

DETECTIVE SERGEANT KNIGHT

Q 1 This is an interview between Detective Sergeant Knight and NP128 at the Kempsey Police Station on Wednesday the 15th of June 1994. Also present is Detective Milligan. Both Detective Milligan and I are from Surry Hills Police Station in Sydney. I'll have Detective Milligan identify himself for the purpose of this recording.

DETECTIVE CONSTABLE 1ST CLASS MILLIGAN

Detective Constable 1st Class Milligan.

DETECTIVE SERGEANT KNIGHT.

Q 2 All right. The time is now 11 minutes past 5 on Wednesday the 15th of June 1994. Do you agree that the time and date indicated on this machine is incorrect, and in fact showing the date and the time of 1714 on the 15th of June?

A Yes.

Q 3 Beside - besides the persons I have identified do you agree there are no other persons present in this room?

A Yes.

Q 4 As I have already explained to you, Detective Milligan and I are making inquiries in relation to the death of a person by the name of Crispin Wilson Dye on the 25th of December 1993 at Sydney?

A Yes.

Q 5 I'm going to ask you a number of questions which will be electronically recorded. You are not obliged to say anything unless you wish to do so but whatever

you do say will - or do, will be electronically recorded and may be used in evidence. Do you understand that?

A Yes.

Q 6 Do you agree that prior to the commencement of this interview I told you that I intended asking you further questions about this matter?

A Yes.

Q 7 Do you agree that I also told you my questions and any answers given by you would be electronically recorded as the interview took place?

A Yes.

Q 8 Do you agree that I told you that at the conclusion of the interview you would be given a copy of the interview?

A Yes.

Q 9 All right. For the purpose of this interview can you tell me your full name, date of birth and address?

A The [REDACTED]. [REDACTED],  
Kempsey.

Q 10 And your full name, please?

A [REDACTED] NP128

Q 11 That's [REDACTED] NP128?

A Yeah.

Q 12 Is that correct?

A Yeah.

Q 13 The death of Mr Dye, as I have indicated, that occurred on the 25th of December 1993 whilst he was in St George Hospital at Kogarah, occurred as a result of injuries apparently sustained on the 23rd of December 1993. Do you understand that?

- A Yes.
- Q 14 And those injuries appear to have been sustained during an incident that occurred in the vicinity of Little Oxford Street and Campbell Street at Surry Hills. Do you understand that?
- A Yes.
- Q 15 I understand that you initially were interviewed at this station on the 14th of June, that's yesterday evening, by a Detective Minmore and Redmond of Kempsey?
- A Yes.
- Q 16 Detectives. Is that correct?
- A Yes.
- Q 17 I understand that initially when you were interviewed by those police that you indicated that you, in fact, had travelled to Moree from Sydney on the 5th of December 1993. Is that correct?
- A Yes.
- Q 18 I understand that you indicated to those police at that time that you left Sydney at approximately seven pm. Is that correct?
- A Yes.
- Q 19 And you told them that you had travelled to Moree by XPT rail?
- A Yes.
- Q 20 Is that correct?
- A Yes.
- Q 21 I believe that you indicated you arrived at Moree on the 6th of December 1993 at about 6.30 am. Is that correct?

- A Yes, but I'm not sure of my memory of that, but yeah.  
Yeah.
- Q 22 All right. Well, I'll just repeat - repeat the question?
- A Yeah. That's right.
- Q 23 So you understand. As I understand, you told those police initially - - -
- A Yeah.
- Q 24 - - - that after leaving Sydney on the 5th of December you arrived at Moree the following day, that's the 6th of December, about 6.30 am?
- A Yes.
- Q 25 Do you agree that's what you told the police?
- A Yes.
- Q 26 Do you agree that that, in fact, is not the truth?
- A I don't know.
- Q 27 Well, do you agree that at a later stage you informed the police that - - -
- A It could have been later.
- Q 28 If you can just hold until I ask the question. Do you agree that at a later stage you told the police that I've referred to, that you in fact travelled from Sydney on the 24th of December 1993, and not the 5th as you had originally stated?
- A No. I never told them I travelled on the 24th.
- Q 29 Do you recall when you travelled from Sydney to Moree?
- A Yeah, it was in between the 5th and the 20th.
- Q 30 The 5th and the 20th of December. Is that correct?
- A Yeah. You'd be able to find out by ringing my auntie in Moree. She lying in the hospital down there.

- Q 31 Do you agree that you, in fact, indicated to the police yesterday that you were present with some other persons in Sydney on the 23rd of December 1993?
- A Yes. But I'm not sure.
- Q 32 Are you now saying that you are not sure whether or not you were in Sydney on the 23rd of December?
- A Yes.
- Q 33 All right. Can you indicate, as far as you recall, when you, in fact, left Sydney to travel to Moree?
- A No. You'll have to ring my auntie - ask my auntie, because I went straight there to her house when I got off the train in Moree. I'll have to ask her what the date was.
- Q 34 All right. Can you tell me how you travelled to Sydney - from Sydney to Moree?
- A Train. An XPT.
- Q 35 Can you tell me what time of day that XPT left Sydney?
- A No.
- Q 36 Could you tell me whether it was daylight or evening?
- A Evening.
- Q 37 Can you tell me what time it arrived in Moree?
- A About 6.30, yeah, six or six thirty.
- Q 38 I understand the auntie to whom you've referred is 1324 Is that correct?
- A Yes.
- Q 39 And her address at that stage was [REDACTED] Moree.
- A Yes.
- Q 40 Is that correct?
- A Yes.

Q 41 Can you tell me how much the fare cost on the train?  
A Thirty - it could have been - I don't know.

Q 42 Can you tell me how you paid for the fare?  
A Yeah, I was working at the time, I had holiday pay on me.

Q 43 Did you pay cash?  
A Yes.

Q 44 And where did you purchase the ticket?  
A Central Railway Station.

Q 45 Can you tell me at that time where you were living in Sydney?  
A At Bondi Beach.

Q 46 And can you tell me the address?  
A [REDACTED].

Q 47 At Bondi?  
A Yeah. Down the hill.

Q 48 Is that [REDACTED]?  
A Yep.

Q 49 Not [REDACTED]?  
A It could be vice versa, I wouldn't know, my memory's just fucked.

Q 50 All right. And the person with whom you were staying at that address?  
A Ah, [1321]. That's my grandfather. My auntie owns the flats, so I - and my uncle was there. I stayed at my uncle's.

Q 51 And your uncle's name is [1322]?  
A [1322].

Q 52 Is that correct?

A Yeah. And my father lives in the same flats, too. But I was staying at my uncle's in the - in the same flats.

Q 53 All right. And how long were you living at the address in Bondi?

A For a - since I left Dubbo, you know, when I went to court in Dubbo for breach of - breach of bail, I think. Well, I went - left Dubbo and went to Sydney, and from that date since I started working in May, I think it was, yeah, May of that year and then until I left in December.

Q 54 And can you tell me what - what employment you had in Bondi at that stage? You indicated that you were working.

A Apprentice bricklayer. Apprentice bricklayer and labourer.

Q 55 And you were with what company?

A [REDACTED], that's my uncle's business, [REDACTED] 1335 - sub-contractor.

Q 56 Okay. And what was the - when did you last work in that company?

A On the 3rd of December. Yeah, 3rd of December.

Q 57 That was the last day of your employment with that company?

A Yep.

Q 58 Is that correct?

A Yes. Yes.

Q 59 And what was the job you were at at that time?

A Apprentice bricklayer. I was working at Mosman at the time.

Q 60 Do you know what the job was at Mosman?

A Um, six flats I think it was, yeah. On the corner where the old service station was.

Q 61 And were you working with [1335]?

A I was working for [1335].

Q 62 All right. Who - can you tell me who you were working with at the job at Mosman?

A Yeah. Oh, now I've worked - I worked with all the boys there. What, do I have to go through every ..... man's name?.

Q 63 Could you tell me - no, can you tell me the names of some of the people with whom you were working?

A [REDACTED], um, [1322], I was going to say [1335]. That'll do. All bricklayers.

Q 64 All right. Now, do you agree that when you were interviewed yesterday you acknowledged to the other police that you were present during an assault on the 23rd of December 1993 in Sydney?

A Yeah, only - only because, for the simple reason why, because when I come in the room they said, "Look, we want to - we're going ask you if -" They never told me about it. I never knew nothing about it. And they said, "Look, you've got something to tell us. You've been involved in some - witnessed something in Sydney." I said, "Look, I don't know, I haven't been involved with nothing." The only thing I was thinking of - I thought of is when I walked down the street and this boy that I knew went past with a handbag, and I thought that was it, and they said - and I said, "Oh, is it a steal from a purse?" And they said, "Oh, you're getting there, you're getting there." And then I said, "Oh well, I wonder what it

is now. I haven't done nothing." And they said, "Well what youse are doing it led to something serious." And I said, "No, look -" And they said, "Oh well we can sit here all night." So I just fucking said the story. I just made it all up. I never had nothing - I know - I didn't know nothing about it.

Q 65 All right. I'm going to take you through some questions and ask you to - - -

A Yeah.

Q 65 - - - answers those questions, if you will?

A But that was one of the - but, what I said was the night what happened. I don't know what night it was, but I did do that that night. It could have been a different roll, or anything, I don't know.

Q 66 What you told the police last night - - -

A I don't have to worry, because I'm not guilty. Yeah.

Q 66 - - - what you told the police last night about being present at an assault - - -

A Yeah.

Q 66 - - - in Sydney on the 23rd of December 1993, is that the truth?

A I don't know.

Q 67 All right. When was the first time that you became aware that the person that was the subject of this assault was, in fact, deceased?

A After I had told the whole story.

Q 68 Do you agree that prior to being interviewed in the same fashion as you are at present - - -

A Yeah.

Q 68 - - - the police informed you that the victim of the assault had, in fact, died?

A Yes.

Q 69 Do you agree that you indicated then that that was apparently the first you knew about it?

A Yes.

Q 70 All right. Had you - or do you recall seeing anything in relation to the death of Mr Crispin Dye in the media?

A No. If I heard about it, I don't know. You hear about them sort of things all the time.

Q 71 Do you normally read the newspapers?

A Yes. And I watch the news all the time.

Q 72 And you don't recall hearing anything in relation to the death of Mr Dye?

A Oh yeah, I could have heard about it, but something like that you hear is something that happens all the time. When - when something like that comes on it doesn't drum into your head. So I could have heard it but I've forgot.

Q 73 All right. I'd like to clarify with you, if I could, the - the time that this incident took place, that you told the police about last night. If I understand, that was the early hours of the morning. Can you clarify that for me?

A Yeah.

Q 74 Well, can you recall roughly what time the assault occurred?

A About 4.30.

Q 75 At 4.30 what, am or pm?

A Am.

Q 76 All right. Can you tell me how you know about the time of - of the incident?

A Because Kempsey Police told me.

Q 77 Right. Can you tell me then - - -?

A And when I got home that night - sorry, when I got home that night, after a - a session with one of my mates, it was daybreak.

Q 78 Okay. And one of your mates that you're referring to, I understand is 1327. Is that correct?

A Yeah.

Q 79 Right. Can you tell me if you recall the exact location where the assault took place?

A Just behind the Oxford Street - no, I can't recall.

Q 80 Behind Oxford Street?

A Yeah. Behind Oxford Street, in the - in one of the laneways.

Q 81 All right. Do you know the name of the street?

A Seen it. No. It's the only reason I'm doing it is just to help youse, that's all.

Q 82 All right. Do you recall the name of the street?

A No.

Q 83 Do you know where it is in relation to Kinsella's?

A No. I don't know Kinsella's. I heard of it, but I don't know where that one is.

Q 84 All right. Can you tell me, please, what you recall that you were wearing that evening - that's the evening of the 22nd of - of December, and the early hours of the 23rd?

A Jeans and a shirt.

Q 85 All right. And the colour jeans?

A Yeah. Coloured shirt.

- Q 86 Yeah, what - what colour jeans, I'm sorry?
- A Blue.
- Q 87 And what colour shirt?
- A Blue.
- Q 88 Do you recall what type of shoes you were wearing?
- A Mocassins. Brown ones.
- Q 89 All right. And where's that clothing at the present, please?
- A My blue jeans are here and my blue shirt, but the mocassins are worn out. They're thrown away.
- Q 90 When you say the jeans and shirt are here, what do you mean by "here"?
- A They're in my cell.
- Q 91 Oh, right.
- A I wore them in court today.
- Q 92 Okay. And your mocassins were thrown out. Can you recall where you threw your mocassins out?
- A Ah, in Moree.
- Q 93 And when was that?
- A I don't know. See, I - I just feel funny, because aren't I supposed to have some - a solicitor or a lawyer or something, because it's a big thing here, to tell me what kind of evidence youse have got on me and that, so I'll know what's going on.
- Q 94 All right. It's your prerogative if - I'll ask you now. Do you - do you wish to have the services of a solicitor made available to you, at present?
- A And what if I do?
- Q 95 Well, if you do I'll stop the interview and see if I can - I can organize a solicitor. That's a matter for yourself. If you wish to do that I'll do so?

A No, I just want to make it easier for both of us, you know. I'm not trying to be big and smart. I'm just saying and trying to make it easy for both of us - the whole three of us. But youse aren't - youse aren't telling me what's going on.

Q 96 I've explained to you the - the nature of my inquiry.

A Yeah.

Q 97 And as to why I wish to ask you questions.

A But if I was really - - -

Q 98 If you - if you wish the services of a solicitor I'll stop the interview and - - -

A Can - yeah. No, it's okay.

Q 98 - - - make those inquiries.

A Um, so, um, if I was in it wouldn't youse charge me?

Q 99 The position at the moment is - - -

A Yeah.

Q 99 - - - I'm desirous of asking you questions to clarify certain matters that you spoke to the police about last night. Do you understand that?

A So, if I - what if I never spoke to the police last night?

Q 100 All I'm saying is, and that I want you to understand, right, that I'm asking you questions with a view to clarifying matters in relation to what you told the police last night. Do you understand that?

A Yes.

Q 101 Okay. And are you happy to continue with the interview?

A Yeah.

Q 102 Do you wish a solicitor present or not?

A No, it's okay.

- Q 103 Okay. All right. You indicated that you caught the bus from the Bondi Hotel?
- A Yeah.
- Q 104 When you were speaking - yeah. Can you tell me where you caught the bus from?
- A Bondi Beach.
- Q 105 And do you recall where in Bondi Beach you caught the bus?
- A Ah, in the middle. There's about four bus stops along Bondi Beach. What does it matter?
- Q 106 Okay. You indicated at one stage you had been talking to - excuse me - a gentleman by the name of [1348] - I think it's spelt, [1348].
- A Yes.
- Q 107 At some stage - a relative or a friend, I think?
- A Yeah.
- Q 108 Is that correct?
- A Why? What's he got to do with it?
- Q 109 I'd just like to clarify if you can tell me a bit of who he is, just to identify who he is?
- A [1348], he lives in Glebe.
- Q 110 All right. Is he a friend or a relative?
- A Friend.
- Q 111 Okay. And he was - - -
- A Yeah. Close, best friend.
- Q 111 - - - and he was with you at, where, the Crest Hotel. Is that correct?
- A Yeah, I think he was there, I'm not sure.
- Q 112 Okay. When you were drinking can you tell me whether you were - you were drinking beer, I understand. Is that correct?

A                    Yeah.

Q     113            Toohey's New?

A                    Yeah.

Q     114            That's not light beer?

A                    No.

Q     115            Is it standard beer?

A                    It's standard, or - yeah.

Q     116            Schooners or midddy?

A                    Schooners.

Q     117            Okay. All right. You indicated at one stage to the police that you'd gone to a place called The Playground with your friend?

A                    Yeah. Yeah.

Q     118            Can you clarify the location of that?

A                    Yeah. Dowling Street.

Q     119            All right. So, as I understand it, there's a place that's known as The Playground that's bordered by Dowling Street, McElhone Street?

A                    Yeah.

Q     120            Sydney Place and Pring Street. Is that correct?

A                    Yeah. Yeah, that's it.

Q     121            Right. And I understand that was about 1.45 pm?

A                    Yes. Um.

Q     122            I'm sorry? I beg your pardon?

A                    Can I ask a question?

Q     123            Yes??

A                    After this whole interview are youse going tell me what's going on then? Like, so I don't have to go back to the cell and, you know, worry and worry.

Q     124            Well, I can probably - I've explained it - I've explained to you - - -

A            Yeah.

Q     124       - - - up to this stage - - -

A            Yeah.

Q     124       - - - what the purpose of my inquiry is.

A            Yeah.

Q     125       And at the end of the interview - - -

A            Yeah.

Q     125       - - - I'll certainly tell you anything further I can  
                 in relation to - - -

A            Oh, right.

Q     125       - - - my thoughts on what the situation is?

A            Okay.

Q     126       Do you understand that?

A            Yeah.

Q     127       Okay.        Now - I'm sorry, you said that was  
                 approximately 1.45 am - - -

A            Yes.

Q     128       When you were at The Playground. Okay. Now, Bell's  
                 Hotel that you mentioned, as I understand it, is on  
                 the corner of Cowper Wharf Road - - -

A            Yeah.

Q     128       - - - and Bourke Street, Woolloomooloo?

A            Yeah.

Q     129       Is that the hotel?

A            Yes.

Q     130       Right. And that's only a relatively short distance  
                 from the Playground. Is that correct?

A            Yes.

Q     131       Okay. Now, can you indicate the time between the  
                 time you left Bell's Hotel and meeting the other  
                 fellows that you indicated you met at Oxford Street?

A No, we never - I never met them. I was walking up there with [1327] just to suss it out, look for some women.

Q 132 Uh-huh?

A And they were walking. They just walked straight down the - past us.

Q 133 Well, when you saw - when you saw them?

A When I saw them?

Q 134 Yeah?

A Would have been about - oh it would have been about something to four, or something.

Q 135 Okay. I think you told the police last night about four am?

A Yeah.

Q 136 Okay. Can you tell me the route you took when you walked from Bell's Hotel - - -

A Yeah.

Q 136 - - - to Oxford Street?

A Bourke Street. Straight up Bourke.

Q 137 Straight up Bourke Street?

A Yep.

Q 138 Okay. Did you diverge from Bourke Street or go directly to Bourke Street?

A Go directly up Bourke Street from the Bell's.

Q 139 All right. At - during that evening, prior to either - or either prior to the time you were - oh well, I'm sorry, I'll rephrase that.

A Yeah.

Q 140 After leaving the Crest Hotel - - -

A Yeah.

Q 140 - - - were you at any time in the vicinity of Brougham Street and Cowper Wharf Road?

A No.

Q 141 Do you know Brougham Street?

A Yeah. No. Cowper Wharf Road, yeah. No.

Q 142 Do you know where Harry's Cafe de Wheels is then?

A No.

Q 143 All right. Can you tell me roughly when you met the girls that you were talking about to the other police last night?

A Yeah, that was about two or something. Something like that. Two or three.

Q 144 All right. And can you remember where that was?

A Yeah. Going up Bourke Street. Just off one of the sideways to Woolloomooloo. I don't know what street. Just off one of the roads. A road off Bourke Street in Woolloomooloo.

Q 145 All right. And you - I understand you are not aware of the identity of the girls that you were talking about?

A No, no. [1327] knew them. I don't know them.

Q 146 I'm sorry. What was that?

A [1327] knew them. I don't know them. [1327]. That's what I call him.

Q 147 [1327]?

A Yeah.

Q 148 That's a nick name, is it?

A Yeah.

Q 149 Now, as I understand it, he has since died. Is that correct?

A Yeah.

Q 150 I think it was in -

A When?

Q 151 No. Earlier this year, anyhow. Is that correct?

A Yeah.

Q 152 Some time after December the - last year?

A Yeah.

Q 153 Okay. Can you indicate to me where you joined Oxford Street. You said you walked up Bourke Street to Oxford?

A Yeah.

Q 154 Can you indicate to me where you joined Oxford Street. Was it at the intersection of Bourke?

A Yeah.

Q 155 All right. So you walked up Bourke Street directly to Oxford. Is that correct?

A Up to Oxford Street, yeah.

Q 156 And that takes you to Taylor Square. Is that correct?

A No. Yeah, it takes you to Taylor Square, but we walked up then came back down, yeah.

Q 157 But the intersection is, in fact, the Taylor Square?

A Yeah, yeah, Taylor Square, yeah.

Q 158 Okay. Now, when you reached the intersection of Bourke and Oxford you were still just in the company of 1327. Is that correct?

A Yes.

Q 159 Okay. Can you tell me what you did after you got to the intersection of Oxford Street?

A We walked up to the top of Oxford Street, at the top of the hill, then walked back down. We weren't in a - - -

- Q 160 I'm sorry, just before you go on. Can you tell me where you mean at the top of the hill at Oxford Street?
- A You know the paper stand on the corner? That old guy?
- Q 161 That is at the corner of Bourke and Oxford, that paper stand?
- A Yeah. Well, we walked up along towards Paddington, you know towards Paddington?.
- Q 162 Yeah. And so -
- A We walked up there a bit.
- Q 163 So, if you walked up Bourke Street, came to the intersection of Oxford?
- A Mmm.
- Q 164 You turned left?
- A Yeah.
- Q 165 Towards Paddington?
- A We turned left.
- Q 166 Is that correct?
- A Yeah.
- Q 167 Okay.
- A Then walked down a bit. No action happening, so we walked back down the other way to the bottom, back down to Taylor Square.
- Q 168 All right.
- A And that's when we turned off into the laneway to go home.
- Q 169 All right. Now, if you can help me clarify this.
- A Yeah.
- Q 170 I have a map - a proper map of Sydney here. It's the brand of Colliers International Property Consultant.

A            Yeah.

Q     171     If you would please have a look at that for me?

A            Where is it? Where are we? Where's Bourke?

Q     172     And here's Oxford and Bourke.

A            This is Woolloomooloo down here, is it? Yeah. And it goes - yeah, we come up here. Walked up there, walked back down here.

Q     173     Now, if I might just indicate. And do you agree that you've indicated to me on the map that your - you've walked out of Bourke Street?

A            Up Oxford and in - - -

Q     174     Up Oxford towards Paddington?

A            No. Just up here a bit, not far, it'd be about here.

Q     175     All right. But in the direction of Paddington?

A            Yeah, in the direction of Paddington.

Q     176     And walked back down past the Taylor Street intersection again?

A            Yeah.

Q     177     Is that correct. Down Oxford Street towards the city?

A            Yeah.

Q     178     Can you indicate how far down you walked?

A            Just about to the bottom, just near the city, you know?

Q     179     Okay. Indicating around that intersection?

A            Yeah, and then we come back up, kept walking.

Q     180     Is that correct?

A            Yeah. And then come back up and walked back down one of these streets here, or that one. I'm not sure. And that's when it leads into the laneway, .....

- Q 181 All right. Did you - just excuse me, I'll fold the map -
- A And by the way, um, my glasses are pretty thick, I wear high index lens for my glasses. I had the scars over the pupil - cataracts, I think they call them.
- Q 182 Okay.
- A Had them with Professor Hollows.
- Q 183 I don't know that my glasses would assist you. Do you want to have a look at my glasses, would they assist?
- A Yeah, I'll have a try. Yeah, that's a little bit better.
- Q 184 A bit better?
- A Yeah.
- Q 185 All right. I'll indicate Oxford Street to you and Bourke Street.
- A Yeah.
- Q 186 Now, do you agree that last night you indicated the area of Campbell Street and Little Oxford Street, which is that lane there?
- A Where's Woolloomooloo though?
- Q 187 Woolloomooloo is down this end. The area that you indicated to the police that the assault took place last night, as I understand it, was on the corner of Little Oxford Street and Campbell Street. Is that correct?
- A Yeah.
- Q 188 Can you see that?
- A Yeah.
- Q 189 Okay. Now, do you agree that that is the area that the assault you've described took place?

A No. I was saying there yesterday on the map, because I remember, we walked down a laneway and it was up that laneway there.

Q 190 All right. I'll show you -

A And that's Woolloomooloo, because I remember I wasn't on that side of the street, I'm on this side of the street and I ran down. All right, then just - just mark what you say it was.

Q 191 I'll show you -

A Just to get out of the dump.

Q 192 I'll show you a photostat of a street directory. Do you agree that that's your signature, NP128, on the top of it?

A Yeah.

Q 193 "2.45 pm on the 14th of June 1993"?

A Yeah.

Q 194 Do you indicate that there is an area indicate - do you agree that there's an area indicated in yellow highlight pen in the vicinity of the area I've shown you on the other map. In other words, Little Oxford Street and Campbell Street?

A Yeah.

Q 195 Is that correct?

A Because I might be just stupid enough. I might even have just put myself right in it, you know. That's how stupid I am. I might be putting me fucking self right into the fucking scene of the crime, and here I am going up for fucking something that I didn't do.

Q 196 I'll ask you again to clarify with me now, for the purpose of this interview?

A           Okay then, I'll do it. I'll just say yes. Go.  
Where is it?

Q    197       I'll indicate to you the area which is the  
                  intersection of Little Oxford Street and Campbell  
                  Street, that's Surry Hills or Darlinghurst?

A           Yeah.

Q    198       Right?

A           Oh yeah. Um, where's Oxford Street?

Q    199       That's Oxford.

A           Yeah, I walked up here then cut back around this way  
                  here. Somewhere around that way - well, anyway is -  
                  yeah.

Q    200       I - I understand that you're from - from what you  
                  told the police last night, was that you turned out  
                  of Oxford into Crown Street. Is that correct?

A           Yeah.

Q    201       And then walked up the lane named Little Oxford  
                  Street, which comes out at Campbell Street. Is that  
                  correct?

A           Yeah.

Q    202       Okay. And I understand what you indicated - that you  
                  indicated that the assault took place on that corner.  
                  Is that correct?

A           Yeah.

Q    203       Okay.

A           I'm not sure.

Q    204       Now, just - I'll go into that in more detail in a  
                  minute - in a minute.

A           Yeah.

Q    205       But after you - you said that - that you left the  
                  scene with 1327

A            Yeah.

Q     206     You ran away?

A            Yeah.

Q     207     At some stage. Is that correct?

A            Yeah.

Q     208     Can you tell me when you ran away, on the map, in which direction you left the scene?

A            Ran towards Woolloomooloo.

Q     209     Yeah, from - - -

A            That direction.

Q     210     Can you indicate from the intersection of Little Oxford Street and Campbell Street how you left the scene?

A            Where's Little Oxford Street? Little Oxford Street here, and where's Campbell?

Q     211     This is Campbell.

A            I would have left at - from here, this corner.

Q     212     All right. So, you've gone to - into - you're indicating the intersection of Campbell and Bourke Street?

A            Yeah.

Q     213     I think you told the other police you then ran down Bourke Street?

A            Yeah.

Q     214     To 1327's. Is that correct?

A            Yeah.

Q     215     Okay. I'd like you to have a look at this map. You can tell me if you can't see it properly, because I don't - I - I'll explain for the purposes of the interview.

A            Yeah.

- Q 216 I can't see this without my glasses myself, but I have had a look at it previously. Okay, and I understand that the address you refer to that your friend, [1327], was living at was [REDACTED] [REDACTED]?
- A Yeah, that's it.
- Q 217 Is that correct?
- A Yeah.
- Q 218 Okay. Now on the map, if you have a look.
- A [REDACTED]?
- Q 219 That's Bourke Street, do you agree?
- A Yeah.
- Q 220 I'll indicate [REDACTED]. Is that correct?
- A Yeah, that's it.
- Q 221 [REDACTED] is six houses up to the right, off Bourke Street. Is that correct?
- A That's right.
- Q 222 And do you agree that that's the house that you referred to as [1327]'s premises?
- A Yes.
- Q 223 Okay. Can you see [REDACTED] marked on that map?
- A Yes. Yes.
- Q 224 Can I have my glasses back?
- A Thank you.
- Q 225 Right?
- A At least I'm not sitting in the cells bored.
- Q 226 Okay. I'll - I'll take you back to the time that you entered Little Oxford Street.
- A Yeah.
- Q 227 As I've said, without having the map here right at present. Do you agree that from what you've told me

you went from Oxford Street into Crown Street. Is that correct?

A Yes.

Q 228 Then left into Little Oxford Street?

A Yes.

Q 229 Travelled a short distance - or, well, I'm sorry - travelled, presumably, the length of Little Oxford Street to where it intersects with Campbell Street. Is that correct?

A Yes.

Q 230 Okay. Now prior to that occurring, from what I understand you told the other police - - -

A Yeah.

Q 230 - - - you met with a number of other boys, who you've described in part to the other police. Is that correct?

A No, I never met - met them, I don't - they never knew them.

Q 231 Well, can - I can understand that.

A Yeah. All right, yeah.

Q 232 Okay. Can you explain to me, then, the position as - of how you came to be in the company of these boys?

A They happened to be walking up that little - that Oxford Street in front of us and they turned that way and walked up the same street, so we just walked behind them, just - - -

Q 233 Okay. And when - - -

A Not to follow them.

Q 233 - - - when did you - - -

A Just - that's the way the crowd were going, yeah.

Q 234 Okay. Can you tell me, on the first occasion that you saw these boys that you've referred to, that night?

A Yeah, I seen them walking up Oxford Street. When we come out of Oxford Street they were walking up and we crossed over or something, never seen them then, then when we come back down and walked up to Little Oxford Street that's when I seen them again. But that's when I - that's when they were in that scruffle and I took off, yeah.

Q 235 All right. Now, just - - -

A Oh, I'm sorry.

Q 235 - - - just prior to that?

A Yeah.

Q 236 Just so I can clarify with you - - -

A Yeah.

Q 236 - - - what the situation is, please. If you can tell me the - where you were on the first occasion that you saw these boys that evening?

A In Oxford Street.

Q 237 You just told me - you were in Oxford Street?

A Yeah.

Q 238 Where were they at the time?

A Up ahead in a group.

Q 239 Yeah. Okay. And where in Oxford Street were you when you first saw them?

A Just coming out of Bourke Street.

Q 240 Okay. Is this when you first arrived at the corner of Bourke and Oxford?

A Yes.

- Q 241 Okay. Now, you indicated before to me that you turned left?
- A Yeah.
- Q 242 At Oxford. Is that correct?
- A Yeah.
- Q 243 Can you tell me where the boys were then?
- A They were about 20 metres ahead.
- Q 244 Towards Paddington?
- A Yeah.
- Q 245 Okay. And can you tell me, did you have any conversation with them at that time?
- A No, I never knew them. Too far away to talk. Yeah.
- Q 246 Okay. So can you explain to me where they went?
- A No.
- Q 247 Now can you tell me - you've explained where you went  
- - -
- A Yeah.
- Q 247 - - - to me earlier on. Were they ahead of you at that stage or did they go somewhere else?
- A They were ahead of me when I seen them and then they disappeared. They must - yeah, they obviously went somewhere else.
- Q 248 All right. And you saw them next, when?
- A When we walked - when we walked back down and come back up, we walked - turned into Little Oxford Street, that's when I seen them walking up Little Oxford.
- Q 249 Right. And how far ahead of you were they at that stage?
- A 10 metres. No, 15 metres, yeah. About that.
- Q 250 Had you spoken to them at that stage?

A No.

Q 251 Did you know any of the boys?

A No.

Q 252 Did [1327] know any of the boys, as far as you were aware?

A Yeah, I think he did.

Q 253 Right. Did [1327] have any conversation with the boys?

A Yeah, he spoke to one of them.

Q 254 And at what stage was that then?

A When we walked - when we were walking behind them he walked ahead and that's when he's speaking to one of them, and I just kept walking.

Q 255 And was that on the first occasion you saw them or in Little Oxford Street when you saw them a second time?

A I - in Little Oxford Street.

Q 256 Okay. Can you tell me where you were in Little Oxford Street when [1327] walked ahead and talked to them?

A I was on the corner.

Q 257 Of which street? Little Oxford and -?

A Yeah.

Q 258 And which street?

A Um, what's it called?

Q 259 Campbell or -?

A Yeah, Campbell.

Q 260 And intersects both Crown and Campbell?

A Yeah. I was on the corner of Campbell.

Q 261 So I understand then that you had walked from Crown up Little Oxford Street to the intersection of Campbell?

- A            Yeah.
- Q    262      And that's when [1327] walked back?
- A            I seen the boys walking ahead. Pardon?
- Q    263      Is that when [1327] walked up?
- A            That's when [1327] walked up, yeah.
- Q    264      And you were how far behind?
- A            About 15 metres.
- Q    265      15 metres?
- A            Fifteen, yeah.
- Q    266      All right. Can you tell me where [1327] and the boys were? You were saying they were on the intersection, is that correct, with Campbell Street?
- A            No.
- Q    267      When he walked up to talk to them?
- A            He was - they were walking up that laneway. He was only talking to one of them, he must have knew one of them, I don't know. Like, he only spoke to him, then he started walking back, and then when he was walking back that's when the incident took place. I just  
- - -
- Q    268      All right. Well, at the time [1327] walked up - - -
- A            Yeah.
- Q    268      - - - left you - - -
- A            Yeah.
- Q    268      - - - walked up and spoke to one of the other boys  
- - -
- A            Yeah.
- Q    268      - - - where were you in relation to the intersection of Little Oxford and Campbell Street?
- A            On the corner.
- Q    269      You yourself were on the corner?

A Yeah. Yeah.

Q 270 So, they were some - - -

A Yeah. Some distant. Yeah.

Q 270 - - - just ahead of you, were they?

A 15 metres, yeah.

Q 271 I'll show you a - a plan that I - that's been prepared.

A Yeah.

Q 272 That's not to scale.

A Mm. Mm.

Q 273 Right. If you understand that it indicates Little Oxford Street.

A Yeah.

Q 274 Campbell Street and Bourke Street. The shaded area there is a nightclub known as Kinsella's. Do you understand that?

A Yeah.

Q 275 And there on the left hand is indicated roughly the direction of north. Do you understand that?

A Yes.

Q 276 Can you indicate with a pen - can you see that okay?

A Where's Oxford Street?

Q 277 Little Oxford Street is there.

A Yeah.

Q 278 Okay. And there's Campbell Street. Can you indicate to me -?

A But where's the big Oxford Street at?

Q 279 Well, the main Oxford Street isn't shown on this.

A Yeah, but where would it be? Here?

Q 280 It would be on the left-hand side of the map, over this way.

A Yeah.

Q 281 And just before we go on, the tape here's about to complete.

A Yeah.

Q 282 So, what I'll do, the time is now 5.54 - - -

TAPE RECORDING CEASED

TAPE RECORDING RESUMED

DETECTIVE SERGEANT KNIGHT

Q 283 All right. The time is now 5.57 pm, Wednesday the 15th of June. Do you agree that the three audio tapes and video tape ejected and I just replaced those with fresh tapes?

A Yes.

Q 284 Okay. Are you happy to continue the interview?

A Yes.

Q 285 Okay. Right then. You're going to indicate to me if you could, you, in fact, have made mark - -

A Marked this here.

Q 285 - - - in the - - -

A 'Cause I went down - - -

Q 285 I'll just indicate that - - -

A - - - and ended up on Bourke Street. Yeah.

Q 285 - - - during in the time that the tapes had ejected you had made a mark in pen on the - - -

A No, you said "No", but I just started to do it.

Q 286 No. Yeah. I'm just saying that you agreed - - -?

A It was a mistake.

Q 287 Yeah. That you made a mark on that?

A Yeah.

Q 288 Do you agree?

A Yeah.

Q 289 Okay. Can you tell me about what that mark there relates to, that you made then?

A That, it relates to a mistake, because I was here.

Q 290 All right then. What I'd like you to do, if you would, please, just if you can indicate where you were?

A Here.

Q 291 Okay. Now, do you agree you've just indicated - you've put a cross on the corner of Little Oxford Street and Campbell Street at the western-most corner?

A Yes.

Q 292 Is that all right. And that the mark on the top you were saying is not correct, is it?

A Yes.

Q 293 Is that the case. Not correct?

A Yeah.

Q 294 And that's the mark you put of your own accord - - -

A Yeah.

Q 294 - - - during the break in the -

A Yeah. No, that's the mark I put before I worked out where - what the map was.

Q 295 Okay. Could you just put your initials next to that, thank you?

A Yep.

Q 296 Okay. Now, that X that you've just initialled is what you've indicated as where you were at the time the conversation took place between 1327 and the other boy. Is that correct?

- A Yes.
- Q 297 Okay. And can you tell me, on this map, where they were at the time?
- A Somewhere up here.
- Q 298 You're indicating further up Campbell Street. Is that correct?
- A Yeah. I'm sure.
- Q 299 Towards Bourke Street. Okay. All right. And do you know what conversation took place between [1327] and the other boy?
- A No, just the simple, "How are ya goin'?" Hello." That's it.
- Q 300 And did - did you hear the conversation?
- A No. I might have been spewing, but I don't know.
- Q 301 Sorry. You might have been?
- A Spewing, or anything.
- Q 302 And what do you mean by that?
- A Spewing, drunk.
- Q 303 Vomiting?
- A Vomiting, yeah.
- Q 304 Right. Did you vomit. Is that what you're saying?
- A I'm - yeah, I vomited that night, but I'm - yeah, I could have vomited there, but I'm not sure. No.
- Q 305 Did - did you have any conversation with these other boys at all?
- A No.
- Q 306 All right. Now when you initially spoke to the police yesterday just before the interview that took place on this machine you indicated that, or you described the boys you're talking about as Redfern Boys, is that correct?

A            Yeah, not all of them, but the only - the simple reason why, because [1327] knew 'em, [1327] knew one of them, you know.

Q    307        Okay?

A            And he's from Redfern.

Q    308        And do you know the name of the boy that [1327] knew?

A            No. All I know he was black.

Q    309        And by "black", do you -

A            Yeah.

Q    310        Can you tell me what race you mean by "black"?

A            Could have been Aboriginal or Islander. He could have been. Aboriginal or Islander. And I thought it was Islander, that's why I never ..... I only mix with the New Zealanders and that.

Q    311        All right. Just to clarify something that was said previously in relation to the other - the conversation with the other police. You indicated, I think, that you were walking in Oxford Street towards Woolloomooloo. Do you agree that Oxford Street itself doesn't go in the direction of Woolloomooloo, is that correct?

A            No. Yeah, I know.

Q    312        Well, is that correct?

A            Yeah, that's correct.

Q    313        Okay. When you were talking about walking in Oxford Street towards Woolloomooloo were you referring to the main Oxford Street or Little Oxford Street that we've indicated on this map?

A            Little Oxford Street.

- Q 314 Okay. Okay. Now you told the other police that at some stage you saw these boys that were in front of you, scuffling, I think you indicated, with a man?
- A Yeah.
- Q 315 Okay. Can you explain where that was? Where they were when you first saw that?
- A Yeah. They are -
- Q 316 And you're indicating on the map around - - -
- A Yeah.
- Q 316 - - - Campbell Street. Can - would you like to indicate with the pen, please, just put a - if you can put a circle, perhaps, not a cross. Right. And that's - you've indicated there in the middle of the roadway in Campbell Street. Is that the case?
- A Oh yeah, it was there. About there.
- Q 317 Okay. And you've made another circle adjacent to it?
- A Yeah.
- Q 318 All right. Can you tell me exactly what you saw?
- A I seen three boys in front of a man and two behind.
- Q 319 All right?
- A And just hands coming up like that, you know, and  
- - -
- Q 320 Whose - whose hands?
- A I don't know it if was the man's or the boys', 'cause I can't see, like I said. I can't say what I can't see, eh?
- Q 321 All right?
- A I just seen hands coming up and just scruffle (sic), and then that's when I took off. I wasn't going to stick around and wait for the coppers to pick me up.

- Q 322 In the interview I think you indicated to the other police that by "scruffle" you mean - - -
- A Fighting.
- Q 322 - - - fighting?
- A Yes. Fighting. Yeah. Oh, well fighting, yeah.
- Q 323 Did you - did you see any punches thrown?
- A Yeah.
- Q 324 Can you tell me who threw the punches?
- A No.
- Q 325 Can you tell me if you saw any of them - of the boys that you were talking about, I think you said there was five. Is that correct?
- A Yeah.
- Q 326 Any of those boys throwing punches?
- A Yeah.
- Q 327 Okay. Did you see any of those punches connect with the man?
- A Yeah.
- Q 328 All right. Can you tell me what part of the body those punches connected with?
- A No.
- Q 329 All right. Can you tell me whether they connected with his upper body or lower body?
- A Upper body, it looked.
- Q 330 Okay. Can you tell me whether he was standing at that time?
- A Yeah, he was.
- Q 331 Did you see him fall to the ground at any time?
- A No. They were - 'cause when I ran off they were still going for it.

- Q 332 All right. Did you see the man throwing any punches at the boys?
- A No. How could he with five of them?
- Q 333 All right. Now you indicated to the other police, excuse me, previously - - -
- A Yeah.
- Q 333 - - - that at one stage the man was being held from behind. Is that correct?
- A Yes.
- Q 334 Okay. Do you know which of the boys was holding him from behind?
- A No.
- Q 335 All right. Whilst he was being held from behind can you tell me what was happening?
- A They were fighting.
- Q 336 Well, was - was he fighting or were the other boys fighting him?
- A Him and the other boy was fighting him, he - he was probably fighting to save his life. Poor chap.
- Q 337 All right. Can you tell me roughly how many punches you saw thrown at him?
- A Three. Just, yeah, three.
- Q 338 All right. And at this stage, when you were watching this, approximately how far away were you?
- A About, just about down here, on the other side of the road, looking up. And by about - by that time, well the time they started getting into the scruffle 1327 just got to the corner and then we just turned around the corner, to walk down this way and went down Bourke and that's it. All I seen was that

little - three punches and that's it. Who threw them  
I don't know.

Q 339 Okay. You've indicated there and do you agree that -  
that 1327, as you've referred to him, has come  
around from Campbell Street to the corner of Little  
Oxford?

A Yes.

Q 340 Is that correct?

A Yes.

Q 341 Where you were?

A Yes.

Q 342 And you both run away?

A Yes.

Q 343 Is that what you're saying. Down Little Oxford  
Street?

A Yeah.

Q 344 Now at this stage the men were still fighting in  
Campbell Street?

A Yes.

Q 345 And about half way up towards Bourke. Is that  
correct?

A Yes.

Q 346 Okay. Now when you last saw these men before you ran  
away - - -

A Yeah.

Q 346 - - - were the - all of the men, that's the five men  
attacking the fellow and the fellow himself, were  
they still standing or -?

A Yeah, the five men were standing.

Q 347 And what about the other - the fellow they were  
attacking?

- A I don't know. He was standing at the same time when I left. They were all - it was just - oh, it was just a blur. But I just seen them.
- Q 348 Did - you indicated, I think, to the other police that at one stage you saw one of the men deliver a kick whilst he was standing towards the other fellow. Is that correct?
- A Yeah, I seen a foot go up.
- Q 349 And I think you said you don't know if that connected or not. Is that what you say?
- A No, I don't know.
- Q 350 Did you hear any sounds at the time this was occurring?
- A Um, yeah, I think that man was yelling out, I think he was, I'm not sure. I only heard fighting sound, you know, fighting sounds.
- Q 351 And what - what do you mean by saying - you could actually hear blows being - - -
- A Yeah.
- Q 351 - - - struck. Is that what you - - -
- A Yeah.
- Q 351 Correct?
- A Yeah.
- Q 352 Did you see any - any blood on any portion of the guy that was being assaulted?
- A No.
- Q 353 Or on his face?
- A No.
- Q 354 Can you tell me what the street lighting was like at that - in that particular area?

A            Yeah, there was a street light, but not very good. Not good enough though I can have a clear picture. See, I'm blind as a bat normal, so you can imagine when I'm drunk.

Q     355     All right. Can you tell me - when you say you're blind as a bat normally, can you explain what the difficulties are with your eyesight?

A            Yes. Yes. I've got - I had eczema when I was a kid and I used to scratch my eyes.

Q     356     Uh-huh?

A            That caused corneal ulcers over the pupils of my eye, so one eye has got a worser scar than the other and I was - I was going to have an operation where they, you know, they are - you know that special operation, but it's dangerous, where they can remove it, put someone else's thing on there, and I -

Q     357     Are you talking about a corneal transplant?

A            Yeah, that's it.

Q     358     All right?

A            And I ended up getting a cold so they cancelled that and they just put a patch over my eye and I've never had one since, and now I just wear the high - eye index lens glasses. The thick ones.

Q     359     All right. Where are your glasses at present?

A            I lost them. I have to get a new pair.

Q     360     Mm?

A            I haven't got a Medicare card.

Q     361     Are they prescription glasses? Is that correct?

A            Yeah.

Q     362     And can you tell me the name of the optometrist that you go to?

- A In Sydney? Yeah, in Bondi Junction in OPSM, on - I'm not sure, I forget the name of it.
- Q 363 All right. Do you have a doctor that you see in relation to your eyesight?
- A Yeah, I used to be under Professor Hollows.
- Q 364 That's - - -
- A He was my main doctor, but he's passed away.
- Q 364 - - - Professor Fred Hollows that died recently. Is that correct?
- A Yeah. He used to look after me when I was a kid too.
- Q 365 How long have you worn glasses for?
- A Since I was about - I was supposed to wear them when I was 10 or 11, but I haven't - I've only just started wearing them since I turned 17, or, you know, on and off since I was 17, 16, on and off.
- Q 366 All right. And do you wear glasses normally during the day?
- A Fifteen - 15, yeah. No, too ashamed, I just wear them when I'm at home watching TV, or if I'm at work. I always wore them to work.
- Q 367 Uh-huh?
- A So it wouldn't be dangerous if I'm driving. I had my - I've got my "Ls".
- Q 368 And does your - I'm sorry, I'll rephrase that. Do you recall whether you had your glasses on this night, on the 23rd of December?
- A No, I never. I never - I'd never wear my glasses out.
- Q 369 Can you tell me whether your eyesight affects your long vision or short vision? Do you want me to - ?
- A Long vision.

- Q 370 All right. So you have difficulty in seeing something in the distance. Is that correct?
- A Yes.
- Q 371 But you don't have difficulty seeing something close up?
- A Yeah, that too, because it's - it's - with - with my kind of thing it's a blur. You understand?
- Q 372 Yeah.
- A Yeah, it's a blur.
- Q 373 So?
- A Yeah, the - yeah, long. The closer it is the better, of course.
- Q 374 Okay. So, it is - you don't have extreme difficulty with close work, with looking at things closely?
- A Yeah, I do. Yeah, I do.
- Q 375 Just distance?
- A No, I do have extreme difficulty looking at things close.
- Q 376 So, you have difficulty with close?
- A Both. Yeah, both long distance, long.
- Q 377 Near and long vision?
- A Yeah.
- Q 378 Okay. That's what I'm trying to clarify.
- A Well, put it this way, I have to read a paper like that.
- Q 379 Okay. I think you indicated to the police last night at one stage that you had some concern in relation to using, what I recall as your words being, the coppers picking you up in a big gang, when you were with this other group. Do you recall saying that?
- A Yeah. What? What do you mean?

- Q 380 When you spoke to the police last night - - -
- A Yeah. Yeah.
- Q 380 - - - you indicated, at one stage, as I understand it  
- - -
- A Yeah.
- Q 380 - - - when you were walking a short distance behind  
these people - - -
- A Yeah.
- Q 380 - - - you had some concern about the coppers picking  
you up with a big gang?
- A Yeah.
- Q 381 Is that correct?
- A Yeah. 'Cause -
- Q 382 Why is - why was that? What was the concern that you  
had?
- A Because I was released probation and I knew if  
coppers would have come past and seen me with a gang  
they would have pulled me up straight away and then  
I wouldn't have had a good night. And I would have  
had to go to the cop station. I wouldn't have been  
able to go out in the morning on the - - -
- Q 383 What - what was the - from the time that you first  
saw this group in front of you in Little Oxford  
Street - - -
- A Yeah.
- Q 383 - - - what was the closest you got to them?
- A Fifteen metres.
- Q 384 All right. Do you agree that last night you  
indicated to the other police, unless I'm mistaken,  
that you were at one stage about two metres behind  
them?

- A            Yeah. I don't know. See, I was drunk. So it seemed to me that - - -
- Q    385        No. Just - just in a relation to - - -
- A            No, I - - -
- Q    385        - - - in relation to that, and I just - - -
- A            I wasn't two metres behind them - - -
- Q    386        Okay.
- A            I was a distance. If I was two metres behind them I would have been able to see them all.
- Q    387        Okay. You just indicated that you were drunk. Can you tell me how much approximately you'd been drinking that night?
- A            I couldn't say how many - eight schooners all up, but, like, it only takes me three or four and I'm - for I don't drink much, see.
- Q    388        Yeah. How much would you normally drink?
- A            Say, I - I could drink every week. Once every week or twice every week. Sometimes twice every two weeks.
- Q    389        All right. And - - -
- A            It just depends.
- Q    389        - - - approximately how much would you drink on those occasions?
- A            What? How many what? Beers, would I have? Ah, heaps, dozens.
- Q    390        All right, so - - -
- A            I can just keep drinking, keep drinking there until I'm - - -
- Q    391        On this occasion - - -
- A            And then sober up and drink again.

Q 392 Okay. And on this occasion you've had about eight schooners?

A Yeah.

Q 393 Over a period from what - about 9 o'clock at night?

A Yeah, about that.

Q 394 Until you left the Crest Hotel at about one?

A Yeah. Yeah.

Q 395 So, around - about five hours you'd consumed about eight schooners. Is that correct?

A Yeah.

Q 396 If I were to use the scale of 1 of being sober and 10 as being extremely drunk - - -

A Yeah.

Q 396 - - - on that scale, you'd pick - - -

A I'd pick eight.

Q 397 So in your opinion, that night, the evening of the 23rd of December, you - - -

A I wasn't blind.

Q 397 - - - would scale it about eight. Is that correct?

A Yeah.

Q 398 And that's after having eight schooners over a period of - - -

A I don't drink till I fucking drop, I drink to I'm just cruising. Where I know what I'm doing, you know.

Q 399 Uh-huh.

A Yeah. Carry on with me, because the next day finishes and I have to put another three in.

Q 400 I'll just indicate to you on the map that I have here that I've shown you with your mark, that when the victim of the assault to whom I'm referring, Mr Dye,

was found at about 4.30 am on the 23rd of December,  
he was found on the - - -

A Yeah.

Q 400 - - - corner, approximately there - I'll put an X.

A Right.

Q 401 And my initials.

A Right. Well then, if he was there - - -

Q 402 Yeah, I just - - -

A Well then, I must have been down here.

Q 402 - - - I just want you to look at that.

A Yeah.

Q 403 Do you understand that?

A Yeah. Well, if he was there, I must have been down here. And it wasn't Little Oxford Street that I walked up. It was this street here. I was thinking of that as being there. 'Cause all I done was ran down this street then ran across the road, got to Oxford, then I was in Bourke.

Q 404 All right. So what you're indicating now is that you may be wrong in - in your estimation of where you were?

A Yes.

Q 405 Is that what I understand you to say?

A Yeah. Yes, yes, yes.

Q 406 My investigations indicate that the site of Mr Dye's injuries were in the vicinity of the area that I've marked. Do you understand that?

A Yes.

Q 407 All right. So do you agree then, that what - from what you've told me - that you may be mistaken - - -

A It was wrong.

Q 407 - - - in relation to what - - -

A Yeah.

Q 408 Is that what I understand you're saying?

A Yes.

Q 409 Are you - are you prepared, at some stage, if - if it  
can be arranged to do so - - -

A Yeah.

Q 409 - - - in Sydney - - -

A Mm.

Q 409 - - - to accompany me and indicate to me exactly in  
the street physically where this incident took place  
that you saw?

A What? Go all the way down to Sydney just to do it?

Q 410 Yeah.

A How come?

Q 411 If - well, what I'm asking is if - - -

A Yeah.

Q 411 - - - if I can arrange that to be done, and I  
appreciate that we're at Kempsey at the present time.

A Yeah.

Q 412 But if it can be arranged to be done, what I'm asking  
is, are you in - are you prepared to accompany me to  
the area?

A Yeah.

Q 413 And physically point out the - - -

A Yeah. If you - if you've prepared to bring me back  
to Kempsey.

Q 414 All right. But you're prepared to do that, if I can  
make those arrangements?

A (NO AUDIBLE RESPONSE)

Q 415 The reason - the reason I'm asking you, I'll explain, is that - is that there is obviously some difficulty with maps.

A Yeah.

Q 416 When I - you may not be conversant, and in fairness to yourself, if it's - if it's possible - - -

A Yeah, I could do that if you bring me back straight away. I don't have to stay down there in the cells for the night. Down there and back, yeah, I will do it. No problem.

Q 417 Okay. Can you tell me, please, how these other boys came to be scruffling with this man, as you've indicated?

A No, I can't tell you.

Q 418 Did you see that start?

A No. I just - when I looked it was just happening.

Q 419 All right. Approximately how long were you watching the incident for?

A Five, six seconds. Five seconds. Four seconds at the most, five seconds at the most.

Q 420 All right. Now, you indicated, I think, to the other police, when you ran away - - -

A Yeah.

Q 420 - - - you split up from the boy you referred as [1327], is that correct?

A [1327], yeah. [1327], yes.

Q 421 Okay. Now can you tell me in which direction you went?

A Yes. I went down this street, up Oxford and down Bourke all the way to Woolloomooloo.

- Q 422 And you're indicating this street, it's the street that's not shown on the map?
- A Yeah.
- Q 423 What I presume is the next street down from Little Oxford, is it?
- A Yeah. Yeah.
- Q 424 And that street, as I understand, is Crown Street. Would that be correct?
- A Yes.
- Q 425 Little Oxford Street, as I will show you on the map again shortly, Little Oxford Street runs from Campbell Street back down around into Crown Street. Do you agree with that?
- A Yes.
- Q 426 And joins Crown Street?
- A Yeah.
- Q 427 Do you remember if you ran down Little Oxford Street into Crown, or another direction?
- A Another direction. Somewhere up this way.
- Q 428 Can you tell me if you recall what the man that was being attacked, what he was wearing?
- A No.
- Q 429 I think you said you thought he was in his late 30s. Is that correct?
- A Yeah.
- Q 430 Did you notice anything about his hair. What type of hair he had?
- A No.
- Q 431 Was there anything distinctive that you recall about him at all?
- A No.

- Q 432 Okay. At the time that this - - -
- A Yeah.
- Q 432 - - - attack was taking place can you tell me where [1327] was?
- A He was walking down - walking back to me. He was about here - oh, well just say this is that street here, right, somewhere up here. He was walk - and this is it, this is the scruffle here. He was walking down to me and we just took off down here. He ran another way and I ran that way.
- Q 433 So, as as the boys you've referred to were scruffling with this man, [1327] was closer to them than you were. Is that correct?
- A Yes.
- Q 434 Was he involved in it as well?
- A No.
- Q 435 How far was he from the incident?
- A About five metres, and walking.
- Q 436 In your direction. Is that correct?
- A Yeah.
- Q 437 And when he reached you did you have any conversation?
- A No.
- Q 438 What did you do?
- A Oh, I've just gone, "Well, I'm out of here. I'll meet you at home."
- Q 439 And did he reply?
- A Yeah, he just said, "Yeah."
- Q 440 You said, "I'm out of here. Meet you at home"?
- A Yeah.
- Q 441 And he said, "Yeah"?

A                    Yeah.

Q     442            Is that what you've just said?

A                    And by the time I got home he was there.

Q     443            Okay. Now, which way did he go, do you recall?

A                    No.

Q     444            All right. Now you've lived in Bondi for some period of time?

A                    Yeah.

Q     445            Are you conversant with the area that you're talking about?

A                    What do you mean? Just in here?

Q     446            I'm sorry, I'll - I'll rephrase that. Do you know the area very well around Oxford Street, Campbell Street, Bourke Street?

A                    Yeah, I know it fairly well. Not very well.

Q     447            How regularly would you go to - or visit that area?

A                    Every time - every time I catch a bus from Bondi that goes down Oxford Street to Central to catch a train to Mosman. Oxford Street, see, I don't go up any of the other streets. I just know Oxford Street.

Q     448            Did you, prior to this incident occurring, had you socialised with your friend, [1327]?

A                    Yeah.

Q     449            In that area?

A                    No.

Q     450            Had you visited that area with [1327] previously?

A                    No.

Q     451            Had you been there during the night?

A                    No.

- Q 452 Can you tell me roughly how many times you'd visited that area yourself in the past, prior to this happening?
- A A number of occasions. Visited? What do you mean visit? I've drove through.
- Q 453 Mm.
- A Yeah. A number of times.
- Q 454 Have you walked around that area other times, other than this?
- A Maybe a couple of times before.
- Q 455 Had you been there with [1327] previously?
- A No.
- Q 456 All right. Do you - or have you visited any nightclubs in that area?
- A No.
- Q 457 Any hotels?
- A No.
- Q 458 At any time did you assault this man in any way yourself?
- A No.
- Q 459 At any time did you punch him?
- A No.
- Q 460 At any time did you kick him?
- A No.
- Q 461 At any time did you assist anyone else - - -
- A No.
- Q 461 - - - to assault him?
- A No.
- Q 462 At one stage yesterday, I think you indicated to the police - excuse me - that you said you wanted to get

away from the scene of the crime. Can you explain what you meant by that?

A Yeah. I wanted - as soon as I seen the scruffle I wanted to get away from it, because I was a legitimate man.

Q 463 All right. Can you tell me why, as I understand, you did nothing - I'll - I'm sorry, I'll rephrase that.

A Yeah.

Q 464 Did you do anything to assist this man at all during the incident?

A No.

Q 465 All right. Can you give me any reason why you did nothing?

A Yeah, 'cause - no, I can't give any reason.

Q 466 Okay. Can you tell me what your - - -

A Because it wasn't my business.

Q 467 Okay. Can you tell me what your reason was for going to Surry Hills - - -

A Just walked - - -

Q 467 On that evening?

A Yeah. Just walking around looking for women. Looking for a sort of clump to get into.

Q 468 All right. My investigations indicate that during the period that this man was assaulted, or shortly after - - -

A Yeah.

Q 468 - - - he had certain properties stolen from his person. Do you have any knowledge of that?

A No. I wouldn't have a clue.

Q 469 Did you see any property being taken from the man?

A No.

- Q 470 Had you had any conversation, or have you have any conversation with any other persons since that time about the property taken from him?
- A No.
- Q 471 All right. Can you tell me why you and [1327] split up when you ran off?
- A Because if coppers see us together I'll wear it and they'll pick us up straight away.
- Q 472 All right. Can - I think you indicated a short time ago to me on this that you - how you got into Bourke Street. I think you indicated that you ran up, presumably Crown Street?
- A Yeah.
- Q 473 Across Oxford and into Bourke. Is that correct?
- A Yeah.
- Q 474 I think you've indicated to the other police that you ran straight down Bourke Street to [1327]'s place. Is that correct?
- A Yeah.
- Q 475 Which is to the right of Bourke Street going down towards Woolloomooloo. Is that correct?
- A Yeah.
- Q 476 You indicated that you ran down some stairs at some stage. Is that correct?
- A Yeah. You know how you go across Crown and then stairs that go down?
- Q 477 I don't, but I'll - - -
- A Yeah.
- Q 478 If you can explain to me.

A Yeah, just ran down a little - just a little, not big stairs, just little - a little flight of stairs, that's all.

Q 479 All right.

A And then ended up in Bourke.

Q 480 So, is that - is that just on the northern side of Oxford Street?

A Yeah.

Q 481 At Crown?

A It's on Oxford Street, yeah.

Q 482 Okay. Can you describe [1327] house for me?

A Yeah. Two storey and stairs in there.

Q 483 Is that it? ?

A Two bathrooms.

Q 484 Two bathrooms, right?

A I mean, one bathroom, two rooms - three rooms. Three rooms.

Q 485 And [1327]'s bedroom, can you tell me where it is?

A Um, off to the right.

Q 486 On the lower or the upper floor?

A Upper.

Q 487 Right.

A There's no rooms at the lower.

Q 488 Okay. Now, the man that you saw in there with [1327], as I understand it, you've described as his uncle. Is that correct?

A Yeah.

Q 489 Can you tell me his name?

A Arjay.

Q 490 Arjay?

A No, I don't know his name, I just call him Arjay.

- Q 491 Arjay. All right. Can you describe him to me?
- A Curly shoulder length hair, chubby, wears glasses.
- Q 492 All right. His age. His age?
- A Late 30s.
- Q 493 Do you know what he does for a living, does he - does he work?
- A No, he just looks after his kids.
- Q 494 Well, do you know what he - - -
- A I don't know. I don't know, he could work, I wouldn't have a clue.
- Q 495 Do you know how many kids he's got?
- A Um, four.
- Q 496 Do you know his wife's name, or his surname?
- A No. No.
- Q 497 And do you know if he is - or in what way he's related to 1327?
- A No.
- Q 498 All right. How many times have you met him?
- A Heaps of times.
- Q 499 No, at - at the same premises?
- A Yeah.
- Q 500 And have you seen him in other places, or just at the house?
- A Just at the house. And around Woolloomooloo. Known him since I was a kid.
- Q 501 Oh, right. Has he got any distinctive marks on him, tattoos, or anything of that nature?
- A No.
- Q 502 I just want to ask you the - just listen to me, please. I want to ask you about something that you told the other police last night.

A            Yeah.

Q    503        Just an expression you used.

A            Yeah.

Q    504        Before I do, I just want you to understand that you don't have to answer unless you wish.

A            Okay.

Q    505        As anything you do say may later be used in evidence.

A            Yeah.

Q    506        All right. You - you indicated that you mulled up when you were at his place, is that correct?

A            Yes.

Q    507        Can you tell me what you mean by "mulled up"?

A            Um, marijuana. Mulled up some grass. Marijuana.

Q    508        Right. Smoke marijuana, is that what you're saying?

A            Yeah.

Q    509        And can you tell me who - excuse me - who had the marijuana?

A            Yeah, I did.

Q    510        You did?

A            I scored it.

Q    511        And as I indicated before, I just want you to understand that you're not obliged to say anything further in relation to that matter. Do you understand that all right?

A            Yeah.

Q    512        Okay. When you say you scored it, are you prepared to tell me where you scored it?

A            Off - I don't know who he was. Someone up the Cross.

Q    513        Right. And when was that?

A            When I got off the bus on the way down to Woolloomooloo, after the Crest.

- Q 514 That was between the time you left the Crest?
- A Yeah.
- Q 515 And the time you went to - - -
- A Yeah, I was walking down to Woolloomooloo and I seen someone, I - I knew him from - by face, don't know his name.
- Q 516 Uh-huh.
- A Usually score off him all the time. We just got a stick.
- Q 517 Where was [1327] at that time?
- A In the Crest.
- Q 518 Right. So you didn't leave the Crest with [1327], you left separately. Is that correct?
- A Yeah.
- Q 519 Okay. Where did you meet up with [1327] after?
- A Woolloomooloo playground.
- Q 520 And can you tell me how much you paid for the stick?
- A Twenty five.
- Q 521 Okay. And whose money was that was paying for it?
- A Mine.
- Q 522 All right. How much money of your own did you have at that stage?
- A Oh, I'd say about \$120 on me. I was working at the time. I was getting - well, put it this way, if it were a Sunday, if I work a Sunday I get 150 - 190 after tax - 150. I was getting 500 a week.
- Q 523 M'mm.
- A Yeah.
- Q 524 That's what you were - you were clearing 500 a week. Is that correct?
- A Yeah, 500 a week, yep.

Q 525 That's after tax?

A Yeah. After tax.

Q 526 All right. So -

A The labourers have got to get paid that much, it's a fucking hard job. Well, deserve more.

Q 527 When you had the marijuana that you were talking about, I think you indicated that was in the company of [1327] and his uncle. Is that correct?

A No, just [1327].

Q 528 Just [1327]?

A Yeah, me and [1327].

Q 529 So you and [1327] shared it. Is that what I understand?

A Yeah.

Q 530 Where was the uncle that - is it Arjay, is that what you're - - -?

A He was asleep.

Q 531 He was asleep. All right. Did you speak to him that night at all - - -

A No.

Q 531 - - - whilst you were there?

A Nuh.

Q 532 Okay. Well, you've indicated you had a session, I think you called it. About how long did that take?

A About an hour.

Q 533 And can you tell me what you did after that?

A Walked up to the Cross and caught the bus home.

Q 534 Yeah. And what did you do when you went home?

A Went to sleep.

Q 535 Okay. Now that, as I understand it, if we can take you back to it, would be the morning of the 23rd of December?

- A Yeah.
- Q 536 Okay. Two days before Christmas. Okay. Now can you recall in relation to that, after you went home and went to sleep, when it was that you took the train from Sydney to Moree?
- A I caught the - was that the 23rd, two days before Christmas, was it?
- Q 537 Well, I'm - I'm asking you. What I'm saying is this. I've made inquiries - - -
- A Yeah.
- Q 537 - - - and I'm aware that you were at Moree on Christmas Day. Do you understand that?
- A I was there before Christmas Day.
- Q 538 Well I'm just saying that I'm aware that you were there on Christmas Day.
- A Yeah, well, just say a day before that.
- Q 539 That the incident - - -
- A Just say a day before, for argument's sake.
- Q 540 Well, I'm trying to clarify it.
- A Yeah, just say a day before.
- Q 541 All right. You've indicated to me this incident took place in the early hours of the 23rd of December. Do you agree with that?
- A Yeah. Yeah.
- Q 542 And I understand you were in Moree by train on the 25th of December?
- A No, I was in Moree on the 22nd or 21st.
- Q 543 All right. Do you agree that you've indicated that this particular incident took place on the morning of the 23rd of December?
- A Yes.

Q 544 Okay?

A All right. Then I went on the 24th.

Q 545 The 24th. Is that correct?

A Yeah.

Q 546 Okay?

A I went home, went to sleep, then got up, because the train don't leave till that night, see.

Q 547 Uh-huh.

A Yeah. All right. Is that it?

Q 548 So you would have left either the night of the 23rd or the night of the 24th. Is that - - -?

A Yeah.

Q 549 If you had have left on the night of the 24th, that's Christmas Eve. You wouldn't - - -?

A I got there Christmas Day.

Q 550 You would have got there Christmas morning?

A Okay then. Yeah.

Q 551 Now do you recall whether that was the case or whether you left on the previous night?

A Hang on a sec. I'll work it out.

Q 552 M'mm.

A Yeah.

Q 553 Is there anything you want to say, or -?

A No, just worked something out that's all.

Q 554 All right. Would you like to explain to me what?

A Yeah. I left on - if I leave on the 24th.

Q 555 M'mm.

A And got there Christmas Day.

Q 556 Uh-huh. Okay.

A Yeah.

Q 557 That's travelling by the XPT you were -

A Yeah.

Q 558 Yeah. Okay. All right. Now, just - I just want to  
- so that you understand fully what the circumstances  
are - - -

A Yeah. Yes, yes.

Q 558 - - - in relation to Mr Dye?

A Yes, yes. Yes. He's got a first name.

Q 559 He - - -?

A He passed away. Due to an - an assault.

Q 560 The gentleman, as I said, received - received  
injuries.

A Yeah, I - they told me about it.

Q 561 Head injuries. Right?

A Yeah.

Q 562 And subsequently died in hospital. Do you understand  
that?

A He'd been beaten in the head he was, was he?

A Yeah, he received head injuries. Okay?

A Yeah.

Q 563 And did you take part in any manner at all of - on  
the assault of Mr Dye?

A No. No, no.

Q 564 I understand that last Thursday, that's the 9th of  
June, before you were spoken to by the police - - -

A Yeah.

Q 564 - - - that you were seen in Kempsey in Smith Street  
between around 10.30 and 11.30 am by the police. Do  
you understand that?

A What for?

Q 565 Well, I'll - I'll just explain it again?

A Yeah.

The tape's going to eject - - -

TAPE RECORDING CEASED

TAPE RECORDING RESUMED

DETECTIVE SERGEANT KNIGHT

Q 566 The time is now 6.44 pm, Wednesday the 15th of June, Kempsey Police Station. The - this interview is again resumed. NP128, do you agree that a short time ago the audio and video tapes in this machine ejected?

A Yes.

Q 567 And that I've since replaced those with new tapes and recommencing the interview?

A Yes. Yep.

Q 568 As I started to ask you before - well, I'll re-explain the question again. I understand that at about 10.30, between 10.30 and 11.30 am last Thursday, the 9th of June, you were in Smith Street in Kempsey.

A Smith Street. Where's that?

Q 569 Is that - Smith Street? I don't know where Smith Street is, I'm sorry, I'm not conversant with the area. But in Smith Street in Kempsey. Did - do you agree with that or not, or is there any - - -?

A Yes.

Q 570 Okay. Now I understand that a number of police saw you at that time. Do you understand that?

A Yes.

- Q 571 I understand at that stage you were wearing baggy shorts, a light coloured shirt and a dark blue baseball cap.
- A What? In Kempsey?
- Q 572 Yeah. Is there anything you want to say to that?
- A No, no. Honestly I - can you say 'no' to the first question?
- Q 573 Well?
- A I don't - I don't wear hats, mate.
- Q 574 Well, I'll just start again.
- A Yeah.
- Q 575 I have been told that you were seen in Smith Street in Kempsey.
- A Yeah.
- Q 576 On two occasions, by different police.
- A Yeah.
- Q 577 Between about 10.30 am and 11.30 am on Thursday last, the 9th of June.
- A No.
- Q 578 Is there anything you want to say to that?
- A Yeah. I wasn't there. It - it wasn't me.
- Q 579 It wasn't you. Okay?
- A Yep.
- Q 580 Can you tell me where you were about that time?
- A At home in bed. I've got evidence.
- Q 581 Okay. Do you own a pair of baggy shorts?
- A No.
- Q 582 Long baggy shorts?
- A No.
- Q 583 Do you own a light coloured shirt?

A Oh, yeah, I could probably have a light coloured shirt at home, yeah.

Q 584 Right. Do you own a baseball cap?

A No. I haven't - I've never worn one of them since - they don't suit me. I don't wear them.

Q 585 Okay. Did you ever see, incidentally, [1327] wearing a baseball cap?

A No. Carry on.

Q 586 When - when it is possible to do so I'd like you, if you would - if you agree to - to have a look at a number of videos and photographs of persons to see if there's anyone that you can identify as being those persons that you indicated assaulted Mr Dye.

A Yes.

Q 587 Are you willing to do that?

A Yes.

Q 588 I will try and arrange that for tomorrow, if it's possible. Are you - that acceptable to you?

A I've got - I've got to go to court. But you know where I live and that.

Q 589 Yeah.

A This thing's come up, you know.

Q 590 After you go to court. Is that any - ?

A Yeah. No, no problem.

Q 591 Are you happy to do it?

A Yep. I'm getting out of Sydney. I'm not going back there.

All right. Detective Milligan, is there anything further you wish to ask?

DETECTIVE 1ST CLASS MILLIGAN

No, I have no questions at this time. Thank you.

DETECTIVE SERGEANT KNIGHT

All right.

Q 592 [1327], is there anything further you wish to say about the matter?

A No.

Q 593 Do you wish to make a handwritten statement about the matter?

A No.

Q 594 And have the answers you have given as recorded in this interview been given of your own free will?

A Yes.

Q 595 Has any threat, promise or inducement been held out to you to give the answers as you've given - - -

A No.

Q 595 - - - in the interview?

A No.

Q 596 The interview between you and I is now concluded. A senior officer will now come and speak to you in relation to the interview.

A Yep.

Q 597 The time is now 6.48 pm.

A Yep.

Q 598 The interview will be suspended while I get the senior officer. Do you understand?

A Yes.

Q 599 Okay.

A Um.

Q 600 You can just be - the interview will be suspended, please, [1327], while I get the senior officer. Okay?

A Yeah, all right.

Will you - - -

DETECTIVE 1ST CLASS MILLIGAN

Yes, certainly.

SUSPECT

I'll see youse tomorrow afternoon.

DETECTIVE SERGEANT KNIGHT

Now just, if you would, I'm just going - the interview's suspended at this stage and I'd appreciate it if - I want no conversation until the officer comes in, okay?

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE 1ST CLASS MILLIGAN

Detective Milligan and Detective Sergeant Patterson re-enter the interview room. [1327], this is Detective Sergeant Patterson.

DETECTIVE SERGEANT PATTERSON

Rightio.

Q 601 [1327], I'm Detective Sergeant Patterson. Is your full name [1327]?

A Yes.

Q 602 Have you made this electronic interview of your own free will?

A Yes.

Q 603 Has any threat, promise or inducement been held out to you to give your answers as have been recorded here today?

A No.

Q 604 Have you any complaints to make about the manner in which you've been interviewed here today?

A No.

Q 605 The time is now 6.50 - sorry, 6.48. This interview is now concluded.

A All right. I've got five tapes now.

TAPE RECORDING CEASED