

NEW SOUTH WALES POLICE

STATEMENT in matter of:

Place: Bondi Police Station.

Date: 3rd January, 1990.

Name: DM
(Surname in capitals)

Address: Not Disclosed. Tel. No.

Occupation: chef. STATES:-

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

2. My date of birth is the [REDACTED].

3. About 10.30pm on Thursday 21st December, 1989, I left my residential address at Bondi and I went for a "run" I ran along the Bondi Beach Promenade to North Bondi to the B.B.Q area and turned around and ran back along the Promenade to Notts avenue, and then to the end of Notts avenue, to a set of stairs which lead to the footpath which runs south around the waters edge and cliff edge area to MacKenzies Bay and Tamarama Beach. .

4. To describe the area from the start at Notts avenue, there are initially 6 steps, a distance of about 10 metres to a second set of 13 steps, going downwards, then a further curved distance of 15 to 20 metres to a set of 13 steps. From this point the footpath runs in a semi circle fashion following the line of the first Bay. There is a sets of steps off to the right about 20 to 25 metres from the 3rd set of steps from Notts avenue, these steps lead up through Hunter Park to Campbell parade. The footpath continues around the first Bay to a high sets of steps which lead upwards (about 26 steps) and there is a landing there, then 3 steps to the long footpath which runs all the way to Mackenzies Point where there is another high set of steps which from there runs to Mackenzies Bay. The run continues to Tamarama and Bronte beaches. From the set of steps which leads from the first Bay after Notts avenue and up to the higher level there are a set of steps 40 metres on the right which lead to Fletcher street.

Witness:

A.M. Ingleby
A.M. Ingleby.
Sergeant.

Signature:

DM

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5. After leaving Notts Avenue, I ran along the footpath around the waters edge of the First Bay to the high steps. As I ran up the high steps I did not see any person. I arrived at the top of the steps to the landing and I observed about 10 to 12 young persons whose ages ranged between possibly 14 to 18 years. There were two females included in that group. They were standing on the landing and up the 3 steps to the footpath and around the footpath. A male person who I will describe later as Suspect (1) stopped me at the top of the last 3 steps, by standing in front of me. He said, "What are you doing here." I said, "I'm going for a run." He was quite relaxed and I was quite tense. I firmly moved forward the main group was sitting on the stone wall next to the path closest the water. I remember a Maori who I will describe later as Suspect (2) he was sitting on the wall and he said to me, "You got a cigarette or two dollars." I ignored this and kept jogging forward. At this time I also noticed the two females sitting on the wall. I kept on jogging along the path. The time of my arriving at the top of the landing was about 10.55pm to 11.00pm on Thursday 21st December, 1989.

6. I ran around to Tamarama Beach then back along the same pathway to the Mackenzies Point where there is a circular shaped look-out area. From there I ran across Marks Park to Fletcher street up Fletcher street, to Sandridge Street, and from there down through Hunter Park to a set of steps next to a large block of units, these steps lead down to the footpath and the Bay, being the First Bay south of Notts avenue. These are the steps I described in paragraph 4, as being 20 to 25 metres from the 3rd steps south of Notts avenue.

7. I ran down those steps to the pathway and then up the 3rd set of steps heading towards Notts avenue, the footpath as I said before is about 15 to 20 metres long before reaching the second set of steps south of Notts avenue.

8. When I was about 6 to 7 metres from the 2nd set of steps south of Notts avenue, I was thrown forcibly onto the grassed verge to the left of the footpath. There is a grassed area leading to a Rock face with small caves along the rock face. The rock face leads up to the grassed area around the Notts avenue Cul-de-sac.

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9. I turned onto my back to look up, as I looked up I seen Suspect (1) and Suspect (2) the two persons I mentioned in paragraph 5 of this statement.

They are described as follows :-

SUSPECT (1)

Male; 15 to 18 years old possibly 17 years old; 1.68 cms to 1.72 cms tall (5ft 6" to 5ft 8" inches tall) slim build; Blonde hair; cut close to the side of the head, and a touch longer on the top of the head. Complexion between fair and slightly tanned. Wearing a white woollen jum,per, round neck; There was some design on the front in the knitting in the same colour wool. Black track suit pants. Over his back and Shoulders he was carrying a blue back pack and I particularly remember it because it was the same brand as mine and the brand name was on each strap in front and read 'Caribee'. The brand name was not written in white like the one I own, but it may have been in red, although I'm not sure of that. Australian, reasonably well spoken.

SUSPECT (2)

Male; Maori appearance; 15 to 18 years old, possibly 17 years old; 1.68 cms to 1.72 cms tall (5ft 6" to 5ft 8" inches tall) solid build; round solid face; was carrying a little body fat; Olive complexion; black hair. Wearing a short sleeved Tee shirt Kahaki in colour, and a shade darker Kahaki coloured shorts. No design on the Tee shirt.

10. Suspect (1) was at the feet end of my body between me and the footpath and Suspect 2, was to his left between me and the footpath. I was aware of a number of other persons possibly six in number along the footpath behind Suspects (1) and (2) in the area up towards the 2nd set of steps. Someone was saying, words similar to "Poofta" Suspect (1) Kept saying, "You're Gay, you're gay, you're gay." I was trying to get up off the grass my upper body was up off the grass and Suspect (2) struck me on the right temple area about 5 to 6 times, he had his left fist closed, but was hitting me with the inside area of the closed fist as it is in line with the inside wrist area. At this time I saw Suspect (1) was over me and very close to me I closed my eyes,

Witness: *A.M. Ingleby* Signature

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as I was being struck by Suspect (2) I was worried about injuries to my face, I was punched in the stomach about 3 or 4 times at the same time, but I am not aware who struck those blows, Suspect (1) was close enough to me to do so. At the beginning someone said, "Don't let him look at us he knows me." I kept opening my eyes all the time. From the initial assault I kept yelling for help, I was screaming out really loudly, "Help" I yelled it continuously. They kept saying, "Shut up" Especially Suspect (1) he was saying it with an angry tone in his voice.

11. They turned me over onto my front and I could see around me and saw the group was close to me, but some were standing back. I could see a guy pulling a black sloppy joe over his head, he was short in height; I began getting hit on the left temple area; in the exact same manner I was being hit by Suspect (2) as I described earlier. I was struck on the left temple area a minimum of 20 times. I was kicked on my right side rib cage, upper rib cage area under the arm pit. I remember someone grabbing my left foot and twisting it.

12. One jor more persons kept asking for money, he said, "Wheres you're money." I replied, "I haven't got any." I only had my keys with me. This was asked at least 6 times. They pulled my blue and white Puma running shoes off. I had my keys in my left hand with my left index finger through the key ring and the keys clenched in my fist.

13. I was wearing a white Sloppy Joe with Canadian Molson on the front, a pair of blue Barly shorts white socks and the Puma runners. I had been holding a packet of Dunhill Red, and Bic disposable lighter. Suspect (1) grabbed me on the shoulders and started dragging me down the footpath towards the 3rd set of steps. Next to the 3rd set of steps is an initial drop of 5 metres to a large Rock then a further 3 metre drop to the water level. Suspect (1) kept saying to me, "I'm gonna throw you over the side." He said that twice as he was dragging me along. I was trying to resist him, and he lost his firm grip ,when he had dragged me about 13 metres along the path to a position

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near the 3 rd steps and next to the Cliff face drop I just described. I broke away and ran down the 3rd set of steps and from there along the footpath to the steps which lead up next to the block of units to Hunter Park. I could hear the footsteps of a person running behind me, untill I started up the Hunter Park steps. All the time I was running i was yelling out 'Help" . A light of one of the Units came on and I kept yelling 'Help' a male person yelled out words similar to, "I'm not going to help you you poofa." From there I ran to my home address at Bondi.

14. During the assault upon me by the group I had the following property taken :-

One x diamond stud ear ring.

(Taken from left ear lobe)

Value \$145-00.

One x 9carat yellow Gold Signet Ring,

the design is a shield design with the letters D Mc diagonally across the shield from bottom left to upper right as you look at the ring. Value \$250-00.

One x pair of Puma brand running shoes;

white with a blue stripe up the side;

Size 8. The left shoe from the left side of the heel to the right side of the heel was torn. Value \$50-00.

One x Bic disposable cigarette lighter. Value \$2-00.

15. I was being assaulted for about 10 to 15 minutes. On arrival home I rang a close friend. Then I rang the Police and spoke to someone at Bondi Police Station. I later saw Senior Constable Toovey and Constable Gleeson at my home address. I told them what happened. they left and I attended the Prince of Wales Hospital, Randwick where I stayed for about 4½ hours.

16. The injuries that I sustained as a result of the assault was a badly bruised left eye and the right eye was bruised lightly. A bruise on the left temple forehead area.

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About 2 cms diameter in size. About 3 cuts to the left temple area which bled. I was bleeding from the left ear lobe area where the diamond stud had been removed. There was a cut on the side of my neck (left) behind the ear lobe, this cut bled. Four lower teeth on my lower jaw were loose, they bled. One upper tooth left side was loose and bled. I had a small cut on the inside of the upper lip about the middle area, . Soreness to the right rib cage area. I had a severe headache until about 6.30am when I managed to get to sleep on Friday 22nd December 1989. I had soreness to my left and right temple area up until Christmas day, I had been taking head ache tablets up until Christmas Day. My left index finger is swollen now the knuckle area is swollen and a vein there is swollen and another vein on the first joint above the finger nail is swollen . The finger has been extremely sore ever since especially in the mornings when I wake up. I intend to have it X-Rayed. I had a bit of fluid and swelling to my left ankle and a couple of small cuts to the skin on that area. I 've had night mares on 3 occasions since the matter it has upset me greatly. I haven't been out by myself since it happened.

17. About 3.00pm on Friday 22nd December,1989 I returned to the scene of the incident and I located my Dunhill Red cigarettes. I could not locate any other property I searched for my runners around the rocks but could not locate them.

18. I did not give any person or persons permission to assault me or to remove any property from my person. I cannot say how or when the property I described as missing was taken from my person as I was being assaulted at the time. the jproperty was on my person before I was attacked and assaulted but not there after the attack.

19. I feel confident that I could identify the persons I have described as Suspects (1) and (2) if I saw them again.

Witness *A.M. Ingleby*
A.M. Ingleby.
Sergeant

DM

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Police Station, Bondi. 2036
3rd January, 1990.