

CONSTABLE 1ST CLASS MIMNAW

Q 1 This is an electronically recorded interview between Constable Mimnaw and [NP128] at the Kempsey Police Station on Tuesday, the 14th of June 1994. The time is now 5.11 pm. [NP128] can you see that the clock on the machine is not working?

A Yes.

Right. I would now like Constable Redman to state his rank, name, and station.

CONSTABLE REDMAN

David Redman, Constable of Police attached to Kempsey Police Station.

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Q 2 [NP128] do you agree there are no other persons present in the room than those who have just identified themselves?

A No. Yes.

Q 3 Do you agree that there are no other persons in the room - - -

A Yeah, I agree.

Q 3 - - - other than us three persons?

A Yeah.

Q 4 [NP128], do you agree, as I've already explained to you, that Constable Redman and I are making inquiries in relation to the assault and robbery and subsequent death of Kristen Wilson Dye(?), that occurred at about 4.30 am on the morning of Thursday, the 23rd of December 1993 at Surry Hills. I am going to ask you further questions about this matter. You are not

D

obliged to say or do anything unless you wish to do so, but whatever you say or do will be electronically recorded and may be used in evidence. Do you understand that?

D

A Yes.

D

Q 5 Do you agree that prior to the commencement of this interview, I told you that I intended asking you further questions about this matter?

D

A Yes.

Q 6 Do you agree that I also told you that my questions and any answers that you gave to those questions would be electronically recorded on audio and video cassette tapes as the interview took place?

D

A Yep.

D

Q 7 Do you agree that I also told you that at the conclusion of the interview, you would be given an audio cassette tape of the interview?

D

A Yes.

Q 8 Do you agree that I also told you that at the conclusion of the interview, one of the audio cassette tapes would be sealed in your presence?

D

A Yes.

Q 9 Do you agree that I also told you that a viewing of the video cassette tape would be arranged for you, if required, by your solicitor?

D

A Yeah.

D

Q 10 Did you then agree to being electronically interviewed?

A Yep.

D

Q 11 Has any threat, promise, or offer of advantage been held out to you prior to the commencement of this

interview?

A No.

Q 12 For the purpose of this interview, what is your full name?

A NP128.

Q 13 What is your date of birth?

A [REDACTED].

Q 14 Okay. And what is your current address?

A [REDACTED]

Q 15 In what town is that?

A Kempsey.

Q 16 Do you agree that I first spoke to you at about 11.30 am this morning?

A Yes.

Q 17 And do you agree that that was in Belgrave Street, Kempsey?

A Yes.

Q 18 Do you agree that I was in company with Constable Redman?

A Yep.

Q 19 Right. Do you agree that we spoke to you in relation to another matter?

A Yep.

Q 20 And that a short time later, you returned with us to the Kempsey Police Station?

A Yeah.

Q 21 Do you agree that some time later in an interview room at the Kempsey Police Station, I said to you, "I am now going to ask you certain questions about an assault and robbery of a male person at Campbell Street, Surry Hills on the morning of Thursday, the

23rd of December 1993, at about 4.30 am. Do you understand that"?

A Yes.

Q 22 And to that question, you said, "Yes - yeah"?

A Yeah.

Q 23 Right. Do you agree that I then said, "What can you tell me about that"?

A Yep.

Q 24 And to that, you said, "Yeah, I was there with [1327] [1327] and some Redfern fellows"?

A Yeah.

Q 25 Do you agree that I then said to you, "I am now going to ask you further questions about this matter. You are not obliged to answer unless you wish to do so, but whatever you say may later be used in evidence. Do you understand that"?

A Yep.

Q 26 I then said to you, "How do you remember the date?" Is that right?

A Yeah.

Q 27 And you said, "Because I went to Moree on the day before Christmas."

A Yep.

Q 28 Right. Do you agree that I then said to you, "How do you remember what time this happened?" Do you agree that I said that?

A Yes.

Q 29 And to that question you said, "After it happened, I ran to [1327]'s and had a session of 'yarndie' and then it was daybreak. Then the sun started coming up. The session would have taken an hour."

D
A Yes.

Q 30 Do you agree that I then said to you, - - -

D
A Yeah.

Q 30 - - - "Can you now tell me, in your own words, what happened leading up to the assault of that man on that morning"?

D
A Yeah.

Q 31 And to that you said, "I left the Bondi Hotel about 11 that night. I caught the bus to Kings Cross where I ran into [1327]. Then we walked towards Oxford Street going up Bourke Street. That's when we saw a group of youths that knew [1327] from Redfern. I had a bottle of Tooheys New that I was sharing with [1327]. While the group was up ahead, we walked up Oxford Street and then we came back down Little Oxford Street and that's when I looked ahead and all the boys were kicking and punching the man. When I found out what was going on, I ran right down the street to Woolloomooloo, down Bourke Street to where [1327] lives. We had a session and after the session, the sun came up. I went back home to Bondi and had a shower."

D
A Yes.

Q 32 Do you agree that I then said, "I will now show you a Sydney UBD directory, page or map number 3 and 4. Can you - - -

D
A Yes.

Q 32 - - - can you indicate to me where the assault happened"?

D
A Yes.

Q 33 To which you said, "Yes." I then said, "If you wait

a moment, I'll get a photocopy of the map." Do you agree with that?

A Yep.

Q 34 And do you agree that a short time later, Constable Redman obtained a copy of that map?

A Yeah.

Q 35 I'll now show you that map. Do you agree that you then indicated a point on that map at the corner of Bourke and Oxford Streets near - - -

CONSTABLE REDMAN

Corner of Little Oxford and Campbell

CONSTABLE 1ST CLASS MIMNAW

Q 35 - - - yeah, corner of Little Oxford and Campbell Street, sorry. Do you agree that you marked that spot with a yellow highlighter?

A Yes.

Q 36 All right. Do you agree that I then asked you to sign your name and also place the time and date on the photocopy of that map?

A Yeah.

Q 37 All right. Do you agree that I then said to you, "At this stage, **NP128**, I must inform you that as a result of the assault on that man, he has since died. Do you understand that"?

A Yes.

Q 38 Do you agree, to that question you said, "Fuckin' now I do, fuckin' poor fellow. I didn't know that"?

A Yeah.

Q 39 Do you agree that I then asked you, "Do you feel all

right at the moment"?

A Yes.

Q 40 To which you said, "Yes, I'm right."

A Yeah.

Q 41 Do you agree that I then said, "Do you wish for anybody to be with you at the moment"?

A No. Yes.

Q 42 Do you agree that I said that to you?

A Yeah.

Q 43 And that you said, "No."

A Yep.

Q 44 Do you agree that I then said to you, "What I propose to do is ask you further questions in relation to this matter. My questions and any answers given by you will be electronically recorded on a machine as the interview takes place. Do you understand that"?

A Yeah.

Q 45 Do you agree that I then said, "The interview will be recorded simultaneously on three audio cassette tapes and a video tape. Do you understand that"?

A Yep.

Q 46 I then said, "At the conclusion of the interview, you'll be given one of the audio cassette tapes of that interview. Do you understand that"?

A Yeah.

Q 47 I then said, "Also at the conclusion of the interview, one of the audio cassette tapes will be sealed in your presence. Do you understand that"?

A Yeah.

Q 48 I then said, "If required, a later viewing of the video cassette tape will be arranged for you - or

D
your solicitor. Do you understand that"?

A Yep.

D Q 49 And to that question you said, "Yes, that's all right."

A Yes.

D Q 50 And that I then said, "Do you have any objections to being electronically recorded?" To which you said, "No."

A Yes.

D Q 51 Do you agree that I then had a further conversation with you regarding the other matter?

A Yes.

D Q 52 Do you agree that I then said, "Before I interview you further, will you read my notebook as to its correctness of our conversation?" To which you said, "Yes."

A Yes.

D Q 53 Do you agree that I then said, - sorry, that you then read my notebook, 'F138606' - - -

A Yeah.

D Q 53 - - - from page 78 through to page 94?

A Yep.

D Q 54 Do you agree that I then said, "Is it a correct conversation - correct record of our conversation"?

A Yes.

D Q 55 And to that question you said, "Yes."

A Yes.

D Q 56 I then said to you, "Will you now sign each page of my notebook?" To which you said, "Yes."

A Yep.

D Q 57 Do you agree that you then read each page of my

notebook?

A Yeah.

CONSTABLE REDMAN

I'll just get that out.

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Q 58 Do you agree that you then signed each page of my notebook?

A Yeah.

Q 59 And do you agree that a short time later, Detective Sergeant Patterson spoke to you about our interview?

A Yes.

Q 60 Right. Right. You said earlier that you left the Bondi Hotel about 11 pm.

A Yeah.

Q 61 Can you tell me what time you attended the Bondi Hotel?

A I don't know - nine.

Q 62 9 pm?

A Yeah, about that.

Q 63 Were you with any other person when you went to the hotel?

A No.

Q 64 Can you tell me what you did at the Bondi Hotel?

A Had a game of pool and had a couple of beers.

Q 65 Can you tell me who you played pool with?

A Ah - I don't remember - don't know - don't know him, just one of the locals.

Q 66 How many games of pool did you play?

A Oh - about 4 or 5 maybe.

D

Q 67 Did you play those games of pool - - -

A Yes.

D

Q 67 - - - with the same person?

A No, different - two with the same person and the rest different.

D

Q 68 Right. Did you see anybody at the hotel that you knew?

A Yeah, my uncle, [1322].

D

Q 69 Can you tell me [1322]'s last name?

A [1322].

D

Q 70 Can you tell me where [1322] lives?

A Bondi um - I already gave you the addresses down there, [REDACTED].

D

Q 71 Do you agree that you told me that he lives at [REDACTED] [REDACTED] Bondi?

A Yeah.

D

Q 72 Okay. Can you tell me what size beers you were drinking that night?

A Schooner.

D

Q 73 Can you tell me what type of beer you were drinking?

A New - Tooheys.

D

Q 74 And can you tell me how many beers you had?

A Say about 4 or 5.

D

Q 75 Right. Can you tell me what you were wearing when you went to the hotel that night?

A Ah - pair of jeans and a shirt.

D

Q 76 Can you describe the jeans?

A Blue.

D

Q 77 Blue denim jeans?

A Yeah.

D

Q 78 Can you tell me what type of shirt you were wearing?

D

A Blue and white - blue and white.

Q 79 Short sleeved shirt?

D

A Yeah.

Q 80 Buttons or - ?

A No, just a kind of like a sloppy-joe.

D

Q 81 Right. Can you tell me what you wearing on your feet that night?

A Ah - brown, not sure if it was vinyl or leather,
- - -

D

Q 82 M'mm.

A - - - you know, the moccasins? Um -

D

Q 83 Were you wearing a hat that night?

A No.

Q 84 You said earlier that you left the Bondi Hotel about 11 pm.

D

A Yeah.

Q 85 Who did you leave the hotel with?

D

A Myself.

Q 86 Right. What happened then after you left the hotel?

A I caught the bus to Kings Cross.

D

Q 87 What bus did you catch to Kings Cross?

A Um - 311 I think, I'm not sure what the number is.

Q 88 Do you remember how much the bus fare cost you from Bondi Beach to -

D

A About \$1.20, \$1.60.

Q 89 What time did you arrived at Kings Cross?

D

A Say at about somethin' to 12. Takes about 35 minutes, yeah some - about 20 to 12.

Q 90 Right. Can you tell me where at Kings Cross you got off the bus?

D

A Just at - in the middle of the Cross.

- D
- Q 91 Do you remember the name of the street, Kings Cross?
- A Darlinghurst Road.
- D
- Q 92 After you got off the bus, what happened then?
- A I had a couple of drinks in the Cross.
- Q 93 Can you tell me where you had the couple of drinks at the Cross?
- D
- A The Crest.
- Q 94 Is that the Crest Hotel?
- D
- A Yeah.
- Q 95 Can you tell me who you were drinking with at the Crest Hotel?
- D
- A Um - [1327], um - no, I don't remember the names. I know - I know 'em but I don't remember their names.
- Q 96 How many persons were you drinking with at the Crest Hotel?
- D
- A About 3, 4 - old people.
- Q 97 How old were these people?
- D
- A In their 30s.
- Q 98 Did you know these people?
- A Yeah.
- D
- Q 99 How well did you know these people, [NP128]?
- A They were my friend's relatives, my friend's uncles and aunties, go to his house with him and that.
- D
- Q 100 Right. Can you tell me his name?
- A [1348]
- Q 101 [1348] - ?
- D
- A [1348].
- Q 102 How do you spell that?
- A [1348].
- D
- Q 103 Do you know where [1348] lives?
- A No. Not now. He used to live in Woolloomooloo but

he moved out.

Q 104 Was [1348] living at Woolloomooloo at that time?

A No.

Q 105 How many beers did you have at the Crest Hotel?

A Say about 2, 3.

Q 106 All right. What type of beers did you have?

A Schooners.

Q 107 What type of beer?

A Um - New.

Q 108 Right. Did [1327] have a beer with you at the hotel?

A Yeah.

Q 109 All right. At what time did you leave the hotel - the Crest Hotel?

A About one, round about one.

Q 110 1 am in the morning?

A Yeah, about that.

Q 111 So would - that would now make it Thursday, the 23rd of December?

A Yes.

Q 112 Okay. Did [1327] leave the hotel with you?

A Yes.

Q 113 Can you tell me where [1327] lives?

A Um - no, I don't know the address.

Q 114 Can you tell me what suburb?

A Woolloomooloo.

Q 115 Do you know the name of the street that [1327] lives in?

A Yeah, I do but I can't remember.

Q 116 Okay. Is it - I'll withdraw that. Can you tell me what [1327] was wearing that night?

A Tracksuit pants and a jumper.

Q 117 Were the tracksuit pants long tracksuit pants?

- D
- A Yeah, and a jumper.
- Q 118 All the way to his ankles.
- D
- A Yeah.
- Q 119 Right. Can you tell me what type of jumper [1327] had on?
- D
- A Ah - just a normal jumper like this one here that I got on.
- Q 120 Do you recall the colour of the jumper?
- D
- A No, I can't remember.
- Q 121 Okay. So [1327] left the hotel with you?
- A Yeah.
- D
- Q 122 What happened when you left the Crest Hotel?
- A We went down to Woolloomooloo. No-one was around and that's when we walked up to Oxford Street.
- D
- Q 123 Right. Whereabouts in Woolloomooloo did you walk to?
- A Just in the playground around there, that's where everyone had been. No-one was there, no-one was anywhere.
- D
- Q 124 How far is the playground from the Crest Hotel?
- A Six minutes away.
- D
- Q 125 Right. So what time would you estimate that you arrived at the playground?
- A About - well, what time did we leave the Crest? About 1.30 or somethin', I don't know. Say about quarter to two or somethin'.
- D
- Q 126 So you arrived at the playground at about - - -
- D
- A Yeah.
- Q 126 - - - 1.40?
- A I never looked at the - I never had a watch to look at the time, so I -
- D
- Q 127 Right. What happened when you and [1327] arrived at the

playground?

A No-one was around, so we went down to the pub. I bought a long neck and then we -

Q 128 Which hotel was that?

A Ah -

Q 129 The pub?

A The Bells.

Q 130 The Bells?

A Yeah.

Q 131 Where is that at?

A Woolloomooloo.

Q 132 Right.

A I bought a long neck to walk along with.

Q 133 What type of long neck?

A Tooheys New.

Q 134 Did you buy that in the main bar of the Bell Hotel?

A Yeah.

Q 135 Did [1327] enter the hotel with you?

A No.

Q 136 Right. What happened after you bought the long neck of Tooheys New?

A We walked back - walked up Bourke Street and by the time we got up to Oxford Street, it was gettin' pretty late 'cause anything could happen on the way from Bourke Street to Oxford Street. I think we yarned up somethin' with the girls or somethin', you know.

Q 137 Yarned up?

A Yarn, havin' a yarn - - -

Q 138 Right.

A - - - conversation - - -

D

Q 139 Yeah.

A - - - on the way.

D

Q 140 What girls was that?

A I don't know who they were, just a group.

Q 141 Were they white girls or - ?

D

A Yeah, some were white and some were black.

Q 142 How many girls were there?

A Seen about five.

D

Q 143 Can you tell me where exactly you were talking to the girls?

A On the way goin' on say, Bourke - ah - Forbes - no, on the way goin' up Bourke Street. I don't know what street it was off.

D

Q 144 Do you recall any of the girls' names?

D

A Um - no, can't remember.

Q 145 Did [1327] know any of the girls?

A Yeah.

D

Q 146 Did [1327] tell you any of their names?

A At the time, yeah, but I couldn't remember now - can't remember now.

D

Q 147 Right. Okay.

A I'd can't remember what we're sayin'.

Q 148 So after you walked with the girls where did you go to then?

D

A Walked up to Oxford Street.

Q 149 What happened at Oxford Street?

D

A We just walked up and down there, up - up one end and down the other and no-one was around.

Q 150 Right.

D

A That's when we started walkin' down the middle of the road.

D

Q 151 All right. What time was this?

A About four.

D

Q 152 About four in the morning?

A Goin' by the daylight, yeah.

Q 153 All right. What happened then?

D

A There was a group of boys ahead. I heard a
that knew [1327].

Q 154 Where was this at?

D

A Just as we turned off Oxford Street, they were
walkin' around that way.

Q 155 In -

D

A I don't know - I don't know where they come from.

Q 156 So they were walking in Oxford Street?

A Yeah.

D

Q 157 Towards where?

A Woolloomooloo.

Q 158 Right. How many of these boys were there?

D

A About five.

Q 159 Okay. Can you describe these boys?

A Yeah, only what they were wearin' and that.

D

Q 160 Right.

A Quite a few tats. One of 'em was fair skinned.

Q 161 And the other four boys?

D

A They were all kind of dark complexion.

Q 162 All right. Can you tell me what height these boys
were?

D

A Ah - what's my height? I'm -

Q 163 Were any of the boys taller than you?

A Yeah, was about 2 or 3 taller than me and the rest
was about the same.

D

Q 164 All right. Or there could've been just two taller

D
than me and one was the same and two were shorter -
yeah, just -

D Q 165 Right. Can - - -

A - I'm only working off

Q 165 - - - can you describe the fair skinned boy?

D A Just they were all kind of slim, yeah, slim.

Q 166 Right.

A Just athlete's build, you know.

D Q 167 How tall would you say the fairer skinned boy was?

A About bit - bit smaller than me, I think. About the
same size as me but a bit smaller.

D Q 168 Can you recall his clothing?

A No, just tracksuit, I don't know, no.

Q 169 Do you recall - - -

D A Vaguely, no.

Q 169 - - - do you recall the colour of the tracksuit?

A No. Like I said, I'm blind as a bat. It was night
time.

D Q 170 Right.

A I do wear glasses then I can look through glasses.

D Q 171 Yep. Did you have your glasses on that night?

A No.

Q 172 All right. Are you short-sighted?

D A No, blurred. I have ulcers in my eyes, scarred -
there scars over the pupils. One eye's worse than
the other.

D Q 173 All right.

A It's just blurred. Yeah, short-sighted - comes with
it, yeah.

D Q 174 All right. Did the fairer skinned boy, that morning,
that you saw, have a hat on?

D

A Yeah.

Q 175 Can you describe the hat?

D

A Just like all the rest of the hats that the boys had
 on.

Q 176 By that do you mean that -

D

A Well, just a normal baseball cap, yeah.

Q 177 All right. Did all the boys in that group - - -

A Yeah.

D

Q 177 - - - have hats on?

A Yeah.

Q 178 Do you recall what type of hats they were?

D

A Baseball caps.

Q 179 Do you recall any of the motifs which everyone had?

A No.

D

Q 180 Right. Do you remember seeing anything to identify
 the cap?

A No. You see hats - I see that many hats.

D

Q 181 Were they plain coloured caps?

A Yeah, just different kind of colours.

Q 182 Right.

D

A Like everyone wouldn't wear the same hat.

Q 183 Do you recall any colours of the - any of the caps?

A Blue - blue, black.

D

Q 184 Right. Do you recall who was wearing the blue cap?

A No.

Q 185 Do you recall who was wearing the black cap?

D

A No, not individually, no.

Q 186 Can you tell me how the boys wore the cap?

A Normal.

D

Q 187 By "Normal", -

A I - I think one of 'em had it one back to front,

yeah.

Q 188 Right. Do you recall which person had his cap on back to front?

A No, ah - it was dark. No, I can't.

Q 189 Were all the caps baseball style caps?

A Yeah.

Q 190 All with peaks on the front of the caps?

A Yeah.

Q 191 Right.

A Or if there - if there wasn't, that must've been the one with the one - with the cap around the other side.

Q 192 Right.

A I don't know.

Q 193 Did you know any of these boys?

A No, not from a bar of soap.

Q 194 Had you seen those boys before?

A No.

Q 195 Did you know -

A Think they were from the country down for holidays, a few of 'em could've been from Redfern, I don't know.

Q 196 Right. How did you know that a few of them were from the country?

A 'Cause the way they were speakin', like in um - you know, the lingo. They sound - you can the country boys from city boys, the way they speak, the accent.

Q 197 All right. Can you give me a demonstration of the two lingo, what do you mean by that?

A Like in Sydney, got - you'd say, "Work," but in their lingo it's "Wear-k".

- D
- Q 198 Oh - right.
- A Or instead of "I am what I am", "I is what I is," you know?
- D
- Q 199 All right.
- A Things like that.
- D
- Q 200 You said that you thought a couple of the boys were from Redfern. How did you know that?
- A Well, they knew they knew [1327] and he's from Redfern himself but he lives in Woolloomooloo.
- D
- Q 201 Right. Do you remember where in Redfern [1327] lived?
- A No, I don't go there much.
- Q 202 Did you speak to [1327] about the boys?
- A No, we just kind've keep ourselves, you know.
- D
- Q 203 Right. Did [1327] tell you that any of the boys were from Redfern?
- A No.
- D
- Q 204 Okay. So after you walked up Oxford Street towards Woolloomooloo, what happened then?
- A Me and [1327] were walking together, talkin' about something, laughing and then I walked ahead and seen the group of boys that we seen, scrufflin' with a man. I just seen 'em scrufflin and then -
- D
- Q 205 When you said, "[1327] and I were walking," - - -
- A Yeah.
- Q 205 - - - were you walking with these boys?
- A No, we just kind've stood back, just in case coppers might drive past, they'll pick us up just 'cause we're in a big grang (sic), you know.
- D
- Q 206 All right.
- A We're just makin' our way down to Woolloomooloo.

- D
- Q 207 Right.
- A So I was just walkin' back with [1327], havin' a yarn
D and they were walkin' ahead.
- Q 208 How far were you and [1327] behind these boys?
- A a couple of metres.
- D Q 209 All right. Were you and Les talking to these boys as
you were walking along?
- A No.
- D Q 210 All right.
- A We probably would've been if we wasn't talking
ourselves. I don't know - yeah.
- D Q 211 Can you tell me - you - you said earlier that you
walked towards Woolloomooloo.
- A Yeah.
- D Q 212 Can you tell me what street that was?
- A Little Oxford Street.
- Q 213 All right. Do you agree that a short time ago you
D said that you saw the boys scruffling?
- A Yes.
- Q 214 Can you tell me what you mean by "Scruffling"?
- D A Just fighting, seen punches and kicks.
- Q 215 Can you tell me who they were fighting?
- A A man - a male man ah - in his late 30s, I'd say.
- D Q 216 Do you remember what this man was wearing?
- A No. Soon as I seen them, the two, I just seen them
do the scruffle. That's when I just took off.
- D Q 217 Right. Can you describe in detail what you mean by
"Scruffling"?
- A Um - fighting.
- D Q 218 Right. Did you see the boys, that were walking a
short distance ahead of you, punch this man?

- D
- A I seen 'em punch, yeah, but I don't know where.
- Q 219 Right. Was the man standing at this time?
- D
- A Yeah.
- Q 220 Right. Did all of the boys punch this man?
- A Couldn't say 'cause soon as the first two - I know two - two were scruffling with him and I think there were three standin' back. As soon as I seen the first two scrufflin' with him, that's when I took off.
- D
- Q 221 Right. How far were the other three boys from the main fight?
- D
- A With 'em. Just about a foot away.
- Q 222 Right. Did you see that man fall to the ground?
- A No.
- D
- Q 223 Right. Did you see any of those boys kick that man?
- A No, only - while he was on the ground?
- Q 224 Yeah.
- D
- A No, nuh.
- Q 225 Well, did you see them kick that man while he was standing?
- D
- A Not actually - I seen a foot go up, whether it hit him or not, I don't know.
- Q 226 Right. Do you remember what colour hair this man had?
- D
- A Ah - no.
- Q 227 How far from the fight were you and 1327?
- D
- A About 10 metres on the corner and they were down in the middle of the street.
- Q 228 Right. Can you tell me where exactly they were fighting?
- D
- A In the street off Little Oxford Street.

D

Q 229 Right.

A Forget the name of it.

D

Q 230 Where's that map?

A I'll just show you this - the map that you've earlier marked. Do you agree that is Bourke Street?

D

A Yes.

Q 231 That is Oxford Street?

A Yep.

D

Q 232 Can you now, with my pen, pinpoint where you saw them fighting?

Q 233 Where's Little Oxford Street?

D

A There.

Q 234 Right.

A Where?

D

CONSTABLE REDMAN

Little Oxford Street goes there.

D

SUSPECT

This is Little Oxford Street here?

D

CONSTABLE REDMAN

M'mm - off Crown Street, there.

D

SUSPECT

A In one of these streets.

D

CONSTABLE 1ST CLASS MIMNAW

Q 235 Right. Were they fighting - sit down NP128 - were they fighting in the middle of the street?

A Yeah.

- D
- Q 236 On the roadway?
- A Yeah, just beside - yeah, just not right in the -
D right in the middle, yeah, just off the side of the
road, yeah.
- Q 237 Right. At this stage was there only two of the boys
D attacking him?
- A Yeah, well, one held him, I think, I don't know.
- Q 238 All right.
- A I can't say.
- Q 239 Did you see one of the boys hold him?
- A Yeah, ah - it looked like it.
- Q 240 All right. How do you mean that he was holding him?
- A From behind.
- Q 241 Right. Where was he holding him?
- A Think around the top part of his body, somewhere
D around there.
- Q 242 Did this boy have his arms right around the man?
- A Can't say.
- Q 243 Right. Whilst this boy was standing behind that man,
D what were the other youths doing?
- A They were standing there right next to him and I took
D off. I don't know what the rest of the youths done.
- Q 244 Were any of the youths standing in front of the man?
- A Yes.
- Q 245 Do you recall how many youths were standing in front
D of him?
- A Three.
- Q 246 Right. Did you see any of those youths punch the
D man?
- A No, not at the time that I was there.
- Q 247 What were they doing when they were standing in front

of him?

A Just - well, they just moved their arms around like that, tried to stop him, I think, while the other two had him, like I never - I never seen 'em actually hit him. (TIME SIGNAL)

Q 248 Right. [NP128], the tapes are just about to run out.

A Yeah.

Q 249 What I will do, - - -

A Yeah.

Q 249 - - - the time is now 5.54 - - -

A Yeah.

Q 249 - - - pm.

A Yeah.

Q 250 I'll now suspend this interview - - -

A Yep.

Q 250 - - - whilst I obtain some more audio and video tapes.

A Yep.

Q 251 Do you understand that?

A Yep.

Okay.

TAPE RECORDING CEASED

TAPE RECORDING RESUMED

CONSTABLE 1ST CLASS MIMNAW

Q 252 Right. This is a recommencement of an electronically recorded interview between Constable Mimnaw and [NP128] [NP128] at the Kempsey Police Station on Tuesday, the 14th of June 1994. Do you agree [NP128], that the time is now 6.06 pm?

A Yes.

Q 253 Do you agree that the electronic clock on this machine is not working?

A Yes.

All right. Just for the purpose of this recommencement, I would now like Constable Redman to state his rank, name and station?

CONSTABLE REDMAN

David Redman, Constable Police attached to Kempsey Police Station.

CONSTABLE 1ST CLASS MIMNAW

Q 254 All right. do you agree, NP128, that there are no other persons present in the room apart from yourself and Constable Redman and I?

A Yes.

Q 255 Okay. All right. At any time during the assault on the man that morning, did you try to stop the youths from hitting that man.

A No, I just wanted to get away from the scene of the crime.

Q 256 Right. At any time did you do anything at all to stop them?

A No.

Q 257 Okay. How long did the assault that you saw, take place for?

A About six seconds till I took off.

Q 258 Right. Prior to the assault did you see anything in the hands of any of those other persons?

A No.

Q 259 Right. At the time of the assault did you see anything in the hands of those persons?

D

A No.

Q 260 Right.

D

A Didn't you just ask me that question?

Q 261 Ask that question again, yeah, at the time of the assault when you saw it taking place, - - -

D

A Yeah.

Q 261 - - - did any of the youths have anything in their hands?

D

A No.

Q 262 At any time did you see any of those youths with a weapon of any type?

D

A No.

Q 263 All right. At any time during the assault on that man that morning, did you see any property removed from that man?

D

A No.

Q 264 All right. Prior to the assault, when you and [1327] were walking behind the youths, did you hear them talking?

D

A Yeah, they were talkin'.

D

Q 265 Do you recall what they said?

A No.

Q 266 Do you recall any reason they gave to you as to why they were going down to Surry Hills?

D

A No.

Q 267 All right. You said earlier that whilst the youths were assaulting the man, you and [1327] ran off. Is that correct?

D

A Yeah. I ran off but I'm not sure if [1327] ran a different way or what 'cause when I ran I was by meself. I just cut down a lane 'cause he - where he

was there's all little laneways and that, you know.

Q 268 Right.

A There's stairs and that.

Q 269 Which way did you run?

A Straight down towards Woolloomooloo.

Q 270 Right. Do you recall what street you ran down?

A Yeah, Bourke Street.

Q 271 Okay. Why did you run down Bourke Street?

A To get to Woolloomooloo. I never ran down it first, I ran down another street, ended up in Bourke Street, then took off.

Q 272 Okay.

A So I

Q 273 Where did you go after you ran down Bourke Street?

A Straight to 1327's house.

Q 274 Do you agree earlier that you told me that you don't know where 1327 lives?

A Yeah, but I don't - I know where he lives, I don't know the address where he lives.

Q 275 Right. Can you explain to me how you get to 1327's place?

A Yeah, you go straight down Bourke and turn right and there's his house in that street.

Q 276 Right.

A I could show you. Where's Bourke Street? No, you need the Woolloomooloo. There's no Woolloomooloo on here.

Q 277 Okay. How - - -

A I know the name, I just forget it. I know the name of the street.

Q 277 - - - all right, how far down - - -

D

A I know the number, I just forget, that's all.

Q 277 - - - all right, how far down Bourke Street did you run before you turned into [1327]'s Street?

D

A Well, ah - Woolloomooloo.

Q 278 All right. How many intersections do you go through -

D

A two. Two.

Q 279 And then you turn right?

D

A Yeah.

Q 280 Then that's the street that - - -

D

A Yeah.

Q 280 - - - [1327] lives in?

D

A Yeah.

Q 281 Right. What happened when you got to [1327]'s place?

D

A I mulled up and we had a session.

Q 282 When you say, "We had a session," who do you mean?

D

A Me, [1327] and his uncle.

Q 283 Right. So when you arrived at [1327]'s place, - - -

D

A Yeah.

Q 283 - - - [1327] was already at home?

D

A Yeah.

Q 284 Okay. Have you seen these youths since that morning?

D

A No.

Q 285 Since that incident, - - -

D

A Yes.

Q 285 - - - have you discussed it with any person?

D

A No.

Q 286 Right. When you were back at [1327]'s place, did you and [1327] discuss it with anyone?

D

A No. It was just kind of in - in the past thing, you know, in the past.

D

Q 287 Right. Have you since that -

A All we talked about was a

D

Q 288 Right. So since that date, you have never discussed it with [1327]?

A No. I haven't seen [1327] since - since that day.

D

Q 289 From that location you have already indicated to me where the assault took place, - - -

A Yeah.

D

Q 289 - - - can you tell me how far it is from there to Kinselas night club?

A No, I don't know no Kinselas night club.

D

Q 290 Okay. Is there anything further you wish to tell me about this matter?

A No.

D

Q 291 Right. Do you wish to make a handwritten statement about this matter?

A What? Do I - have I got a choice?

D

Q 292 Yeah, you have. You don't have to make a handwritten statement unless you wish to do so.

A No, it's okay.

D

Q 293 All right. Have the answers that you have given as recorded in this interview been made of your own free will?

A Yes.

D

Q 294 Has any threat, promise, or offer of an advantage been held out to you to give these answers as recorded in this interview?

A No.

D

Q 295 Right. I will now have an officer who is not connected with this investigation, speak to you about this interview. His function is to ensure fairness

in the conduct of this interview. Do you understand that?

A Yeah.

Q 296 Okay. Right. The time is now 6.15 pm. I'll now suspend this interview whilst I locate a senior officer. Do you understand that?

A Yes.

TAPE RECORDING CEASED

TAPE RECORDING RESUMED

CONSTABLE 1ST CLASS MIMNAW

Q 297 Right. The time is now 6.17 pm. Do you agree with that?

A Yes.

Q 298 This interview is now resumed. 1327 this is Detective Sergeant Paterson. He's going to speak to you about the interview that we have just completed. Do you understand that?

A Yes.

All right.

DETECTIVE SERGEANT PATERSON

Q 299 Is your full name 1327?

A Yep.

Q 300 Have you made this interview here today of your own free will?

A Yes.

Q 301 Has any threat, promise, or inducement been held out to you to give your answers here today?

A No.

Q 302 Have you any complaints to make to me about the manner in which you've been interviewed here today?

A No.

All right. The time is now 6.18. This interview is concluded.

TAPE RECORDING CEASED

- - -