

NEW SOUTH WALES POLICE

STATEMENT in matter of:
 Death of Robert MALCOLM
 Job No. 92-0081

Place: [REDACTED]
Date: 19 April, 1992

Name: VAN LEEUWEN Lyle William **AGE:** 30
Address: East Sydney Zone Crime Scene Unit **Tel.No.** [REDACTED]
Occupation: Constable First Class of Police **STATES:-**

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 prosecutions if I have stated in it anything which I know to be false or do not believe to be true.

(1) I am attached to the East Sydney Crime Scene Unit, where part of my daily duties include the examination of scenes of crime. Duties at the scene include the collection of Physical Evidence, preparation of plans, the taking and processing of photographs and the macroscopic examination of objects and articles requiring considerations of minute detail. I have completed the Crime Scene Examiners Course and The Disaster Victim Identification Course run by the New South Wales Police Force. I have completed the Police Bomb Technicians Course conducted by the Royal Australian Army, the Explosives Course and the Police Drafting Course conducted by the Department of Technical and Further Education at Sydney Technical College. I am a holder of a Powdermans Certificate of Competency for the use and disposal of commercial explosives. I have been carrying out crime scene examinations for the past four years.

(2) About 5.15am on Saturday 11 January, 1992 I attended No. 6 Holden Street Redfern where I spoke with Constables ATKINSON and PEARSELL of Redfern Police Station. As a result of this conversation I carried out an examination of a

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portion of a derelict two (2) storey terrace house situated on the south eastern corner of the intersection of Holden Street and Everleigh Streets Redfern. Access to the house is gained via Holden Street. Holden Street is a dead end street terminating at the railway line. An enclosed courtyard fronts onto Everleigh Street. There were no doors or windows remaining in the house thus allowing unobstructed access to the interior of the house.

EXHIBIT...

I produce three (3) colour photographs labelled one (1) to three (3) inclusively showing the exterior of the premises at 6 Holden Street, Redfern. (Intersection of Everleigh Street.)

1. *Front view of the exterior of 6 Holden Street, Redfern.*
2. *Side view of the exterior of No. 6 Holden Street, Redfern.*
3. *Rear view of the exterior of 6 Holden Street, Redfern.*

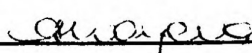
(3)

Inside the house, the ground floor appeared to have been originally divided into two (2) rooms and a kitchen area. The front room had a concrete slab as a floor and opened out onto the courtyard. The floor in the second room had been removed exposing the soil. This room had a fire place on the Southern side of the room. In front of the fire place was a large pile of brick and demolition material. There were no internal walls or doors between the ground floor rooms or in the front wall opening onto the courtyard. The interior of the house was littered with broken bottles, broken glass and rubbish. The ceiling above the front room had been demolished.

EXHIBIT...

I produce two (2) colour photographs labelled four (4) and five (5) showing

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the interior of the ground floor of the premises at 6 Holden Street, Redfern.

4. *View of the ground floor in a westerly direction towards Everleigh Street.*
5. *View of the ground floor in an easterly direction towards the railway line.*

- (4) In the South Western corner of the ground floor front room I saw a full 375 millilitre bottle of "Victorian Bitter" beer. The bottle was uncapped. I collected this bottle of beer and handed it to Constable ATKINSON. In the North Western corner of the second room on the dirt floor underneath a piece of old carpet I located a pair of mans shoes, black in colour. I photographed and collected these shoes.

EXHIBIT...

I produce four (4) colour photographs labelled six (6) to nine (9) inclusive showing the full bottle of "Victorian Bitter" Beer on the floor in the front room and the pair of shoes located under the piece of hessian in the second room.

6. *View of the bottle of "Victorian Bitter" beer in the South Western corner of the front room.*
7. *Close view of the bottle of beer.*
8. *View of the shoes located underneath the carpet on the floor of the second room.*
9. *Close view of the shoes.*

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5) At the front of the front room was the enclosed courtyard. Two (2) doorways opened onto the verandah. Located on the Northern side of the verandah I saw a Telegraph Mirror newspaper dated 10 January, 1992 and a mans sock. On the Southern side of a post in the middle of the verandah I saw two (2) buttons and a blood stain that was rectangular in shape and measured approximately 500 millimetres by 600 millimetres. In the blood stain I saw some strands of hair. In the middle of the Southern doorway I saw a broken brick. The broken brick appeared to have dried blood on it. Located in the South Eastern corner of the verandah I saw empty bandage packages and a plastic bottle. (Property of the Ambulance). I collected the buttons from the verandah, a swab of blood from the verandah and the broken brick.

EXHIBIT...

I produce eight (8) colour photographs labelled ten (10) to seventeen (17) inclusive showing the verandah at 6 Holden Street, Redfern and the items mentioned.

10. *View of the Northern end of the verandah.*
11. *View of the Southern end of the verandah.*
12. *View of the Telegraph Mirror newspaper and the black sock on the front verandah.*
13. *View of the date on the Telegraph Mirror.*
14. *View showing the two buttons on the front verandah.*
15. *View of the blood stain on the verandah.*

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16. *View of the hair amongst the blood stain on the verandah.*

17. *View of the broken brick on the front verandah.*

(6) The level of the courtyard was one (1) step below the level of the verandah, approximately 230 millimetres. This area was littered with demolition material and broken glass. Near the verandah post I saw a white blood stained shirt and a black sock. Underneath the shirt I saw a black plastic comb and a button. In the South Western corner of the courtyard I saw a "Tooheys Draught" 750 ml beer bottle. and a blood stained piece of timber. I collected the blood stained piece of timber.

EXHIBIT...

I produce three (3) colour photographs labelled eighteen (18) to twenty (20) showing the blood stained shirt, the button and comb and the blood stained piece of timber and "Tooheys Draught" beer bottle.

18. *View of the blood stained shirt in the courtyard.*

19. *View of the comb and button located underneath the shirt.*

20. *View of the blood stained piece of timber and the "Tooheys Draught" beer bottle in the South Western corner of the courtyard.*

(7) I then left the premises.

(8) About 10.00am on Saturday 11 January, 1992 (the same day) I returned to No. 6 Holden Street, Redfern where I spoke with Detective Sergeant LISLE of the

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Homicide Squad and other Police Officers. I then carried out a further examination of the scene, photographing a blood splash pattern on the Eastern wall of the verandah and collecting some blood stained pieces of timber from the Courtyard near the verandah post and the "Telegraph Mirror" newspaper.

EXHIBIT... *I produce one (1) colour photograph labelled twenty one (21) showing the pieces of broken timber collected from near the verandah post.*

21. *View of the broken pieces of timber near the verandah post.*

EXHIBIT... *I have prepared a sketch plan showing the ground floor lay out of the premises at 6 Holden Street, Redfern.*

I produce that sketch plan.

(8) About 11.50am on Saturday 11 January, 1992 (the same day) I attended the Intensive Care Neurology unit at the Prince of Wales where I took some photographs of an unidentified male persons injuries. He had sustained cuts and bruising to the right side of his face, a cut 6.5 centimetres in length with seven (7) sutures to his right cheek, some small cuts to the lower rear side of his right ear, a two centimetre cut under his right eye brow, bruising to the left side of his face, bruising to his right eye and forehead and swelling to the left side of his head. I photographed these injuries but due to a camera malfunction could not be printed.

(9) About 12.20pm on Saturday 11 January, 1992 I attended the Redfern Police Station where I spoke with Detective Sergeant LISLE and Detective YANNAKIS. I handed to Detective YANNAKIS, the "Tooheys Draught" beer bottle and the "Telegraph Mirror" newspaper collected from 6 Holden Street, Redfern. I received from

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Detective THOMAS at Redfern Police Station the following items:

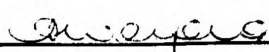
1. One (1) pair of grey trousers.
2. One (1) belt.
3. One (1) torn blood stained singlet.
4. One pair of underpants.

(10) On Tuesday 21 January, 1992 I received from Detective YANNAKIS a Sexual Assault Investigational Kit No. 5956 in the name of Robert MALCOLM.

(11) On Tuesday 28 January, 1992 I conveyed the following items to the Institute of Forensic Medicine at Glebe and handed them to Mr Rudi WEIGNER, a Forensic Biologist:

1. A Sexual Assault Investigational Kit No. 5956 in the name of Robert MALCOLM.
2. The blood stained brick.
3. The broken pieces of timber collected from the courtyard near the verandah post.
4. The piece of blood stained timber collected from the South Western corner of the courtyard.

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5. Blood swab taken from the verandah near the post.

(12) On Friday 31 January, 1992 I attended the City Morgue at Glebe and was present during a Post Mortem examination carried out by the Government Forensic Pathologist, Dr Du FLOU upon the body of a deceased male identified to me as Robert Hart MALCOLM. Prior to and during the Post Mortem examination I took a series of colour photographs of the deceased and the injuries sustained by him.

EXHIBIT... *I produce sixteen (16) colour photographs labelled twenty two (22) to thirty seven (37) inclusive taken during the post mortem examination of Robert MALCOLM.*

(13) On Tuesday 4 February, 1992 a red jumper was received at the Crime Scene Unit. I examined the jumper and it appeared to be clean. I could see no visible signs of blood on the fabric. I photographed this jumper.

EXHIBIT... *I produce two (2) colour photographs labelled thirty eight (38) and thirty nine (39) showing the red jumper received at the Crime Scene Unit labelled in part "A HOOKEY".*

38. *Front view of the red jumper.*

39. *Back view of the red jumper.*

(14) On Wednesday 5 February, 1992 I conveyed the red jumper to the Institute of Forensic Medicine at Glebe and handed it to Mr Rudi WEIGNER, a Forensic Biologist.

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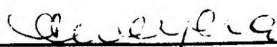
On 3 April, 1992 I spoke with Mr Rudi WEIGNER. On Monday 6 April, 1992 I conveyed to the Institute of Forensic Medicine at Glebe, the following items worn by Mr Robert MALCOLM:

1. One (1) pair of grey trousers.
2. One portion of cut white singlet.

EXHIBIT...

At the time of preparing this statement a certificate setting out the results of Mr WEIGNER's findings had not been received.

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