

New South Wales Police

STATEMENT in matter of: Place: Redfern Police Station.
 Kirk PHILLIPS - Charged with Murder. Date: 7 May, 1992.

Name: Paul Andrew THOMAS.
 Address: C/- Redfern Police Station. Tel. No: [REDACTED]
 Occupation: Detective Senior Constable. Tel. No: [REDACTED]

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.
2. The statement is true to the best of my knowledge and belief and I made 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.
- 3 I am 36 years of age.
4. About 4.00am on Saturday 11 January, 1992, I went to Redfern Police Station and spoke with Constable JENSEN. With Detective MORLAND I then went to 6 Holden Street, Redfern, where I had a conversation with Constable ATKINSON. On going into the house situated on the corner of Eveleigh Street I saw that it was a derelict two storey house. Inside were what appeared to be 3 rooms. The eastern room had a concrete floor and the middle room a dirt exposed floor. This room had brick and debris piled in areas of the room. In this room was a open bottle of 'Victorian Bitter' beer. The beer in this bottle was still bubbling and did not appear to

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have gone flat. In another area underneath carpet was a pair of mans black shoes. In the 3rd room nearer Eveleigh Street, I saw a blood stained area and near this a broken brick with apparent dried blood on it. Further on in a verandah type area I saw other littered material and clothing. In a corner was a piece of blood stained timber.

5. I spoke with Constable ATKINSON and she remained at this house maintaining a guard of it's perimeter. I then spoke with Richard GREEN, Richard GILMORE and Kirk PHILLIPS of 'The Factory' in Holden Street, Redfern, and with them went to Redfern Police Station where statements were obtained from them. I also confirmed that Crime Scene Unit were notified and were to attend.

6. I returned to Holden Street address with Detective MORLAND and spoke with Constable 1st Class VAN LEEUWEN of Crime Scene. I went with Detective MORLAND to Royal Prince Alfred Hospital and spoke with staff there. I saw an unconscious male on a bed of casualty with massive head and facial injuries. This male I later found out to be Robert MALCOLM. He had recently been delivered there by ambulance from 6 Holden Street, Redfern. I took property listed as worn by this male and returned to Redfern Police where I organised a canvass of area surrounding Holden and Eveleigh Streets, Redfern. Later that morning I spoke again with Constable VAN LEEUWEN and handed him the property from the hospital.

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The property consisted of:

- a) One pair grey trousers.
- b) One belt.
- c) One pair of underpants.
- d) One blood stained singlet. (torn)

7. About 9.20am on Wednesday, 6th May, 1992, I spoke with Detective Constable 1st Class YANNAKIS and with Plain Clothes Constable TREVILLION went to the Redfern Detectives Interview room where I saw the defendant Kirk PHILLIPS.

8. Detective YANNAKIS said to defendant,

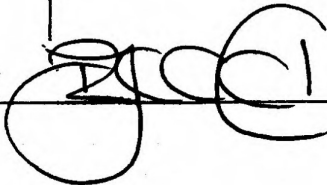
"Kirk I am Detective YANNAKIS. This is Detective THOMAS and TREVILLION. I am making inquiries in relation to the assault of a man named Robert MALCOLM, on the 10th of January this year at Redfern in which he subsequently died as a result of that assault. Do you understand that?"

He said,

"Yeh."

Detective Yannakis said,

"I propose to ask you a number of questions in relation to this matter in the form of a record of interview. Do you understand that?"

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He said,

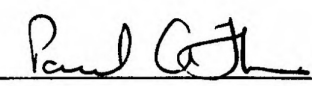
"Yeh."

Plain Clothes Constable TREVILLION then left and returned to the room with tapes for the interview which were placed in the recording device. The interview then commenced.

9. Detective YANNAKIS asked the defendant a number of questions. Those questions together with the defendant's answers to those questions were recorded electronically.

10. The interview was suspended and Constable TREVILLION left the room and returned with Sergeant CORLISS and the defendant's father, Mr Richard BLAIR. Constable TREVILLION started the tapes for the interview and Detective Yannakis introduced the defendant to Sergeant CORLISS. Detective Yannakis left the room and a short time later with Constable TREVILLION we then left the room.

11. Sergeant Corliss came from the interview room and spoke with Detective Yannakis. We returned to the defendant and he was given a copy of the audio tape of the interview just completed. Detective Yannakis sealed the audio and video tapes in the presence of defendant and his father. The defendant signed his name on the seal.

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12. Detective YANNAKIS handed the defendant a sheet of paper and a pen and said to him.

"During the interview you said you wanted to make a written statement. I want you to understand that you are not obliged to make any statement unless you wish to do so, but whatever statement you make may be used in evidence. Do you understand that?"

He said,

"I've changed my mind, I don't wanna make a statement now."

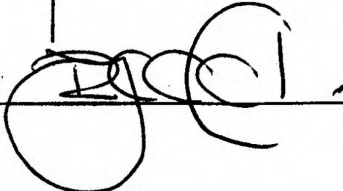
Detective Yannakis said,

"Well the choice is yours."

He said,

"No I don't want to now."

13. The defendant was taken to the Sydney Police Centre and charged.

Witness: 

Signature: 