

NEW SOUTH WALES POLICE

P.190

STATEMENT in matter of: Kirk Anthony PHILLIPS Charged with Murder.

Place: Redfern Police Station.

Date: 6 May, 1992.

Name: TREVILLION Joshua.

Tel. No: [REDACTED]

Address: Redfern Police Station.

Occupation: Constable of Police.

STATES:-

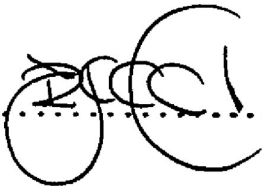

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully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

2. I am 23 years of age.

3. On Wednesday the 6 May, 1992 I saw Constable First Class HIRSCH and the defendant Kirk Anthony PHILLIPS in the Detectives Office at Redfern Police Station. Detective Constable First Class YANNAKIS then had a conversation with me.

4. In company with Detective Senior Constable THOMAS and Detective Constable First Class YANNAKIS I entered the interview room and I saw Mr PHILLIPS seated. I then heard Detective Constable First Class YANNAKIS say to Mr PHILLIPS,

" Kirk, I am Detective YANNAKIS. This is Detective THOMAS and Constable 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?"

Witness  Signature 

STATEMENT (continued) in matter of :

Kirk Anthony PHILLIPS
Charged with Murder.

Name: TREVILLION Joshua.

Mr PHILLIPS replied,

" Yeah."

Detective Constable First Class YANNAKIS then 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?"

Mr PHILLIPS replied,

" Yeah."

Detective Constable First Class YANNAKIS then said,

" Are you prepared to take part in an electronically recorded record of interview?"

Mr PHILLIPS replied,

" Yeah."

Detective Constable First Class YANNAKIS then said,

" The whole of this interview will be recorded electronically using video and audio cassette tapes. At the conclusion of the electronically recorded record of interview you will be given a copy of the audio tape. Do you understand that?"

Mr PHILLIPS replied,

" Yeah."

Detective Constable First Class YANNAKIS then said,

" You are not obliged to say anything unless you wish to do so, but whatever you say will be electronically recorded and may be used in evidence. Do you understand that?"

Mr PHILLIPS replied,

" Yeah."

5. I then left the interview room and signed for a set of audio cassette tapes and one video tape. I then returned to the interview room and placed the cassette tapes into the electronic recording machine. I then activated the interview machine.

Witness.....Signature.....

STATEMENT (continued) in matter of : Kirk Anthony PHILLIPS
 Name: TREVILLION Joshua. Charged with Murder.

6. I then heard detective Constable First Class YANNAKIS ask a number of questions and those questions together with Mr PHILLIPS 's answers to those questions were recorded electronically. During the interview I suspended the interview and left the interview room. I then went and had a conversation with Sergeant CORLISS and then Sergeant CORLISS and I went into the interview room. I then re-activated the interview machine and Detective Constable First Class YANNAKIS introduced Sergeant CORLISS to Mr PHILLIPS. Detective Constable First Class YANNAKIS then left the interview room and a short time later both detective Senior Constable THOMAS and myself left the interview room.

7. A short time later sergeant CORLISS came out of the interview room and I saw Detective Constable First Class YANNAKIS have a conversation with him. Detective Constable First Class YANNAKIS then entered the interview room and I saw him remove the interview tapes and hand one of the tapes to Mr PHILLIPS. I then saw detective Constable First Class YANNAKIS seal the interview tapes and I saw Mr PHILLIPS sign his name on the seal.

8. Inside the interview room I saw Detective Constable First Class YANNAKIS hand to Mr PHILLIPS a sheet of paper and a pen I then heard him say to Mr PHILLIPS,

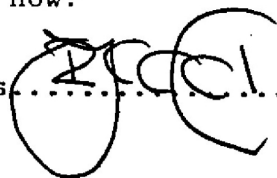
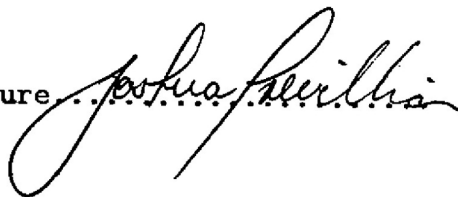
" During the interview, you said you wanted to make a handwritten statement. I want you to understand that you are not obliged to make any statement unless you wish to do so, but whatever statement you make may be used in evidence. Do you understand that?"

Mr PHILLIPS replied,

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

Witness.....

Signature.....

STATEMENT (continued) in matter of :

Kirk Anthony PHILLIPS
Charged with Murder.

Name: TREVILLION Joshua.

Detective Constable First Class YANNAKIS the said,

" Well the choice is yours."

Mr PHILLIPS then said,

" No I don't want to now."

9. Paper work was completed in relation to the interview
and then a short time later Mr PHILLIPS was then taken to the
Sydney Police Station and formally charged.

Witness.....
R.A. YANNAKIS
Redfern Detectives
6 May, 1992.

Signature.....
Joshua TREVILLION
Redfern Detectives
6 May, 1992.