

New South Wales Police

P.190.

STATEMENT in matter of:

NP128

Place: Police Station

Kempsey 2440

Date: 15 June, 1994.

Name: Brett William MIMNAW

Address: Police Station, Kempsey

Tel No.: [REDACTED]

Occupation: Plain Clothes Constable 1/C of Police

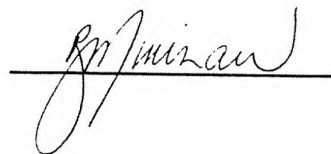
States:-

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. My age is 33 years.
3. About 7.30am on Thursday, 9 June, 1994, in the Kempsey Police Station proper I read Telephone Message Pad entry 94/2740. Later that morning I went to the Kempsey District Hospital, River Street, Kempsey where I spoke to the Director of Nursing, Elizabeth Green and other staff.
4. I then returned to the Kempsey Police Station where I spoke to Detective Senior Constable Milligan on the telephone and told him something. I then had a conversation with the Kempsey Aboriginal Community Liaison Officer, Des Donovan and told him something.
5. About 11.30am that date whilst patrolling south in Smith Street, Kempsey, with Constable Redman I saw **NP128** **NP128** walking north on the eastern footpath near the New Royal Tavern. At the time **NP128** was wearing blue and red baggy style checked knee length shorts with a blue top and a blue baseball cap.

Witness:



Signature:



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6. Constable Redman and I then drove around the block and returned to the area. I did not see NP128 again that day.

7. About 11.25am on Tuesday, 14 June, 1994, I again spoke to Des Donovan at the Kempsey Police Station and he told me something. I then spoke to Constable Redman and told him something.

8. I then drove with Constable Redman to the Kempsey CDB where I saw NP128 walking on the northern footpath of Belgrave Street near Palmers Chemist with a young male person known to me only as one of the [REDACTED] boys. At the time NP128 was wearing navy blue track pants and a blue sloppy joe. The Police vehicle stopped near NP128, Constable Redman and I approached him.

9. I said to NP128, "Excuse me mate we are from the Police. What is your name". He said, "Mark Prince". I saw that the young person of [REDACTED] continued to walk ahead. I said, "What is your full name Mark". He said, "Mark Phillip Prince". I said, "What is your date of birth". He said, "The [REDACTED] of the [REDACTED]". I said, "Where do you live". He said, "[REDACTED] Kempsey". I said, "Who do you live there with". He said, "[REDACTED]". I said, "How long have you lived at that address". He said, "A while". I said, "Where did you live before Kempsey". he said, "Moree". I said, "What was the address there". He said, "[REDACTED]". I said, "Who did you live there with". He said, "[REDACTED]".

10. Whilst speaking to NP128 I saw that he had a number of exma scars on his hands and feet. I said, "Mark do you mind coming back to the Kempsey Police Station so that I can ascertain your true name". He said, "Yeah".

Witness: *John Patten*

Signature: *BW Miminaw*

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11. Constable Redman and I then returned to the Kempsey Police Station with NP128 where he was seated in an interview room. I said, "Would you now like to tell me your real name NP128". He said, "Okay, NP128". I then had a conversation with NP128 in relation to other matters. I also caused a number of inquiries to be made in relation to NP128. I also spoke to Detective Milligan on the telephone and he told me something.

12. Sometime later I said to NP128, "NP128, Constable Redman and I would like to ask you certain questions in relation to your movements in December, 1993. Do you understand that". He said, "Yes". I said, "Can you tell me what you did during December, 1993". He said, "I finished work on the 3rd of December". I said, "Who did you work for". He said, "My uncle I335 at [REDACTED]. I said, "What were you employed as". He said, "An apprentice bricklayer". I said, "Who worked with you". He said, "[REDACTED], he's an Irishman, I don't know the other blokes names". I said, "Where does your uncle I335 live". He said, "At Richmond".

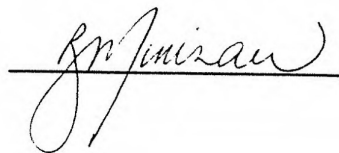
13. I said, "How do you remember the date you finished work". He said, "In late or the middle of November I smashed a window at the probation and parole office, that was a week or two before I finished work". I said, "Where was the Probation and Parole office". He said, "Surry Hills". I said, "Who was your Probation and Parole officer". He said, "[REDACTED]".

14. I said, "What happened after you finished work". He said, "On the 5th of December I went to Moree". I said, "How did you get to Moree". He said, "On the XPT". I said, "Where did you catch the XPT from". He said, "Sydney".

Witness:



Signature:



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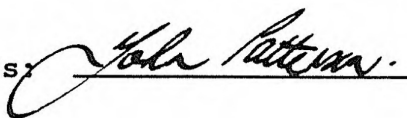
15. I then said, "What time did the XPT leave Sydney". He said, "7pm". I said, "What time did the XPT arrive at Moree". He said, "6.30am". I said, "Can you tell me any of the towns that the XPT stopped at on the way to Moree". He said, "Werris Creek". I said, "Did the XPT you caught in Sydney go all the way to Moree". He said, "Yes". I said, "Can you describe the train to me". He said, "It had a buffet car, the train was that bluey/green colour".

16. I then said, "What happened when you arrived at Moree". He said, "I walked around to 1324's". I said, "Where is that". He said, "[REDACTED] Moree". I said, "Does 1324 work". He said, "Yes, at the Moree Hospital". I said, "Did you stay with 1324". He said, "Yes". I said, "How long did you stay with 1324". He said, "Until about the middle of April". I said, "Why did you leave". He said, "I had a fight with [REDACTED] over moving a table and they told me to leave".

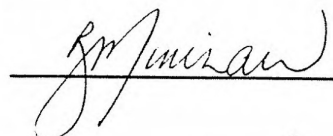
17. I then said, "Where did you move too". He said, "[REDACTED] was in Moree. She told me to come to Kempsey, she said that I could play football and make new friends". I said, "How did you get to Kempsey". He said, "With [REDACTED] in her car". I said, "What type of car". He said, "Maroon Ford". I said, "sedan or wagon". He said, "sedan".

18. I said, "Which way did you travel to Kempsey". He said, "Through Tingha because we broke down there". I said, "How long were you at Tingha for". He said, "Two days". I said, "Where did you stay at Tingha". He said, "[REDACTED]'s place". I said, "So you and [REDACTED] stayed at [REDACTED]'s place for two days". He said, "Yeah, her kids were with us too". I said, "What are their names". He said, "[REDACTED] and [REDACTED]. [REDACTED] was with us too".

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Signature:



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19. I then said, "What happened after you left Tingha". He said, "We drove to Kempsey". I said, "When did you arrive in Kempsey". He said, "The start of May". I said, "Where did you live when you first arrived at Kempsey". He said, "██████████". I said, "If you wait here I will make some further inquiries". Constable Redman and I then left the office.

20. I then spoke to Detective Milligan on the telephone and told him something.

21. A short time later Constable Redman and I returned to the interview room. I said, "Where did you live in Sydney NP128". He said, "██████████ Bondi Beach". I said, "Who did you live there with". He said, "My grandfather, 1321 my father 1334 and my stepmother 1336. My uncle 1322 also stayed in the same units". I said, "How old is 1322". He said, "33". I said, "When you were working, what time did you start". He said, "5.30am". I said, "What time did you finish". He said, "3.30pm". I said, "How many days per week did you work". He said, "6 or 7". I said, "How much did you get paid". He said, "\$150 per day on Sundays".

22. I said, "Do you have a bank account". He said, "Yeah, with the Commonwealth Bank". I said, "How do you operate that account". He said, "With a keycard". I said, "Do you still have your keycard". He said, "Yes". I said, "You haven't lost it". He said, "No. I was thinking, it was my Uncle 1339 who bought me over from Moree. I remember I told some of my mates in Sydney when I was coming over.

Witness: John PetersonSignature: B. W. Mimnaw

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23. I then said, "Do you remember anything else that you did at Moree during December". He said, "Yes, I went to a birthday party". I said, "When was that". He said, "The 27th of December". I said, "Where was the party". He said, "At [REDACTED]". I said, "At Moree". He said, "Yes". I said, "Who's party was it". He said, "I324's 20th". I said, "Would you like something to eat NP128". He said, "Yes". I said, "If you wait here I'll organise something for you". Constable Redman and I again left the office.

24. I then arranged a meal for NP128. I then spoke to Detective Milligan on the telephone and told him something.

25. About 1.30pm Constable Redman and I returned to the interview room. NP128 then told me something.

26. I then left the office and phoned the Moree Community Health Centre where I spoke to the receptionist.

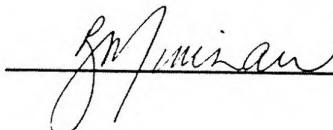
27. I returned to the interview room and said, "NP128 I have made a phone call to Moree. I have left a message for I324. She is going to phone me back". He said, "Why did you phone her". I said, "To confirm the date you arrived in Moree". He said, "Okay".

28. I then said to NP128, "I am now going to ask you certain questions about an assault and robbery of a male person at Campbell Street, Surry Hills, on the morning of Thursday, 23 December, 1993, at about 4.30am. Do you understand that". He said, "Yeah". I said, "What can you tell me about that". He said, "Yeah I was there with I327 and some Redfern fellas".

Witness:



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29. I then said, "I am going to ask you further questions about this matter. You are not obliged to answer unless you wish to do so, but whatever you say may later be used in evidence. Do you understand that". He said, "Yes". I said, "How do you remember the date". He said, "Because I went to Moree on the day before Christmas". I said, "How do you remember what time this happened". He said, "After it happened I ran to 1327's and had a session of yarndi and then it was day break. Then the sun started coming up. The session would have taken an hour".

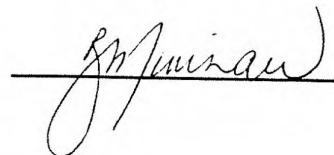
30. I said, "Can you now tell me in your own words what happened leading up to the assault of that man on the morning". He said, "I left the Bondi Hotel about 11 that night. I caught the bus to Kings Cross where I ran into 1327. Then we walked towards Oxford Street going up Bourke Street. That's when we saw a group of youths that knew 1327 from Redfern. I had a bottle of Tooheys new that I was sharing with 1327 while the group was up ahead. We walked up Oxford Street and then we came back down Little Oxford Street and that's when I looked ahead and all the boys were kicking and punching the man. When I found out what was going on I ran right down the street to Woolloomooloo, down Bourke Street to where 1327 lives. We had a session and after the session the sun came up. I went back home to Bondi and had a shower".

31. I said, "I will now show you a Sydney UBD directory, page or map 3 and 4. Can you indicate where the assault happened. He said, "Yes". I said, "Wait a moment, I will get a photo copy of the map". Constable Redman then left the office and returned a short time later with a photo copy of map 3 and 4.

Witness:



Signature:



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32. I then said to NP128, "Can you show me on this photo copy". He said, "Yes". I then gave NP128 a yellow coloured high lighter pen. I then saw him mark a location on the map. Whilst indicating a point on the paper I said, "Will you sign your name and put the time and date". He said, "Yes". I then saw NP128 sign the paper.

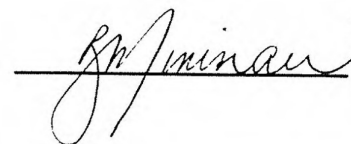
33. I then said, "At this stage NP128 I must inform you that as a result of the assault on that man he has since died. Do you understand that". He said, "Fucken now I do. Fucken poor fella. I didn't know that". I said, "Do you feel alright at the moment". He said, "Yes, I'm right". I said, "Do you wish for anybody to be with you at the moment". He said, "No".

34. I then said to NP128, "What I propose to do is ask you further questions in relation to this matter. My questions and any answers given by you will be electronically recorded on a machine as the interview takes place. Do you understand that". He said, "Yes". I said, "The interview will be recorded simultaneously on three audio cassette tapes and a video tape. Do you understand that". He said, "Yes". I said, "At the conclusion of the interview you will be given one of the audio cassette tapes of the interview. Do you understand that". He said, "Yes". I said, "At the conclusion of the interview, one of the audio cassette tapes will be sealed in your presence. Do you understand that". He said, "Yes". I said, "If required, a later viewing of the video cassette tape will be arranged for you or your solicitor. Do you understand that". He said, "Yes. That's alright". I said, "Do you have any objections to being electronically recorded". He said, "No".

Witness:



Signature:



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35. I then said, "Are you fully aware of why you were originally arrested earlier today". He said, "Yes". I said, "Can you tell me why". He said, "For breaching my community service order".

36. I then said, "Before I interview you further will you read my notebook as to it's correctness of our conversation". He said, "Yes". I then gave NP128 my notebook F138606. I then saw and heard NP128 read from page 78 through to 94. I said, "Do you agree that you have just read my notebook pages 78 through to page 94". He said, "Yes". I said, "Is it a correct record of our conversation". He said, "Yes". I said, "Will you now sign each page of my notebook". He said, "Yes". I then saw NP128 sign his name in the margin of pages 78 through to 95.

37. I said, "I will now have a senior officer speak to you about our interview. Do you understand that". He said, "Yes". I then saw Constable Redman read my notebook and sign at the end of that entry. I then caused Detective Sergeant Patterson to come to the interview room.

38. I then said, "NP128 this is Detective Sergeant Patterson. He is going to speak to you about the interview that we have just completed. Do you understand that". He said, "Yes". Constable Redman and I then left the office.

Witness: *J. Patterson*Signature: *B. W. Mimnaw*

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39. Some time later Constable Redman and I returned to the interview room. I saw that Detective Sergeant Patterson had endorsed my notebook with the time, date, name, rank and station. Detective Sergeant Patterson then left the interview room.

40. Constable Redman and I then walked with NP128 to the electronic interview room where NP128 was seated. I then left the office and spoke to Detective Sergeant Knight on the telephone.

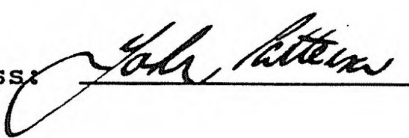
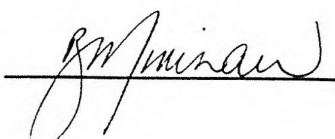
41. Some time later I returned to the interview room where Constable Redman then issued me with 2 audio and video packs, reference number 94/017.

42. I then asked NP128 a number of questions and those questions, together with his answers were electronically recorded as the interview took place. The whole of that interview was electronically recorded in this way.

43. I then left the interview room and returned a short time later with Detective Sergeant Patterson. I introduced Detective Sergeant Patterson to NP128; Constable Redman and I then left the interview room.

44. A short time later Constable Redman and I returned to the interview room where I concluded the interview.

45. I then saw Constable Redman label each tape and seal the master tape. I then signed the master original seal. I then said to NP128, "Would you witness this seal by signing here". I then indicated a position on the seal and saw NP128 sign his name on the seal. I then saw Detective Sergeant Patterson sign the seal.

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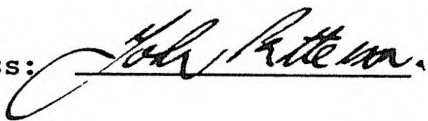
46. I then said to NP128, "Come with me NP128". I then walked to another section of the Police Station where I had a further conversation with him.

47. About 7.40am on Wednesday, 15 June, 1994, I spoke to NP128 at the Kempsey Police Station. I said, "NP128 I would like to have a look at your clothing and any other gear that you have". He said, "Yeah, it's all up at 1339's place. I haven't got that much though".

48. About 8am that morning I went with Detective Senior Constable Rutledge and Constable Redman to [REDACTED], Greenhills. At this address I spoke to 1339 and told him something. He then invited Detective Senior Constable Rutledge, Constable Redman and I into his house. He then showed us a bedroom in the house and told me something. I saw that the bedroom contained one single bed and a small white coloured two door wardrobe. He then told me something.

49. I opened this wardrobe and saw a small amount of womens and childrens clothing. I then had a further conversation with 1339. Detective Senior Constable Rutledge, Constable Redman and I then left the dwelling. I did not see any items of clothing or property belonging to NP128 in the dwelling.

Witness:



Signature:

