.

Q132 All right.

A 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.

Q133 All right.

A Yeah.

Q134 So you thought he was gay?

A No, he approached me.

Q135 He approached you?

A Yeah.

Q136 All right, can you say ---

A 'Cause that's a popular spot where ---

Q137 Where gays meet?

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A Yeah.
Q138 And the times right, 2.30 in the morning?
A Yes.
Q139 All right, just let me hold you there, I'm going to, I don't know if these will help you much, but these, can you look at maps all right?
A Yeah.
Q140 These are off Google maps.
A Mmm.
Q141 Off the computer?
A O.K.
Q142 So this road here is called Lang Road?
A Lang Road, yeah.
Q143 That's on the - - -
A side.
Q144 - - - western side of the Centennial Park?
A Yeah.
Q145 And he's approaching Mitchell Street, which is that little street there?
A Mmm.
Q146 The area you describe where this café is, is that near there? Could you, do you want to mark that at all?
A Café, yeah the café, the café is like, this is Centennial Park.
Q147 Yeah.
A Yeah this is Centennial Park, and this is the Drive.
Q148 Yeah.
A When if you come into the drive here, there's a café, there's café, around this area, like around there.
Q149 About there?
A Mmm.
Q150 Yeah, just put a, an X there for me yeah?
A Yeah.

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- Q151 About there? Yeah.
- A Yeah, and there's a café around there, so I got the food, yeah and I was coming like out, with the bike, with my bike, I was
- Q152 Yeah.
- A Then he, he was standing around there, not the first time I saw that guy before I've - - -
- Q153 All right.
- A - - - seen him like, yeah a few times - - -
- Q154 All right.
- A - - - that area.
- Q155 O.K. Let me hold you there for a second.
- A Mmm.
- Q156 All right, for the sake of the record, I'm now showing Mr Kellie a photograph of 1359 do you recognise that as the man?
- A Yeah, I, I yeah do recognise him, yeah.
- Q157 All right.
- A But he was, because - - -
- Q158 He, he wasn't wearing, he was wearing a, a grey jacket and a, a blue shirt underneath?
- A Something like that, yeah.
- Q159 Yeah.
- A Mmm.
- Q160 And that's a close up photograph of his arm.
- A O.K.
- Q161 And that's the wound from the knife.
- A Mmm.
- Q162 Do you want to say anything about the wound there?
- A 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.

Q163 Uh huh.

A 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....

Q164 Does he say anything to you?

A Yeah, he approach mein the morning.

Q165 Sorry?

A 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 -
--

Q166 All right.

A --- and he was talking.

Q167 So how long would he have been there?

A That was the area I used to live. Around that area.

Q168 So.

A So he was, he has been there like an hour.

Q169 An hour?

A Yeah, 'cause I saw him first when I was come out, when I was, when I was coming into the park.

Q170 Right. Let me read to you his description of what happened, and then I'll allow you to comment afterwards - - -

A O.K. O.K.

Q171 O.K?

A Yeah.

Q172 He says, about 2.30am, I was about 15 metres short of Mitchell Street, Centennial Park, where the last round-a-bout is located before meeting Oxford, this area wasn't well lit and was fairly dark.

A Mmm.

Q173 I was just walking under a large tree, which cast a further shadow,

shadow over the area, at that time I saw a shadow of a person moving up behind me from my left side, I saw the person walking quickly and heard their footsteps. I turned my head to the left and saw a male move past me, within 30, 30 centimetres of my shoulder. This person moved to stand about 30 centimetres from me, to my front, facing me, I stopped walking at this time. I'd still been talking to Hailey on my mobile phone, which was held in my left hand to my left ear. The male began to yell something at me but I couldn't understand what was said, I then saw he was holding a silver coloured object in his left hand, the object appeared to be similar to a knife, with a silver coloured blade, with about a 10 centimetre length blade. He brought his left hand up quickly past my chest and then waved the silver coloured knife back and forth aggressively in front of my face and chest. I felt threatened by the male and feared for my safety, and I believed I was going to be stabbed. I stepped backwards and felt my back touch the Centennial Park fence, I held my phone out with my phone, sorry, held my hand out with my phone towards him as I moved back, I felt my phone taken forcefully from my left hand. I think I said, Just take it, the male then ran, ran down Lang Road towards Anzac Parade and I didn't see him further. It's not until he gets home, he discovers that he's been stabbed in the arm and he's bleeding.

- A Mmm.
- Q174 Do you want to say anything about his description of what happened?
- A No, I don't know anything about that.
- Q175 All right. Well what I don't understand about your, the description you've given me, is that you think he was pretending to be on the phone, do you?

- A Not, what, what I mean is that, he approached me first.
Q176 Right.
- A So when, when I give him like the, I say, I'm not interested in that kind of stuff.
Q177 Yeah.
- A Yeah, when he first approached me then it was like he was talking, like somebody after the I just know like that kind of stuff.
Q178 All right, all right.
- A Somebody like, I don't know if the phone rang or he was pretending because it's like iPhone, maybe you know - - -
Q179 Yeah.
- A - - - is like I I technology... stuff.
Q180 So the first time he approached you?
- A Mmm.
Q181 Was about an hour before?
- A Yeah.
Q182 O.K.
- A Down by the sporting area
Q183 And did he ask you for some sort of sexual favour?
- A Yeah, it's, it's like a popular place, it's like a popular spot.
Q184 I realise that, but - - -
- A Yeah, that area.
Q185 Can you remember what he specifically said to you, what did he ask for? Oral sex? Some other form of sex?
- A Yeahthey approaching me, and they don't, they don't, they don't hide any stuff around that area.
Q186 All right.
- A Yeah, just like a lady on the street, you know.
Q187 All right, yeah. Did he offer you some money to do anything?
- A Yeah. I said, I'm not interested, he forced, he forced attempt.

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Q188 Did you complain about that to anyone, at any stage?

A No, it was like two of us after.

SENIOR CONSTABLE McRAE

Q189 Just a bit slower mate.

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Q190 Yeah.

A O.K. After, I actually said, I'm not interested Back off.

Q191 Right.

A Yeah because, because some people do, when you say you're not interested, they don't go away.

Q192 All right.

A But he still keep coming, like when I was, when I enter I was in the park, he was like on the side of the park.

Q193 All right.

A Yeah.

Q194 And at the time when you spoke to him first.

A Mmm.

Q195 Did you have a black hooded top on?

A No I was wearing a jacket, because the place was too cool.

Q196 It's cool?

A Yeah.

Q197 Did you have the hood up?

A No.

Q198 No. But when you, did you, well do you acknowledge you took, grabbed the phone off him and stabbed him in the arm?

A No I, I did not stab him. When, when, when I, when I come outside ...I said what is your problem, we start arguing, we start to argue.

Q199 Right.

A 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 - - -
Q200 But did you stab him or not?
A - - - I was not carrying a knife, it was like a fork, this - - -
Q201 Was a fork?
A Yeah, which we use at the, there is a café there.
Q202 Yeah.
A Which I found it there.
Q203 So would you agree that I showed you a photograph of his arm with a
- - -
A Yeah.
Q204 - - - a wound in the arm?
A Mmm.
Q205 How was that wound made?
A I don't, I don't know when the, when the, when the argument was
going on. When, when, when I actually say I'm not into the
confusion was going on. He just like, he start to..... start run yeah.
Q206 Well what he's saying in the statement.
A Mmm.
Q207 Is that the phone was taken without his consent, and he's parted with
it because of his fear of what you're about to do to him.
A Nuh, he dropped the phone.
Q208 He dropped the phone?
A He dropped the phone, when the argument was going on, 'cause he
was like talking to somebody, when the argument was going on, when
I pushed him, I pushed him like onto the park, because the park has
like a sharp wires from the park.
Q209 Right.
A Like if you know Centennial Park, you know there is a old - - -
Q210 Yeah I know the fence that, yeah, yeah.
A The fence is there, and that's a iron fence.
Q211 Yeah.

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- A So when the argument was going on, I pushed him the, the phone drop. I said, if you come down again I, I will do something to you and when he start to run he drop the phone, and I, I took the phone, yeah.
- Q212 What did you intend to do with the phone?
- A I was not even want the phone, first I, I try to, to, to I said, come on take your phone, or something like that. Then he's start to run, start going up, then later the lady called me, the lady..... he start to, I don't know, I don't know, maybe, it was like a, like a planned stuff, you know, you know, is there somebody live around that area, like a then he start to talk about you know - - -good times
- Q213 All right, all right.
- A something like that, calling a taxi, something like that, yeah.
- Q214 O.K. All right, well how do you say that injury happened to his arm?
- A I don't know when it all was going on, when I, when I, when we the, the, the, like the push push was going on. It, it's because I push to the railing, to the wall, to the, how you call it, the fence.
- Q215 All right.
- A Yeah. Maybe that, that's how I got this injury, I did, I did not touch him - - -
- Q216 Well did you stab him with some sort of knife?
- A No.
- Q217 Did you stab him with some sort of fork?
- A I did not stab him with the fork, the, the fork was in my bag, I have the bag, like a black bag with me, that's why - - -
- Q218 All right.
- A - - - I'd say that was the only stuff I - - -
- Q219 Did you have a backpack or a carry bag?
- A I have a backpack, backpack that time.
- Q220 Mmm.
- A And the I just put the bag on the wall, yeah. Because I have seen him, I, like, 1 hour, maybe, more than 1 hour. He was still going around like, when he following somebody, something like that.

SENIOR CONSTABLE McRAE

Q221 During the argument, did you arm yourself with anything else like a stick or anything like that?

A Nothing, I put down the bag, when I put the, basically I put down the bag, I, I, I tell him, I say, I'm not interested, I say why you following.... what's your problem something like that, we start arguing, when I pushed him onto the wall, onto the wall. Maybe that's how he got this injury.

DETECTIVE SERGEANT WINTERFLOOD

Q222 Well he talks about waving a silver coloured blade about in front of him.

A Nuh, because I tried to put the bag, the bag was there, all my food was there, I didn't want like to, to go into fight like with my stuff in the bag, so I put the bag there, the bag was leaning on the wall also.

Q223 At the time this happened, which is back on the, what did we say, the 1st of November, the 11th of November - - -

A Eleventh of November, or September, something like that.

Q224 Where, where were you living at that time?

A I was living at the Centennial Park there.

Q225 Right, in the park itself?

A Yeah.

Q226 You were just camping somewhere in the park?

A Yeah, yeah.

Q227 Yeah. All right, well other police have made a report that on the 17th of October, which is about 6 days later.

A Mmm.

Q228 That you were spoken to in Centennial Park and you were found in possession of a knife. And that those police charged you with being in possession of a, a knife.

A Possession was not in Centennial Park, it was Boulevard.

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Q229 Sorry? In the Boulevard?
A It was not, it was in Boulevard, yeah.
Q230 O.K. All right.
A Yeah.
Q231 But do you remember being spoken to and having a knife in your
 possession?
A Yeah.
Q232 All right. Was that knife used on this man?
A No it wasn't, that was not a knife.
Q233 O.K.
A That was, it was not because it was like a, after the incident yeah.
Q234 All right, well also on the 17th of October, the same day, I'm informed
 by the police that they were searching in Centennial Park itself.
A Yeah.
Q235 In the vicinity of Busby Ponds on the western side.
A Mmm.
Q236 And that you came out of some bushes.
A Mmm.
Q237 Near there, and you were spoken to, you remember that happening?
A Yeah

Q238 And you had some sort of a camp site near an overflow pipe, from
 Busby Ponds?
A Yeah.
Q239 Yeah?
A Yeah.
Q240 That's true?
A Mmm.
Q241 O.K. And at that time you had a back pack?
A Yeah.
Q242 Now at that time you were in possession of the iPhone?

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- A Yeah, the iPhone was not in my, like with me, it was like - - -
Q243 It was with your stuff was it?
- A With, yeah, in, inside the place, the place, like was abandoned it but
the stuff were there, the the phone they find it there.
Q244 Can you tell me why you kept that phone?
- A I left it there because during the incident I didn't see the guy so I
just put all my stuff there, all the rubbish stuff all togetheractually
got the pictures there, all the rubbish stuff was in the
Q245 All right. Well I'm told that on the same day as the man was robbed of
his phone, which was the 11th.
- A Mmm.
Q246 That you've purchased a sim card and then you've put your own sim
card in the iPhone and tried to make calls with it?
- A Not like with my sim card, it was like, it was a sim card, it was, it was
like on a sim card in a, in a café, I think somebody was about to use it
but it didn't work.
Q247 All right, but did you put that sim card in the iPhone?
- A Yeah I put it there, because I was going to open it, I didn't even know
how to open it.
Q248 All right, well what you need to understand is that the phone
companies - - -
- A Mmm.
Q249 - - - keep a business record of every movement - - -
- A A record, a record yeah, yeah.
Q250 And they can tell, A, the number of the handset, and B, the number of
the sim card - - -
- A Mmm.
Q251 - - - in any phone when it's used.
- A Yeah.
Q252 And 11 hours after this man was robbed of his phone.

A Mmm.
Q253 They can show that a sim card that you had.

A Mmm.
Q254 Was used in that phone.

A Yeah.
Q255 Do you understand that?

A Yes, yes.
Q256 All right, is that the case?

A Yes.
Q257 All right.

A It was not actually, I didn't make calls with it because he was not working

Q258 It didn't work, is that what you're saying?

A No.
Q259 No. Well inquiries by other police indicate that four calls were made on the phone on that day.

A Four, four calls.
Q260 Mmm.

A Mmm.
Q261 Using a sim card in your name. At some point after this, the owner had the phone company disable the phone, so it was no longer usable.

A Ok.
Q262 But prior to that happening, four calls were made. Does that make sense to you?

A No, because I didn't, I didn't, I didn't make many call

Q263 But you made some, must have?

A Maybe, maybe, maybe it was, maybe it was like got all the document, all the, all the information in the phone, maybe it was set, set up like to call, maybe what happened, because it's like a high

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- quality phone.
- Q264 All right.
- A It was set up, all the information about other people, it, it has contacted.
- Q265 Yeah, do you recall while you had the phone, somebody rang you?
- A Yeah there was a lot of call, but like 1 or 2 hours it went off, and didn't work anymore.
- Q266 A female friend of the man that was stabbed.
- A Mmm.
- Q267 Recalls ringing the phone a number of times.
- A Mmm.
- Q268 And one of those phone calls, someone answered it and said, She asked "[1359] are you there?", and a male person said something like, "I just found the phone", and then they hung up.
- A Yeah, that's what I told the lady.
- Q269 O.K.
- A 'Cause when the, when the war was going away, when he dropped the phone, and when I took the phone, so I told the lady I found the phone, and so the lady say, She just, she, she said she don't like need the phone anymore you know.
- Q270 What, what did you intend to do with this phone?
- A I was not intending to call, the lady say she come and collect the phone, I said, Come and collect it
- Q271 How's she going to do that?
- A Because she, I, I show her where I am, she said she gunna come and collect the phone, she talk about you know, getting a taxi, something like that to come down there. I said, me and the, me and the guy, me and the guy we, we, we have talk, like we, we arguing, something went onyeah he drop the phone tell her, but she, she rung
- Q272 Why have you, why did you keep the phone so that when the police speak to you a week later, you're still in possession of the phone?

A (NO AUDIBLE REPLY)

Q273 Why don't you hand it into a police station?

A I, because when he, I, I did not, I was there, I did not like, they, they didn't like come, come for me, like they say it was like, it was like a robbery, like when you just rob somebody you know the person lives there, because there are a lot of people that know I'm I'm there. So he would've come like, and something like that.

Q274 How could this person ever find you, near a drain in Centennial Park?

I find that difficult to understand.

Apeople know I'm there, O.K. They, they know I'm thereme not, not confirm it, me not confirm it, but he know I'm there, he know I live there. Many people know

Q275 Do you know how much an iPhone is worth?

A No, I don't know.

Q276 Somewhere between 5 and \$700, maybe more. Do you know Scott?

SENIOR CONSTABLE McRAE

Yeah just to purchase one out right.

DETECTIVE SERGEANT WINTERFLOOD

Yeah.

SENIOR CONSTABLE McRAE

Q277 Yeah, probably 7 to 900, more than likely.

DETECTIVE SERGEANT WINTERFLOOD

Q278 So you've made no attempt to hand this phone in, you've just retained it.

A No I don't actually retain it, I put it there.

Q279 Yeah - - -

A That's why I was not even using it or, I, yeah.

Q280 Yeah, all right. Well correct me if I'm wrong - - -

A Mmm.

Q281 My understanding of what you're saying is that this person dropped the phone and you picked it up?

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A Yeah when - - -

Q282 But he, he.

A - - - when, when the, when the confusion was going on, the phone dropped, that's what I said.

Q283 Well, he says you snatched it out of his hand.

A No, I did not, when I pushed him, when the confusion was going on, when I, I later told him because, he has been going around asking that type of stuff, for a long time, when I first saw him, I said I'm not interested, in that particular area, I did not actually take the phone from, he dropped the phone.

Q284 And he says that at, at the time this happened you've, something has impacted his arm, his arm and when he's later looked there.

A Mmm.

Q285 There's been a, a knife wound.

A No.

Q286 And he see's you flashing a knife in front of him.

A No.

SENIOR CONSTABLE McRAE

Q287 Can I ask him?

Q288 What, what did he confront you with that made you end up in a struggle with him?

A It was, it was the gay sex.

Q289 Gay sex - - -

A Yeah, yeah.

Q290 - - - he, he wanted - - -

A At the first, it was like the first entrance to the gates that's where I met him like hour before.

DETECTIVE SERGEANT WINTERFLOOD

Q291 At the gates?

A Yeah.

Q292 Here?

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- A Down, the first gate in Centennial Park, if you enter, this is the Lang Road, Centennial Park.....
- Q293 Yeah, the main gates, are up here are they?
- A Yeah, this is the cricket ground the main gate is here, around here.
- Q294 Yeah.
- A This is the Grand Drive, so when you enter here, this would, I think it was around this, this Lang Road, around this area ...this happened. 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.
- Q295 All right.
- A There in Centennial Park, yeah.
- Q296 This area where you were camping near this pipe.
- A Mmm.
- Q297 Where is it in relation to the café or, is it further over, out of sight? Out of, off the map?
- A It's off the, it's definitely like off the, off the map, because the park..... is around here.
- Q298 All right, that's zoomed out a little bit.
- A Mmm.
- Q299 Would it be on that map at all?
- Q300 Senior Constable McRAE: This is the pond there.
- Q301 Duck pond?
- A The, the duck pond, O.K. I, I think this is, this what, is was around there, around this area.
- Q302 Over here somewhere?
- A Yeah.
- Q303 So around here somewhere?
- A Because Busby Pond, you can't find it like on the map there.
- Q304 Yeah.

A There are a lot of ponds there.

Q305 O.K. Did you have anything else Scott?

SENIOR CONSTABLE McRAE

Q306 You were asked earlier, did you stab him with a knife?

A No did not stab him.

Q307 Did you stab him with a fork?

A No.

Q308 And then you said, it wasn't a knife, and then you were going to say what it was - - -

A If I'm gunna say what - - -

Q309 What was it, what did he get stabbed with?

A I did not stab him, that's what I said.

Q310 Yeah, I'm not saying you stabbed him, but what did he get stabbed with?

A I don't know, maybe when, when, when the war was going when the fight was going, he fall on the fence, there wound himself yeah.

Q311 O.K.

A That's, that's when maybe maybe happened but I did not.

Q312 He, he fell on the fence because you pushed him?

A Yeah, because we, we argue like you, yeah

Q313 All right.

A Yeah.

DETECTIVE SERGEANT WINTERFLOOD

Q314 The problem I have with your version of events.

A Mmm.

Q315 Is that this man, 1359 is saying that he's walking along, talking to a female on the phone.

A Mmm.

Q316 But you've come up behind him and brushed past him and stood right in front of him.

A Nope. I, I, I didn't actually walk behind..... I was actually like on the gate, because when I'm first met him, for 1 hour before, he was coming up. It it doesn't take that long to 1 hour to reach to the other gate cos like short distance. So I enter the café and come out of that gate, I was going to so I was like standing at the side of the fence, put the bag there, 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, on the same, like talking to a female person about going out something like that, having a great time like yeah - - -

Q317 So he was talking on the phone?

A He was talking on the like, talking on the phone - - -

Q318 You said he was arguing with you and you got into some sort of fight?

A He was like pretending phone, when he was talking with, then he past me.

Q319 Yeah.

A Then I say, I I, this guy still keep coming you know, because like he was watching when I enter the café, I you know, still there, he come out, I was, yeah he was like he would have reached the next gate.

Q320 All right.

A You don't, you don't understand.

Q321 No I don't.

A One hour I met him at the, the gate - - -

Q322 No I understand the one hour before.

A Yeah.

Q323 But at the time you've had a bit of push and shove against the fence.

A I was back at the other gate.

Q324 At the other gate?

A It's Lang Road there, that's other gate there, small gate.

Q325 My understanding is.

A Mmm.

Q326 He's finished his conversation with you.

A Mmm.

Q327 Whether it was for gay sex or something else, I don't know.

A Mmm.

Q328 But he's walking away talking on the phone.

A He, like he was talking to her, but she was not talking one like, like me to her, like I, I was standing there at the next gate.

Q329 All right.

A At the other gate after I've come out of the café, it's like he was waiting on the other, he was waiting like the you do not take that long like to walk that distance. Yeah, I enter, I go far distance, then he, when meet at the gate, I - - -

Q330 There's nothing illegal about being there for an hour or 5 hours.

A know what, I mean that is not illegal, but where he was like standing waiting.

Q331 Yeah.

A The guy come out on the other gate, I actually avoid him, take the other road, he was there again.

Q332 Yeah.

A Yeah.

Q333 But whether, whether he's there for an hour, or whether he's there or not.

A Mmm.

Q334 That's his business.

A That is his business, that's what I'm saying. But he should not, he should not be he should not be

Q335 But, but why do you need to push him against the fence?

A I said I'm, I said I'm not - -

Q336 And take the phone.

A Nuh, he dropped the phone, I did not take the phone. OK.

Q337 All right. I don't have any further questions for you Moses.

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A Mmm.
Q338 But is there anything further you want to say, or you think I might have, you might have missed - - -

A Not too much, not too much I want to say.
Q339 All right, O.K. Anything else you want to ask?

SENIOR CONSTABLE McRAE

Q340 Yeah, how are you supporting yourself?

A (NO AUDIBLE REPLY)

Q341 I know you're living in a pipe in Centennial Park, but what were you doing to eat, pay for food and stuff?

A Nuh, I, I was just like going to rubbish stuff, all I was doing, yeah.
Q342 Yeah.

A I was not - - -
Q343 Doing what?

A I was - - -

DETECTIVE SERGEANT WINTERFLOOD

Q344 Getting rubbish out of the bin.

A - - - getting yeah.

Q345 So do you get any money from Centrelink?

A No, I, I stopped like going there for maybe 2, 2 years ago, I don't, yeah actually yeah - - -.

Q346 O.K.

A - - - receive nothing from them.

Q347 How, how long would you have been in Australia?

A Four years.

Q348 Four years?

A Mmm.

Q349 And you stopped Centrelink about 2 years ago?

A Yeah, maybe more than that, yeah, I think that's, 2, 2 years

Q350 O.K. So for 2 years.

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A Mmm.
Q351 What have you done for money and food?
A That's what I was doing, I was not like, I go to the café, I go in, they left like, like food there, I took it, like go to the get stuff you know yeah.

SENIOR CONSTABLE McRAE

Q352 O.K. So you're living on handouts?
A
Q353 So basically you're living on charity?
A Not on charity, I mean like going to the bin and taking it, not on charity

Q354 Mmm.
A --- like going to the bin ---
Q355 So a bin next to the café or something?

A Yeah.
Q356 Right.
A Mmm Mmm.
Q357 All right, and you say you seen this bloke three or four times before, this same person, this fella?

A Mmm.
Q358 Three or four times before, you've seen him before?
A Yes, yes.
Q359 Had he approached you for sex on those occasions as well?

A Yeah, yeah.
Q360 And what was your reaction to that?
A 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

Q361 Yeah.

DETECTIVE SERGEANT WINTERFLOOD

Q362 Is there any reason you're out at half past 2.00 in the morning on that

night?

A When I was, I, I usually like walk out, during that time, like that is the time I actually go like from one café to another. Go from one restaurant to another ... particular time.

Q363 All right.

A Yeah. Because like I don't do like this time I go, go to meet people and, you know

Q364 Well you're saying that, that time of night gay people often meet there, what I'm saying is, well why are you there, if that's the, if you knew that and that's an issue, why go there?

A That's why I was, yeah that's where because it's not him alone that do it, or maybe like a few times maybe that happened, not the first time.

SENIOR CONSTABLE McRAE

Q365 Your, just take you back to the bike, you paid \$500 for it?

A Yeah.

Q366 You're not getting any money or benefits from the government?

A No.

Q367 Is that right?

A Yeah.

Q368 How'd you, where'd you get the money from for the bike?

A I was like that morning, like when I start living on the streets, I got the money, like when the, what you call it the, the cops like they arrest me the other time I got like \$2000 still in custody there, in police station, the moneys still there.

SENIOR CONSTABLE McRAE

Q369 You got a what? What'd you get?

DETECTIVE SERGEANT WINTERFLOOD

Q370 Two thousand dollars

A Two thousand, like I lost out like \$10,000 all in all.

Q371 All right.

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A But when I was living on the street like you know.
Q372 All right, you had 2000 in, in - - -
A
Q373 And that's still at the police station is it?
A Yeah, it's at Bondi Police Station.
Q374 O.K.
A And.
Q375 Did you pay \$500 for it, all up or - - -
A Yes.
Q376 - - - or do you still owe money for it?
A I still owe some few cash with it
Q377 How much?
A Maybe I can't pay that amount for the money like
Q378 How, how were you going to get in touch with this fella, to pay him the balance?
A If I because I was just coming like to camp, you know, to, to come and see like the outback.
Q379 Well how, what I'm saying is, what's his address? How are you going to find him again?
A He's at, he, he work at the, the golf club there, at Botany Bay, yeah.
Q380 He works there?
A Yeah, he works there, yeah.
Q381 Do you know what he does, is he a green keeper or?
A He's like the green keeper, like people like mow the floor, the, the, mow the grasses.

SENIOR CONSTABLE McRAE

Q382 What brand is the bike?

A I think it's like Norco.

Q383 Yeah?

A Norco, yeah.

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Q384 How many gears has it got?
A Eight.
Q385 Eight gears, and so if you're paying \$500 for it, how much do you still owe?
A Like, it was, at first it was like 1500 dollars I can't pay that, so ... keep giving him, him yeah, because I told him about my situation about my monies and because I I got arrested for knife possession, that's my moneys in the police, in the police station give you some the balance of money

DETECTIVE SERGEANT WINTERFLOOD

Q386 Do you still have to go to court for that matter?

A Yeah.

Q387 Do you know what date that is?

A I don't know the dates no.

Q388 All right.

A Mmm.

SENIOR CONSTABLE McRAE

Q389 So the goods are on the

A Mmm.

Q390 O.K.

DETECTIVE SERGEANT WINTERFLOOD

Q391 O.K. All right, we've finished our questions for you Moses.

A Yeah.

Q392 Have the answers you have given that have been recorded in the interview, been given of your own free will?

A Yes.

Q393 Yeah? You understand that?

A Mmm Mmm.

Q394 Has, in your mind, anything unfair been done to you - - -

A Mmm:

Q395 To cause you to give those answers?

A No.

Q396 All right. What I'll do now, is we'll just suspend the interview, I'll have another officer, who's not involved in the interviewing.

A Mmm Mmm.

Q397 Just ask you about the manner in which we've conducted the interview. All right?

A O.K. Yeah.

Q398 Yeah. Moses, this is Senior Constable Chippendale, I think you met earlier?

A Yeah.

Q399 He's just going to speak to you about the manner in which we conducted the interview.

A Yeah.

Q400 And myself and the other officer will leave the room. All right?

A Yeah.

Q401 So, that's the names.

SENIOR CONSTABLE CHIPPENDALE

Thanks, that's what I wanted?

DETECTIVE SERGEANT WINTERFLOOD

Yeah, O.K.

SENIOR CONSTABLE CHIPPENDALE

Q402 All right Moses, as you've been told I'm Senior Constable Chippendale.

A Mmm.

Q403 I'm an officer not connected with the matter about which you have been interviewed. Do you understand that?

A Yeah.

Q404 O.K. My function is to ensure fairness in the conduct, in the conduct of the interview. Do you understand that?

A Yeah.
Q405 O.K. Are you Moses Kellie?
A Yes.
Q406 O.K. Have you participated in this interview of your own free will?
A Yes.
Q407 Has any threat, promise or offer of advantage been held out to you --
-
A No.
Q408 --- to give answers recorded in this interview?
A No.
Q409 You understand what that means?
A Yeah.
Q410 Yes, O.K. The time is now 12.38 by my watch, on the 17th of the 1st
2010. The interview is to be stopped.

INTERVIEW CONCLUDED

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