

DETECTIVE SERGEANT POPPLEWELL

Q1 This is an electronically recorded interview between Detective Sergeant W Popplewell and [NP129] [NP129] at the Gosford Police Station on the 15th of April, 1996. The time is, by my watch 20.23 hours and by the time on the machine 20.28 hours. Also present is Detective Senior Constable Covi. [NP129], do you agree that there are no other persons present in the room besides myself, Detective Covi and you?

A That's right, I think.

Q2 [NP129], as I've already explained to you, Detective Covi and I are making inquiries into an assault upon Crispin Dye(?) at Sydney on the 23rd of December, 1993. Mr Dye subsequently died from injuries involved in that assault. I am going to ask you some questions about this matter. You do not have to say anything, but anything you do say or do may be used in evidence. Do you understand that?

A Yes.

Q3 Do you agree that prior to the commencement of this record of interview I told you that I intended asking you further questions about this matter?

A Yes.

Q4 Just keep your voice up, [NP129]. Do you agree that I told you that my questions and any answers given by you would be electronically recorded both on video and audio tape as the interview took place?

A Yes.

Q5 Do you agree that I also told you that at the conclusion of the interview you would be provided with a master audio tape copy of the interview?

A Yes.

Q6 And do you agree that I also told you that if required a later viewing of the video tape would be arranged with either you or your legal representative?

A Yes.

Q7 For the purpose of this interview, what is your full name, date of birth and address?

A Full name is NP129. My date of birth is the [REDACTED] and my address is [REDACTED] Gosford.

Q8 For the purpose of the record, would you just spell your surname, please?

A NP129.

Q9 And for the purpose of transcription I'll ask Detective Covi to pronounce his full name, rank and station.

DETECTIVE SENIOR CONSTABLE COVI

My full name is Paul Stephen Covi. Stephen is spelt with a P-H, Covi spelt C-O-V-I. I'm a Detective Senior Constable attached to the Homicide Unit, Major Crime Squad South.

DETECTIVE SERGEANT POPPLEWELL

Q10 NP129, do you agree that Detective Covi and I spoke to you at about 6.40pm earlier this evening at your home?

A Yes.

- Q11 And that's at [REDACTED] Gosford?
- A Yes.
- Q12 And do you agree that you agreed to come with us down here to the Gosford Police Station to talk about this matter?
- A Yes.
- Q13 Do you agree that at the police station you told us that you knew, or that you know a person named Richard Leonard?
- A Yes.
- Q14 And do you agree that you told us that you were present when Richard Leonard assaulted a man at Sydney?
- A Yes.
- Q15 And do you agree that you told us this assault took place just before Christmas 1993?
- A Yes.
- Q16 Do you agree that you told us that Leonard used a telescopic type baton in this assault?
- A Yes.
- Q17 And do you agree that you told us that Leonard hit the man a number of times with this telescopic baton?
- A Yes.
- Q18 And do you agree that you told us that after being hit by the baton the man fell to the ground?
- A Yes.
- Q19 And do you agree that you told us that you told Leonard to stop the assault?
- A Yes.

Q20 Do you agree that you then told us that you walked away from Leonard and the man on the ground?

A Yes.

Q21 And do you agree that you told us that you thought Leonard hit this man a couple more times after you walked away?

A Yes.

Q22 And do you agree that you told us that you drove Leonard away from the area of the assault in your blue [REDACTED]?

A Yes.

Q23 And did you later tell us that you think that it may have been a blue [REDACTED] that you had?

A Yes.

Q24 Can you recall now whether it was the [REDACTED] or the blue [REDACTED] that -?

A I, I sort of remember the [REDACTED].

Q25 And do you agree that - - -

A yeah, sorry.

Q26 Do you also agree that you told us that you believe that the assault took place in Palmer Street at Darlinghurst?

A Yes.

Q27 And do you agree that you said that you would show us where the assault took place personally at the conclusion of this interview?

A Yes.

Q28 And do you agree that you told us that the man that was

assaulted was dressed in shorts and T-shirt?

A Yes.

Q29 For the purpose of this record of interview, will you tell me why you and Richard Leonard were in the city on the night that Leonard assaulted this man?

A I don't remember exactly why, but it could have only been for the reason of, of going into a place to go and talk to girls in William Street or just to, to general like at that, to have something to do at that time of the night. But, it was certainly for, not for the reason that, that it turned out to be.

Q30 And what time was it that this assault took place?

A Must have been about 2.00 or 3.00am.

Q31 And can you tell me the circumstances that led up to the assault?

A I think we were comin' from, I'm, I'm not exactly sure how it begun. I just remember that we, we were on our way from, we were, we were either on our way, well, we wouldn't have been on our way from playin' snooker 'cause there wasn't a snooker place. So we were probably on our way from talkin' to the girls in, in William Street.

Q32 And where do you usually play snooker?

A Well, we played snooker at, in town, in the snooker rooms in, one of them was a, the Metropolitan in, I think it's Pitt Street or something, Metropolitan snooker room. That was the one we usually went to. We went around sort of all the ones that, that were about.

You know, there was, there was another one down the road from that, one I can't remember the name of, but it was a new one that opened just around the time when we were over there. And, and there was one somewhere else too, and there was one down at Chinatown, yeah, Matilda's, I think it was, and we went there too.

Q33 Was there any snooker rooms that you went to around Oxford Street, Taylor Square area?

A Yeah, I, I don't think I've been to, to there with Richard though, but I have been to Taylor Square snooker room. Like, there's a snooker room in Taylor Square. At this stage I had given up playing snooker and I was just playing with Richard for sport, but I used to play all the time and that's the snooker room I, one of the snooker rooms I used to go to.

Q34 What happened immediately prior to the assault? What did Richard Leonard do?

A Well, he was big noting himself about using his, his weapon and stuff, what, what, what I had become used to because he had been always like this, you know. Like he always had to have this thing goin' about his, you know, like, I dunno what it was, just like, that, that he, that he hated people and, and, and, and he wanted to, you know, take someone out or something, all that sort of thing that he used to say, you know, like, but he never, I never really believed him, you know. Because, as I stated earlier when, when I confronted him one night, when, when he confronted me and I stood

up to him, he laughed and I thought that is, you know, that, that sort of, like, showed me that he was really only puttin' it on, like he was pretendin'. So, and, and when I know that because of his size and stuff he could have obviously, you know, done, done me an injury if he had have wanted to. But, but I didn't believe for a minute that he would really do it, you know, and, and, you know, well, I wouldn't have went with him if I'd have knew that he was going to do anything like that.

Q35 All right. You've told us that he assaulted this fellow. Did he say anything to this man before he assaulted him?

A Well, well, he could have said that he's homosexual or something like that. He could, could have said something to that effect. I can't remember exactly, but, but there was no, I can't remember any threats or anything. I can just remember, 'cause I was behind him and, and I sort of, I seen him, sort of, whether he'd already hit the bloke or not before I got but he was standin' there and he was sort of teasin' the bloke or somethin' or, you know, like, sort of threatening him probably, you know, with the, with the baton. And, and, and, and the bloke was, was incoherent, he was sort of like, you know, like this and, and, and just didn't really, probably didn't take Richard too seriously either, you know. But, and then when Richard started to, to hit him, like, the bloke

said, "No, no, wait, wait, no, wait, wait, wait" and, and, and, and, and, and when when, when the bloke was talking Richard got more involved and, and, and I was sayin' to Richard, "Stop. Stop, Richard, stop, Rich", you know, like, and, and, and, "That's enough, that's enough, Rich", you know, 'cause I was startin' to worry about the, the person who was being hit. I mean, I was already worried, but I was really startin' to worry because like, I'd, I'd, I'd never seen Richard like this before, you know. And, and, and, you know, it was just sort of like a shock to me. And, and, and, and when he didn't stop I walked away. I, I walked up the street toward the car and, and for whatever reason I felt responsible toward Richard and I didn't feel sort of as much responsible toward the person that he hit. I felt that, that, that, that it was my duty to take Richard home again too, and so I took Richard home. Richard followed me up the road after that and I took him home and I left him at 48 Essilia Street, and, and about, I stayed there for a while, I think, after it happened. I went in and, and I made a cup of tea or something because I used to live there. And, and, and, and then I went home to my own place in, in Veterans Parade and I can't remember any exact details after that.

Q36 You say he said something about homosexual. Did he say that to you or did he say it to this man that he assaulted?

A Well, he said it to the man that he assaulted, yeah
.....

Q37 Do you - - -

A He just said somethin' to me about it afterwards probably.

Q38 Do you remember what he said to the man?

A Well, poofter or something, you know, like,

Q39 Do you remember him saying that though?

A No, no, I can remember him saying that to me, you know
..... I don't know, I don't know what he said to the man, you know. I don't know if he, I remember something that, about the, the person being a homosexual, that's what I remember, you know. And, and, and I was just one of, what I thought one of Richard's imagination, you know.

Q40 Did you notice anything about this man, the way he presented himself?

A Yeah. He was sort of like a slob. He seemed like a slob and, and he had like a beer belly and, and, and he was just, like, like, wanderin' the streets in the middle of the night, you know, like and he seemed to be drunk, or, or, or drugged or something. I, I don't know, but, but, but he didn't seem to be in, in, in a sober state of mind and, he, he, he, you know, like, I think that, that, that just, well, that's what I thought with it just the way he was would have provoked Richard all the more sort of thing.

Q41 And where were, where were you and Richard when you

first saw this man? Were you in the car or were you walking?

A We were walkin' along Palmer Street and, I don't remember exactly, how, how we came, came across him. I remember, all I can remember is, is Richard kept goin' toward him first and we were sort of on our way, we were, must've been on our way back to the car. And, and I remember Richard walkin' toward him and I, and had already challenged, more or less challenging the bloke before, before I got there, you know.

Q42 Could you describe this baton that Richard Leonard used in this assault?

A Yeah, it was a, he bought it for security, he was going to do a security job and, and it was a, a metal security baton and it was apparently standard, standard for whatever security and, and when he flicked it, it came out in, in three pieces. And, and, and it had like a grip on it, like a, a strong sponge or something over the, over the metal on the handle on the first part. And, and when it came out, it came out in lengths of, of like, it was about this long and it came out in lengths the same sort of, one, one, two, like that, so it had three pieces and it went pop, pop, like that. I remember he used to play with it all the time and bash it on the ground to get it back in again. And he'd, you know, like pretend that he was bashin' people and, and Like, he used to act all the time, you know. He fancied himself as an actor and,

and he used to play out these roles and I always believed that he was puttin' it on, you know.

Q43 And was Richard Leonard a security, in the security industry?

A Well, he got his security licence, but he didn't actually get, get to do the security job. He didn't, he was lookin' for, he had his name down or somethin' for security work, but he didn't get any.

Q44 Do you know where he got this baton from?

A He bought it with his security licence, he got his security licence and then he went somewhere and bought it.

Q45 Do you know where?

A No.

Q46 Right, getting back to the assault, when he was striking this man with this baton, where were you?

A I was, he was on the footpath and I was on the road. I was, 'cause we were walkin' along the road. And I, I was standin' on the road like when, at the, the closest I came to it was sort of standin' about two metres away from him and he was on my left and, and the, the man was on my right. And, and Richard was whether he was pushin' him or what he was doin', but I can't exactly remember because I remember so much that when he actually hit him with the baton that I was surprised, you know.

Q47 And where did he have the baton that night?

A Well, he would've had it inside his, his big jacket, he

had a big jacket on and he used to keep it inside there, or he'd have it, you know, like in his, he used to keep it in his pocket sometimes in here, or he had it, but most of the time he had it here and he'd pull it out and he'd show off with it, you know.

Q48 And did you know he had the baton with him that night prior to the assault?

A No, no, I would have known, he would have always had it with him, you know, but I always thought it was just like a toy, you know, pullin' it, you know, but he never really would have had the nerve to use it, you know.

Q49 So how far away were you in distance when this assault took place?

A Well, as I said, a couple of metres from, from the, from the, situation, you know. Like, I, I was able to, sort of, see what was happening and, and, and when I walked, I walked up to the, to, to what was happening and then I, then I walked away from it after trying to tell Richard to stop and he didn't, then I walked away toward the car, and, and Richard followed me after that, not long afterward.

Q50 You said before that you thought that Richard hit the man a couple of times after you turned and walked away, is that correct?

A Well, I think he may have because he wasn't finished when I walked away, but I don't know what happened after that 'cause I'd, I'd, after I told him to stop

and I seen that he wasn't going to stop, I turned away and went and Richard didn't come for a while so he must've hit, hit him again or he must've hesitated or somethin', I don't know what, what he did.

Q51 What condition - - -

A

Q52 Yes, sorry, go on?

A Well, that's it, yeah.

Q53 What condition was the man in when you turned away?

A Well, he had been bleeding on the, on the head, but not very much and he was layin' on the ground and he was sort of makin' a deep howling type of noise 'cause when he said, when Richard was, was going to hit him and he was going, "No, wait, wait, wait" and he had his hands up like this and, and, and, and like he, like he could've, he must've been thinkin' that he could tell Richard to stop and Richard would stop, you know, or that, that he could sort of talk him, you know, into, into sort of leavin' him alone or somethin', I don't know. You know, but, but, but he said, "No, wait, wait" and that was all that he said because when, Richard sort of must've hit him that hard that, that he, that he was in deep pain and he was makin' this type of a groaning noise, you know, and he was still makin' that noise when, when I walked away. That's what really worried me, you know. And when we got back to, to Collaroy Plateau I had a sort of a, a deep feeling about it and, and I thought, I laughed sort of

uncontrollably. Not laughed, you know, but laughed sort of a fear laugh or somethin'. I don't know what it was, but it was like a, a, it was like some sort of a resistance that, that, that actually, you know, like I don't know what it was what I went through, but Richard didn't seem to be too fussed about it anyway, you know, and, and, and, or, you know, he seemed to get a, a great kick out of it, you know, like what he'd done and stuff.

Q54 How many times - - -

A

Q55 Yes.

A Yeah, that he'd, that he'd finally, you know, like, achieved his ambition with his baton, you know.

Q56 When you say "achieved his vision", what do you mean by that?

A Well, no, well, I mean, because he used to talk about things like, his ambition I said, you know. Like, 'cause he, he'd always say, "One of these days I'm gonna get someone with this", you know, like, and, and, and he'd put on, he'd, he'd, he'd, he'd have, like, impersonations of actors that he, that he, that he'd seen in, in films and stuff and he'd put on, you know, like word for word acts of what they did and stuff, you know, like in films where there was, you know, this type of violence and stuff. And, and, and, and, you know, like he'd sort of, he, he, he wanted to be that type of person or he wanted that, he wanted that

whatever, whatever he seen, whatever he thought they had, you know, these people in the films. He wanted, he wanted that, he wanted, he could talk about films all night and stuff and, and he read some sort of books that, that were, you know, complete nonsense, you know, like, I can't remember who, some stupid books anyway. When he read bits out of them to me they sounded like nonsense, you know, they sounded like they were written by someone who was, you know, as, as mad as Richard, you know, or worse, sort of thing.

Q57 How many times did he hit this man with the baton before you called upon him to stop?

A Probably half a dozen times, I think. I'd say that at the most, you know. Sort of it was very slow, but it was like he hit him and sort of teased him sort of thing and then hit him again, you know. He didn't sort of bash, bash, bash. He just sort of hit him and, and then, and, and, and he was playin' sort of like a, you know, like, like a, a, a, you know, like a game with him or somethin', I don't know.

Q58 Where, where this assault took place, could you describe the area, what type of buildings, et cetera?

A Yes, it was in this, in a very narrow street what, what I believe to be Palmer Street from lookin' at the map, but I would know exactly by going there. And, and it was a narrow street and it was like little tenement houses or, or little houses all close together with a fence and stuff, but, you know, different fences and,

and there was a tree beside the, the person that, that he hit. And there was a, that was a dark, dark, and there was like street lights, but there was nobody about and, and there was a street runnin' off. Like, the street run up sort of a bit of a hill to, you know, a road, like which was a road that run parallel to William Street. So it sort of run that way, it was running across and then my car was parked in, in, in a laneway that was just before the top of the street. And, and there was a road runnin' off down that way from, like, from the street. There was a road runnin' this way and whether it was to the right of us or the left of us, but I know that was probably the road that we walked up when we seen the, the person.

Q59 In time how long would the assault have lasted?

A Couple of minutes.

Q60 Did anybody come out of any of these houses?

A No.

Q61 Nobody called out?

A No, but I was expectin' that, you know, like, I was thinkin' someone should have came out or something, you know, or someone, someone should have noticed, you know.

Q62 When the assault was finished did either you or Richard run away?

A No. No, I walked up the road toward the car and, sort of, and Richard followed me, you know, so I, I may have been in the car for, you know, I was in the car before

him and, and, and then, you know, like, I was frightened and, and, and, and I was in shock because it, sort of, like, it was a Richard that I hadn't seen before, you know. And, and up to that point I had cared about Richard and sort of looked after him and, you know, gave him a feed at my place and stuff, you know. I'd been very close to his family and, you know. I don't know.

Q63 I think before you said the assault took place about 2.00 or 3.00am. Could it have been later than that?

A No, no, not really. I remember there bein' plenty of night left afterwards, sort of thing, when we got back and it was still sort of really dark when I got home, and I probably stayed at Richard's place for half an hour or something, you know, had a cup of tea or whatever, and sort of talked to him and that and, and wondered whether the person was all right, but didn't do anything about it.

Q64 The car that was used - - -

A Yeah.

Q64 - - - can you tell, tell us now which car it was that, that you and Richard left the scene of the assault in?

A I remember it to be the [REDACTED], but I, I don't; I couldn't be sure.

Q65 What happened to the [REDACTED]?

A The [REDACTED], I got it re-registered with 12 months registration and, and not long after that I, I sold it or I, I did a swap with a person for a motorbike and,

and cash exchange, \$900 cash. And, and I got the motorbike and, and the bloke kept the car, you know, and I had to give him money as well, 'cause the bike was better than the car.

Q66 When did you get the mini?

A And then I, I, well, I'm not exactly sure of the date, but I, I, I got the [REDACTED] when I sold the bike and, and I can only know by the, the dates that, that were that the rego was transferred and stuff like that, you know. That's about the only way I could be sure. -
- -

Q67 What colour - - -

A - - - maybe the receipt's at home somewhere when it was on.

Q68 What colour was the [REDACTED]?

A It was a, a blue, dark blue.

Q69 Did you register it in your name?

A Yes.

Q70 In the subsequent days after the assault did Richard show you a newspaper article relating to, perhaps relating to the assault?

A Yeah, I was possibly, but I'm not exactly sure, but about a week afterward he showed me something, I think it was the Sydney Morning Herald or something like that, he'd been checkin' the paper regularly for, for the, to find something about it and, and somethin', and what I thought was Sydney Morning Herald, but it was just a, a

few lines or somethin' about that, if I can remember right.

Q71 And what was said about that, that article?

A Well, the first thing that, that I wanted to know was if, if, if, if the person was dead, you know, like. And, and, and when, when we compared the, the location of where the person was found, when we compared that with the, with the, the location on the map where, where it was it turned out to be further away. It turned out to be to us not the same place, you know. And I started to, I, I was relieved because I thought well, this is someone else, you know, because the person Richard hit must be all right, you know. I was ready to believe that, you know, I wanted to believe that.

Q72 So that, that newspaper article appeared within a number of days after the assault?

A Yeah. And I thought Richard was big noting himself, you know, like, that, that he wanted to, to try and tell me that, that he'd killed someone even if he didn't, you know.

Q73 What did he say to big note?

A Well, just that, "Yeah, look at this, this guy so and so" or whatever, you know. I remember him sayin' somethin' about bein' famous or somethin', you know. I can't exactly remember, but it was similar along the lines to, to what you showed me at the beginnin' of the interview that, that this person was well known or

something that, that was found dead, you know. And I was thinkin' that, even, even after that I was thinkin' that Richard was, was just tryin' to, you know, have me believe that he was a murderer, you know, like, but I wasn't ready to just say, "Yeah, you must've killed him", because when I checked it with the directory that it didn't match up, so I, I thought he was, he was havin' me on, you know. I thought it was just a coincidence.

Q74 So you would've at that time, you put the dates, the dates of the assaults together and it's only the fact that it was in a different location?

A Yeah, I think the date was the same, yeah, yeah, I'm fairly sure it was.

Q75 The fellow that was assaulted, could you just pass me that folder, please, detective. The fellow, fellow that was assaulted by Richard Leonard, could you tell me how he was dressed?

A Yeah, I remember he had a white T-shirt and a pair of shorts, light coloured shorts. I couldn't say, if they were probably white shorts too or dirty white, you know, dirty, sort of dirty type of clothes. He seemed like a slob, like he hadn't been clean for a while or somethin', you know. He had that sort of dishevelled look and, and if I remember he had sort of short hair and a sort of a bit baldy on the top. I don't remember him havin' a moustache that, that, that you have in that photograph of him. It may have been an earlier

photograph or something. But sandals I think I remember too, he had sandals on, now that I think.

Q76 Well, as you, as you mentioned, we showed you a photograph prior to the interview - - -

A Yeah.

Q76 - - - and that's a photograph of this fellow here with the guitar.

A Yeah.

Q77 Is there anything you can say about the physical features, the facial features apart from the hair?

A I'd say that could have been him, yeah. That could have been him.

Q78 And what makes you think that that could be him?

A Well, he just has that look, you know. He has sort of a, a, I don't know, just a bit of an ocker look or something like that, you know. I don't know.

Q79 You described a, a baton before for us, a telescopic type baton. I show you a photostat copy of a page out of a People magazine which indicates tactical response batons, model CAS/16. Would you have a look at those and make any comment.

A Yeah, yeah, that's it, that's the same one with the three things on it and a little sort of, I think, metal knob sort of on top. And it had a, like, as I said, a, you know, a grip or whatever on it. Yeah, that's it, that's the baton.

Q80 Do you know what happened to that baton?

A Well, as far as I remember he got rid of it or

something. I don't know exactly what he did with it
..... he would have got rid of it. He said, he told
me that he got rid of it or something.

Q81 When did he tell you that?

A He told me that straight afterwards, you know
I think he may have got rid of it the next day or
something.

Q82 Did he say where?

A No, he didn't say where. I can't remember if he said,
or I doubt if he would have said where. He might have
just put it in the bin or something.

Q83 Did he mention if he threw it in water anywhere?

A No.

Q84 When you were with Richard when you were looking for
girls, did you ever take any of these girls back to
your place?

A Yeah. Yeah, we took a couple of ladies that were on
the, on William Street to, we, when we, when we were,
you know, we wanted to take them to bed, so to speak,
and, and we didn't want to go to their, their premises,
we asked them, 'cause I, I, I've had a, like a, a
single life and I've, I've, I've done this sort of,
like I haven't done it for years, but I, I've had a
personal habit of taking a girl from, from over there
and bringing her back and, and having sex and taking
her back again, you know. So, and, and that's what we
did. We took a girl, we took a girl back to Richard's
place one night and Richard'd have his father's video

camera and, and sittin' up on top of the wardrobe with a few other cameras so that she wouldn't know that it was bein' videoed and, and I had sex with her on video and, and, and Richard had oral sex with her on video. And, and I took her back and when I came back Richard was laughing 'cause he'd been watching the video of me havin' sex with her, while I was taking her back again, so. But I mean, I, I thought well, fair enough, you know, 'cause I've shared a, a prostitute with mates before, like we'd both chipped in together to get, to get a girl for, for, you know, a cheaper price or somethin' and, and one of us had went after the other or somethin' and, and, and you can sort of, once you've sort of lost your shame and stuff you do it, you know. And, and, and I, like, you know, like I'd just do it to get close to a girl for the night, you know, I was good to every one of them, you know. But I mean it still doesn't make it right, but that's just a story, I was tryin' to show Richard there was more to life than runnin' about, you know, talkin' a load of crap and, and, and, you know, and takin' drugs and whatever, you know, just to sort of and I was tryin' to give him a bit of confidence with girls and, and, and, you know, show him a different way of life, I s'pose. Not the, not the best example, but a, it seemed harmless at the time, you know.

Q85 And when did the episodes with the girls occur in relation to the assault on this man?

A Before that, yeah, 'cause after that I was, I backed away from Richard and I didn't go with him anywhere and, and then he I moved and I didn't tell him where I moved to. And, and, and I met him, that was another part of the story, I met him one day at, the last time I seen him actually I met him at, at the markets at, at Narrabeen, Narrabeen Markets. I went there, I'd, I'd got, I got myself a cleaning job and, and, and a lawnmowing job and I'd, I'd already bought a lawnmower and I bought a whipper-snipper and when I was, I was, I was negotiating for the whipper-snipper and I met Richard at the markets and, and he had his hair dyed black, you know, and that made me wonder, you know. And he had sort of, and he, and he pointed out his, his girlfriend to me as well.

Q86 What was her name?

A I didn't see her, he just, she was workin' at one of the stalls apparently at, at the market, but I didn't actually meet her, he just pointed to her in the distance and, and, and we, he come and 'cause we rolled cigarettes, it wasn't marijuana, just ordinary tobacco. And, and we sat and had a smoke in the car, when I put the whipper-snipper in and, and, and then, then I, I said, "See you later" to him. He had his bike with him, yeah, so he road off on his bike and I made sure when he rode off that he went away first 'cause I didn't want him to follow me to, to where I lived. I didn't want him to know where I

lived. So that was a precaution that I took. You know, I waited for him to go first and when he went I went after that because I was the kind, the kind of person that he was, I was thinkin' he would follow me back and then I'd have the trouble with him again gettin' rid of him, you know. Plus after that incident I'd never trust him again. You know, I thought well it could have been me, you know, like he might decide to, to have a go at me some day, you know, like. Anyway, that, that was, that was I lived at Pitt Road, North Curl Curl and, and I had a flat there and my mother worked across the hall from the flats, you know, and I stayed there until March '95 and, and, and then I moved up here to Gosford.

Q87 Had you been, on the night of the assault of this man before Christmas '93, had you been drinking - - -

A No.

Q87 - - - intoxicating liquor?

A No, no, I never drove or anything, I was never near the car with alcohol in me.

Q88 What about drugs, did you use drugs at all - -
-

A I've, I've used marijuana a little bit, like, Richard -
- -

Q89 Well, let's, let's just go to that night, did you use -
- -

A No, nothing.

Q89 - - - marijuana?

A No, no. No, I was, I was sober as, as anything that night. I was usually, if we ever went into town, we were drivin' or ridin' or anything I was sober, you know. I don't believe in any of that, you know.

Q90 What about Richard? To your knowledge did he use intoxicating liquor prior to the assault on that, on that day?

A No, no.

Q91 What about drugs?

A Well, I could question that, he could have been on something, but he didn't seem to be. If, if I could, if, if, if, if I can remember right I could say that he was probably sober, in a sober mind, you know. But you could never tell, because he was always, he was always sort of in that state of mind, he was always in that, that thing, you know, where it was, his thing and, and he was showin' it to you, sort of thing, you know.

Q92 When, just harking back to this, the assault with the baton. I think you used the term that he was "toying with him" at one stage. Did he say anything during the assault? Did Richard say anything during the assault?

A I can't remember, but it wouldn't have been, it would have been, like, what, what we said, it could have been something about him being a pofter or something, you know, and that. But towards exactly what he said I wouldn't know, no.

Q93 What, what did he say after you were driving away, immediately after?

A He would have been braggin' about it or something, if I remember right, you know, like, goin' over it again, you know.

Q94 Did he say what his intention was at all with regards to the assault?

A Well, he seemed as surprised as I was, sort of thing, that he, that he actually did it, you know, and he was just sort of taken with himself or something, I don't know - - -

Q95 Did he - - -

A - - - that he'd, that he'd, you know, that he'd, that he'd actually done it, you know, and I seen him sort of thing, you know.

Q96 Did he discuss what, what he thought of the injuries received by this man?

A Well, he could've been sayin', yeah, he could've said he would, might've had a fractured skull or he would've had a fractured skull, you know. So, you know, it would have been a surprise if he didn't have a fractured skull, you know, after, sort of, being hit in the head, you know, that's what I thought. And I thought that because of him being drunk he may have taken, you know, rolled with the punches type of thing, you know, even though he wasn't punched, but in that sense he may have just hit, been hit and sort of not been shocked by it or whatever. But I still didn't believe that he was gunna die, you know, I didn't think he was dead. I thought he was, I thought

he was, you know, like, injured or something and, and, you know. I mean, I was shocked enough anyway, I wasn't ready to think about him being murdered, you know. I was, I was in, you know, shock thinkin' that he was assault and battery, you know, that, that that was bad enough, you know, and, and what was I, in my right mind, sort of thing, to be, to be with, with this Richard, you know.

Q97 When you turned away after telling Richard to stop this, the assault, what was your feelings as about, as to this man's condition?

A Well, I, I was sad for him and, and, well, I can only relate to my own, own personal life I've had situations with, you know, like, every time I sort of try to do the right thing it, it got me into trouble. So I, I, I deliberately kept myself to myself and, and took nothing to do with it, you know, and, and I thought well, if it turns out to be serious that, you know, that's, that's fair enough. But whatever it was I, I was, I was lookin' after myself, you know, so, you know, 'cause I'd been through a serious situation with my nerves and stuff and just, with my spiritual life and stuff, you know, like. So I was, I was, I didn't want to be the one to say, you know, to say that, that, ring the police or whatever. Like the most I actually thought about was to talk to his father, you know, and I didn't even do that, you know, because I sort of feared the consequences from Richard that he would, you

know, take revenge or something, you know, 'cause he seemed to be a very vengeful person, you know. That he, that he would get revenge at all costs type of thing, you know.

Q98 Are you in fear of Richard now?

A Yeah. (TIME SIGNAL) Yeah, I would be very afraid of Richard now.

Q99 We'll just suspend the interview. We've run out of the audio tapes. It's, by the machine it's 21.11 hours - -

-

A Yeah.

Q99 - - - and by my watch is 21.07. These tapes will stop in a second and we'll just get fresh tapes and then we'll continue on.

A Yeah.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SERGEANT POPPLEWELL

Q100 - - - the interview is recommenced, by the machine 21.18 hours. For the purpose of this interview, could you describe Richard Leonard to us, his physical description?

A Yeah. He was a very straight sort of plump type of a boy, and he was sort of like a boy. Like, like a big boy, you know. And still very immature in, in appearance, but built sort of, you know, like a muscle man type of thing.

Q101 I'll just, I'll, I'll show you a photograph which is

contained within this folder. Do you agree that that's, that's you?

A Yeah.

Q102 Yeah. And who's this person down here with the snake?

A That's Richard.

Q103 Yeah. All right. Was that how he appeared at the time of this assault? Obviously he didn't have a snake with him, but hair and -?

A Yeah, yeah, that's that sort of expression that's on his face there, he used to emphasise that, you know, when he was acting sort of thing. He'd had that sort of effect, that he was, he was always tryin' to make his face look sort of worse than it was, type of thing, or somethin', you know.

Q104 Do you - - -

A Just, just a passing comment, but that, that, that's the sort of thing, you know, thing he did.

Q104 - - - do you know where that photograph was taken? Still recognise the room?

A I can assume it was in the army, was it?

Q105 I don't know.

A And I don't know. I know he took photographs of, of me when, when he was in the army. He took photographs or something.

Q106 Right.

A You know.

Q107 Right. After the assault took place and you drove away in the blue car, - - -

A Yeah.

Q107 - - - where did you go?

A Straight back to Collaroy. Back to [REDACTED] Street.

Q108 Right.

A Yeah.

Q109 And what happened there?

A We talked for, for half an hour and, and then I went home.

Q110 What did you talk about?

A We talked about what he did.

Q111 Right.

A You know. And what happened and, and wonderin' whether the person was all right.

Q112 Did you see Leonard do anything with the baton at that stage?

A No.

Q113 Did he wash it?

A He still had it. No, I don't, if I can remember right, it, it wasn't covered in blood or anything like that, it was just, you know, just ordinary sort of thing. I remember him sort of playing with it or something. Actually he already had it out again, you know, like, when he was goin' over what he did and there was no gory details or anything like that, it was just a matter of that he had it out again and started and I, and I didn't really know what to do, you know, I was, I was still dealin' with it in, in my own way, you know

Q114 Yeah.

A And, I, well, whatever it was that was on my mind that night was that I had to take Richard back to where I found him and leave him sort of thing, you know.

Q115 Mm. At the time of the assault, were there any other people around, in the immediate vicinity that you could see?

A Never seen a person.

Q116 Any lights on in the houses?

A No. Just the street lights, that's all I can remember.

Q117 Right. When the, how did the newspaper article come to your attention in The Sydney Morning Herald, I think you referred to it as?

A When I was up at [REDACTED] Street again. 'Cause I used to go up there to find out if I had any mail, 'cause I, I used to live there and stuff, you know, so it hadn't been long after I moved or whatever

Q118 So, what are you saying, Richard showed it to you, or -?

A Yeah, Richard showed it to me. Yeah.

Q119 Mm.

A And, and I didn't believe it when I seen it. I thought it was a different situation as, as I said. I looked at it and I thought, when he showed it to me, I was, I was eager to see it, 'cause I was still wonderin' whether this person was all right or not and, and, and when I looked at it and I seen the location, I, I, I remembered somethin' about it bein', I'm not sure about

that, but about you sayin' to us, where I remembered, wherever it said in the paper, I remember knowing that that wasn't where we were, you know, and, and checkin' it on the, on the book and the street directory, and, and, and, and, and, and us talkin' to each other about it to find out where, where we were and when, when comin' to a, an exact place, because we could only be in a certain, it could only be a certain way, you know, 'cause we remembered where we were and the directions and the way the streets run. So, and that was what, what we did, we, we sort of erased the, the, the idea that we were in this certain street and, and, what, what seems to be Palmer Street, after sort of and then I thought well, that's a long way away from here where Richard was talkin' about, you know. 'Cause he wasn't sure where we were, you know, Richard didn't know nothin' about it, he was sort of, like he didn't, he thought we couldn't even have, have taken us there again and, and up around here because of that, that, that runnin' from William Street and whatever the other street was parallel to it and runnin' across that way, but I knew that anyway. I knew it was a little dark street and there was an alley or whatever and I'd never been around there before, but I knew the area, because I'd sort of, when I've been drivin' down William Street lookin' at the girls, I had to go back up around, to go round the block to look at them again, or whatever, you know, 'cause it was like, like, you know, probably in

my life, I'd had about, you know, 15, 20 girls somewhere from, you know, and, and, you know, like since, sort of like about 1980 or somethin' you know, like I'd go over and get a girl when I've got really desperate, you know.

Q120 They're mostly transvestites along William Street aren't they? Is that what you deal with?

A No, no. It was just ordinary girls.

Q121 Mm.

A You know those girls at the corner of what do you call it, I think it's Crown Street or Bourke Street or somethin', but they're, they're ordinary girls, you know.

Q122 Right. When you were talking about this newspaper article that you saw at [REDACTED] Street, were there any photos attached to this particular article?

A No. No, if I can remember right, it was only a few lines, on, on, when, you know, like a column or somethin', - - -

Q123 Mm.

A - - - in the Sydney Morning Herald, I don't remember seein' photographs and all of that.

Q124 What about talking about suspects, was there mention of the suspects in the matter, that there was - - -

A I can remember somethin' about that, yeah. This is somethin' I didn't pay too much attention to, because as I said, I was more concerned about where it was, you know.

Q125 Because you, what, you knew that the time, the date and the time matched up?

A Yeah, I think it was the same night, that, that, that it happened, you know.

Q126 Well, did you, did you and Richard sit down and work it out? Like, you said it was some days later when the newspaper article came to your attention.

A Well, I was ready to be, you know, I wanted to know if it, if it, if it was you know, if, that, that was in the, in the main, I wanted to, to settle the issue for myself that whether the person was all right or not, you know and when, when I'd seen the different location on the, on the, on the, whatever it was, the article in the paper to where we actually were, I, I wrote it off, I, I thought, you know, this is something else, and, and, and the person Richard had the incident with must've been, or we had with the incident with, must've been all right, you know. That's what I thought and that was it and I didn't, didn't think about any more of it than that. And, and I still had it in my heart, I couldn't get, get, sort of put it away that easy, I still had a think about it, but, but I didn't do anything about it and I was hopin' that it would sort itself out now.

Q127 After the assault took place, on the night of the assault, you went back to [REDACTED] Street - - -

A Yeah.

Q127 - - - and you stayed for about half an hour. Was there

any talk between you and Richard about what you would say if interviewed by police?

A No. No, I said, that, that I, I know nothing, you know, I was gunna, that I wanted nothing to do with it, sort of thing, you know and then, then I didn't make any covenants with him or anything like that, you know. I said to him, "It's on your head", you know, "Whatever happens, it's your responsibility. You're the one who decided to do it", you know. I didn't want, I, I didn't, and, and, and that's what he even said to his father, you know, he said that his father didn't know nothin' about it and that, and that his father said to me that, that he, he knew my side of the story, that it, that I was just a victim of circumstances, sort of thing, that's what I believe anyway, 'cause I would have never ever had anything to do with murder, you know. I've just been tryin' to, to, to get my own life sorted out, you know and I've been livin' in [REDACTED] Street before Richard came there and not goin' out the door and, and, and people at the, at the church that, that owned the house in [REDACTED], they, they could testify that I was like a recluse and I wouldn't go anywhere with anyone and I'd just go to church and come home and go to church and come home, you know. And, and, and help out at the church whatever needed doing, you know, and, and, and, they, they, they give me a place to stay to sort myself out and, and then Richard came along and even havin' Richard in the house with me

was too much and I, I had to go, you know, I stayed with him for a few months or somethin' and then someone else came along as well. So there was three of us in the house, you, know. I started lookin' in the Manly Daily and when a place came up down the road in [REDACTED], I took it, you know, and that was [REDACTED], and he could give you a reference from, 'cause he said "If you ever need a place to stay, you're welcome to come back", you know, and everywhere where I've been, they, they've, they've had a good word for me, you know, because I've paid my rent on time and, and done the right thing, and didn't make too much noise or anything like that, you know, but anyway, yeah, well, I stayed for half an hour, sort of tried to come to grips with the thing that had happened and went home and thought about it there or whatever and, and, and hoped that it would sort itself out without me being involved, you know, any further, but.

Q128 Have you altered the location yourself to, because this man did die of injuries?

A No, no.

Q129 Did Richard ever ask you to alter the, the location of the assault for that reason?

A No, no. No, I'll stand at, at whatever it is, the, the lie detector or anything for that, because that's a statement of fact, you know. I can stand on that, I know where it was. It may not have been Palmer Street, but it was near there and I, I think it was

Palmer Street that had that little road and, and if there's a, a discrepancy there again, then that's important, you know. 'Cause I already came already came from one place to the other and, and there was only one incident that night and I took Richard home and that was it, the end of it, you know.

Q130 I think you've already said that you're afraid of Leonard. Is that right?

A Yeah, yeah, I'm afraid of him, but not afraid to that point where I would tell lies for him, no way, you know, that, that, not to stick up for somethin' like that. I want my conscience clear, you know, before God, I want my conscience clear, I don't care what it costs.

Q131 Unless Detective Covi's got some pressing questions, what we might do, I think at this stage, is are you still prepared to accompany us down to Sydney and show us - - -

A Yes.

Q131 - - - the location of this assault and where you parked the car?

A M'mm.

Q132 We might suspend the interview, - - -

A M'mm.

Q132 - - - at this stage and after you've shown us the location, we'll come back and we'll continue the interview and wind it up then.

A Yeah.

Q133 Are you in agreeance with that?

A Yes.

O.K. Well, we'll suspend the interview by the machine. Sorry, did you have some questions at this stage, Detective?

DETECTIVE SENIOR CONSTABLE COVI

No, Sarge.

DETECTIVE SERGEANT POPPLEWELL

It's 21.31 hours by the, by the machine. It's 21.27 by my watch, still on the 15th of April, Monday, 1996. To suspend this, I suppose you just interview end and then we start up again?

DETECTIVE SENIOR CONSTABLE COVI

Yeah, just there.

DETECTIVE SERGEANT POPPLEWELL

Right, audio tape, oh, yeah.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SERGEANT POPPLEWELL

Q134 The interview between Detective Sergeant Popplewell and

NP129 is recommenced. The time by the machine is 0.48 hours, on the 16/4/1996. NP129

NP129, do you agree that there are only three people present in the room? Those people being myself, Detective Covi and you?

A That's right.

Q135 And do you agree that during the suspension of the interview, we travelled to Sydney?

A Yes.

Q136 And do you agree that you indicated to us where you'd parked the car on the night that Leonard assaulted the man with the baton?

A Yes.

Q137 And do you agree that that was, the car was, you indicated the car was parked in Berwick Lane at Darlingtonhurst?

A Yes.

Q138 Do you also agree that we walked around to Palmer Street, Darlingtonhurst?

A Yes.

Q139 And in Palmer Street, you indicated where the assault took place?

A Yes.

Q140 And do you agree the spot you showed us was outside number 120, 192 Palmer Street?

A Yes.

Q141 And I brought that number on the door to your attention?

A Yes.

Q142 Did you also seen me take a number of photographs?

A Yes.

Q143 Do you agree that there was a small tree near the location where you say that the assault took place?

A Yes.

Q144 And do you agree that there was a No Stopping sign also nearby?

A Yes.

Q145 The time is quite late, at the moment. How, how do you feel, do you feel like continuing?

A Yes, yes.

Q146 And do you agree that you had a bit of a sleep on the way back in the car?

A I had a rest, I, I didn't sleep, I had a rest, yeah.

Q147 And you've got yourself a cup, another cup of coffee?

A Thank you, I have.

Q148 Right. How long after you parked the car, did the assault take place?

A That's the part I'm not sure about. It might've been on the way down to, to, to William Street or it could've been on the way back.

Q149 What was the purpose of going down to William Street?

A Just to, to have a look at the girls.

Q150 Was it your intention on that evening to, to utilise a prostitute from William Street?

A Well, to have a look, you know and yeah, possibly to utilise a prostitute, if, if, you know. It was sort of like a, more likely that we wouldn't rather than we would, you know, but, but, but yeah, that was the idea.

Q151 And when, when you parked the car, after you parked the car, which way did you walk to get to William Street?

A Down Palmer Street, and, and, towards William Street, as, as I remember it, but I remember that, I don't remember what the name of the, the street was, but I remember comin' up there, comin' up at that street in

Palmer Street to where, where we parked the car.

Q152 You indicated that you parked the car in Berwick,

- - -

A Yeah.

Q152 - - - Lane.

A Yeah.

Q153 Are you saying you walked out of Berwick Lane and turned into Palmer Street?

A Yeah.

Q154 To walk down towards William Street?

A Yeah.

Q155 And do you recall now whether that was when you met this fellow that was the subject of the assault?

A Well, Richard seen him and went up, went up to him, you know. Well, went up, went, went toward him and like, run toward him or something, if I can remember right, run. I don't remember exactly how that came about. I remember that Richard went toward him and, and he was at him, like, long before, sort of I, I got there, you know and I remember sort of comin' up when he was already hittin' him, you know, or he was already teasin' him or whatever, you know. Well, he probably already hit him or somethin' too.

Q156 Were you on the footpath or on the roadway?

A I was on the road.

Q157 What were you doing on the road?

A For one thing, I was keepin' my distance from, from what was happening and, and, and that, that was sort of

like, the way we'd been on, walkin' up the road, you know, because it was sort of like a quiet road and there was no cars around, just walkin' up the middle of the road.

Q158 When you're saying you're walking up the road, are you telling us that you were walking away from William Street up the hill?

A Yeah, yeah.

Q159 So you would've been down to see the girls?

A Yeah.

Q160 Something like that?

A Yeah, it would've been on the way back, like, as we had done before, you know, like, on a couple of occasions. We'd been almost half a dozen times and looked at the girls, but we only ever actually got one a couple of times.

Q161 Do you recall if you spoke to any girls on that night?

A No, I couldn't specifically say that. We would've spoken to girls and we would've told 'em what we wanted and they would've said, "No" or somethin', you know, like, I don't know if we did, I only can remember if we were on our way and didn't actually get to talk them or not, you know and that's, that's what I can't be sure about. I can't be sure about that, but it doesn't make that much difference.

Q162 O.K. What's the best time to talk to a girl if you wish to try and get them to come back to your place?

A About 4.00am, 5.00am, but we sort of, what we did on

one of the occasions when we did get talkin' to a girl to, to come back with us to our, our place, sort of instead of theirs, that was the basic idea of it, you know. Just, just to make it more personal, you know.

Q163

Yeah.

A

Was, we talked to them at about 2.00am or somethin', asked them would they, when, and I asked 'em what time they finish at so as we could come back and get them at around that time, and then we'd go and play snooker or somethin', you know. That's the way it worked out, so we'd go and play snooker and come back and get them, you know, if, if it worked out, you know. So we'd get them while they're sort of find out what time they'd stop or somethin', but that's the way it worked it out on one, one of the occasions, and the other one we found a couple of girls sittin' at the bus stop on Darlinghurst Road and that was right up at the top and we'd already given up the idea and then we seen them sittin' at the bus stop and thought they mustn't have had anywhere to go or whatever and just stopped the car and talked to them and found out that they were girls, workin' girls and that, and they didn't sort of take too much convincin' to, to come with us and you know, like, at, at the right price sort of thing for what we had it what we could afford at the time.

Q164

So if you had've been down there and hadn't found the right girl, - - -

A

Yeah.

Q164 - - - it was quite possible then it could've been 4.00am, 5.00am on that night when the assault took place?

A No, no, because we came back to, to Collaroy and I spent half an hour at Richard's place and it was still dark and I remember it still bein' dark when I got home and probably, you know, like, by the time we got home it would've been, it might've been 4 or 5 o'clock then, you know, or you know, say around 4.00, but I just remember it bein' earlier than that, you know, like around 2.00 or 3.00 or somethin', you know.

Q165 Yeah. Are you aware that - - -

A I've just got a sense of that time of the night, because I'm sort of often awake at that time, you know, I used to work late and stuff and, and, I just, you know, I don't know, I know, I know a certain, what time of the night it is, you know.

Q166 Yeah.

A Like, I'm comin' awake now it's 1 o'clock in the mornin', you know, so it's - - -

Q167 Well, are you aware that daylight saving at that particular time of year extends the amount of darkness?

A Yeah.

Q168 In respect of time?

A Yeah. Yeah, I don't know. I, I know it was about 2.00 or 3.00am, that's what I know, you know, somethin' like that. You know, even 4.00 would've been too late, you know, it would've been sort of you know, like headin'

toward mornin', you know, and I would've thought about that or whatever, I don't know, but that's all I know about that.

Q169 Well, you previously mentioned that Crispin Dye was assaulted on the 23rd of December, 1993. Can you recall what you did at on Christmas Day, 1993?

A No. No, I can't, no. I can't even remember, sort of like Christmas Day or -

Q170 All right.

A There was a couple of Christmases I didn't see my mother, you know, and, and Christmas sort of is the time I you know, just to stay home and do nothing sort of thing, you know, like, I don't sort of enjoy Christmas celebrations that much, you know, I don't know why, but I just don't.

Q171 When was it then in relation to Christmas Day that you saw the newspaper article?

A I can, I can remember it bein' something like a week later that Richard actually had, had a paper with somethin' in it, you know, but it was, I think it was The Sydney Morning Herald, but it could've, could've been something else, yeah, but it wasn't what you showed me here, because I would've remembered that.

Q172 Are you confident, you just pointed to this newspaper, that it's - - -

A Yeah. The one you showed me before, yeah.

Q173 That's this Sydney Star Observer?

A Yeah.

Q174 You haven't seen that newspaper before, that particular edition?

A No. No. I'm not even sure if I've seen the paper.

Q175 The Sydney Star Observer - - -

A Yeah.

Q175 - - - numbered 226, Friday, January 14th, 1994.

A Yeah, yeah.

Q176 So you're fairly confident though that after having read that article, that the assault on Dye, Crispin Dye, took place on the same night, same morning in fact that the assault took place on the fellow with the baton?

A Yeah. Yeah, I I almost, almost sure about that, that, that yeah. I said, what, what, what I thought personally was after Richard had talked to me that, that he had sort of used the coincidence to, to, you know, to, to make himself look like a murderer and I actually to, to sort of boast or whatever, you know, and I just didn't think that it was true, you know. I'm, I'm still sort of, I don't know, I'm , I'm just sort of, I just don't, I don't see that, that the person he hit he did that much damage to, I mean, I don't see that, that, that he, that he, that he, that it was such a sure thing that he would die, you know, 'cause he was moanin' and stuff, but he might've been just, you know, like, you know, well, obviously, in, in serious pain and, and, and, and may have been, you know, got up and walked home for all

that, for all I know, you know, like.

Q177 Right.

A Yeah. That, that's when I, I, I, I'm you know inclined to think, what like, sort of if, if I wish there was some sort of, I have to say it, you know, I wish there was some sort of other sort of back up like as, as we said that he could've, this person could've went in to get checked in casualty or somethin' or, or, or some of the neighbours around there would've seen someone lyin' there, you know, maybe at, at daylight or somethin', or maybe seen, maybe helped someone up or somethin', I don't know, but there's always that possibility, you know, it just seems strange that he would've made his way from one place to the other and ended up layin' on the road anyway and then lived for three days or somethin' you know. Like, but it just doesn't strike me as being the same person, you know, like he seemed, he seems younger than that person than the person I seen in, you know, just, I don't know.

Q178 When you say, "that person", which person are you talking about?

A The person in the photograph seems younger than, than the person.

Q179 That's the person with the guitar?

A Yeah. in the photo he just seems younger than, than, than the person on the road. He seems about 30 or somethin' Yeah.

Q180 All right, well, I'll show you these photographs.

A Yeah.

Q181 I was going to introduce them a bit later, I showed them to you before. We were talking about, you were talking about hair.

A Yeah, that was, that was it, yeah.

Q182 Is there anything you can tell me about this photograph in relation to the hair on the person who was assaulted with the baton?

A Well, yeah, he could've been like that, like bald bald or even a bit more bald than that, I don't know, but I remember that, but, and his, and his hair would've been similar length than that. And, but I imagine that he got hit around the back of the head and more or less on his face, I don't know how, how he would've got it because he didn't, as far as I know, he didn't get punched or, or anything you know, like, it was more like, you know, Richard wanted to use his baton and, and that's what he did, you know and he didn't, he didn't sort of, you know, like even if it's an old person, I don't know, you know, like, but it just doesn't strike me as being the same person.

Q183 Yeah.

A Somehow, you know.

Q184 Why did you - - -

A I seen a beer belly and a, and a T-shirt and the shorts and stuff.

Q185 Yeah, well, do you agree that on, in the car when we

were going to Sydney or from Sydney, you, you asked to see the photographs in the morgue for that reason - - -

A Yeah, yeah.

Q186 Had a lot of hair.

A Yeah, yeah, yeah. Yes, yes, I did.

Q187 Mm.

A Yeah, yeah. You showed me the photographs. I, I want to know for myself too, you know. I mean, no matter what way it comes out on paper, I want to know for a, for a fact you know, like.

Q188 Do you agree that after you showed us where the assault took place, where you say the assault took place,

- - -

A Yeah.

Q188 - - - that we then drove up and I showed you where the body of Mr Dye was located?

A Yes.

Q189 And do you agree that that was some 500 metres from the location where you say the assault took place with the baton?

A Yes.

Q190 You knew prior to speaking to us that Richard Leonard had been charged with two murders unrelated to Mr Crispin Dye?

A Yes.

Q191 When did you become aware that he'd been charged with those murders?

A When was, a, a friend rang up and told me and, and, and

then I watched the news for myself and I didn't contact his father for a while after that, 'cause I thought well, I'm, I'm not gunna take anything to do with it, then, but I, I, I had a change of heart about that, and, and, and decided to ring up his father and see if, you know, like, just in case he thought that because, you know, like, I was around Richard before that, that I was sort of a bad influence on him, but I think he knew that I was tryin' to sort of be as good an influence as I could.

Q192 M'mm.

A With, with Richard, you know, like, I was tryin' to, tryin' to talk him into more, more sensible stuff, you know.

Q193 When you found out that Leonard had been charged with two other murders, didn't you feel it necessary to inform the authorities or police about the serious assault that you witnessed Leonard committing with the baton?

A Yeah, I've, I've, I've just, covered, covered that up and, and, and just made, made the choice to, to, to keep it covered for as, as long as, as I could type of thing, because I didn't want to be involved unless I had to. I didn't know I was involved. I didn't feel the criminal responsibility of, of, of havin' the knowledge about it, you know and then feelin' that, that I should really be involved because I was just more of a victim of, of circumstances than a, than an

actual, you know, accomplice or anything like that, you know. So, for that reason I, I felt, I justified sayin' nothin' about it, you know. I, I, I've preferred to just stand by that, you know, but had I been sort of actually, you know, that I was, as you, you, officer confronted me about it tonight and, and I've already talked to Richard's father and confirmed that, that I was with him and stuff, so, I mean, he was, he was free to, to testify to that at any time he wanted to, you know. He was free to say that I, that I was involved in stuff, you know. I wasn't tryin' to cover up. I just didn't see the value of it. Especially if there was a, you know, a crime already committed and, and if it, if it went the wrong way, that I could be blamed as well, you know, and, and that's, that, that, that I didn't have the motive, you know, and I didn't have the, the evil intent, so I don't feel that I should be, you know, like, roped in you know. Especially since I've been a, you know, such a, a good influence on Richard, you know, like, I, I helped him heaps and, and, and spent heaps of time with him, that I, that I could've did without, you know and listened to a load of crap that he used to talk to me all the time, you know and, you know, probably talked me away from God most of it and like, talked me, like I was, I was, I was and I was, and people were commentin' on how, how good well, I'd become and stuff, you know and you know, how much brighter I was

and things like that, you know and then all, all of sudden Richard come along and I went backwards, you know, so, but I've never been involved in anything like that. I've never been interested in, in anything to do with violence, because my father, you know, like, had, my father used violence, you know and I was a victim of child abuse, so, so I don't believe in violence, you know.

Q194 Do you keep a diary?

A No.

Q195 What was, or what is Richard Leonard's attitude to homosexuals as far as you know?

A We used to talk about them all the time and, and I kind of imagined that he might be one, you know. But, but I just sort of had that sense that he was probably a homosexual and, and, or he had been involved in homosexuality or somethin' like that already, you know. I sort of imagined that.

Q196 Were you aware if he worked in a gay escort agency?

A No. I know he attended sort of shops that sell videos and stuff, you know, that sort of thing. He was interested in that, but that's all, you know. That's all I know about that. He had these, this, this, this screwy type of attitude, you know, and he had his sort of blue light in his bedroom or something and he'd put the music on really loud and dance to it, but it wasn't, I couldn't relate to it, you know. Actually, I couldn't understand it either. I just thought, well,

that's the generation that he's in, you know; that all this sort of madness, you know, but that was the attitude that he was in and that's the kind of thing that, that, you know, them homosexuals do, you know.

Q197 The blue [REDACTED] you mentioned before, was that ever registered in your name?

A I don't, no, I don't think so, no. No, I didn't think it, it didn't get transferred in time before. I only had it for a couple of months and I had the accident in it and that was the end of it.

Q198 What's your recollection now, or do you not know whether it was the [REDACTED] or the [REDACTED]?

A I still sense that it was a [REDACTED] somehow. Yeah, yeah.

Q199 But you didn't own the [REDACTED] at the same time that you owned the [REDACTED]?

A No. No, I owned the [REDACTED], then I owned the motorbike, which is [REDACTED] and then, and then I was just thinkin' about the number of that and then I owned the [REDACTED] and I can't even remember the number. It was, it was a number that I didn't sort of remember readily, but most of them I remember, you know.

Q200 Detective Covi, have you got any questions at this point in time?

DETECTIVE SENIOR CONSTABLE COVI

Q201 **NP129** do you agree that earlier this evening, prior to this interview taking place, we showed you a street directory and you used that to gain an understanding of

where this assault took place?

A Yes.

Q202 Did the person that Richard Leonard assault(sic) on this evening or morning, appear to be under the influence of any drugs or alcohol?

A Yes. Yeah, he appeared to be drunk, probably drunk, or, or under the influence of, of drugs, or, or incoherent, like not totally with all his faculties, that type of a person, you know, that he, he seemed like he was mentally retarded or somethin' like that. That's, that's the sort of person he came across as, but he could've been just drunk, you know and he seemed like, like he was sort of, you know, like even afterwards sort of thing, didn't know what was goin' on, you know, that sort of mentality type of thing, you know. That's, that's what it reminded me of, you know.

Q203 You've told Detective Popplewell that you drove the motor vehicle on the night of this assault. Is that correct?

A Yes.

Q204 You drove the motor vehicle to the area of the assault?

A Yes.

Q205 And away from the area of the assault?

A Yes.

Q206 You mentioned earlier in the interview earlier in the night that you were, you gained, I believe it was an opinion that the person, Richard Leonard assaulted was a homosexual. Where did you gain this opinion?

A No, I didn't gain the, I'd never, it wouldn't have never actually struck me, except that Richard said it. I never even thought of it, you know. I was, I was, I wasn't even thinkin' about things like that, I was just like, you know, like Richard starts talkin' about things like that and then it's just sort of the same thing all the time, you know, and you sort of, you don't pay any attention to it, and you, you just sort of, you know, like, you, you let him sort of say it, because it's sort of over with but, you know, I really didn't understand why he kept sort of relatin' to this sort of thing. I just, I, I, you know, I don't know, he, he said somethin' about the bloke must've been a poofter or somethin', you know, like and that was it and, and, and, and he may've said it to the bloke, you know, he may've said, "Oh, you're a poofter" or somethin', you know like that, well, it must've been the way it would've went if, if he did say anything like that to him at all, you know.

Q207 Do you recall - - -

A I think it was just, a, a, when he was faced with the, with the person, he went into this personality that he used to do with that similar expression on his face to what he had on that photograph, that, that you have.

Q208 Well, why was - - -

A Except more emphasised and more exaggerated and, and, and he went into one of his like, super-egos or somethin', and, and, and, and probably didn't say

anything at all, you know, except for threatenin' this, this person sort of physically with, with, with the baton, you know, like, if I can remember right, that's the way it went, you know, but I'm just sort of like, "Rich, no" and, and, and almost most like thinkin', are you there sort of, Rich, are you there? You know, like he sort of left his senses, you know. He'd, he'd, that, that way, that's what had occurred to me that he'd completely snapped over you know. He'd snapped over and, and, and he was, he was hittin' this guy with the baton, you know. Even then, I can't see that he, that he could've done so much damage, because the baton was only, you know, it was only like a, a bent bar and it's made for, it's made for that purpose to hit people with, you know. Like, it's not made to kill people with and, and, and, and, and at the speed that he was usin' it at, it didn't seem like it could've actually even hurt, you know, but, you know, I don't know that, I just imagine that he hurt the guy bad, but he didn't, but I don't think he killed him, you know, because the guy was groanin' when I, I seen it and he wouldn't stop and I've thought, right, I'm out of here, you know and I've turned and I walked up the road and Richard wasn't far behind me, you know.

Q209 Are you suggesting if somebody gets hit repeatedly with a metal baton, that they're not going to be seriously hurt?

A I'm just goin' on what I, what I felt at the time, you

know, like, I felt that he, that he, he had been seriously injured and you know, probably a fractured skull or some but I didn't think he would be dead and I can't understand the, the bruises on the front of his face and stuff, because that's almost like someone got bashed and, and this person was, was hit on the back of the head, because he didn't actually stand there and let Richard hit him in the face. He, he went like that, you know, like that, and, and held his arms up and Richard hit him like that. Richard was comin' sort of at him like this, you know, like, and, and hit him on the back of the head, you know, like and that's what made me think that, you know, he may've been all right, 'cause you can get, I've been hit round the back of the head very seriously too before, and, and, and it hurts, but it doesn't do that much harm, you know.

Q210 Did you see Richard Leonard strike this person to any part of the body other than the back of the head?

A Yeah, he could've hit him sort of around the arms or the shoulders or somethin', he could've been hit on, on, you know, like, I think once he started to, to resist, that, that he, that he was just gunna get hit wherever he got hit type of thing, you know, like rather than actually get hit round the head.

Q211 Did you see him strike him with the baton to the head area?

A Yeah, yeah, a couple of times I seen him hit him in the

head.

Q212 Was that the front or the back of the head?

A That's, that's at the back of the head and that's what really, really did the damage for me, because I, when I seen that it shocked me and I, and I, and I just completely, you know, like, couldn't, couldn't cope with it, with it at all, you know, I couldn't, couldn't, I couldn't believe it and I, and I was cursin' myself for bein' there and then I really didn't think enough about the person, but afterwards I thought about him heaps you know and I thought, you know, that was he alive, was he dead, you know, like, you know, was Richard insane or what, you know

Q213 It's correct that you turned away and didn't see the entire, what you to believe to be the entire assault of this person, is that right?

A Yeah, I didn't see it, but, but for the time that, that, that - - -

Q214 That you saw it, the time that you saw - - -

A - - - by the time that, that Richard was behind me, I don't think he would've done that much to him (Tape beeping) you know,.....

Q215 O.K. I just note that the tapes are running out - - -

A Yeah.

Q215 - - - and we're going to have to, we're going to have to again suspend this interview and get some further audio tapes, - - -

A Yeah.

Q215 - - - and then we can complete the interview.

A Yes.

Q216 I note the time on the clock is 0 - - -

DETECTIVE SERGEANT POPPLEWELL

1.18.

DETECTIVE SENIOR CONSTABLE COVI

Q216 - - - 1.18.

A Yeah.

Q217 Is that, is that correct?

A Yes.

O.K. We'll just suspend this interview.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE COVI

Q218 O.K. This is a resumption of an interview between Detective Sergeant Popplewell and NP129 at the Gosford Police Station. Speaking is Detective Senior Constable Covi. Do you agree, NP129, the time on the machine is 1.26?

A Yes.

Q219 O.K. And do you agree that we've just changed over the audio tapes on the machine?

A Yes.

Q220 O.K. Prior to changing the tapes over, you were speaking about Richard Leonard assaulting this person. Is there anything else that you can remember in relation to that particular assault?

A No, not that, other than what he said, just that he,

you know, he struck 'em with the baton and, and, and, you know, it was at that point that I found out that, that he was as crazy as he, as he'd made out to be sort of thing, you know.

Q221 O.K. O.K. Apart from what you've told Detective Popplewell earlier in this interview, how did you know what time of day it was that this assault occurred? For example, did you have a watch? You've told Detective Popplewell you didn't have a diary to note the time. Is there anything else that would indicate the time and date this assault took place, apart from what you've already told Detective Popplewell earlier in this interview?

A No. No, just, that, that Richard and I had, as we discussed the matter afterward and, and that kind of the date was mentioned and I remember it bein' some significant date, you know, close to Christmas or New Year but probably the same date as, as what we said.

Q222 O.K.

A Yeah.

Q223 Did you see any, any other person in the area of this assault immediately before the assault?

A No, no-one at all.

Q224 Right.

A Not before it or after it.

Q225 And you've also indicated you didn't see any person there during the assault?

A Yes. Not the whole, the whole way through, there

wasn't a person about. No.

Q226 You've indicated to Detective Popplewell that you think it was The Sydney Morning Herald that Richard Leonard showed you after this assault. Are you sure that it was that particular newspaper?

A No, I just remember a, a, like a mention of that, that, that, that, that he was going to get The Sydney Morning Herald and, and like, and see if there was a, a, what do you call it, anything in it, you know, anything, if there was anything said, you know, like to, to make sure that this, the person that they hit or whatever, that they found out if, if he, if he'd actually killed him or if there was any report about it or whatever, you know.

Q227 O.K. You've already indicated to Detective Popplewell that the newspaper that Leonard showed you was not the Sydney Star Observer dated Friday, January the 14th, 1994, which I now show you again, is that correct?

A That's correct.

Q228 That's the one with the three males, suspects in relation to that particular assault?

A Yes.

Q229 The assault of Crispin Dye?

A I don't remember anything with photographs or any, anything about havin' suspects or anything, I just remember that, that, that something about the person being famous, that, that he said somethin' about a famous person being killed on the same night or

something, and then like that, that he tried to imply that it was him, and then like I said that it wasn't because of the different location and I left it at that and felt relieved about it, because I thought, "Well, there's no word about the person that, that, that I know about", so that he must've been all right, you know? But still, I wasn't sure and still it, it, it, it could, could be the same person, you know.

Q230 O.K. I'll just now show you the Sydney Star Observer dated Friday, the 28th of January, 1994 and I'll show, I indicate the front page of that newspaper to you. Do you agree that that newspaper deals again with the Crispin Dye murder - - -

A Yes, yes.

Q230 - - - as is referred to in that paper?

A Yes.

Q231 Is that the newspaper that Richard Leonard showed you after this assault?

A No. From what I can recall, the paper that he had, it was in the paper, it wasn't in the, on the front page, you know, it was in just some little column in, in the paper, you know, like it was a, a, a reporting paper like, like The Sydney Morning Herald or somethin' and, and this just had a mention. This, this thing, you know, like -

Q232 And do you recall if the name Crispin Dye was actually mentioned in that article?

A Yes, I remember something like that, that, that he

mentioned that, Richard mentioned that.

Q233 He mentioned the name Crispin Dye?

A yes, something like that, yeah, I am not exactly sure what it was, but yeah, that would be it.

Q234 And is it correct that you indicated this person, this Crispin Dye, was famous?

A No, he did that. I wouldn't have known that, never even heard of him. I, I was still not, except for this issue, I, I wouldn't know that, that he existed. I didn't know.

Q235 Except for the issue mentioned in the paper?

A No, except for the, the, the incident about, except for him being murdered, you know? Like -

Q236 Right.

A Yeah.

Q237 O.K. Can you just repeat what you say the person who Leonard assaulted on that night was dressed in?

A Yeah, a T-shirt, probably a white T-shirt, dirty, like because he had a dirty, dishevelled look, and, and shorts, what would've been light-coloured shorts, you know, they could've been white too or sort of that, you know, dirty type of white, and then, what, if I can remember, long, long shorts and probably thongs or sandshoes, or if I remember right, thongs, you know. And - - -

Q238 Are you certain of the description of the clothing?

A Yes, and, and Richard should be able to say, like what it was, because I mean he, he, he's the one with all,

with all this up, up in his head, you know, like and he did have the head for all this nonsense, you know, like that, that, you know, I thought was part of his, you know, whatever nonsense that he was on about, but he'd, he'd remember that, you know. You know, I don't expect that he's going to give you anything, but I think that he, he, he should know this and he should know the location, he should know the, the, what the guy was wearin', he should know the, what, what clothes he had on and, and, and whatever, you know. And even the, you know, he should know how hard he hit him or whatever and whether he actually would've killed him or not, you know? I don't know. I just get a feeling he's glorifying himself with this and that it's not actually the same person and you know, I can't help but believe that, but he's, he's, he's already in for two murders and, and, and, and it doesn't make much difference for him, you know? But I, I really have to stand by that, you know. 'Cause otherwise I probably would've come forward with it, you know, if I'd have known for sure that it was the person that he'd hit that, that actually died, I wouldn't have been able to, to run away from it, you know? I wouldn't have been, I wouldn't have wanted to, I would've wanted to get it out of the way, and now it's three years down the track and, and it's still a problem, you know?

Q239 But you agree that you didn't tell the police or any other person in authority about this assault that took

place?

A Yes, yes, I agree with that. I kept it, whatever you, whatever you call it, like, in a sense I covered up for him or whatever, you know, by not sayin' anything, so, you know, I, you know, I, I'm, whatever, you know, in, in the wrong by default or somethin', you know, I may be an accomplice or I don't know what, you know, but, but that's the truth, you know, and that.

Q240 And - - -

A That's what, that what my conscience on the matter you know, that's what I, what I've, what I've told you and, and that, that's what I was goin' to have to, to live with, you know, or, or I, I couldn't see that, as I say, I couldn't see that I could help, really help much by, by comin' forward, and as you say now that it may have been a better thing, because he may have, may have been prevented from committin' the other crimes that he did, but if he, if he, if he's, you know, like mad enough to, to do it once, he's mad enough to do it, you know, like

Q241 O.K. Well, if you can just refrain from referring to anything he may or may not have done. Just stick to this particular incident, please, if you could.

A Sorry.

Q242 Are you on any medication or drugs at the moment?

A I'm on Ventolin.

Q243 O.K.

A Yeah, but I haven't had any for a few hours.

Q244 O.K. You're not under the influence of any drugs or -
- -

A No. No.

Q244 - - - medication at the moment?

A Nothing. No.

Q245 Or earlier tonight, during this interview?

A No. No.

Q246 Was there any blood on your clothing as a result of the assault committed on this person that evening or that morning?

A No.

Q247 Was there any blood, blood that you recall being on Richard Leonard's clothes?

A No.

Q248 Was there any blood in the vehicle that you drove away that night?

A No. No. If there was any blood, would've been like a, a, a, you know, a minute trace on the, on the baton that, that I couldn't see, because - - -

Q249 On the baton, is that correct?

A Yeah. Well, you know, that, that would be the only place I could've, could've imagined. 'Cause I, I never touched the man, and, and, and, and I never touched Richard or, and, and I don't think Richard actually touched the man except for with the baton, you know, so, so the only place that, that, that it could've been is, is on the baton, you know, but, and he had, as I said, he had the baton next to him afterward, when we

got back and he, and then he got rid of it after that, you know, I never seen it again after that night, so -
- -

Q250 Did - - -

A - - - he must've had sort of his guilty conscience or something, and, and, and just, and done something with it, but I don't know what, what he did.

Q251 Do you recall if you saw any blood on the baton that night?

A No, I didn't see any blood on the baton. Just looked like it always did when he showed it to me, you know, a thousand times.

Q252 And he showed that baton to you at [REDACTED] -
- -

A Yes.

Q252 - - - Collaroy Plateau after this assault, is that correct?

A Yeah, oh, he didn't, he had it out and he was, he was talkin' about what he did and he was doing the actions with the, with the baton.

Q253 At that, [REDACTED] Collaroy Plateau?

A Yeah. Yeah. Yeah.

Q254 Is that correct?

A Yeah.

Q255 Do you recall what either of you were wearing on the night of this assault?

A No. No. As I said, probably my, wearin' a jumper over my blue one and then my black shoes and I don't know,

I probably changed or something. But I had nothin' specific about what I was wearin', you know, it was just whatever clothes that I had at the time, you know, much like, similar to what I've got on now.

Q256 Do you recall what Richard Leonard was wearing? You mentioned I believe earlier in this interview that he had a big jacket on?

A His big coat. He had a, he had a sort of big black coat that he used to wear all the time, you know, just a collared coat that, that maybe went across like that or something. And a, and a belt, it had a belt and, and he used to have this baton on the inside pocket.

Q257 Have you got any ideas where that, that jacket might be now?

A I think his father could have it or something, probably. If, if, if he still had it, which I'm sure he probably would've. It could, would be with his parents.

Q258 And is it correct that his father's name is Stephen Leonard?

A That's correct.

Q259 And is it correct that he lives at [REDACTED] Cromer?

A Yes.

Q260 What sort of building is that?

A It's a house.

Q261 Are you prepared to show Detective Popplewell and I the registration or other papers that you have regarding

the blue [REDACTED] - - -

A Yes.

Q261 - - - or blue vehicle that you believe he may have driven on the night of this assault?

A Yes.

Q262 And again you, you're not sure that it was in fact a blue [REDACTED]. It could've in fact been the blue - - -

A [REDACTED].

Q262 - - - [REDACTED] - - -

A Yes.

Q262 - - - is that correct?

A Yes. Yes.

Q263 Is it correct that you, you're sure that you drove a blue motor vehicle on the night of this assault?

A Yes. Yes. Either one of them two cars, it could only be one or the other. But possibly the [REDACTED], depending on the date. The date would, would clear that up. If, if I still had the [REDACTED] at that period, then it was the [REDACTED], because I didn't have the [REDACTED] when I had the [REDACTED].

Q264 O.K. Do you agree that you, you told us that you had an accident in the blue [REDACTED] at, at some stage?

A Yes. On Concord Road, with Richard in the car.

Q265 Richard - ?

A Leonard.

Q266 Leonard, is that correct?

A Yes. Yes.

Q267 Do - - -

- A We were on our way to his tech.
- Q268 Do you recall if that was in 1993 or 1994?
- A Let me see, it would've been to -
- Q269 Do you recall if it was prior to this assault or after this assault that you -
- A Well, after, because I remember when it happened, thinkin' about the justice sort of, about it, because I had been sort of involved in, in the crime with Richard and, and, you know, even though without, without meaning to, and then, then it was just sort of like comin' back to me where you know, my car was written off and Richard bumped his head in the accident too, you know, and, and I was thinkin' that that guy was sort of, you know, like, you know, just in, in me own mind just sort of tellin' me what I thought, but nothin' to do with the, the case, but I was thinkin' that guy was, you know, chastisin' me, type of thing.
- Q270 Do you have any documentation from that motor vehicle accident?
- A Yes, well, there's sort of records of it somewhere, I'm not sure if I've kept it, the receipts for, for the, for the, the actual accident, you know, but I'm fairly sure I might have 'em, I've, I've been through my, my papers sort of in the last few months and thrown out things that I thought I would, would never need again, but somethin' like that I probably would've kept, so I'm not sure.
- Q271 So if you have such documentation, you'd be prepared to

supply that documentation to the police, would you?

A Yes. I remember the, the other people in that accident, the people that I hit was SLP-something, SLP-something, something, something, and I don't know what the rest of it was.

Q272 What, what street was it in again, sorry?

A It was on Concord Road or, on the way to, it was on Concord Road just as you sort of cross over Victoria Road headin' toward Parramatta Road and, and you're comin' down that hill after you come over Victoria Road, and it was, and it was peak-hour traffic and, and, whatever Richard distracted me and when I looked around, the car was sort of comin' up on me and, and when I hit the brakes, the car just skidded and, and crashed into the other car, so, so and then it was too late to do anything about it, and then, and, and we didn't, we didn't, he didn't end up gettin' to tech. He ended up goin' to my brother's place, he lived at near there, he lived at Parramatta, which was closer to go to his place with the car than, than to, than to bring it back to the, to Collaroy again.

Q273 O.K. I don't have any further questions, Sergeant.

DETECTIVE SERGEANT POPPLEWELL

Q274 After you looked at the newspaper with Richard Leonard regarding Crispin Dye, did, from that time on did you follow the murder investigation through the papers?

A No, I never thought about it any more. I mean, I, I thought about what he did and stuff, and thought, you

- know, that I, that I wanted to have a, a clear conscience about it, but I thought that I, I actually dismissed the idea that he, that he'd killed someone.
- Q275 Did you ever discuss it with Richard Leonard after that date?
- A Well, I didn't spend too much time with him after that. I, I did my best to avoid him and, and, and to sort of, to tell him in the nicest possible way without provokin' him, to, to stay away from me, you know.
- Q276 But did you ever discuss the assault matter with him?
- A Only the day after and then he'd, he'd sort of bring it up and I, I wouldn't be interested to talk about it.
- Q277 What would he say?
- A Just go over it again, you know, you know, like he, he was relivin' it type of thing.
- Q278 And did he still, in those further conversations, still maintain it was Crispin Dye that he hit?
- A Yeah, he might've said somethin' more about that, but that, that, that because he hit a famous person, that someone could be after him or somethin' like that, you know, somethin' to that extent, you know.
- Q279 So he maintained, even after you'd worked out which -
- A That he'd be an enemy because of it or somethin', you know.
- Q280 So he still maintained that it was Crispin Dye that he hit with the baton?
- A Yeah, he maintained that, yeah.
- Q281 When, after you returned to the flat after the assault

- - -

A Right.

Q281 - - - and he was showing you the actions with the baton

- - -

A Yeah.

Q281 - - - what was he saying?

A Oh, he was just goin' over it, like tellin' me what he did, sort of thing, you know, like - - -

Q282 Like what did he say?

A - - - like as if it was, he was doin' it again, you know, and I was sort of, I started to laugh, as I said, I started to laugh but not, like a laugh of fear or a laugh of, of unbelief or somethin', you know? And - -

-

Q283 Yeah, you've told us that, but what did he say?

A I can't remember what he said, but he just said somethin' like, like you know, like, "Did you see this?" or, "Did you see that?" That sort of thing, you know, like, and, and, you know, probably sayin' something like, "And you were tellin' me to stop and I was just hittin' him" and he was just, you know, glorifyin' himself for, for what he did, you know, and I, I, and I remember sayin' somethin' like, after him, like "Life's hard enough without killin' people", you know, tellin' him that, that he wanted to wake up to himself, sort of thing, you know, like, not that I know if he, if he actually killed him or not, you know, but that's what I said to him, if he wants to kill people,

then, you know, I don't want to know about it, you know.

Q284 Did he mention killing people while he was showing you these actions, did he? Right.

A Yeah, well, he mentioned that, yeah, he mentioned about
- - -

Q285 What did he say?

A Well, he had books and stuff, you know, like relatin' to, to, whatever, murder and, and stuff, but it was all sort of fantasy in, at that point, you know.

Q286 Yeah, but what did he say? Can you remember the words he used?

A Exactly, what do you mean?

Q287 Yeah, well, you know - - -

A Talked about what?

Q288 Did he say, tell me what he said, while he was showing you these actions, did he say what he meant to do with a particular blow or - ?

A No, no, he was just sayin', "Oh, I hit him and I hit him" or whatever, you know, like, and, and, and, and, and, and, he was just braggin' on about the baton and that he'd used it - - -

Q289 "This one would've broken his skull" or something?

A - - - and, and stuff, you know, and just the general stuff that, that, that, that he said, you know, like nothin' that, that, that, that would make any difference, you know, to, to what, just, and, and, and it wasn't even, I wasn't even, when he was doin' this,

I was, I wasn't even hardly listenin' to him. I was thinkin' about it and I was lookin' at him and I was thinkin' and then I couldn't believe it and I was startin' to say, like, "Why? Why did I believe, why, why didn't I believe him, that he, that he was goin' to do it," you know? "Why did, why didn't I believe that he, that he, that he would hit someone", you know. "Why didn't I stay away from him sooner," you know, like - - -

Q290 Before you went out that night, did he say he was going to hit someone that night?

A No. No. But anyway, he, he would say that every day, that he was goin' to hit someone and he, he threatened someone in town one night when we were there. He threatened someone but he did, when the person stood up to him, he backed down. He backed down so he didn't, he didn't actually do it, you know. That was on, in, in the city, when we were walkin' through the city one day, and he, and he, and he, something, he provoked a, a, a scene with some person in, in the city. I don't even remember what, what exact street it was in the city but, but he would remember it, and, and he provoked something that, that, that he had the person, the person come, come, come to him sort of, like, "Here," you know, like, "Do you mean business, boy? Because if you do", you know, "let's have at it", sort of thing, and as soon as Richard seen that, he, he backed down, you know. And, and, and, and I thought,

"This is all an act", you know. "He's a billy". And then I started to almost have the confidence to, to stand up to him myself, you know, even though I know him, with his size and stuff, he would've had it over, over me, like - - -

Q291 All right. Well, let's just get - - -

A - - - I wasn't goin' to take any more rubbish from him, you know?

Q291 - - - let's just get back on to the, on to the interview.

A That's all.

Q292 Do you, have you got any intention to move out of the address you're at at the moment?

A Yes.

Q293 When, when's that?

A Soon, actually. I've, I've, I've arranged for another flat.

Q294 And where's that? Do you know the address?

A It's at, yeah, it's in [REDACTED] in Gosford.

Q295 How do you spell that?

A [REDACTED]

Q296 And do you know the number?

A Yeah, [REDACTED].

Q297 Is there a phone there, do you know?

A No, no, there's not.

Q298 Have you got a phone where you are at the moment?

A Yes.

Q299 What's the number there?

A [REDACTED] - - -

Q300 Yep.

A - - - [REDACTED]. It's a Freephone. I can only just receive calls, I can't ring out. But it's handy.

Q301 All right. How long before you intend changing your address?

A About a fortnight. I've got a, a what do you call it? I've, I've, I've got my notice in two weeks ago on where I live - - -

Q302 All right.

A - - - to, to, to move because of my friend's sister is takin' over my flat.

Q303 All right. Well, O.K, fine. That's - - -

A Yeah.

Q303 - - - a side issue and we'll - - -

A Yeah.

Q303 - - - discuss that after the interview. Is there anything further you want to tell me about this matter?

A No. No.

Q304 Do you wish to make a written statement about this matter?

A Do I need to?

Q305 It's up to you.

A No, this is, this is good enough for me, this -

Q306 O.K. Have the answers you have given as recorded in this interview been made of your own free will?

A Yes.

Q307 Has any threat, promise or inducement been held out to

you to give the answers as recorded in this interview?

A Absolutely not.

Q308 Well, we're going to make, with respect to what you've told us and shown us this evening, we're going to make further inquiries - - -

A Yes.

Q308 - - - and, regarding this assault that you witnessed.

A M'mm.

Q309 And are you in agreeance to speak with us again - - -

A Yes.

Q309 - - - if need be - - -

A Yes.

Q309 - - - down the track?

A Yes.

Q310 O.K, then. Well, we'll get a senior man to come up - - -
-

A M'mm.

Q310 - - - and just ask you some questions about this interview, O.K?

A Yes.

Q311 Right. The time's 1.50 on the monitor. Detective Covi leaving the interview room to obtain a senior officer. (Tape beeping) It's now 1.52 by the machine. While Detective Covi's getting a senior officer from downstairs, I'll just suspend the interview.

A Yes.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE COVI

Q312 O.K. **NP129**, this is Sergeant Wenning. He's the officer in charge of the police station at the moment and he's going to speak to you about the interview you've just had with Detective Popplewell and I.

A Yes.

SERGEANT WENNING

Q313 O.K. You are **NP129** is that correct?

A Yes.

Q314 **NP129**?

A Yes.

Q315 That's correct, O.K. The record of interview that you've just been through, that's been made of your own free will here tonight?

A Yes.

Q316 O.K. Has any threat, promise or inducement been held out to you to give any answers at all in the interview?

A No.

Q317 O.K. And have you any complaints to make to me in or about the manner in which you were interviewed here today?

A No. No. It's been O.K.

Q318 Very good. All right. Just hold fire. I'll get the other two officers to come in and we'll seal these tapes for you, O.K, in your presence.

A Thank you.

DETECTIVE SENIOR CONSTABLE COVI

Q319 O.K. Detective Covi and Detective Sergeant Popplewell re-enter the interview room. Are you just sealing those tapes, are you, Sarge?

SERGEANT WENNING

That's correct.

DETECTIVE SENIOR CONSTABLE COVI

O.K. I'll just some of those.

DETECTIVE SERGEANT POPPLEWELL

O.K. We've got a start time of -

SERGEANT WENNING

Do we ? no worries.

DETECTIVE SENIOR CONSTABLE COVI

I don't recall, Sarge. Stop the interview.

DETECTIVE SERGEANT POPPLEWELL

All right, then.

DETECTIVE SENIOR CONSTABLE COVI

.....

DETECTIVE SERGEANT POPPLEWELL

Q320 All right. Time now is 15.75.

DETECTIVE SENIOR CONSTABLE COVI

1.57.

DETECTIVE SERGEANT POPPLEWELL

Yeah. Now we've got how many tapes?

DETECTIVE SENIOR CONSTABLE COVI

We've got three audio tapes - - -

DETECTIVE SERGEANT POPPLEWELL

M'mm.

DETECTIVE SENIOR CONSTABLE COVI

There's one still running, obviously.

DETECTIVE SERGEANT POPPLEWELL

Yes.

DETECTIVE SENIOR CONSTABLE COVI

And there are two video tapes.

DETECTIVE SERGEANT POPPLEWELL

Very good. Well, we'll only worry about the audio at this time, so, so we've got three of three. One, two, three, four. Four, sorry. Now we have a interview ref number of.

DETECTIVE SENIOR CONSTABLE COVI

Yep. There's three separate audio tape interviews - -

-

DETECTIVE SERGEANT POPPLEWELL

Right.

DETECTIVE SENIOR CONSTABLE COVI

- - - and two separate - - -

DETECTIVE SERGEANT POPPLEWELL

Oh, I'm sorry.

DETECTIVE SENIOR CONSTABLE COVI

- - - video tape interviews, so - - -

DETECTIVE SERGEANT POPPLEWELL

Three of three.

DETECTIVE SENIOR CONSTABLE COVI

- - - three lots of three.

DETECTIVE SERGEANT POPPLEWELL

Yep.

DETECTIVE SENIOR CONSTABLE COVI

Two lots of two.

DETECTIVE SERGEANT POPPLEWELL

O.K. Now we have a reference number of 96/103, is it?

DETECTIVE SENIOR CONSTABLE COVI

96/103.

DETECTIVE SERGEANT POPPLEWELL

103.

DETECTIVE SENIOR CONSTABLE COVI

Which one do you seal up here, Sarge, the blue copy or the, the blue master copy or the yellow master?

SERGEANT WENNING

The yellow master.

DETECTIVE SERGEANT POPPLEWELL

We've got two masters, 1 of 3s.

DETECTIVE SENIOR CONSTABLE COVI

Yep. The whole 96/103, but 2 of 3, 1 of 3, this is the first of the third, this is the second of the third and the third of the third.

DETECTIVE SERGEANT POPPLEWELL

Q321 O.K. NP129.

A Yes.

Q322 Put your signature just there, would you, please?

A Yeah.

Q323 Just there, where it says that.

A Yes. Yes.

Q324 O.K.

DETECTIVE SENIOR CONSTABLE COVI

O.K. That's the first of the audio tapes, Sarge.

DETECTIVE SERGEANT POPPLEWELL

O.K.

DETECTIVE SENIOR CONSTABLE COVI

The second of the audio tapes, and the third of the audio tapes is obviously still in the machine.

DETECTIVE SERGEANT POPPLEWELL

Q325 O.K. Right. If we can get the young bloke here to sign - - -

A O.K.

Q325 - - - again just under that, or on top of that line there, thank you?

Q326 O.K. And again. Now, if I can just indicate for the record, we're calling the entire interview 96/103 master reference and I am now ending the interview so that the third master audio tapes can be sealed by the Sergeant. The time that we are ending the interview is 2.03am. Do you agree with that time, NP129?

A Yes.

INTERVIEW CONCLUDED