CREWE HOMICIDE INVESTIGATION REVIEW

Released 7 July 2014

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Executive Summary

David Harvey CREWE, known as 'Harvey', and Jeannette Lenore CREWE (the 'CREWES') were married in Auckland on 18 June 1966 and moved on to a 340 acre farm located at [redacted] Highway 22, Pukekawa, approximately 70 kilometres south of Auckland. The CREWES' only child, Rochelle Janeane, was born on [redacted]

While residing on the Pukekawa property, prior to their murders in June 1970, the CREWES were the victim of a burglary on 29 July 1967, a house fire on 7 December 1968 and a hay barn fire on 28 May 1969. The burglary was reported to police, but neither the offender/s, nor the stolen property (personal items belonging to Jeannette) were located. It does not appear that the fires were reported to police.

There were varying opinions by a fire officer and an insurance adjuster as to the cause of the house fire, although neither thought this was the result of arson. The CREWES, however, were said to have believed that this fire had been deliberately lit.

The cause of the hay barn fire was unknown, but was attributed by the insurance assessor to be spontaneous combustion. However, the CREWES were said to have believed that this fire had also been deliberately lit.

Information obtained from the CREWES' family and friends indicates that after the burglary Jeannette was afraid to be in the house alone. Jeannette allegedly told a friend, Beverley BATKIN, that she felt as though someone was watching them. Harvey was said to have been worried about the burglary and fires, and questioned who would do such things to them.

The CREWES were allegedly last seen alive by BATKIN between 3.30pm and 4.30pm on Wednesday 17 June 1970, driving through Tuakau towards Pukekawa. Prior to this, between about 12.30pm and 2.30pm, Harvey, Jeannette and Rochelle had been seen by several people at a stock clearance sale at John LOCKHART's farm at Puketutu Road, Bombay. At about 5.10pm that day, Glen Murray resident Alexander IRVINE reported seeing the CREWES' unoccupied car parked on Highway 22, approximately two kilometres south of the CREWES' house. It was presumed that at this time Harvey was moving sheep in a nearby paddock.

From what is known of Harvey and Jeannette's movements and activities in the days preceding their murders, there is no obvious event which may have been the catalyst for their murders. However, it is acknowledged that due to the private disposition of the couple, there may have indeed been an incident or occurrence relating to the eventual act of murder of which the original homicide investigation team and the Review Team are unaware.

Jeannette's father, Lenard DEMLER who lived on an adjoining farm, went to the CREWES' house at about 1.00pm on Monday, 22 June 1970, after he had been contacted by two people that day (stock agent Joseph MOORE at about 6.55am and transport foreman Ronald WRIGHT at about 1.00pm) who had been trying to contact Harvey. DEMLER entered the house and discovered blood stains throughout the lounge and kitchen, 18-month-old Rochelle abandoned in her cot, and no sign of Harvey or Jeannette.

It was quickly established that Harvey and Jeannette had been murdered. This was confirmed after Jeannette and Harvey's bodies were located in the Waikato River, on 16 August and 16 September 1970 respectively. Five months after the discovery of the crime scene, Arthur THOMAS, a Pukekawa farmer, was charged with the CREWES' murders.

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A deposition hearing took place at the Otahuhu Magistrates Court from 14 to 22 December 1970. A prime facie case was established and THOMAS was committed to trial.

From 15 February 1971 to 2 March 1971 the first trial was held at the Auckland Supreme Court. THOMAS was found guilty and was sentenced to life imprisonment.

As a result of a successful appeal, THOMAS was granted a new trial which was held at the Auckland Supreme Court from 26 March 1973 to 16 April 1973. THOMAS was again found guilty and was sentenced to life imprisonment.

THOMAS later, in 1979, received a free pardon and a Royal Commission of Inquiry (RCOI) into his convictions for the murders was held.

The Crown case, put before the juries at both trials, asserted that the CREWES had been murdered in their home on the evening of Wednesday 17 June 1970. The police officer-in-charge of the homicide investigation, Detective Inspector Bruce HUTTON, was of the opinion that the murders had occurred after about 11.00pm on 17 June. However, an analysis of all available information indicates that the CREWES' time of death was almost certainly between 7.00pm and 9.30pm on 17 June.

There was no physical evidence detected at the crime scene, i.e. blood, fingerprints or other items, which was linked to a suspect/s. A number of fingerprints (15) were lifted from within the CREWES' house which did not belong to Harvey or Jeannette and were unable to be identified. Examination of these fingerprint lifts (in 1970) did not identify them as THOMAS' (or Lenard DEMLER's). Numerous stains which were almost certainly blood could not be confirmed as such, or typed, due to the condition of the stains. The Review Team has been unable to locate the unidentified fingerprint lifts and the samples of blood stains noted above no longer exist. Therefore, these matters cannot be advanced any further.

The offender/s attempted to clean up blood at the crime scene after the murders. This is evidenced by blood stains (including Police Exhibits 8 and 9) on the carpet in the lounge having the appearance of being rubbed over, two saucepans (Police Exhibits 34 and 120) containing water and diluted blood left on the kitchen bench, and drops of diluted blood (Police Exhibits 15-28) on the kitchen floor, cupboards and tap.

Blood-stained items from within the house had been burnt in the lounge fireplace. These items were a cushion believed to be from the chair (Police Exhibit 114) in which Harvey was sitting when he was murdered, and a piece of carpet from the floor in front of the hearth. It is also likely that a cloth or similar item used in the attempt to clean up blood stains was disposed of in this manner.

The presence of two saucepans in the kitchen suggests that there may have been two people involved in the attempted clean up. Each saucepan contained a single blood type, indicating that one saucepan of water had been used in an attempt to clean up blood stains left by Harvey's body, while the other saucepan of water was used to clean up blood stains left by Jeannette's body. This activity appears to have been abandoned fairly quickly.

When the crime scene was discovered on Monday 22 June, Rochelle had been without her parents for almost five days. However, three separate witnesses (Pukekawa residents, Bruce RODDICK, Maurice McCONACHIE and Queenie McCONACHIE) told police that they had seen someone on the CREWES' property between the time the murders almost certainly occurred and when the crime scene was discovered.

Bruce RODDICK told police that he had seen a woman and a vehicle in the front paddock of the property just after 9.00am on Friday 19 June 1970. Queenie McCONACHIE reported seeing a small

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child and a vehicle (but no one else) in the same paddock at about 1.40pm on Saturday 20 June 1970.

In the initial stages of the investigation it was confirmed by RODDICK's employer, Ronald CHITTY, that RODDICK had been in the position from where he said he saw the woman on the date and time he claimed. However, it is not possible to confirm that RODDICK's recollection of seeing the woman at the property on this particular day over any other was accurate.

Various people have attempted to obtain a positive identification by RODDICK of the woman he allegedly saw that day. Although claims have been made by members of the public that RODDICK had positively identified 'the woman', RODDICK disagreed, always maintaining that he had never gone any further than saying that any woman was 'similar' in appearance to the woman he saw that day.

Over the years, RODDICK stated that he was 'quite certain' the woman he saw was not Arthur THOMAS' wife, Vivien THOMAS. He said Lenard DEMLER's second wife (married from 1972 onwards), Norma DEMLER, was 'definitely not' the woman, and never went further than stating that Jeannette's sister, Heather SOUTER (who resided in the United States of America (USA) in 1970), was 'similar' in appearance to the woman he had seen on the CREWES' property that day.

Despite public appeals by police, no one has ever come forward claiming that they were the woman allegedly seen by RODDICK on the CREWES' property on Friday 19 June 1970. Furthermore, no credible evidence has been received by police which identifies that woman. If there was indeed a woman on the property that day, her identity remains unknown.

The description of the child allegedly seen by Queenie McCONACHIE on Saturday 20 June 1970 resembled Rochelle. Descriptions of the clothing the child had been wearing matched items that were available for Rochelle to be dressed in. However, the clothing the child was seen by McCONACHIE to be wearing did not match the clothes in which Rochelle was found on Monday 22 June 1970. There is no information to indicate that a child, other than Rochelle, had been present at the property on this or any other day between the murders and the crime scene being discovered.

Although McCONACHIE did not see anyone else at the property on 20 June, had the sighting of the child in fact been accurate, it would have required the presence of someone else at the house. Rochelle would have to have been removed from her cot and, in order for her to be seen wearing the clothing described by McCONACHIE, it is likely that Rochelle's clothing would have had to have been changed. The front or back door must have been opened for Rochelle to get outside, and this would have been shut once Rochelle was back inside. Rochelle's clothing would have then had to be changed again, for her to be found wearing pyjamas on Monday 22 June, and Rochelle would have had to have been lifted back into her cot.

RODDICK's alleged sighting of a woman at the CREWES' property, and McCONACHIE's alleged sighting of a child of a similar description to Rochelle, suggested that someone had been to the house to care for Rochelle after her parents had been murdered.

No evidence was found within the crime scene to indicate that Rochelle had been fed during the time she was in the house without her parents. The original homicide investigation team consulted four Doctors (Doctor Thomas FOX, Children's Physician to the Auckland Hospital Board, Doctor Samuel LUDBROOK, of the Crippled Children's Society, Doctor Ronald CAUGHEY, Consulting Children's Physician, and Professor Robert ELLIOTT, Professor of Paediatrics at the University of Auckland), who were asked to provide an opinion as to whether Rochelle had been fed during this

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time. All four agreed that it was possible Rochelle could have survived for this period of time without sustenance. However, the Doctors' final conclusions conflicted. Doctor FOX and Professor ELLIOTT opined that Rochelle had consumed food or fluid after the time Harvey and Jeannette were almost certainly killed, whereas Doctors CAUGHEY and LUDBROOK contended that she had not.

In 2012, the Review Team acquired the services of Professor Carole JENNY, Professor of Paediatrics at the Warren Alpert Medical School of Brown University, USA. She was asked to examine and evaluate the information relating to Rochelle's condition when she was found, and provide an opinion as to her consumption of food and/or fluid during this time. Professor JENNY stated that it was possible Rochelle survived without any sustenance. However, in her opinion (based on witness reports of Rochelle's condition when she was found and the condition of her nappy and bedding), Professor JENNY was 'certain' Rochelle had in fact consumed food/fluid during this period.

It is certain that Rochelle would not have been able to eat or drink during this period without someone being present at the crime scene to enable this. However, the sighting of a child in the front paddock of the CREWES' property, and the person who would have had to have also been present to facilitate this, are difficult to reconcile with what can be established from the crime scene and expected behaviour of a person/s involved with the murders. It is considered inherently unlikely that someone would return to the crime scene and make no apparent attempt to conceal their presence or identity. Furthermore, it is noted that Rochelle’s condition would have had to have deteriorated considerably in the almost 48 hour period between the time Queenie McCONACHIE allegedly saw the child running in the front paddock and the time Rochelle was found in her cot on Monday 22 June 1970.

Four dirty nappies located within the house added to speculation that Rochelle was cared for by someone after her parents' deaths. One nappy was found in Rochelle's cot, two were on top of the refrigerator in the washhouse, and one was on the lid of the washing machine in the washhouse. Nappies were found in these locations despite the presence of a bucket containing a solution of NapiSan on the floor of the washhouse, presumably prepared to soak dirty nappies. However, information received from John GRACIE, a stock agent who had visited the CREWES' house a number of times, indicated that it was possible the presence of dirty nappies in the house was commonplace and not indicative of someone, other than her parents, changing Rochelle's nappy.

Local residents of Pukekawa, and neighbouring districts, provided information to police about sightings of a number of vehicles at or near the CREWES' property between the time of the murders and the crime scene being discovered. While some of these sightings were satisfactorily explained and accounted for, others were not, specifically:

(i) Tyre marks noted by Frederick HOSKING at the CREWES' property on either Wednesday 17 June or Thursday 18 June.

(ii) A car described by Bruce RODDICK as the CREWES' vehicle, seen in their front paddock between 8.10am and 9.10am on Friday 19 June.

(iii) A dark green Hillman, Escort or Viva car seen by Gordon TONGA, stopped in the CREWES' driveway at about 7.30pm on Friday 19 June.

(iv) A green 1964 Chrysler Valiant noted by Tutu HOETA parked in the CREWES' driveway at about 7.00am on Saturday 20 June.

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(v) A car described by Queenie McCONACHIE as the CREWES' vehicle, seen in their front paddock at about 1.40pm on Saturday 20 June.

(vi) A car described by Keith BROWN as the CREWES' vehicle, seen in their front paddock at about 8.30am on Sunday 21 June.

(vii) A grey Mini or Austin van seen by Milton and Margaret HUNTER, parked in a lay-by just south of the CREWES' property at about 1.30pm on Sunday 21 June.

Bruce RODDICK, Queenie McCONACHIE and Keith BROWN's sightings of the 'CREWES' vehicle' on their property is inconsistent with the location of this vehicle (a green 1969 Hillman Hunter) when the crime scene was discovered. At this time the CREWES' car was found parked in the single garage by the road-side, located in the front paddock of their property.

The positioning of curtains/blinds and lights on in the CREWES' house, between the time of the murders and the crime scene being discovered, were investigated to establish if there had been a change to these. If curtains/blinds had been opened or closed, or lights turned on or off, this could indicate whether or not the offender/s may have returned to the crime scene after the murders. However, based on an analysis of available information, it is likely that the positioning of the curtains/blinds and lights within the house had not changed during this period.

Media reporting (between 1978 and 2012) has alleged that police had received a report that a fire was lit, and smoke was seen to be coming from the chimney of the CREWES' fireplace, at about 7.30pm on Friday 19 June 1970. It has been asserted that at this time the offender/s had possibly returned to the crime scene to clean up, dispose of the bodies, and/or feed Rochelle and change her nappy. Contrary to these assertions, there was not a reported sighting of the CREWES' fire burning at about 7.30pm on 19 June. Instead, an eight-year-old Pukekawa resident, Robert FLEMING, reported seeing what he thought was a fire beside the CREWES' wool shed (in a paddock adjoining the house section). No evidence of such a fire was identified by police or Robert's father, David FLEMING, who assisted police in the search of the CREWES' property. David stated that he believed his son was mistaken, and thought that Robert had actually seen lights from Te Kauwhata in the distance.

On 16 August 1970, two white-baiters (Joseph ADAMS and John GERBOWITZ) located Jeannette's body floating in the Waikato River, approximately 9.7 kilometres west (downstream) of the Tuakau Bridge. Jeannette's body was fully clothed and wrapped in a blanket (Police Exhibit 245) and a 'cotton cover' (Police Exhibit 246). These items had been secured to the body with copper wire (Police Exhibit 237). At least one of these items, Police Exhibit 246, had been taken from the CREWES' house by the offender/s.

A post mortem examination conducted by Pathologist, Doctor Francis CAIRNS, identified that Jeannette had likely sustained a blow to the face with a blunt instrument - possibly the butt of a firearm - before she was killed by a single .22 bullet (fragments of which made up Police Exhibits 234 and 257) to the head. This shot had been fired at close range. As a result of evidence at the crime scene and his examination of Jeannette's body, Doctor CAIRNS theorised that the blow to her face could have knocked Jeannette to the ground, and it was while lying on the ground that she was shot.

Doctor Donald NELSON, Government Analyst, Chemistry Division, Department of Scientific and Industrial Research (DSIR), examined the largest portion of the bullet from Jeannette's head (Police Exhibit 234), and identified that the weapon which fired this bullet had six fairly broad lands with a right hand twist.

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When Jeannette's cause of death was identified, police initiated a collection of .22 firearms. Firearms were seized from relatives and friends of Harvey and Jeannette, residents of Pukekawa within a five mile (approximately eight kilometres) radius of the CREWES' property, and others who had come to the attention of the investigation. In total, between 16 August 1970 and 14 October 1970, 64 firearms were collected and tested.

Two months after the murders, on 20 August 1970, a near neighbour of the CREWES, Julienne PRIEST, known as 'Julie', reported to police that she had heard three gun shots one evening, around the date of the murders. However, PRIEST was not positive as to which night this occurred. PRIEST stated that she had not come forward with this information earlier as she did not believe that a firearm was thought to have been the murder weapon. Detective Inspector HUTTON stated that he did not place much reliance on PRIEST's information. This was therefore not factored in to the reconstruction of the murders.

An analysis of information contained within the file has now established that the night PRIEST allegedly heard these shots was likely to have been Wednesday 17 June 1970. This means that the shots allegedly heard by PRIEST could have been those that killed the CREWES. However, there is no evidence that there were three shots, as PRIEST stated she heard, fired at the crime scene. Had PRIEST's assertion of hearing shots around the time of the murders been provided to police earlier in the investigation, this information may have influenced the reconstruction of the time of death.

When it was established that copper wire had been used by the offender/s to wrap Jeannette's body, police collected samples of wire from the CREWES' property and from Lenard DEMLER's property for comparison (DEMLER was the primary suspect for the first four months of the investigation).

Doctor CAIRNS noted that a bend in the copper wire on Jeannette's body possibly indicated that it had been attached to something else. It is almost certain that Jeannette's body had been attached to a weight before being dumped in the Waikato River.

On 18 August 1970, 21 firearms which had been collected by police were test-fired by Doctor NELSON. By 19 August, Doctor NELSON had eliminated all but two of the twenty-one firearms as being the murder weapon. He reported that Police Exhibit 317, a Browning pump-action repeating rifle (owned by Arthur THOMAS), and a Remington pump-action rifle with the Police Reference Number C3B (owned by Pukekawa resident Jack BREWSTER, but at the time in the possession of the EYRE family, also from Pukekawa), could not be excluded as the murder weapon.

Bullets were test-fired from another 43 firearms collected by police. All of these firearms were eliminated by Doctor NELSON as being the murder weapon.

It was not until the RCOI in 1980 that this matter was advanced further. As a result of his examination, Peter PRESCOTT, Principal Scientific Officer, Head of Ballistics Section, Home Office Forensic Science Laboratory, United Kingdom, identified that C3B could definitely not have fired the fatal bullet (Police Exhibit 234), as C3B had only five lands and grooves (whereas the fatal bullet was fired from a weapon which had six lands and grooves). PRESCOTT's finding in relation to C3B was accepted by the DSIR and was not challenged by the defence at the RCOI. The presence of only five lands and grooves in C3B was later confirmed (in 2013) by Sharon FOWLER, Senior Forensic Scientist, National Ballistics Intelligence Service, Greater Manchester Police, United Kingdom.

Examinations of C3B by PRESCOTT (1980), Robert NGAMOKI, officer-in-charge of the Police Armoury (2006), Din COLLINGS, a gunsmith from Collings and Bradey Gunsmiths (2006) and

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FOWLER (2013) determined that the barrel of this firearm had not been replaced at any time, and was therefore the barrel that was in place when the CREWES' were murdered in June 1970 and when the firearm was test-fired by Doctor NELSON in August 1970.

In 1972 a number of ballistic exhibits in the case were examined by George PRICE, Principal Scientific Officer, Head of Ballistics Section, Home Office Forensic Science Laboratory, United Kingdom. PRICE concluded that Arthur THOMAS' rifle (Police Exhibit 317) 'could well have' fired the fatal bullets. Randolph MURRAY, a representative for the defence, also examined the rifle in 1972 and determined that the bullet which killed Jeannette (Police Exhibit 234) displayed rifling characteristics which indicated it could have been fired from Police Exhibit 317.

At the RCOI, PRESCOTT gave evidence of his findings in relation to Police Exhibit 317, which were more conclusive than those presented previously by Doctor NELSON, PRICE and MURRAY. PRESCOTT gave evidence that it was 'highly probable' Police Exhibit 317 was the murder weapon. Furthermore, PRESCOTT told police that he would be very surprised if Police Exhibit 234 had been fired from any other rifle.

In 2012 Sharon FOWLER examined photographs of Police Exhibit 234 and Police Exhibit 289 (the bullet which killed Harvey) and made a comparison of these with bullets test-fired in Police Exhibit 317. However, FOWLER stated that without a physical examination of Police Exhibit 317 is was not possible to conclusively determine if the fatal bullets were fired in this weapon.

Kevan WALSH, Case Manager, Physical Evidence, from the Institute of Environmental Science and Research (ESR), was engaged by the Review Team in 2013 to compare and examine ballistic items of interest. WALSH examined photographs comparing a bullet test-fired from Police Exhibit 317 and Police Exhibit 234, and opined that the correspondence in striae provided ‘strong support’ for the proposition that Police Exhibit 234 had been fired in Police Exhibit 317.

FOWLER was also able to examine test-fired bullets from 62 of the original 64 .22 firearms collected by police in 1970. Of these, she was unable to exclude two firearms from having fired the fatal bullets. Those were Police Exhibit 317 and a rifle with the Police Reference Number F3B – a .22 Browning pump-action rifle owned by Arthur EGLINTON – which she noted had the ‘same class characteristics’ as the fatal bullets.

When WALSH conducted his analysis in 2013, he was asked to examine and compare bullets test-fired in F3B with Police Exhibit 234. WALSH noted that these bullets fired from F3B had the same class characteristics, but he did not observe any significant correspondence of microscopic striae to support the possibility that F3B had fired the fatal bullets. WALSH also came to the same conclusion after an examination of test-fired bullets from Richard THOMAS’ rifle (Police Reference Number P30A).

On 7 September 1970, Arthur THOMAS was interviewed by Detective Sergeant Philip SEAMAN and Detective Bruce PARKES. In an apparent attempt to elicit a confession, Arthur THOMAS was told that his rifle had been identified as that which fired the bullets which killed the CREWES (THOMAS' rifle had not been positively identified as the murder weapon, but was unable to be excluded as such). THOMAS was reported to have appeared 'quite astounded' and offered to undergo the necessary tests to eliminate him from suspicion. Detective PARKES stated that as a result of this interview, he and Detective Sergeant SEAMAN did not believe that THOMAS had been involved in the murders. THOMAS' rifle (Police Exhibit 317) was subsequently returned to his farm by police on 8 September 1970.

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Despite assertions by (retired) Detective Inspector HUTTON (2012) and Pukekawa resident Ross EYRE (2012), that Ross' brother John EYRE (one of those who had access to C3B on Wednesday 17 June 1970) was interviewed by police as to his possible involvement in the murders of the CREWES, there is no documentation on the file which supports this. There is also no documentation on the homicide investigation file which suggests Pukekawa resident Jack BREWSTER (the owner of C3B) was eliminated (or even considered) as a suspect by police.

On 16 September 1970, one month after Jeannette's body was found, Harvey's body was located snagged on a tree in the Waikato River. Constable Gerald WYLLIE and Constable H. MILLER discovered his body approximately three miles (4.8 kilometres) west (downstream) of the Tuakau Bridge. Harvey's body was fully clothed, wrapped in pieces of a ripped blanket (Police Exhibit 295) and bound around the chest and waist with 16 gauge galvanised wire (Police Exhibits 288(1) and 288(2)). A piece of copper wire (Police Exhibit 288(3)) was connected to Police Exhibit 288(1) - which had been wrapped around Harvey's waist.

As police were recovering Harvey's body from the river, Detective Inspector HUTTON said that he reached under the body and felt a weight attached to wire from the body. This wire snapped while attempts were being made to move Harvey's body into a cradle. After his body was removed from the water, Police Diver Constable Paul SPENCE commenced an underwater search and located a metal car axle (Police Exhibit 293) six feet directly below where Harvey's body had been. Marks were visible on the right hand side spring pad where wire had been wound around the axle. Police Exhibit 293 was later (on 19 September 1970) identified as being a front axle from a 1928/1929 Nash Standard 6 vehicle.

A brown bedspread (Police Exhibit 294) was also located, snagged in the same tree in which Harvey's body had been caught. This bedspread was wrapped with 16 gauge galvanised wire (Police Exhibit 297). The shape of the bedspread, and a quantity of hair found inside it, indicated that this had been wrapped around Harvey's head. The bedspread was identified as having been taken from the CREWES' house by the offender/s.

A post mortem examination conducted by Doctor CAIRNS established that, like Jeannette, Harvey had been killed by a single .22 bullet to the head. The bullet entered Harvey's skull behind his left ear, and travelled in a forward and slightly downward direction. As a result of evidence at the crime scene and his examination of Harvey's body, Doctor CAIRNS theorised that Harvey had been shot from the direction of the kitchen door, while seated in the armchair (Police Exhibit 114) facing the fire.

After it had been established that the offender/s used galvanised wire (in addition to the copper wire found on Jeannette's body) to wrap Harvey's body, police collected further samples of wire from properties in the Pukekawa area, including Lenard DEMLER's property.

An analysis of wire samples by Harry TODD, Scientist, Chemistry Division, DSIR, determined that although the copper wire from Jeannette's body (Police Exhibit 237) and the copper wire from Harvey's body (Police Exhibit 288(3)) were 'indistinguishable', none of the copper wire samples collected by police were a match to these copper body wires.

TODD also determined that the three separate galvanised wires from Harvey's body and the bedspread (Police Exhibits 288(1), 288(2) and 297) were all significantly different from one another, i.e. had come from different sources. However, these galvanised wires did not match any samples of galvanised wire that had been collected by police at this time.

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On 11 October 1970, Detective Lenrick JOHNSTON (who had recently joined the investigation team) suggested that Harvey could have been shot by an offender from outside the house. Detective JOHNSTON noted that louvre windows in the CREWES' kitchen were open in crime scene photographs. Subsequently, on 13 October, police carried out a reconstruction at the CREWES' house to test the feasibility of a shot being fired, and hitting a target, from outside the house. It was determined by police and DSIR staff present, that this shot would have been possible - with the offender standing with one foot on a brick wall by the back door and the other foot on the kitchen window's sill.

On 13 October 1970, it was identified that Allan THOMAS, Arthur THOMAS' father, had been the owner of a trailer which was built by Charles SHIRTCLIFFE in about 1956. This trailer was made with a front axle assembly (including the axle and stub axles) of a 1928 Nash car. It was later (on 14 October 1970) established that, while in Allan's possession, alterations were made to the trailer in 1965 by engineer Roderick RASMUSSEN. These alterations included the removal of a number of parts from this trailer, including the axle and stub axles.

Also on 13 October, Detective JOHNSTON collected a number of wire samples from Arthur THOMAS' farm.

On 15 October 1970, Detective JOHNSTON visited Arthur THOMAS' farm (previously occupied by Allan THOMAS) and searched for parts of Allan's old trailer. While at the property, Detective JOHNSTON took possession of two pieces of hardwood, 3x3 and 3x2 (collectively Police Exhibit 395), from a garage on the property. Evidence given by Charles SHIRTCLIFFE established that the piece of 3x3 was almost certainly that which had been on Allan's trailer before being removed by RASMUSSEN in July 1965.

On 20 October 1970, Detective JOHNSTON, accompanied by Detective PARKES, collected further samples of wire from Arthur THOMAS' property. While searching a tip on the farm, two stub axles (Police Exhibits 330 and 331) were located. One of these stub axles, Police Exhibit 330, had only three studs attached, while the other (Police Exhibit 331) had four. On this day, police again took possession of THOMAS' rifle (Police Exhibit 317).

On 21 October 1970, Rory SHANAHAN, Scientist, Chemistry Division, DSIR, examined the axle (Police Exhibit 293) and the stub axles (Police Exhibits 330 and 331). He determined that the stub axles from THOMAS' farm had, at one time, been attached to the axle found with Harvey's body. This was established by examining the points of fracture, and fine markings over the fracture, in welding visible on both the axle and stub axles. Further examinations by Doctor Thomas SPROTT, Scientist working with Arthur THOMAS' defence team (in 1977), Professor Neil MOWBRAY, Engineering Consultant to THOMAS' defence team (in 1980), and Doctor Neville MILLER, Group Leader of the Engineering Materials Group, DSIR (in 1980), agreed with Rory SHANAHAN's findings.

At the RCOI, Allan THOMAS positively identified Police Exhibit 331 as one of the stub axles that had been attached to his trailer prior to its removal by Roderick RASMUSSEN in 1965. Allan was able to identify this stub axle as he had had the studs on this stub axle replaced in 1963 or 1964. However, Allan contended that the other stub axle (Police Exhibit 330) had not been attached to his trailer. Professor MOWBRAY theorised that the two stub axles (Police Exhibits 330 and 331) were not a 'true pair' and, because the origin of welding on the axle and stub axles could not be accounted for, he inferred that the three items (of which Police Exhibits 293 and 330 being from an unknown origin) had been welded together after Police Exhibit 331 was removed from Allan's trailer.

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On 21 October 1970, a search warrant was executed at Arthur THOMAS' property. Detective Constable George WOOD located a split wheel rim and Constable John PANOHO located a solid steel wheel (minus the tyre and split rim), in the tip on the farm. These were collectively labelled Police Exhibit 393. It was later established that Police Exhibit 393 was consistent with the wheels that had been on Allan THOMAS' trailer, prior to their removal by RASMUSSEN in July 1965.

Detective PARKES also located a draw bar coupling (Police Exhibit 434) on the tip on 21 October. A coupling of the same type as Police Exhibit 434 had been attached to Allan THOMAS' trailer prior to its removal by RASMUSSEN in July 1965.

Also on 21 October, Detective Stanley KEITH, who had been searching outbuildings on Arthur THOMAS' property, located a wheel (Police Exhibit 394) behind a garage on the farm. Police Exhibit 394 was unique, in that this wheel had washers welded to the stud holes. RASMUSSEN positively identified Police Exhibit 394 as one of the wheels that he had removed from Allan THOMAS' trailer in July 1965. RASMUSSEN explained that whoever welded the washers to this wheel had not done the job properly, which resulted in one of the stud holes being out of alignment, i.e. the wheel could only be attached to a stub axle by using three studs rather than four. As a result, this wheel could not fit back on to the stub axle. It is noted that one of the stub axles (Police Exhibit 330) located on Arthur THOMAS' farm had only three studs (not four). Police Exhibit 394 fitted on to Police Exhibit 330 and it is likely that the fourth stud from Police Exhibit 330 was removed for this purpose.

RASMUSSEN’s evidence was crucial in linking the axle (Police Exhibit 293) to Allan THOMAS' trailer. It is acknowledged that RASMUSSEN could have been mistaken, or even untruthful, when identifying the axle as such. However, an analysis of RASMUSSEN’s statements suggests that he was genuine in the information he provided to police throughout the investigation.

Three friends, Bruce EYRE, John MARTIN and Trevor SALMONS, asserted that an axle had been removed by EYRE from Allan THOMAS' Mercer Ferry Road farm in 1965. It was claimed that this axle could have been Police Exhibit 293, which had been returned to the property after it was removed from Allan’s trailer by RASMUSSEN in July 1965. While it is possible that an axle was removed from the property by EYRE in 1965, there is no evidence to establish that this was Police Exhibit 293.

On 22 October 1970, police returned to Arthur THOMAS' farm to complete the search of the tip. Detective Sergeant James TOOTILL reported that two vehicle number plates, 'R3-402' and 'R11-052' (collectively Police Exhibit 338), were located. 'R3-402' was another part located on THOMAS' farm which was linked to Allan THOMAS' trailer.

By 22 October 1970, police had been advised by Harry TODD that two separate wires from Harvey's body (Police Exhibits 288(1) and 288(2)) were 'similar to' six separate samples of wire which had been taken from Arthur THOMAS' farm. TODD also reported that the bedspread wire (Police Exhibit 297) was 'possibly similar' to a seventh sample of wire from THOMAS' farm.

TODD later gave evidence at the first and second trials that Police Exhibits 288(1), 288(2) and 297 were all significantly different from one another. He concluded that one piece of galvanised wire from Harvey's body (Police Exhibit 288(1)) was in 'excellent agreement' and was in fact 'indistinguishable' from four separate wire samples obtained from THOMAS' farm (Police Exhibits 320A, 323, 325 and 334 'clean'). This sample from Harvey's body (Police Exhibit 288(1)) was also in 'quite good agreement' with a fifth wire sample from THOMAS' farm (Police Exhibit 328D).

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In addition to this, the second galvanised wire from Harvey's body (Police Exhibit 288(2)) was in agreement with a sixth wire sample from THOMAS' farm (Police Exhibit 324A) to a degree TODD placed between 'excellent' and 'quite good'. The bedspread wire (Police Exhibit 297) was also found to display some agreement with a seventh sample of wire from THOMAS' farm (Police Exhibit 344 'rusty'), but TODD could not be satisfied that the two had originated from the same source.

TODD's findings were disputed by Ian DEVEREUX, Scientist for the defence, at the second trial (in 1973). DEVEREUX stated that his analysis clearly demonstrated that the wire samples from Harvey's body and the wire samples from THOMAS' farm were from different sources.

Professor Emeritus W. FERGUSON from the Department of Engineering at Auckland University, who was engaged by the Review Team in 2012, studied all relevant documentation on the file (the wire exhibits were destroyed in 1973) and supported TODD's findings. Professor FERGUSON concluded that the galvanised wire, Police Exhibit 288(1), from Harvey's body had 'the same composition' and came from the same 'heat' as Police Exhibits 320A, 323, 325, 328D and 334 'clean' which were located on THOMAS' farm. Furthermore, the galvanised wire, Police Exhibit 288(2), from Harvey's body was of 'the same composition' and came from the same 'heat' as Police Exhibit 324A from THOMAS' farm. Professor FERGUSON did not analyse data pertaining to Police Exhibit 297.

On 27 October 1970, Detective Sergeant Michael CHARLES located an empty .22 cartridge case (Police Exhibit 350) in a garden bed on the CREWES' property. This garden bed was located opposite the kitchen window.

On 11 November 1970, THOMAS was arrested and charged with the murders of Harvey and Jeannette.

The case presented to the jury at trial contended that THOMAS left his home on the evening of Wednesday 17 June 1970, taking with him his rifle (Police Exhibit 317), and went to the CREWES' house where he shot Harvey and Jeannette. It was asserted that while at the property the cartridge case (Police Exhibit 350) had been ejected from his rifle. THOMAS was said to have wrapped the bodies in wire taken from his farm and weighted them with items (in Harvey's case an axle, Police Exhibit 293) which was also sourced from his farm.

Arthur THOMAS' wife, Vivien THOMAS, and to a lesser degree his cousin, Peter THOMAS (who was boarding with Arthur and Vivien in June 1970), corroborated Arthur's alibi - that he was in the implement shed on his farm and then in the farmhouse, during the time the CREWES were almost certainly murdered. It is noted that Arthur THOMAS was not asked until October 1970, four months after the murders, to account for his movements on Wednesday 17 June 1970. It was not until October that he was first considered a serious suspect by police.

When discussing the motive for the murders, Crown Prosecutor David MORRIS referred to THOMAS' previous romantic feelings towards Jeannette and his possible jealousy of the CREWES' financial position. THOMAS had admitted to police that while he and Jeannette attended Pukekawa Primary School together (between 1947 and 1952), he had a crush on her. Beverley BATKIN gave evidence that, between 1956 and 1960, Jeannette attended local dances where she was 'pestered' by THOMAS. BATKIN claimed that during these interactions, THOMAS displayed a 'passion' for Jeannette. THOMAS refuted BATKIN's claims, stating that he had never seen Jeannette at a dance, or even attended a dance himself until 1959.

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On 1 February 1960, Jeannette took up a teaching position at Mangatangi School and lived in the teachers' hostel in neighbouring Maramarua. On 8 February, THOMAS began working as a labourer for the Maramarua Forestry Station (where he was employed until October 1960) and rented a hut in the single men's quarters at Mill Village. The Crown contended that it was not a coincidence that THOMAS attained employment at Maramarua, seven days after Jeannette began working there. At the second trial, THOMAS admitted that while at Maramarua the depth of his feelings for Jeannette was more than a 'school boy crush'. THOMAS told police that while in Maramarua he had wanted to court Jeannette, and he had telephoned and visited her in an attempt to develop a relationship. However, THOMAS stated that Jeannette declined his advances.

In January 1961, Jeannette left for England and spent almost two years travelling (mainly Europe and Canada) with friends. After learning that Jeannette had gone overseas, THOMAS visited her parents and obtained her overseas address. THOMAS wrote to Jeannette a number of times and sent her at least one gift. Jeannette is known to have replied to at least some of these letters.

After Jeannette returned to New Zealand (in November 1962), THOMAS visited her at her parents' home and presented her with a gift - a brush, comb and mirror set (Police Exhibit 347). THOMAS told police that at this time Jeannette told him that she already had a boyfriend and did not wish for THOMAS to call on her. THOMAS stated that he believed (in 1970) the boyfriend Jeannette referred to was Harvey. THOMAS stated that after this interaction between him and Jeannette, he did not visit her again.

After working as a relief teacher at Maramarua District High School (from February 1963 to mid April 1963), and at Papakura Intermediate (from 17 April 1963 to late May 1963), Jeannette took up a position teaching at Whangaehu School, Wanganui. At the second trial, Lenard DEMLER gave evidence that Jeannette had moved to Wanganui to get away from THOMAS. However, it is clear that THOMAS was not the primary reason (if at all) for Jeannette's move to Wanganui.

A friend of THOMAS', Charles LIDDELL, stated that he had visited a fortune teller with THOMAS in 1963 or early 1964. LIDDELL claimed the intention of this visit was for THOMAS to enquire about his future with Jeannette.

In January 1964, THOMAS met his wife to be, Vivien, and the couple were married on 5 November 1964. On 1 June 1966, Arthur and Vivien THOMAS entered in to a contract to lease Arthur's father's farm at Mercer Ferry Road, Pukekawa.

On 18 June 1966, Harvey and Jeannette were married and moved on to the farm at Highway 22, Pukekawa, which they jointly owned.

Arthur THOMAS stated that during the four years the CREWES and the THOMASES lived in the Pukekawa district, he would see Jeannette on occasion in the street in Pukekohe and/or Tuakau, but they had only spoken once.

There is no evidence which demonstrates THOMAS maintained an infatuation with Jeannette up to and including 1970. There does, however, remain the possibility that THOMAS and Jeannette had some additional interaction with one another that is unknown to police.

The Crown case contended that the burglary and two fires experienced by the CREWES since they moved to Pukekawa may have been committed by THOMAS, due to envy or jealousy towards the CREWES. There is little information available about these occurrences, which makes an assessment of their potential association difficult. This was one aspect of the case that David SCOTT, Criminal Profiling Unit, New Zealand Police, looked at when his expertise was sought by the Review Team in 2012. SCOTT acknowledged the possibility that the fires were not deliberate malicious events,

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but assessed that these occurrences were arson. He opined that the burglary, house fire and hay barn fire were committed by the same offender, who ultimately killed the CREWES.

In 1978, Prime Minister Robert MULDOON appointed Robert ADAMS-SMITH QC to conduct an enquiry in to the CREWES' murders. ADAMS-SMITH QC's first report (submitted on 16 January 1979) investigated Bruce RODDICK's sighting of the woman on the CREWES' property on Friday 19 June 1970, and the assertion that author David YALLOP knew the identity of this woman. ADAMS-SMITH QC concluded that RODDICK was unable to identify the woman he allegedly saw that day, and said that YALLOP had no proper basis for claiming that he knew the identity of the woman. As a result of his enquiries, ADAMS-SMITH QC questioned the Crown's assertion that the murders were committed on the evening of Wednesday 17 June 1970.

As a result, the Prime Minister directed that further enquiries should be made in to the matter. ADAMS-SMITH QC's second report (submitted on 17 December 1979) stated that although his enquiries did not establish that THOMAS was innocent of the murders, he concluded that the contention the murders were committed late at night was a serious flaw in the Crown's case. ADAMS-SMITH QC acknowledged that he had not investigated all aspects of the murders, but stated that he had real doubt as to whether the case against THOMAS was proved 'beyond all reasonable doubt'.

ADAMS-SMITH QC's second report also addressed the identity of the woman allegedly seen by RODDICK on 19 June 1970. ADAMS-SMITH QC concluded that there was no basis to suspect that Norma DEMLER was involved in the murders, as she was not associated with the Pukekawa district in June 1970. However, he had been unable to come to a satisfactory conclusion regarding the possible involvement of Heather SOUTER (Jeannette's sister), due to documentary evidence from overseas agencies being unavailable.

As a direct result of ADAMS-SMITH QC's second report, and against the recommendation of Solicitor-General Richard SAVAGE, Governor-General Keith HOLYOAKE granted THOMAS a free pardon on 17 December 1979.

In 1980, the RCOI, which had been set up to enquire into the circumstances of the convictions of THOMAS for the murders, found that evidence had been fabricated by police. Specifically, that Police Exhibit 350 had been planted in the CREWES' garden by Detective Inspector HUTTON and Detective JOHNSTON to implicate THOMAS in the murders.

Allegations have been made about the CREWES' murders by various authors, a documentary producer, and members of the THOMAS family. These allegations claim that the axle (Police Exhibit 293) and/or stub axles (Police Exhibits 330 and 331) were 'planted' by police in order to fabricate evidence against Arthur THOMAS. There is no evidence to support such assertions.

Allegations have also been made by members of the public that Police Exhibit 293 was a different axle to that which police produced at the trials - which was purported to be the axle located with Harvey's body. Again, there is no credible evidence to support such assertions.

Allegations that THOMAS admitted complicity in the CREWES' murders, made by fellow prison inmates and Detective KEITH, cannot be adequately corroborated.

As the main suspect for the murders during the initial four months of the investigation, Lenard DEMLER was questioned by police on a number of occasions about his whereabouts and activities on the evening of Wednesday 17 June 1970. DEMLER's alibi, that he was at home alone, was unable to be corroborated.

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Deposition hearing evidence given by DEMLER, that he had been to the CREWES' property on the day of the murders (Wednesday 17 June 1970), conflicts with his other statements and evidence given. This was likely to have been an error by DEMLER or Crown Prosecutor David MORRIS who was putting the question to DEMLER. There is no evidence that DEMLER had been to the CREWES' property between Wednesday 17 June 1970 and at about 1.00pm on Monday 22 June 1970, when the CREWES' were found to be missing.

There is no information to indicate that DEMLER had access to, or could have obtained access to, the three key pieces of physical evidence which the offender/s must have had access to in order to carry out the murders and the disposal of the bodies. These three key pieces of physical evidence were: (i) a .22 rifle with six lands and grooves and a right hand twist - it is 'highly probable' that Arthur THOMAS' rifle (Police Exhibit 317) was the murder weapon, (ii) the axle (Police Exhibit 293) - which was removed from Allan THOMAS' trailer by Roderick RASMUSSEN in 1965, and (iii) 16 gauge galvanised wire - identical to that which was found in various locations on Arthur THOMAS' farm.

John EYRE (nominated by THOMAS' supporters as a suspect for the murders) was said to have been at home on the evening the CREWES were murdered, although it does not appear that EYRE's whereabouts that evening were fully investigated. Having said this, there is no information which suggests that EYRE had access to, or could have obtained access to, the physical evidence noted above.

The specific location of THOMAS' rifle (Police Exhibit 317) on Wednesday 17 June 1970 is unknown as this item was said to have been kept in various locations on the property. There are potentially a number of people (including THOMAS) who could have gained access to this firearm.

The handling of the crime scene in 1970 by attending police officers was unsatisfactory and resulted in scene contamination. The most significant example of this was a piece of material within the crime scene that was allegedly accidentally burnt and completely destroyed by a police officer's discarded cigarette butt. It is possible this material, found alongside a wheelbarrow (Police Exhibit 30) which was likely used to move one or both of the CREWES' bodies, may have had some connection to the murders.

Other examples of crime scene contamination include: a report of police officers eating and discarding unwanted food within the exterior crime scene, a police officer's notebook present on the dining table with other exhibits in crime scene photographs, lounge furniture moved before plans of the crime scene were drawn, photographs of the crime scene depicting items (documents and an extension cord) in varying locations, and a toy carrot within the house used to act as a pointer to an item of interest.

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Disclaimer

The interpretations and conclusions drawn in this report are made on the balance of probability on information available at the time of preparation. The information contained herein is not evidence and is intended to provide a basis for further investigation only.

The author does not possess specialist knowledge of the technical and scientific topics addressed within this document and, therefore, does not offer an assessment of the findings by experts. Instead, an analysis has been undertaken of all available information, including expert reports, in an attempt to provide a concise understanding of the totality of the situation and, where appropriate, comment has been made.

Throughout this document some information is displayed in shaded sections. Information that is not shaded consists of key information pertaining to the topic area. Shaded information consists of supporting/negating information, commentary or analysis on the topic/s discussed in the non-shaded information directly above.

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[redacted]

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Introduction

1. In August 2010, Rochelle Janeane CREWE (DOB [redacted]) wrote to Detective Inspector Mark GUTRY of the Counties Manukau Police asking, among other things,[i] what further investigations had been made by police in to the 1970 murder of her parents, David Harvey CREWE (DOB 20 October 1941), known as 'Harvey', and Jeannette Lenore CREWE (nee DEMLER, DOB 6 February 1940) (the 'CREWES').[1] In October 2010, after further contact with police, Rochelle made an official request to (then) Police Commissioner Howard BROAD for the re-opening of the investigation in to the murders.[2]

2. As a result, Detective Superintendent Andrew LOVELOCK was tasked with reviewing and assessing the evidence gathered during the 1970 CREWE homicide investigation.[3]

3. This intelligence product has been completed at the request of Detective Superintendent LOVELOCK to inform him of the situation in relation to key topic areas of the CREWE murders. This will in turn assist in the production of the final review document.

4. This intelligence product contains information gleaned from a number of sources. These include:

   - New Zealand Police homicide investigation file, 1970
   - Deposition hearing documents and transcripts, 1970
   - Supreme Court Trial, 1971
   - Supreme Court Trial, 1973
   - Various appeals, petitions and other related enquiries
   - Royal Commission of Inquiry (RCOI) hearing transcripts, correspondence and final report, 1980
   - Department of Scientific and Industrial Research (DSIR) files, 1970-1980
   - Ministry of Justice documents, held at New Zealand Archives
   - Department of the Prime Minister's Office documents
   - New Zealand Police enquiries subsequent to the original investigation
   - Various books, articles and documentaries
   - Dossiers compiled by members of the public and other interested parties
   - Enquiries and reports commissioned by the CREWE Homicide Investigation Review Team.

5. The following analysis is based upon all information available to the CREWE Homicide Investigation Review Team (the 'Review Team'). However, the quality of the information is largely reliant upon lines of enquiry followed, and information recorded, by the original homicide investigation team in 1970. This collection of information is limited by the theories

[i] Rochelle CREWE also enquired as to whether information provided to her by [redacted] regarding [redacted] had been brought to the attention of Police, and if so what had been done about this or the reasoning behind no action being taken. Rochelle also asked what items belonging to her parents were still in the possession of police and if any of these items could be returned to her.

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and practices pursued at that time.

6. Statements obtained by police from witnesses and suspects during the 1970 investigation are noted to be in police narrative. A report by [redacted], Criminal Profiling Unit, New Zealand Police, noted that *"this statement style involved leading questioning and the recording process omitted much detail. Consequently accuracy and detail is considered to be much lower than the modern recorded cognitive interview."*[4] It is therefore difficult to establish what may have been the subject's own words, rather than those chosen by the police officer recording the statement or conversation.

7. Furthermore, in 1970 police officers completed their own typing and because of this it was commonplace for documents to be as brief as possible. It is apparent that this had an effect on the content of Police Jobsheets and statements which often lacked detail.

8. New information which has been provided to police as a result of the undertaking of the review is also fallible, as it consists of accounts from people who are recalling events from many years previous. In some cases these assertions have been affected by the 'misinformation effect'. SCOTT explained this as *"…where the original memory of an event is impaired by related, but misleading, information…"*[5] Furthermore, he stated that eyewitness accuracy is known to decline with age and with the passage of time.[6]

9. It has become apparent that all enquiries conducted by New Zealand Police ('police') during the course of its investigation in 1970 may not be included in the material held by the Review Team. Some information which is alleged to have been given to, or collected by, police during the original investigation cannot be located. Unless this information has subsequently been relayed to police again it is not now known.

10. Numerous intelligence gaps have been identified by the Review Team. Examples of these unanswered questions which apply to information contained within this document are listed in appendix 2. As 44 years have now passed since the murders, many of these gaps are not able to be filled.

11. Transcripts from various judicial hearings provided a fundamental base for much of the analysis that has been undertaken in this document. It is, however, acknowledged that transcripts of this nature, from the 1970s and 1980, are not infallible. Readers should note that excerpts of such evidence given are from the typed transcripts, even if it appears that the transcripts are not a verbatim record of the witness' evidence. For example, the deposition hearing transcript is not the verbatim evidence given by the witness, but a version of the question and answer written in first person narrative. In instances where extracts from the deposition hearing have been included in this document, this is the content of the transcript, rather than what the witness may have actually said. Other court transcripts, while in question and answer format, are not infallible and are noted to have inaccuracies (likely to be as a result of typing errors) and are sometimes missing responses to questions.

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Background

The murders

12. Harvey and Jeannette CREWE were murdered in their home, at [redacted] Highway 22, Pukekawa[ii] (about 70 kilometres south of Auckland), almost certainly on the evening of Wednesday 17 June 1970 *(see paragraph 842)*.

13. Harvey was shot in the head with a .22 firearm. It is almost certain this occurred while he was sitting in an arm chair near the fireplace in the lounge. Jeannette sustained a significant blow to the face and was also shot in the head with a .22 firearm. It is likely this occurred while she was on the lounge floor in front of the fireplace.

14. The CREWES' bodies were wrapped in materials obtained from within their home and secured with wire. A weight was attached to Harvey's body and it is likely that Jeannette's body was similarly weighted. Both bodies were disposed of in the Waikato River.

15. The crime scene was discovered on Monday 22 June 1970, four-and-a-half days after the murders are believed to have occurred. The couple's 18-month-old daughter, Rochelle, was discovered alone in the house on 22 June.

16. Witness sightings placed an unidentified woman at the CREWES' property on the morning of Friday 19 June 1970, and a small child on the property outside the home on the afternoon of Saturday 20 June 1970. These sightings have fuelled speculation for 44 years that this 'unknown woman' may have cared for Rochelle while she was alone in the house.

17. Jeannette's body was located in the Waikato River on 16 August 1970. Harvey's body was similarly discovered one month later, on 16 September 1970.

18. The initial suspect for the murders was Jeannette's father, Lenard William DEMLER (DOB [redacted] now deceased).[iii] However, on 11 November 1970, Arthur Allan THOMAS (DOB [redacted]) was arrested and charged with the murders. THOMAS was tried and found guilty on both counts of murder in the Auckland Supreme Court (later known as the High Court) in 1971. He was sentenced to life imprisonment. Following a successful appeal against his conviction, THOMAS was again tried and found guilty on both counts of murder in 1973. He was again sentenced to life imprisonment.

19. THOMAS' convictions sparked a public campaign which captured headlines and public attention to a degree not previously seen in New Zealand. After a further unsuccessful appeal, public pressure resulted in the Prime Minister, the Right Honourable Robert MULDOON, commissioning an independent enquiry into the convictions in 1978. THOMAS was subsequently granted a free pardon on 17 December 1979 by Governor-General Keith HOLYOAKE. A subsequent Royal Commission of Inquiry (RCOI) in 1980 investigated the circumstances of the convictions. The RCOI resulted in THOMAS being awarded a compensation payment of $1,087,450.35.

[ii] In 1970, the address of this property was simply Highway 22, Pukekawa. The street number has since been added.
[iii] Lenard DEMLER died in November 1992.

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The victims

20. Jeannette was the first child of Lenard and May Constance DEMLER (nee CHENNELLS, DOB unknown, now deceased). Jeannette's sister, Diane Heather SOUTER, known as 'Heather' (nee DEMLER, DOB [redacted]), was born two years later. The family lived on a farm at [redacted] Highway 22, Pukekawa, which adjoined [redacted] Highway 22, then owned by May's brother, Howard Geoffrey CHENNELLS (DOB unknown, now deceased).

21. CHENNELLS died in a farming accident on 21 May 1950. As he was unmarried with no children, he bequeathed his estate to his nieces, Jeannette and Heather. The girls were to inherit the estate upon attaining the age of 25 years. Between 1950 and 1966 the farm was run by a number of managers who lived on the farm. These managers were (Frank Edward Henry BENNETT (DOB unknown), James Gordon HAWKER (DOB [redacted]) and John Raymond HANDCOCK, known as 'Jack', (DOB [redacted]).

22. Harvey was the second child of William David Candy CREWE (DOB unknown, now deceased) and Marie Lal CREWE (nee HARVEY, DOB [redacted], now deceased). His sister Beverly Elizabeth TURNER (nee CREWE, DOB [redacted]) was born one year earlier. The family lived in Pahiatua near Palmerston North.

23. Harvey and Jeannette met in 1963. At this time Harvey was working as a stock agent for Borthwick Limited in Martinborough, and Jeannette was working as a teacher in Wanganui. The pair became engaged in April 1966, and married on 18 June 1966 in Epsom, Auckland.

24. Shortly afterward the couple moved on to the Pukekawa farm previously occupied by Howard CHENNELLS. Harvey purchased Heather's half of the farm for approximately $40,000, meaning the property was thereby owned by him and Jeannette equally.

25. The couple's daughter, Rochelle, was born two years later on [redacted].

Key dates

Date	*Description*	*See Paragraph*
About 20 March 1959	Allan THOMAS purchased a trailer from Gordon WHYTE.	1320
5 November 1964	Arthur and Vivien THOMAS were married in Wellsford.	2846
About 19 July 1965	Allan THOMAS' son, Richard THOMAS, took his trailer to Roderick RASMUSSEN for modifications. A number of parts were removed from the trailer including the axle and stub axles.	1424
About 26 July 1965	About one week after Allan THOMAS' trailer was modified by Roderick RASMUSSEN, Richard THOMAS again took the trailer to RASMUSSEN as it had been overloaded causing the new axle to bend. Repairs were made and the trailer was collected by Richard.	1429
1 June 1966	Arthur THOMAS entered in to a contract for the lease of his father's farm at Mercer Ferry Road, Pukekawa where he and Vivien THOMAS took	2848

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Date	*Description*	*See Paragraph*
	up residence.	
18 June 1966	Harvey and Jeannette were married in Epsom, Auckland and then moved on to their property located at Highway 22, Pukekawa.	23
29 July 1967, evening	The CREWES' house was burgled while Harvey and Jeannette were having dinner at Lenard and May DEMLER's home. Items belonging to Jeannette, including a brush and comb set, were stolen.	2563
[redacted]	Harvey and Jeannette's only child, Rochelle, was born.	25
7 December 1968, evening	After having dinner with Lenard and May DEMLER, Harvey returned to his house to find that it was on fire. Twenty percent of the total house was damaged. At this time Jeannette was in hospital after giving birth to Rochelle.	2578-2579
28 May 1969, approximately 9.00pm	The CREWES' hay barn was discovered to be on fire. The barn and 800 bales of hay were destroyed.	2605
26 February 1970	May DEMLER died of a brain tumor after a long illness.	Nil
15 June 1970, approximately 10.00am	Lenard DEMLER visited Sturrock & Monteith Solicitors, Tuakau, where he met with Colin STURROCK. DEMLER signed a document relating to the death duties incurred by May DEMLER's estate.	50
16 June 1970, 9.45am	Jeannette visited Sturrock & Monteith Solicitors, Tuakau, where she met with solicitor, Douglas MONTEITH, regarding her mother's estate. Jeannette signed the estate duty account and was given a statement of the estate's assets and liabilities.	53
16 June 1970, between 6.30pm and 10.00pm	Lenard DEMLER had dinner with Harvey and Jeannette at their home.	71
17 June 1970, 9.45am	Stock agent John GRACIE visited the CREWES' home and had a cup of tea with Harvey and Jeannette before GRACIE and Harvey left the property and travelled to Keith KENYON's farm in Glen Murray, where Harvey viewed a bull that was for sale.	77-78

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Date	*Description*	*See Paragraph*
17 June 1970, between 10.30am and 12.00 noon	Acquaintance Thyrle PIRRETT went to the CREWES' home with her three-year-old daughter to visit Jeannette. Harvey returned to the house, after going to look at the bull, and joined Jeannette and PIRRETT for a cup of tea.	79-80
17 June 1970, between 12.00 noon and 12.30pm	The CREWES' vehicle was seen at a vegetable stall on Hamilton Road, Buckland.	84
17 June 1970, between 12.30pm and 3.00pm	Harvey, Jeannette and Rochelle attended a stock clearance sale at John LOCKHART's farm in Bombay. It was raining fairly heavily at the time, and Jeannette and Rochelle remained in the car.	86
17 June 1970, between 3.30pm and 4.30pm	Beverley BATKIN, a friend of Jeannette's, was inside her home in Buckland Road, Tuakau, when she saw the CREWES' vehicle drive past in the direction of Pukekawa.	91
17 June 1970, 4.45pm	Craig FULTON, a Glen Murray resident, saw the CREWES' vehicles parked at the gate one mile past the CREWES' house. FULTON stated that Harvey often attended to stock in that area.	97
17 June 1970, 5.10pm	Alexander IRVINE, a Glen Murray farmer, saw the CREWES' vehicle parked on the side of the road near the cemetery (approximately two kilometers south of the CREWES' house). IRVINE did not see Harvey, but assumed that he had been shifting sheep.	99
17 June 1970, between 7.00pm and 9.30pm	Harvey and Jeannette were murdered in their home.	842
18 June 1970, 9.30am	Local delivery man Emmett SHIRLEY left one-and-a-half loaves of bread, two quart bottles of milk and one *New Zealand Herald* newspaper in the CREWES' delivery box at their front gate.	571
19 June 1970, just after 9.00am	Bruce RODDICK allegedly saw a woman and a vehicle on the CREWES' property while he was feeding out hay in the paddock opposite the CREWES' property.	149
19 June 1970, 9.30am	Local delivery man Emmett SHIRLEY left two-and-a-half loaves of bread, three quart bottles of milk and one *New Zealand Herald* newspaper in the CREWES' delivery box at their front gate. He noted that the deliveries he had made the	571

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Date	*Description*	*See Paragraph*
	previous day were still in the delivery box.	
20 June 1970, 9.30am	Local delivery man Emmett SHIRLEY drove past the CREWES' property and threw the *New Zealand Herald* newspaper from his truck on to the CREWES' driveway.	571
20 June 1970, 1.40pm	Queenie McCONACHIE allegedly saw a child and a vehicle on the CREWES' property while she and her husband, Maurice McCONACHIE, were driving past on Highway 22.	377
20 June 1970, 4.35pm	Maurice McCONACHIE allegedly saw a child in the front paddock of the CREWES' property while he and his wife, Queenie McCONACHIE, were driving past on Highway 22.	405
22 June 1970, 6.55am	Joseph MOORE, a stock agent for National Mortgage Association, telephoned the CREWES' house. The telephone call was unanswered.	851
22 June 1970, immediately after 6.55am	Joseph MOORE telephoned Lenard DEMLER enquiring if the CREWES were away. DEMLER told MOORE that as far as he knew they were at home. MOORE told DEMLER he might visit the address later that day.	851
22 June 1970, between 8.45am and 9.00am	Joseph MOORE and John DAGG, a stock agent for National Mortgage Association, visited the CREWES' property. DAGG knocked on the back door to which there was no answer. He did not hear any movement inside the house. MOORE and DAGG left the property.	852
22 June 1970, 9.30am	Local delivery man Emmett SHIRLEY opened the CREWES' delivery box intending to leave their usual order of bread, milk and a newspaper; however, as SHIRLEY found that the deliveries from Thursday 18 June, Friday 19 June and Saturday 20 June had not been collected, he did not leave any further items. SHIRLEY stated that he thought the CREWES' had gone away and said he threw some, or all, of the bread in the delivery box into the paddock, so as not to attract rats to the box.	571-572
22 June 1970, between 12.35pm and 1.00pm	Ronald WRIGHT, Transport Foreman for Tuakau Transport Limited, telephoned the CREWES' house several times. These calls went unanswered.	853

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Date	*Description*	*See Paragraph*
22 June 1970, about 1.00pm	Ronald WRIGHT telephoned Lenard DEMLER and asked if he would go and tell Harvey to get his sheep ready for collection.	853
22 June 1970, 1.00pm	Lenard DEMLER went to the CREWES' house looking for Harvey and discovered blood stains on the carpet in the lounge and the couple's daughter, Rochelle, abandoned in her cot. DEMLER left the address to telephone Ronald WRIGHT and cancel the sheep collection.	727
22 June 1970, 1.45pm	Lenard DEMLER returned to the CREWES' house with friend and neighbour, Owen PRIEST. The pair looked around the house and property. DEMLER uplifted Rochelle from her cot and took her to the home of Barbara WILLIS.	478, 728
22 June 1970, 2.20pm	Owen PREIST telephoned the Tuakau Police Station to report the disappearance of Harvey and Jeannette and the presence of blood stains in the house.	Nil
22 June 1970, 2.55pm	Constable WYLLIE from the Tuakau Police Station collected Owen PRIEST from his home before traveling to the CREWES' property. Constable WYLLIE made a cursory search of the house.	Nil
22 June 1970, 3.15pm	Constable WYLLIE telephoned Senior Sergeant MELVILLE from the CREWES' telephone and informed him of the situation. Constable WYLLIE exited the house, locked the rear door, and waited outside with Owen PRIEST.	Nil
22 June 1970, 3.45pm	Senior Sergeant MELVILLE and Constable ROUNTHWAITE arrived at the CREWES' property.	Nil
22 June 1970, 4.00pm	Detective Sergeant TOOTILL and Constables METCALF and ABBOTT arrived at the CREWES' property. A search and area enquiries commenced.	Nil
22 June 1970, 6.30pm	Lenard DEMLER gave a statement to Detective Sergeant JEFFRIES. DEMLER was asked about Harvey and Jeannette, the last time he had seen them and the circumstances surrounding him discovering the crime scene.	Nil

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Date	*Description*	*See Paragraph*
23 June 1970	The CREWES' house was searched, fingerprinted, photographed and samples of blood stains were taken for analysis. As a result of discussions with Pathologist Doctor CAIRNS, searchers of the section immediately around the house were told to look for blunt instruments, a knife, or something similar which could have caused injuries to the victims. Under the supervision of Detective PARKES, Detective Constable HIGGINS and Constable MEURANT conducted a search of the garden beds within the house enclosure and a pattern search of the grass area surrounding the house. Nothing of significance was found. A search of the bush on the CREWES' farm was undertaken. Rochelle was taken to Doctor FOX's office, where she was examined.	661, 725
24 June 1970	The search of the CREWES' house and property continued. Area enquiries continued.	663
24 June 1970	Lenard DEMLER signed a statement (made on 23 June 1970) witnessed by Detective Sergeant SEAMAN. DEMLER gave descriptions of Harvey and Jeannette, detailed how Harvey and Jeannette met, their financial position, the last time he had seen the CREWES, the circumstances surround him discovering the crime scene, what he had noted while going through the house and previous events (two fires) which had occurred at the CREWES' house.	Nil
24 June 1970	Lenard DEMLER was interviewed by Detective Inspector HUTTON and asked to account for his movements from Monday 15 June 1970 to Monday 22 June 1970.	2166
25 June 1970	Jeannette's sister, Heather SOUTER, arrived in New Zealand from California, United States of America (USA), where she had been residing.	116

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Date	*Description*	*See Paragraph*
25 June 1970	The search of the CREWES' house continued. Lenard DEMLER's property and vehicles were searched. Enquiries were made with Sturrock & Monteith Solicitors with regards to their dealings with the CREWE and DEMLER families. Area enquiries continued.	Nil
26 June 1970, 1.45pm	Lenard DEMLER was interviewed by Detective Inspector HUTTON and asked to account for his movements on Monday 22 June 1970. He was also asked about his apparent lack of interest in assisting police with the search for Harvey and Jeannette and was told by Detective Inspector HUTTON that he thought DEMLER had removed Harvey's body from the house.	Nil
26 June 1970	Lenard DEMLER's property and vehicles were searched. Area enquiries continued.	Nil
27 June 1970	Lenard DEMLER was taken to the CREWES' house by Detective Sergeant HUGHES and asked about the positioning of furniture and window coverings in the home. Searches continued in the greater Pukekawa area, including the Waikato Riverbank.	505, 611
28 June 1970	Searches continued in the greater Pukekawa area, including a search of the rubbish tip at Tuakau Bridge. Fingerprint officers returned to the CREWES' house.	Nil
2 July 1970, 3.00pm	Detective Sergeant HUGHES visited Arthur THOMAS at his Mercer Ferry Road farm. This was a result of information received from Jeannette's friend, Beverley WILLIS, who stated that Jeannette was, at one time, pestered by a local boy (prior to 1961). It was established through Lenard DEMLER and Heather SOUTER that this person was THOMAS. THOMAS' Hillman car was examined by Detective Sergeant HUGHES and no traces of blood were found. THOMAS was fingerprinted.	2752-2753

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Date	*Description*	*See Paragraph*
5 July 1970	Lenard DEMLER made a statement to Detective Sergeant HUGHES to expand on his previous statement (signed on 24 June 1970) in which he detailed his movements between Monday 15 June 1970 and Monday 22 June 1970.	2166
8 July 1970, 1.30pm	Lenard DEMLER was interviewed by Detective Senior Sergeant SCHULTZ and provided information relating to the history of his family. DEMLER was also questioned about blood of the same blood grouping as Jeannette's being located in his car. Detective Senior Sergeant SCHULTZ told DEMLER that he believed that DEMLER was responsible for removing Harvey and Jeannette's bodies from the house and for the apparent attempt to clean up the crime scene. DEMLER denied these accusations.	Nil
8 July 1970, 3.15pm – 4.25pm	Lenard DEMLER was interviewed by Detective Inspector HUTTON about his visit with the CREWES on the evening of Tuesday 16 June 1970, why he had left Rochelle in the cot after his first visit to the house on Monday 22 June 1970, his late wife, May DEMLER's, will and blood identified as the same blood grouping as Jeannette's found in his vehicle. DEMLER's body was examined and a scratch mark was located on his back to the left of his neck – which he stated occurred when he was cutting inkberry.	Nil
10 July 1970, 2.30pm	Lenard DEMLER was spoken to by Detective Craig DUNCAN, in the presence of Graeme HEWSON at the CREWES' wool shed.	2190
15 July 1970	At a Police Conference, Doctor CAIRNS stated: *"As to possible injuries, I think that to get brain tissue spattered around would need some injury to fracture the skull severely. This, of course, could be caused by a bullet wound but there is not evidence to suggest that anywhere. But heavy blows from any weapon, say a hammer or axe or even a very heavy piece of wood, with sufficient force could cause injuries to the head which would result in pieces of brain tissue being spattered around."*	604

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Date	*Description*	*See Paragraph*
23 July 1970, 10.30am – 11.30am	Lenard DEMLER was interviewed by Detective Inspector HUTTON and Detective ABBOTT at his Pukekawa home. DEMLER was questioned about what he had observed at the crime scene and he also told police of a dispute Harvey had previously had with a neighbouring farmer, Roy KILKOLLY.	2571
7 August 1970	Colin HARVEY, the Trustee of Harvey's estate, wrote to Detective Inspector HUTTON stating that while he was removing the CREWES' personal items from the house he came across *"…a duchess set which includes an expensive brush and mirror with this card. This article was in a box and never been used. We found it in the junk room where all the old furniture was stored."*	Nil
16 August 1970, about 9.26am	Jeannette's body was located floating in the Waikato River by two white-baiters, Joseph Charles ADAMS and John Henry GERBOWITZ, approximately 9.7 kilometres west (downstream) of the Tuakau Bridge. The body was wrapped in material (Police Exhibits 245 and 246) and tied with copper wire (Police Exhibit 237). A post-mortem examination established that Jeannette had been killed by a single .22 shot (Police Exhibits 234 and 257) to the head.	858-859
16 August 1970, 2.15pm	Detective Sergeant HUGHES, together with Detective DUNCAN, collected Lenard DEMLER from his home and took him to the Waikato River, where Jeannette's body had been located. DEMLER was then taken to the Auckland Central Police Station where he was interviewed by Detective Sergeant HUGHES for three-and-a-half hours. DEMLER strongly denied any knowledge of the murders.	Nil
16 August 1970	Lenard DEMLER viewed the body located in the Waikato River and positively identified it as being Jeannette.	880
16 August 1970	Police began to collect .22 firearms. Such firearms were seized from residents of the Pukekawa area within a five mile radius of the CREWES' property, relatives and associates of Harvey and Jeannette, and others who had featured in the investigation.	964

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Date	*Description*	*See Paragraph*
17 August 1970, 12.30pm	Lenard DEMLER was interviewed by Detective Sergeant HUGHES in a paddock outside his Pukekawa home. DEMLER was questioned about whether or not he had ever owned or used a .22 firearm, and also whether or not Harvey had owned a .22 firearm.	Nil
17 August 1970	Detective Sergeant CHARLES collected Arthur THOMAS' .22 rifle (Police Exhibit 317) for testing.	968
18 August 1970	Detective Sergeant JEFFRIES, Detective Kevin GEE, Detective Constable HIGGINS and Constable MEURANT again searched the section surrounding the house. At this time the group were looking for: (i) lengths of wire, (ii) bullet lead, and (iii) cartridge cases. A Police Jobsheet by Detective Sergeant JEFFRIES commented that *"all gardens were cleared and the earth sifted and examined."* However, in evidence at the first trial, Detective Sergeant JEFFRIES said that a search was only conducted from the back door to the end of the front bedroom (across the north and east sides of the house). No bullet lead or cartridge cases were located.	705
18 August 1970	Twenty-one firearms which had been collected by police were test-fired by Doctor NELSON, Department of Scientific and Industrial Research (DSIR).	969
19 August 1970	After an examination of the test-fired bullets from the seized firearms, Doctor NELSON concluded that two of the twenty-one firearms could not be excluded as the murder weapon.	970
25 August 1970	Detective Inspector HUTTON and Detective PARKES visited Lenard DEMLER at his Pukekawa home and spoke about Jeannette's funeral. DEMLER was also asked if he had any idea where Harvey's body might have been, to which DEMLER replied he did not.	Nil
26 August 1970	A further 27 firearms which had been collected by police were test-fired by Doctor NELSON. All of these were excluded as being the murder weapon.	972
7 September 1970	Jeannette's funeral was held at a church in Tuakau.	Nil

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Date	*Description*	*See Paragraph*
7 September 1970	Arthur THOMAS was interviewed at the Tuakau Police Station by Detective Sergeant SEAMAN and Detective PARKES. THOMAS was told that his rifle was that which fired the bullets which killed Harvey and Jeannette. THOMAS denied any involvement in the murders. As a result of this interview, Detective PARKES stated: *"…both Detective Sergeant SEAMAN and myself are convinced that he is not involved in this inquiry."*	977
8 September 1970	As a result of his interview the previous day, Arthur THOMAS' rifle (Police Exhibit 317) was returned to his wife Vivien THOMAS.	978
8 September 1970	Heather SOUTER returned to California, USA, where she lived.	116
16 September 1970, 11.25am	Harvey's body was located, snagged in the Waikato River, by Constables WYLLIE and Miller, approximately 4.8 kilometres west (downstream) of the Tuakau Bridge. The body was wrapped in material (Police Exhibits 294 and 295) and tied with galvanised wire (Police Exhibits 288(1), 288(2)). Located in the river with Harvey's body was a vehicle axle (Police Exhibit 293), which had been used to weight the body down. This had been attached to the body with copper wire (Police Exhibit 288(3)). A post-mortem examination established that Harvey had been killed by a single .22 (Police Exhibit 289) shot to the head.	865-866, 1297-1298
16 September 1970, 6.30pm	Lenard DEMLER viewed the body that had been located in the Waikato River and positively identified it as being Harvey. DEMLER was then interviewed by Detective Sergeant CHARLES who told him that he considered DEMLER was involved in the deaths of Harvey and Jeannette, or at least the disposal of their bodies. DEMLER denied any involvement.	Nil

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Date	*Description*	*See Paragraph*
18 September 1970, 12.15pm	Lenard DEMLER was interviewed by Detective Sergeant TOOTILL at his Pukekawa home. DEMLER was asked about the note police had found in DEMLER's coat pocket detailing his movements for the period Monday 15 June 1970 to Monday 22 June 1970.	2176
18 September 1970	Detective JOHNSTON joined the CREWE homicide investigation.	1307
18 September 1970, evening	Detective Sergeant JEFFRIES appeared on a television news program with the axle (Police Exhibit 293). Detective Sergeant JEFFRIES pointed out various aspects of the axle, such as welding and cutting and asked any member of the public who could assist in the identification of the axle's origin to contact the Otahuhu Police Station.	1308-1309
19 September 1970	Charles SHIRTCLIFFE approached police and provided information about a 1928 Nash front axle he purchased in about 1956. SHIRTCLIFFE stated that he had used this axle when making a trailer which he sold to a man who worked at the Meremere Power Station in 1956 or 1957.	1312
19 September 1970, 3.45pm	Police Exhibit 293 was identified by David KERUSE as a 1928 or 1929 Nash Standard 6 420 series car axle.	1311
22 September 1970, 11.00am	Detective Sergeant TOOTILL fired two shots from near the back steps of the CREWES' house (not using Police Exhibit 317), while Detective Inspector HUTTON stood near Owen and Julie PRIESTS' residence. Detective Inspector HUTTON stated that he did not hear these shots.	915
6 October 1970	Fifteen firearms which had been collected by police were test-fired by Doctor NELSON. All of these were excluded as being the murder weapon.	975
10 October 1970	A photograph of Charles SHIRTCLIFFE's old trailer was published in the *New Zealand Herald* with details of the circumstances regarding its sale. Detective Inspector HUTTON appealed for the person (from the Meremere Power Station) who had purchased the trailer to come forward.	1314

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Date	*Description*	*See Paragraph*
11 October 1970	Patricia WHYTE contacted police stating that she had previously owned a trailer similar to the one sought, which had been sold in 1959. A statement was later taken from Patricia and her husband Gordon WHYTE (on 18 November 1970) which established that Gordon, while working at the Meremere Power Station, had purchased the trailer from Charles SHIRTLIFFE.	1315
11 October 1970	While looking through crime scene photographs, Detective JOHNSTON noted that the louvre windows in the kitchen were open. He suggested that Harvey could have been shot through this window from outside the house.	606
12 October 1970, 4.00pm	Roderick RASMUSSEN was shown Police Exhibit 293 by Detective JOHNSTON. RASMUSSEN was unable to recall the axle, but stated that the method used to cut one end of the axle was similar to the way he removed stub axles from an axle.	1316
13 October 1970	Heather COWLEY, Charles SHIRTCLIFFE's step-daughter, contacted police and said that she remembered a 'Mr THOMAS' of Mercer Ferry Road owned SHIRTCLIFFE's trailer at some time after SHIRTCLIFFE sold it.	1318
13 October 1970, 3.35pm	Lenard DEMLER was interviewed by Detective Inspector BAKER, Detective Senior Sergeant O'DONOVAN and Detective Sergeant TOOTILL. The purpose of this interview was for Detective Inspector BAKER and Detective Senior Sergeant O'DONOVAN to 'assess' DEMLER. DEMLER was asked about the burglary and two fires which had previously occurred at the CREWES' property, whether or not the kitchen louvre windows were usually kept open and previous managers at the CREWES' farm.	Nil

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Date	*Description*	*See Paragraph*
13 October 1970, 4.00pm	Arthur THOMAS was visited by Detective JOHNSTON and Police Exhibit 293 was shown to him. THOMAS stated that he had never seen the axle before. THOMAS was shown a photograph of Charles SHIRTCLIFFE's old trailer and he stated that this looked similar to the trailer his father owned. Detective JOHNSTON collected four samples of wire (Police Exhibits 328A, 328B, 328C and 328D). Police Exhibit 328D was found by Harry TODD, DSIR Scientist, to be in 'quite good agreement' with one of the wires attached to Harvey's body (Police Exhibit 288(1)).	1321, 1188, 1206
13 October 1970, evening	Detective Inspector HUTTON, Detective Inspector BAKER, Detective Senior Sergeant O'DONOVAN, Detective JOHNSTON, Doctor NELSON, Rory SHANAHAN, DSIR Scientist, Grant HANSEN (unknown person) and a DSIR technician, attended the CREWES' house and carried out a reconstruction with a .22 rifle in relation to the louvre window theory.	607
14 October 1970, 11.15am	Detectives PARKES and JOHNSTON visited Allan THOMAS' Matakana farm. Allan was shown Police Exhibit 293 but could not identify this as the one that had come from his trailer. Richard THOMAS was also seen and said that he recalled taking his father's trailer to Meremere for repairs on a few occasions. He said the man who carried out these repairs was the same person who built Allan's current trailer.	1322, 1324
15 October 1970, 10.45am	Roderick RASMUSSEN was visited by Detective JOHNSTON. RASMUSSEN stated that after the name had been mentioned to him, he recalled building a trailer for Allan THOMAS. He said that he removed the axle assembly from this trailer and replaced it with a new assembly.	1326

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Date	*Description*	*See Paragraph*
15 October 1970, 2.00pm	Detective JOHNSTON, in the company of Arthur THOMAS, searched parts of THOMAS' farm for Allan THOMAS' old trailer. Detective JOHNSTON took possession of two pieces of hardwood, 3x3 and 3x2 (Police Exhibit 395) from a garage of the property. The 3x3 was identified by Roderick RASMUSSEN as the draw bar he removed from Allan THOMAS' trailer. Arthur THOMAS gave a statement to Detective JOHNSTON about his schooling and employment history, his past association with Jeannette and his whereabouts on the evening of Wednesday 17 June 1970.	1327-1328
20 October 1970, 12.15pm	Detectives PARKES and JOHNSTON visited Arthur THOMAS' farm and collected nine samples of wire (Police Exhibits 319, 320, 321, 322, 323, 324, 325, 326 and 327). A search of a tip on the farm located two stub axles (Police Exhibits 330 and 331) which had once been joined to the axle (Police Exhibit 293) located with Harvey's body. THOMAS' rifle (Police Exhibit 317) was again collected by police. Harry TODD found that Police Exhibits 320A, 323, 325 were in 'excellent agreement' with wire from Harvey's body (Police Exhibit 288(1)). Furthermore, Police Exhibit 324A was in 'excellent' to 'good' agreement with Police Exhibit 288(1).	1189, 1205, 1207, 1331
21 October 1970, 11.00am	During a search of Arthur THOMAS' farm, Detective KEITH located a .22 cartridge (Police Exhibit 343) in a garage on the property. This was later found to contain a bullet with the number '8' embossed on the base. Detective KEITH took two samples of wire (Police Exhibits 334 'clean' and 334 'rusty') from THOMAS' farm. Harry TODD found that Police Exhibit 334 'clean' was in 'excellent agreement' with wire from Harvey's body (Police Exhibit 288(1)).	1190, 1205

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Date	*Description*	*See Paragraph*
21 October 1970	Detective KEITH stated that the bullet from Police Exhibit 343 was removed by police at the Otahuhu Police Station and the cartridge case from Police Exhibit 343 was fired in a rifle (not Arthur THOMAS') to remove the powder inside it.	Nil
22 October 1970, 1.00pm	Roderick RASMUSSEN was visited by Detective JOHNSTON. RASMUSSEN stated that he was still positive the old parts from Allan THOMAS' trailer had been returned to Richard THOMAS.	1443
22 October 1970, 3.00pm	Lenard DEMLER was spoken to by Detective Inspector HUTTON and Detective JOHNSTON at his Pukekawa home. DEMLER was questioned about the past association between Arthur THOMAS and Jeannette.	Nil
22 October 1970	Detective Inspector HUTTON and Detective JOHNSTON visited Arthur THOMAS at his Mercer Ferry Road farm. THOMAS was again asked about his father, Allan THOMAS', trailer. Arthur THOMAS also signed an authority for police to view documents held by his solicitors.	Nil
25 October 1970, 2.20pm	Arthur THOMAS made a statement to Detective Inspector HUTTON about his previous association with Jeannette, his movements on the evening of Wednesday 17 June 1970, the axle found with Harvey's body, his .22 Browning rifle, samples of wire that had been taken from THOMAS' farm, blood that had been found in his vehicle and why he did not assist police in the search for Harvey and Jeannette.	1004, 1355
26 October 1970	The 'JOHNSTON theory' was discussed at a Police Conference. Detective Sergeant JEFFRIES informed Detective Inspector HUTTON that a garden, along the fence by the back gate, at the CREWES' property had not been sieve searched.	706
27 October 1970, 10.00am-1.00pm	Detective Sergeant CHARLES and Detective Sergeant PARKES carried out a search of the flower bed opposite the kitchen window at the CREWES' house. Detective Sergeant CHARLES located a .22 cartridge case (Police Exhibit 350) which had been fired from Arthur THOMAS' rifle (Police Exhibit 317).	706

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Date	*Description*	*See Paragraph*
27 October 1970, 11.45am	Arthur THOMAS was interviewed at his home by Detective Inspector HUTTON. THOMAS was asked about his movements on the evening of Wednesday 17 June 1970, specifically the cow that he was allegedly tending to.	2112
29 October 1970	Detective Inspector HUTTON, Detective Sergeant CHARLES, (then) Detective Sergeant PARKES and Detective JOHNSTON went to the Boystown range where Rory SHANAHAN carried out further test firing with Police Exhibit 317. The purpose of this was to: (i) obtain test-fired brass cartridge cases, and (ii) test ejection distances.	1082
11 November 1970	Arthur THOMAS was interviewed by Detective Inspector HUTTON and Detective JOHNSTON before he was arrested and charged with the murders of Harvey and Jeannette.	18
12 November 1970	Lenard DEMLER made a statement to police. DEMLER detailed Jeannette's schooling, employment and travel history, the brush set that Arthur THOMAS had given Jeannette, the burglary and fires that occurred at the CREWES' house and the blood of the same grouping as Jeannette's that had been located in DEMLER's vehicle.	Nil
14-22 December 1970	The deposition case against Arthur THOMAS was heard at the Otahuhu Magistrates Court before Stipendiary Magistrate McLEAN. A prime facie case was established and a plea of not guilty entered. THOMAS was committed to trial at the Auckland Supreme Court.	Nil
15 February 1971 - 2 March 1971	The first trial was held at the Auckland Supreme Court before Justice HENRY and jury. Arthur THOMAS was found guilty on both counts of murder and sentenced to life imprisonment.	Nil
28 February 1971	A reconstruction was carried out at the CREWES' property with Police Exhibit 317. Those present were: Detective JOHNSTON, Paul TEMM, Brian WEBB, Percy BRANT, John McKENZIE, Richard DRAPER and a surveyor (identity unknown).	608

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Date	*Description*	*See Paragraph*
4-6 May 1971	Justice NORTH, Justice TURNER and Justice HASLAM of the Court of Appeal dismissed Arthur THOMAS' appeal against his conviction. The judgment was given on 18 June 1971.	Nil
3 July 1971	Harvey's funeral was held at the Anglican Church, Tuakau.	Nil
15 November 1971	A petition was submitted by the Arthur Thomas Retrial Committee Inc. to the Governor-General, Sir Arthur PORRITT.	1859
2 February 1972	Sir George McGREGOR was commissioned by the Acting Minister of Justice to review petitions which had been submitted by the Arthur Thomas Retrial Committee Inc., Stephen BIRD and 22,650 members of the public seeking a re-trial for Arthur THOMAS. McGREGOR concluded that *"…no further reference to the Court should be granted. In my opinion there has been no miscarriage of justice."*	1859
14 February 1972	Governor-General Arthur PORRITT declined to take any action regarding petitions submitted, based on the assessment by Sir George McGREGOR.	Nil
26 June 1972	Police Exhibit 317 was test-fired at the Boystown range by Rory SHANAHAN.	1088
29 June 1972	Police Exhibit 317, along with other ballistics exhibits, was sent to the Home Office Forensic Science Laboratory, Nottingham, for examination. These were returned on 22 August 1972.	1012, 1089, 1090
21 August 1972	Governor-General Arthur PORRITT referred the question of Arthur THOMAS' convictions to the Court of Appeal.	Nil
19 October 1972	Arthur THOMAS lodged an appeal against his conviction for the murders of Harvey and Jeannette.	Nil
5-8 February 1973 and 16 February 1973	Arthur THOMAS' appeal was heard before Justice WILD, Justice McCARTHY and Justice RICHMOND of the Court of Appeal. A judgment delivered on 26 February ordered that there would be a new trial for THOMAS.	Nil

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Date	*Description*	*See Paragraph*
22 March 1973	Detective JOHNSTON was present at the CREWES' property with Kevin RYAN, Patrick VESEY and Percy BRANT when bullets were fired from Police Exhibit 317 and the distance of ejected cartridges measured.	1091
26 March 1973 - 16 April 1973	The second trial was held at the Auckland Supreme Court before Justice PERRY and jury. Arthur THOMAS was found guilty on both counts of murder and sentenced to life imprisonment.	Nil
27 March 1973	Doctor NELSON test-fired Police Exhibit 317 at Boystown.	1093
8 May 1973	Arthur THOMAS lodged an appeal against his conviction for the murders of Harvey and Jeannette.	Nil
3 July 1973	Court of Appeal hearing before Justice WILD, Justice McCARTHY and Justice RICHMOND. A judgment was then issued on 11 July 1973 dismissing Arthur THOMAS' appeal against his conviction.	Nil
27 July 1973	(Then) Detective Sergeant KEITH disposed of 135 Police Exhibits in the Whitford Tip.	1035
1 July 1974	Governor-General Denis BLUNDELL referred Arthur THOMAS' appeal to the Court of Appeal.	Nil
4 November 1974	Governor-General Denis BLUNDELL again referred Arthur THOMAS' appeal to the Court of Appeal.	Nil
9-18 December 1974 and 6-9 January 1975	Court of Appeal hearing before Justice WILD, Justice McCARTHY, Justice RICHMOND, Justice MacARTHUR and Justice McMULLIN. A judgment was then issued on 29 January 1975 which stated that the appeal was dismissed.	Nil
11 June 1975	Detective KEITH took Police Exhibit 317 to Doctor SPROTT's laboratory where 15 empty cartridge cases were ejected from the rifle. Seven bullets were then fired from the rifle.	1094
13 September 1976 - 27 October 1976	Police Exhibit 317 was in the possession of Doctor SPROTT.	1095

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Date	*Description*	*See Paragraph*
4 July 1978	Arthur THOMAS petitioned for special leave to appeal to the Privy Council regarding an opinion from the Court of Appeal of New Zealand. Lord WILBERFORCE, Lord HAILSHAM, Lord EDMUND-DAVIES, Lord FRASER and Lord SCARMAN were of the opinion that they had no jurisdiction to entertain the petition.	Nil
26 October 1978	Robert ADAMS-SMITH QC was commissioned by Prime Minister Robert MULDOON to conduct an enquiry in to aspects of the CREWE murders.	2877
16 January 1979	Robert ADAMS-SMITH QC's first report was submitted to Prime Minister Robert MULDOON. ADAMS-SMITH QC recommended that further enquiries were necessary.	2878
17 December 1979	Robert ADAMS-SMITH QC's second report was submitted to Prime Minister Robert MULDOON. ADAMS-SMITH QC stated that based on the Crown's contention that the murders were committed late at night: *"…I have real doubt whether it can properly be contended that the case against Thomas was proved beyond all reasonable doubt."*	2891
17 December 1979	Arthur THOMAS was granted a free pardon by Governor-General Keith HOLYOAKE.	2813
24 April 1980 - 11 November 1980	The Royal Commission of Inquiry (RCOI) into the circumstances of the convictions of Arthur Allan THOMAS for the murder of Harvey and Jeannette was held by Justice TAYLOR, John GORDON and Reverend JOHNSTON.	Nil
19 June 1980	Police Exhibit 317 was test-fired at the Kauri Point range and the ejection distances of cartridge cases were measured.	1096
15 October 1980	Police Exhibit 317 was in possession of the RCOI.	1097
26 February 1981	Arthur THOMAS' rifle was returned to him.	1098

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Date	*Description*	*See Paragraph*
21 December 1981	At the request of (then) Commissioner WALTON, Solicitor-General Paul NEAZOR made an assessment as to whether (retired) Detective Inspector HUTTON should be prosecuted, in light of the RCOI findings. NEAZOR concluded: *"My opinion is that on the evidence available there is no occasion for prosecuting Mr Hutton ..."* As Detective JOHNSTON was then deceased, a prosecution against him was not assessed.	710-713

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1. HARVEY AND JEANNETTE CREWES' MOVEMENTS AND ACTIVITIES BETWEEN SATURDAY 13 JUNE 1970 AND WEDNESDAY 17 JUNE 1970

Key findings

26. Little detail is known of the CREWES' movements on Saturday 13 June, Sunday 14 June and Monday 15 June 1970, prior to their murders. Police are not aware of any significant interaction with others during this period.

27. At 9.45am on Tuesday 16 June 1970, Jeannette met with her Solicitor, Douglas MONTEITH, regarding death duties for her mother, May DEMLER's, estate. Jeannette, along with Rochelle, then spent much of the day running errands in Tuakau and Pukekohe. At about 3.00pm, Jeannette was then seen (with Rochelle) by Ngairie DUNLOP unloading their car at home. Although it cannot be confirmed, Harvey is likely to have been working on the farm throughout the day. Lenard DEMLER visited the CREWES' house that evening, from about 6.30pm to 10.00pm, and had dinner with Harvey and Jeannette.

28. At about 9.45am on Wednesday 17 June 1970, Stock Agent John GRACIE arrived at the CREWES' home. He had a cup of tea with Harvey and Jeannette, before he and Harvey left for Glen Murray - where they viewed a bull that GRACIE thought Harvey may be interested in purchasing. Between about 10.30am and 12.00 noon, Thyrle PIRRETT, an acquaintance of Jeannette's, visited the home with her three-year-old daughter, Virginia PIRRETT. After this visit, between 12.00 noon and 12.30pm, Harvey, Jeannette and Rochelle were seen at a vegetable stall in Buckland. They then attended a stock clearance sale at John LOCKHART's farm at Puketutu Road, Bombay, until about 2.30pm.

29. Beverley BATKIN, a friend of Jeannette's, claimed that between about 3.30pm and 4.30pm on 17 June she saw the CREWES drive past her house in Tuakau. BATKIN stated that they were travelling towards Pukekawa from the direction of Pukekohe. It is possible that the CREWES had stopped in Pukekohe on the way home from the stock sale. The CREWES' vehicle was last seen on 17 June at about 5.10pm by Alexander IRVINE, parked on Highway 22 approximately two kilometres south of the CREWES' house. It was presumed that Harvey was shifting sheep in a nearby paddock at this time.

30. Much of the information regarding the movements of the CREWES lacks detail and there are numerous intelligence gaps which, at this time, are unlikely to be filled. Thus, it is difficult to establish if any of their activities in the week prior to their deaths are in some way connected to their murders.

31. Information provided to the Review Team (in 2011) by [redacted], claiming that Jeannette made further contact with [redacted] in the week prior to her murder sounding 'stressed' and 'frightened', is considered unreliable.

Saturday 13 June 1970

32. On the Saturday before her death, Jeannette wrote a four page letter[7] to her good friend Beverley Ann WILLIS (nee BARRY, DOB unknown) who resided in Wellsford.[8] Detective Constable Edmund BAILEY noted in his Police Jobsheet, dated 28 June 1970, that Beverley's husband Anthony John WILLIS (DOB unknown) commented: *"The letter did not contain much,*

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SENSITIVE

only general woman talk and there was no mention of any trouble brewing at all."[9] Although it appears that this letter was given to police,[10] a copy is not contained on the homicide investigation file and it is, therefore, not possible to elaborate on the 'woman talk' contained within the letter.

33. It is likely that this letter contained information of relevance to the homicide investigation and it is unfortunate a copy was not taken, or its contents noted. The letter may have provided an indication as to what Harvey and Jeannette had been doing in the period leading up to Saturday 13 June, as well as plans they were making and other matters of interest. Beverley WILLIS, who was arguably Jeannette's closest friend, stated that they corresponded regularly.[11] Thus, the timing of the letter does not necessarily indicate that there was a particular event which Jeannette wanted to report to WILLIS.

34. When spoken to on Tuesday 23 June 1970,[iv] Carolyn Jane CHITTY (DOB [redacted]), a neighbour of the CREWES, stated that she had last seen them about 10 days previously (about Saturday 13 June 1970) when she had borrowed some potatoes from them.[12] This claim was somewhat supported by Carolyn's husband, Ronald James CHITTY (DOB unknown), in an alleged comment to David YALLOP, author of *Beyond Reasonable Doubt*. YALLOP reported Ronald saying that Carolyn had borrowed a bag of potatoes from the CREWES on one occasion.[13]

35. Ronald and Carolyn CHITTY were the CREWES' nearest neighbours. No further information is available on the investigation file regarding Carolyn's apparent visit to the CREWES' home during the week or so prior to their deaths. Because of this, it could be surmised that Carolyn had not returned to the CREWES' property after this occasion to replace the potatoes she had borrowed.

36. It may have been relevant to the investigation to know whether the visit by Carolyn occurred during the day or evening, what the CREWES had been doing at the time, and their response to her apparent unexpected arrival at the house. Unfortunately there is no record of these questions being asked of Carolyn. On 9 January 2014, Carolyn told Detective Senior Sergeant Gary LENDRUM that when she had visited the CREWES' house on this occasion, she and Jeannette had not talked about anything out of the ordinary.[14]

Sunday 14 June 1970

37. On about 28 June 1970,[v] Ruben Abbotsford SMITH (DOB unknown) told police that on Sunday 14 June he had sold six flounder to Harvey from his road-side truck parked opposite the Meremere Power Station, Meremere.[15] SMITH estimated this would have occurred at about 1.00pm or 2.00pm.[16] He further stated that Harvey had purchased fish from him several times previously.[17]

38. It is believed that the remains of flounder located on the dining table inside the CREWES' home when the crime scene was discovered, were some of those purchased by Harvey on this day *(see paragraph 599)*.

[iv] There is no date on Detective ROBERTS' Police Jobsheet regarding this interview. However, this is the first of a four page Jobsheet - two pages of which are dated 23 June 1970. It is noted that the second page of this document (dated 23 June 1970) details an interview with Carolyn CHITTY's husband, Ronald CHITTY. It is, therefore, likely that both CHITTYS were spoken to on the same day.

[v] This was the date Constable PAYN's Police Jobsheet was created; however, the Jobsheet does not indicate the date on which Ruben SMITH was actually spoken to.

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39. John William GRACIE (DOB [redacted]), a Stock Agent for W & R Fletcher Limited, stated that at about 8.00pm[18] on either Sunday 14 June or Monday 15 June 1970, Harvey telephoned him at home.[19] Harvey told GRACIE that he had eighteen ewes and nine lambs which were affected by eczema and he wanted them taken to Westfield Freezing Company for slaughter.[20] Harvey also mentioned to GRACIE that he was looking to buy a bull,[21] but did not want to pay 'big money' for it.[22]

Monday 15 June 1970

40. David Ross FLEMING (DOB [redacted]), a Pukekawa farmer, stated that on Monday 15 June he saw Harvey driving his tractor along Highway 22, Pukekawa, near Fleming Road (approximately one kilometre from the CREWES' home).[23] FLEMING said that Harvey smiled and waved to him.[24] David's wife, Jocelyn Alaire FLEMING (DOB [redacted]), also stated that she saw Harvey on Monday 15 June, driving his tractor near the CREWES' house on Highway 22 at about 3.30pm.[25] Jocelyn noted that Harvey looked 'particularly cheerful' that day.[26]

41. Brian Frederick HOSKING (DOB unknown), a Pukekawa farmer and member of the Pukekawa Rate Payers' Committee,[27] said he spoke to Harvey by telephone on either Monday 15 June or Tuesday 16 June.[28] HOSKING telephoned to inform Harvey of the rate payers' meeting to be held on Wednesday 17 June.[29] HOSKING commented that Harvey 'appeared to be normal'[30] and 'seemed alright' on the telephone.[31] It is not documented as to whether or not Harvey indicated his intentions to attend this meeting.

42. On Monday 15 June, Jeannette telephoned Smith & Caughey's (department store located at Queen Street, Auckland City) regarding curtain material she had purchased on 12 June.[32] She told the salesman, Warren HAMLET (DOB unknown), that the material had a flaw in it.[33] HAMLET advised Jeannette to return the material and it would be replaced.[34] Jeannette mailed the material back, which was received by Smith & Caughey's on Friday 19 June.[vi35]

43. A receipt dated Monday 15 June acknowledged the payment of $5.18 from Harvey to what appears to read as 'F.' or 'J.' DOUGHERTY.[36]

44. John William DOUGHERTY (DOB [redacted]), part-owner of Pukekawa Motors Limited, told police that the CREWES did not buy petrol from Pukekawa Motors, nor was their vehicle serviced there.[37] However, DOUGHERTY did note that Harvey had called into the garage on a few occasions to have batteries charged.[38] If this receipt was from 'J. DOUGHERTY', it is unknown what this was in relation to.

45. Alternatively, John DOUGHERTY's father, William DOUGHERTY (DOB unknown) who owned Pukekawa Store Limited, stated that the CREWES bought petrol from his store on occasions.[39] William stated that Jeannette purchased seven gallons of petrol on about 10 June 1970.[40] He said Harvey paid the account by cheque soon after it was sent to him.[41] A Police Jobsheet by Detective John ROBERTS on 24 June 1970 noted: *"The account in question was for petrol."*[42] Although Detective ROBERTS did not indicate the account to which he was referring, it was likely that this was the receipt for $5.18 dated 15 June 1970. This receipt is likely to have been signed by William's wife, Fay DOUGHERTY (DOB unknown).

[vi] The date on which this was posted by Jeannette is unknown.

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Tuesday 16 June 1970

46. Information was provided by a number of people about Jeannette's movements throughout Tuesday 16 June. It appears from this information that she spent much of the day running errands in Tuakau (approximately 10 kilometres north of Pukekawa) and Pukekohe (approximately 20 kilometres north of Pukekawa). It is possible that Harvey was on the farm working until about 3.00pm when he was sighted by near-neighbour Peggy SPRATT *(see paragraph 69).*

47. At approximately 7.45am on Tuesday 16 June, Jeannette and her father, Lenard DEMLER, spoke on the telephone.[43] It is not certain who initiated the telephone call, but DEMLER stated that during this conversation Jeannette invited him for dinner that evening.[44]

48. In a statement signed by DEMLER on 22 June 1970, he said that Jeannette telephoned him that morning.[45] However, a Police Jobsheet of an interview with DEMLER on 24 June 1970, by Detective Inspector Bruce HUTTON (now deceased), officer-in-charge of the CREWE homicide investigation, reported that DEMLER had telephoned Jeannette.[46]

49. At about 9.00am on 16 June, Jeannette telephoned the office of her solicitor, Sturrock & Monteith,[47] and appears to have made an appointment as she visited the office later that morning.

50. It is likely that this was in response to a letter received by Jeannette from the firm, dated 11 June 1970.[48] The letter advised that the papers for the Estate Duty Division regarding the will of her mother, May DEMLER, had been prepared. The letter requested that Jeannette, as a trustee of the estate, call in to sign these documents.[49] The same request had been made of Lenard DEMLER, the only other trustee of May's estate, who attended the office of Sturrock & Monteith Solicitors on Monday 15 June to complete this task.[50]

51. Jeannette and Rochelle were seen later that morning (16 June) driving north along Highway 22, Pukekawa, by DEMLER, who was collecting mail from his delivery box.[51] DEMLER stated that Jeannette tooted the horn and waved as she passed.[52]

52. This is likely to have occurred around 9.30am, as this is the time mail would usually be delivered to the CREWES' property and, as DEMLER was their neighbour, it is likely that his mail arrived at a similar time.

53. Jeannette arrived at Sturrock & Monteith Solicitors, 12 Liverpool Street, Tuakau, at about 9.45am on 16 June where she met with solicitor, Douglas Gillies MONTEITH (DOB unknown).[53] Jeannette signed the estate duty account and was given a statement of the estate's assets and liabilities.[54] MONTEITH stated that Jeannette indicated she and Harvey had discussed the Port Waikato property, but had made no decision as to what they would do with it as yet.[55] MONTEITH said Jeannette appeared in 'good spirits'[56] and was not upset about anything.[57] He said she mentioned they had been 'messed around' with the shearing, although MONTEITH commented that Jeannette had laughed about this.[58]

54. Jeannette's meeting with MONTEITH was likely one of many over the preceding three-and-a-half months regarding May DEMLER's will. Notably, although Jeannette had been aware since 9 March 1970 of the contents of the will,[59] MONTEITH commented: *"... this would have been the first indication to her of the detailed values of the assets in the estate."*[60] In other words, before this 16 June meeting, Jeannette had not been aware of the monetary value of her share of her mother's estate.

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55. The 'Port Waikato property' refers to a bach owned by the DEMLERS. It was housed on leased land at Port Waikato (approximately 30 kilometres west of Pukekawa).[61] The ownership of this dwelling is unclear. However, it was noted by Detective Sergeant Michael CHARLES, who examined legal documents relating to this, that as a beneficiary of May DEMLER's estate, Jeannette would likely be responsible for paying the lease on the land.[62]

56. MONTEITH did not elaborate on his conversation with Jeannette in which she commented that they had been 'messed around' with the shearing. However, an insight in to this comment can be gained from letters written by Jeannette around this time. She described to friends, Betty TURNER (DOB unknown) on 4 June 1970,[63] and William Norman AVERY (DOB unknown) and his wife Janet AVERY (DOB unknown) on about 12 June 1970,[64] that they were trying to shear their sheep, but bad weather was interrupting this. Then in a letter to Harvey's mother, Marie CREWE, on Tuesday 16 June, Jeannette commented that when they started shearing they had a six day break of wet weather *"... so it made it very drawn out this time."*[65]

57. On Wednesday 17 June, Jeannette discussed the shearing with acquaintance Thyrle Daisy Amon PIRRETT (DOB [redacted]). PIRRETT said Jeannette told her that as they had attended a wedding in Wanganui recently, the shearing had to be delayed.[66] She stated that as a result of this the CREWES had lost some sheep during a cold spell.[67] It is known that on 16 May 1970 Harvey and Jeannette attended the wedding, in Wanganui, of Ruth HOWARTH (DOB unknown), daughter of their friends Rona HOWARTH (DOB unknown) and Edward John HOWARTH (DOB unknown).[68]

58. Raymond Frank YEARBURY (DOB [redacted]), William John YEARBURY (DOB [redacted], now deceased) and David Edgar BREWSTER (DOB [redacted], now deceased) worked on the CREWES' farm with Lenard DEMLER and Harvey,[69] shearing the sheep between 30 May and 10 June 1970.[70] BREWSTER commented that during this time they only had five days where they were able to shear, as there was a lot of wet weather.[71]

59. Nancy BINSTEAD (DOB unknown) stated that Harvey telephoned her home asking for her husband, John Frederick BINSTEAD, known as 'Jack', (DOB unknown).[72] Jack was a stock agent for the National Mortgage Association, Tuakau, who had business dealings with Harvey.[73] Nancy was not sure of the date of this telephone call but thought it could have been Tuesday 16 June.[74] At the time Jack was out and Harvey said he would ring Jack's office later.[75] Jack does not appear to have been asked by police if Harvey made contact with him at work. However, Nancy commented that she understood from a 'Mr WELLS' or similar, who also worked at the National Mortgage Association, that Harvey did telephone there later.[76] Nancy is likely to have been referring to Frederick Thomas WELCH (DOB unknown), Manager of the National Mortgage Association, Tuakau.[77]

60. John Fred Hinton ELGA (DOB unknown) of Hinton's Camera Shop, 157 King Street, Pukekohe, stated that Jeannette visited the shop on Tuesday 16 June at about 11.00am.[78] ELGA, who was a friend of the DEMLER family, chatted to Jeannette and noted that she was 'very cheerful' as usual, but was in a hurry to get home to prepare Harvey's lunch.[79] ELGA said Jeannette purchased one slide and print which she had asked to be developed.[80]

61. The description of this slide on the Police Jobsheet appears as 'elid'. However, this is likely to be a typing error.

62. Judith Ann McANALLY (DOB unknown), employee of NIMU Insurance Company, King

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Street, Pukekohe,[vii] stated that Jeannette visited their office about a week before the police enquiry began.[81] Due to Jeannette's known movements on Tuesday 16 June, it is possible that this is when her visit occurred, although if so, it is unknown what time of the day Jeannette visited the premises. McANALLY stated that Jeannette wanted to know how much the premiums would be if she and Harvey were to reduce the insurance cover (from $2,800 to $2,600) on their Hillman Hunter vehicle.[82] McANALLY said Jeannette took the quote home to discuss it with Harvey.[83] NIMU Insurance received no further communication from the CREWES.[84]

63. Beverly JAMIESON (DOB unknown) of Ryan & Pollock Limited, 187 King Street, Pukekohe, stated that Jeannette entered the shop with Rochelle just before 12.00 noon on Tuesday 16 June. JAMIESON commented that Jeannette looked and seemed pleasant as usual, and they spoke briefly about patching Harvey's pants.[85] The date of this visit was confirmed by the docket of sale (viewed by Constable Lester PAYN) for a yard of khaki drill purchased by Jeannette.[86] Jeannette left a birthday card on the counter, which JAMIESON kept in case she came back for it.[87] Constable PAYN viewed the card and commented that it looked as if it had just been purchased as there was no writing in it.[88] It is possible this card was intended for Lenard DEMLER, whose birthday was on 6 July.

64. Jeannette went to the Pukekohe Supermarket[viii] on Tuesday 16 June, where she purchased a number of items totalling $13.14.[89] It appears that a cheque, made out for $20.00 cash from the CREWES' joint account, was used to pay for this purchase.[90]

65. Jeannette also visited Ornstien & Greenwell's Garage and Service Station, West Street, Pukekohe, at about 11.30am.[91] Jeannette purchased three gallons of petrol and appears to have been served by Alfred Warren LAWRENCE (DOB unknown).[92]

66. Frederick WELCH reported (on 24 June 1970) that Jeannette visited the National Mortgage Association, 187 George Street, Tuakau, at about midday[93] on Tuesday 16 June.[94] Jeannette purchased a 50 pound bag of 'causmag'[ix][95] and also paid a fertiliser account.[96] WELCH was certain that Jeannette did not appear to be any different than usual.[97] He was not sure when he had last spoken to Harvey, but stated that Harvey may have telephoned him earlier that day and ordered the causmag for Jeannette to collect.[98] This may correspond with Harvey's attempt to reach Jack BINSTEAD *(see paragraph 59)*.

67. Jeannette also visited the Bank of New Zealand, George Street, Tuakau, where she deposited a cheque for $220.93 into the account of W & R Fletcher Limited.[99] The accountant who was employed at the bank, Allan Tom CHADWICK (DOB unknown), stated that when he saw Jeannette on this occasion she appeared normal.[100] The time of this visit is unknown.

68. Ngairie Anne DUNLOP (DOB unknown), a Pukekawa resident, stated that as she travelled past the CREWES' home at about 3.00pm on Tuesday 16 June, she saw Jeannette (with Rochelle) unloading the car, which was parked near the house gate.[101] Ngairie's husband, Robin William DUNLOP (DOB unknown), who was in the vehicle with her at the time, does not appear to have seen Jeannette or Rochelle, but confirmed that Ngairie later told him of her sighting.[102]

[vii] The address of NIMU Insurance, Pukekohe is not recorded. However, this information appears in a four page Police Jobsheet detailing a canvas of shops in King Street, Pukekohe. [redacted]

[viii] The location of this premises is unknown.

[ix] Causmag is a brand of magnesium oxide, a magnesium supplement which is given to cattle.

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69. Peggy Myrtle SPRATT (DOB unknown), a near-neighbour of the CREWES, stated that she saw Harvey walking in the paddock by his wool shed at about 3.00pm on 16 June.[103] At the time, SPRATT was driving north along Highway 22, Pukekawa.[104] She stated she waved to Harvey, who waved back to her.[105]

70. Jeannette wrote a letter (Police Exhibit 229) dated Tuesday 16 June to Marie CREWE (Harvey's mother), thanking her for sending a cardigan for Rochelle.[106] Jeannette told of taking Rochelle for her 18 month check-up the previous week and of the shearing that had recently been completed on their farm.[107] Jeannette wrote that she was just over halfway through knitting Harvey's jumper.[108] This is likely to be the knitting (Police Exhibit 155) that was located on the couch inside the CREWES' home *(see paragraph 630).*

71. Lenard DEMLER stated that when he arrived at the CREWES' house for dinner at about 6.30pm[109] that evening, Jeannette was preparing dinner, Harvey was getting changed, and Rochelle was already in bed.[110] DEMLER sat in the lounge with a whisky where he was joined by Harvey, who also had a whisky, and Jeannette had a brandy.[111] After eating dinner, which consisted of corned beef, potatoes, carrots and onion sauce, Jeannette cleared the table and made cups of tea which they had with cake.[112] They then moved into the lounge area and sat watching television.[113] Harvey and Jeannette did the dishes while DEMLER continued watching television.[114] This was switched off at about 9.30pm.[115] Jeannette made another cup of tea and they sat talking[116] while she knitted.[117] DEMLER stated that the conversation mainly centred on farming.[118] He also stated that Harvey and Jeannette asked what he wanted for his upcoming birthday.[119] Jeannette told DEMLER that she had gone to the solicitors that day to sign the papers for May DEMLER's death duties.[120] Lenard DEMLER's statements indicate that there does not appear to have been any further discussion around this. DEMLER left for home at about 10.00pm.[121] He commented that Harvey and Jeannette appeared to be their normal selves that evening[122] and were in good spirits.[123]

72. DEMLER's visit to the CREWES' house on the evening of Tuesday 16 June does not appear to be out of the ordinary. Jeannette wrote to Betty TURNER that since May DEMLER's death in February that year, DEMLER often visited for dinner.[124] When spoken to by police, DEMLER indicated that in recent times (prior to the murders) this had occurred about once per week.[125]

73. DEMLER's descriptions of the events on Tuesday evening are unremarkable and give the impression that nothing was amiss with either Harvey or Jeannette. However, an apparent inconsistency in these events was highlighted by Detective Inspector HUTTON, during an interview with DEMLER on 8 July 1970. Detective Inspector HUTTON stated to DEMLER that when he was first interviewed he denied that the matter of May DEMLER's will had been mentioned that evening, yet, at a later interview, Lenard DEMLER admitted the topic had been discussed.[126] Given that interviews were not taped in 1970, it is not possible to establish definitively what was or was not asked of DEMLER. DEMLER's statement, dated 24 June 1970, simply noted that they *"... had a chat about the farm ..."*[127] Detective Inspector HUTTON's Police Jobsheet of the interview made no comment whatsoever about topics of discussion that evening.[128] Nevertheless, in response to this questioning on 8 July, DEMLER replied that he did not think of mentioning it to Detective Inspector HUTTON, as the topic of May's will was only mentioned by Jeannette briefly as he was leaving the house.[129]

74. Donald TONGA (DOB [redacted]), a Pukekawa farmer, told police that he had seen Harvey on Tuesday 16 June, Wednesday 17 June or Thursday 18 June, near the waterfall on

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the CREWES' property.[130] TONGA said that at the time he had been driving a tractor on his run-off, located opposite the CREWES' property.[131] Donald TONGA's brother, Jack TONGA (DOB [redacted]), also said he had seen Harvey on Tuesday 16 June at the CREWES' wool shed. However, other than a comment on the relevant Police Jobsheet stating: *"(cannot confirm this date)"*,[132] there is no further information about Jack TONGA's alleged sighting of Harvey.

75. A cheque signed by Harvey was issued on Tuesday 16 June from the CREWES' farm account.[133] This was for $4.00, payable to the Inland Revenue Department (IRD).[134]

Wednesday 17 June 1970

76. John GRACIE told police that on Wednesday 17 June, between 7.00am and 7.30am, he telephoned and spoke to Jeannette.[135] GRACIE said he had told her that he was going to have a look at a bull and asked if Harvey wanted to go with him to see if it was what he wanted.[136] Jeannette told GRACIE that Harvey was feeding the dogs and she would get him to return his call in a few minutes.[137] Jeannette then telephoned GRACIE back and informed him that Harvey would be ready at about 9.30am, that they could have a cup of tea and then go to view the bull.[138]

77. GRACIE said he arrived at the CREWES' house late, at about 9.45am.[139] He went inside the house and had a cup of tea, sitting at the dining table[140] with Harvey and Jeannette.[141] He told police the couple appeared 'quite happy'.[142] GRACIE and Harvey talked about stock prices while Jeannette played on the floor with Rochelle.[143] Shortly after 10.00am, GRACIE and Harvey travelled in GRACIE's vehicle to the farm of Keith Harold KENYON (DOB unknown)[144] at Matakitaki Road, Glen Murray (approximately 25 kilometres south west of the CREWES' house).[145] GRACIE told police that during the journey Harvey spoke to him about the sheep he wanted collected and taken to the works.[146] GRACIE told him that he would arrange for Tuakau Transport Limited to collect the stock the following day.[147] GRACIE also told police that Harvey asked about pricing for 450 lambs and 30 calves, which he wanted slaughtered during June and July.[148]

78. When the pair arrived at the farm, KENYON was not home.[149] GRACIE said he spoke with Keith KENYON's wife, Marie Isobel Barbara KENYON (DOB unknown), who told him where they could find the bull.[150] GRACIE stated that when Harvey saw the bull he said that he wanted a polled bull, not a horned bull as this was.[151] GRACIE then took Harvey home, dropping him at the CREWES' road gate[152] between 11.00am[153] and 11.30am.[154] GRACIE told police that on the way home Harvey had asked him about sheep belonging to John Campbell McGregor LOCKHART (DOB [redacted]), as he wanted to buy some ewes at LOCKHART's stock clearing sale later that day.[155]

79. Between 10.30am and 11.00am Thyrle PIRRETT arrived at the CREWES' home. PIRRETT had taken her three-year-old daughter, Virginia PIRRETT (DOB unknown), to visit[156] and had a present of some bibs for Rochelle.[157] Jeannette and Rochelle were in the house when the PIRRETTS arrived.[158] Jeannette was baking biscuits at the time.[159] Thyrle PIRRETT said Harvey returned to the house,[160] after looking at the bull,[161] and the three had a cup of tea[162] at the dining table[163] while Rochelle and Virginia played together.[164]

80. PIRRETT commented, in a statement dated 23 June 1970, that Jeannette *"... seemed a little depressed"* at the time of her visit.[165] In a Police Jobsheet of a further interview with PIRRETT, dated 30 September 1970, it was recorded: *"Mrs PIRRETT said she had the impression of feeling*

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that Jeanette [sic] was under a little tension. She can only elaborate on this by saying Jeanette [sic] appeared a little sharp or abrupt in her manner and speech."[166] PIRRETT also commented: *"Jeanette [sic] appeared more tense than she had known her to be in the past."*[167] PIRRETT said that when Harvey came into the house he seemed normal and appeared quite pleased that PIRRETT was there.[168] By the time PIRRETT left the house, just after 12.00 noon,[169] Harvey had gone out on to the farm.[170]

81. When first spoken to by police, on 23 June 1970, PIRRETT stated that she had arrived at the CREWES' property between about 10.30am and 10.50am.[171] However, she later stated on 30 September 1970,[172] at the deposition hearing in December 1970,[173] the first trial in 1971,[174] the second trial in 1973[175] and in a statement to the RCOI in 1980,[176] that she arrived at about 11.00am.

82. John GRACIE commented that on the morning of Wednesday 17 June, Harvey and Jeannette appeared quite happy. However, police were concerned about PIRRETT's comments regarding Jeannette's demeanour when she had visited later the same morning. PIRRETT's assessment that Jeannette seemed 'depressed' and 'tense' could indicate that something had occurred which may be linked to the events that were to unfold that evening. Notably, PIRRETT's impressions were based upon Jeannette's abrupt manner and it was recorded: *"There were no other signs, mannerisms or expressions she noted which would indicate that Jeanette [sic] was under strain or depressed."*[177] During their conversation, PIRRETT stated that she asked after Lenard DEMLER, and Jeannette had commented that he had been for dinner the previous evening.[178] PIRRETT further indicated in an interview with Detective Bruce PARKES that Jeannette had put no particular emphasis or feeling in to what she said relating to DEMLER.[179] PIRRETT commented that Harvey and Jeannette appeared to be on good terms[180] and that Harvey appeared to be behaving normally.[181]

83. It is important to recognise that Jeannette's alleged demeanour may not relate to an incident that had occurred, but could have been directed towards PIRRETT herself. Jeannette and PIRRETT were not friends - the association had come about after PIRRETT married James Hamish PIRRETT (DOB unknown), a friend of the DEMLER family, 12 years previously.[182] Thyrle PIRRETT stated that after attending the CREWES' pre-wedding party they had nothing further to do with each other,[183] except for chance meetings around the district.[184] PIRRETT conceded that she had not been invited to the CREWES' home on Wednesday 17 June,[185] nor did she telephone before arriving.[186] For Jeannette, who was reserved and not particularly social, this unexpected visit may have been the reason behind her 'abrupt manner'. However, when it was suggested to PIRRETT that Jeannette could have been annoyed at her visiting, PIRRETT did not think that this was the case.[187] That said, PIRRETT stated that during her visit she invited Jeannette to visit her home with Rochelle any time they were in Tuakau, but that Jeannette *"... did not appear to be over-enthusiastic about the idea ..."*[188] This may support the hypothesis that Jeannette was not keen on developing a closer friendship with PIRRETT, who was 16 years her senior.

84. After PIRRETT left the CREWES' house, Harvey, Jeannette and Rochelle left the farm. Between 12.00 noon and 12.30pm[189] James Robert CROTTY (DOB unknown), a Buckland resident, saw the CREWES' vehicle arrive at a vegetable stall on Hamilton Road, Buckland,[190] coming from the direction of Pukekawa.[191] Hendrikis van der PUTTEN (DOB unknown), who ran the stall, said that Jeannette visited every week without fail to buy vegetables, although he did not specifically recall this occasion.[192] According to CROTTY, it appeared

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that Harvey was driving and Jeannette was sitting in the back seat.[193]

85. There is currently no 'Hamilton Road' in the Buckland area and enquiries to date have failed to establish if there was in fact a Hamilton Road, Buckland in 1970, or where this is likely to be referring to. Buckland is located between Pukekohe and Tuakau, approximately 17 kilometres north of the CREWES' house.

86. The CREWES then attended John LOCKHART's stock clearing sale at Puketutu Road, Bombay (approximately 20 kilometres north of Pukekawa).[194] There were approximately 100 people at the sale,[195] five of whom provided information to police about the CREWES' attendance between about 12.30pm and about 3.00pm. Those people were: John LOCKHART, Henry Annsley Robin EYRE (DOB unknown) a Stock Agent for Wright Stephenson & Co., Pokeno, Stuart Charles TAYLOR (DOB unknown) a friend of the CREWE family from Pahiatua, Robin DUNLOP and Claude Ernest SHEPHERD (DOB unknown) a Glen Murray resident. It was raining fairly heavily at the time of the sale[196] and Jeannette was noted to have stayed in the car[197] with Rochelle.[198] Harvey was present for both the sheep[199] and cattle sales,[200] but did not purchase anything.[201]

87. SHEPHERD initially stated that he saw Harvey at 'about midday'.[202] However, while giving evidence at both trials he was more specific, stating it was 'about 12.30pm'.[203] Considering the CREWES were seen at the vegetable stall in Buckland between 12.00 noon and 12.30pm, the midday timing originally stated by SHEPHERD is more likely to be closer to 12.30pm.

88. TAYLOR stated, on 30 June 1970, that he last saw Harvey at the sale at about 3.00pm.[204] However, considering the sale was reported by EYRE[205] and SHEPHERD[206] to have concluded by 2.00pm, and LOCKHART stated that the sale was closed at about 2.30pm;[207] it is more likely that this sighting was closer to the sale's finishing time of between 2.00pm and 2.30pm.

89. TAYLOR stated that Harvey approached him to say hello and they spoke for two or three minutes about stock and the sale in general.[208] TAYLOR commented that Harvey *"... was quite jovial when he came up and said hello to me. He seemed his normal self."*[209]

90. According to John GRACIE, Harvey had been interested in purchasing some ewes at the sale, but was also in the market for a bull *(see paragraph 39)*. Also, Jack BINSTEAD said that Harvey had mentioned to him that he wanted to buy some in-calf heifers.[210] It is unknown whether Harvey went to the sale with the intention of buying stock, or to gauge pricing and the quality of stock available.

91. Beverley Joan BATKIN (nee STANDISH, DOB [redacted]), a friend of Jeannette's, stated that in the early afternoon of Wednesday 17 June she telephoned the CREWES' home, but no one answered.[211] She also stated that on the same day, between 3.30pm and 4.30pm,[212] while inside her home at 1 Buckland Road, Tuakau,[213] she saw the CREWES' vehicle drive past.[214] BATKIN later added that she had seen Harvey and Jeannette in the car, which had driven along Buckland Road from the direction of Pukekohe, towards Pukekawa.[215]

92. It is important to note that BATKIN's claims of phoning the CREWES' house and seeing the CREWES pass her house in their vehicle were first made while giving evidence at the second trial in 1973. The file does not contain any documentation prior to this time indicating that BATKIN had supplied this information earlier, despite two interviews with police in 1970 (on 26 June 1970[216] and 30 October 1970[217]) and evidence given at the deposition hearing in 1970 and first trial in 1971. This is important to note when assessing the validity of BATKIN's

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claims, and may indicate that these events did not actually occur. The reason why BATKIN would give evidence of these events, if untrue, is unknown. That said there is also a possibility that this information was disclosed to police closer to the time of the murders, but was not recorded appropriately by the police officer in question.

93. If the alleged sighting by BATKIN is accurate, this suggests that the CREWES had taken a detour via Pukekohe on their way home from Bombay. The CREWES would not have passed BATKIN's house in Tuakau had they taken one of the other two, more direct routes, home from Bombay.

94. A cheque issued from the CREWES' joint account for $1.58, dated Wednesday 17 June 1970, made out to Farmers Trading Company[218] was negotiated through to the Bank of New Zealand, Auckland, on Thursday 18 June 1970.[219] In 1970, Farmers Trading Company was located on King Street, Pukekohe. Had the CREWES visited Pukekohe on the afternoon of Wednesday 17 June, they, or at least Jeannette (it was noted at a Police Conference dated 23 June 1970 that the writing on the cheque appeared to be Jeannette's),[220] may have gone into Farmers Trading Company.

95. A draft letter written by Jeannette to Farmers found within the CREWES' home indicated that this cheque related to a pair of 'Stardust plastic pants'. It is not possible, however, to confirm that these were in fact purchased on Wednesday 17 June. The crime scene inventory does not contain the necessary detail to establish if there was a shopping bag, receipt or packaging indicating that this item was in fact purchased by the CREWES. It is likely that this item was a plastic nappy cover, as 'plastic pants' was the description given to the nappy cover Rochelle had been wearing when she was located on Monday 22 June 1970.

96. It is possible that the CREWES had stopped at Pukekohe on their way home from the stock sale in Bombay and purchased the plastic pants from Farmers Trading Company. Detective Sergeant CHARLES noted that this cheque had been folded in half.[221] He suggested that this perhaps indicated that the cheque had been placed in an envelope and mailed.[222] While this is possible, it is also possible that the cheque was folded in half when it was put in the cash register or during the banking process.

97. Craig Millais FULTON (DOB [redacted]), a Glen Murray resident, reported that at about 4.45pm he saw the CREWES' vehicle parked at 'the gate', one mile past the house.[223] FULTON stated that it was not unusual to see the car there as Harvey often attended to stock in that area.[224]

98. The only reference to FULTON within the file is in Police Conference notes dated 23 June 1970. Despite this reported sighting and the comment by Detective Sergeant John HUGHES, officer-in-charge of suspects, that FULTON knew Harvey and Jeannette well, the file contains no documentation indicating that FULTON was spoken to further by police.

99. Alexander Harling Reid IRVINE (DOB [redacted]), a Glen Murray farmer, stated that at about 5.10pm he saw the CREWES' vehicle parked on the side of the road fairly close to the cemetery[225] (approximately two kilometres south of the CREWES' house). IRVINE did not see Harvey, but assumed that he was shifting sheep.[226]

100. When spoken to by police on 26 June 1970,[227] and in his brief of evidence for the deposition hearing,[228] IRVINE stated that he saw Harvey at about 5.10pm. However, at the time of the second trial (IRVINE did not give evidence at the first trial) he stated that he saw Harvey between 4.30pm and 5.10pm.[229] When questioned further on this, IRVINE stated that this

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event occurred 18 months previously and if he had said 5.10pm in 1970 this would be correct as it would have been fresh in his mind then.[230]

101. The sightings by FULTON and IRVINE indicate that Harvey was likely tending to stock in paddocks at the southern end of the farm late in the afternoon. It is likely that Jeannette and Rochelle had been dropped at the house prior to this.

102. Carolyn Ann DUNCAN (DOB unknown) an employee of a solicitor's office in Tuakau, told police (on 24 June 1970) that sometime during the week beginning Monday 15 June, on possibly Wednesday 17 June or Thursday 18 June, she had been standing in George Street, Tuakau, and saw Jeannette, a man and a young child in a green Hunter vehicle drive past.[231] DUNCAN knew Jeannette by sight, and was therefore able to identify her. However, she did not know Harvey and could not say whether he was the man driving the vehicle.[232] DUNCAN stated that if this occurred on Wednesday 17 June it could have been any time of the day.[233] If it was the Thursday, it would have been about 10.00am.[234]

103. DUNCAN's description of her sighting of Jeannette in Tuakau is vague, particularly pertaining to the date and time this occurred. If DUNCAN's sighting was of the CREWES this could not have occurred on Thursday 18 June as it is almost certain that the CREWES were dead by this time. It is possible that DUNCAN saw the CREWES on another day and mistakenly thought this to be the week before their murders. Alternatively, it is possible that DUNCAN did see the CREWES on Wednesday 17 June, either on their way to the stock sale at Bombay via the vegetable stall in Buckland, or on their way home from Bombay. However, DUNCAN's description indicating that the vehicle was being driven 'towards the river end'[235] indicates that this would more likely be on the way back from Bombay. Had this sighting occurred on 17 June, DUNCAN was the second witness (the other was Beverley BATKIN) who claimed to be able to place the CREWES in Tuakau on that day.

New information

Allegation that Jeannette telephoned [redacted] sounding stressed

104. On 20 October 2011, [redacted] (DOB [redacted]) contacted police in response to a public appeal for information about the CREWE murders.[236] [redacted] stated that during 1970 [redacted], and alleged that a few days before the CREWES were murdered Jeannette telephoned [redacted] 'sounding stressed'.[237] [redacted] also claimed that a short time later Heather SOUTER (Jeannette's sister) telephoned the office.[238]

105. [redacted] was interviewed by Detective Superintendent LOVELOCK and Senior Sergeant Wendy SPILLER.[239] [redacted] in the week before the CREWES went missing, Jeannette telephoned [redacted] a lot.[240] [redacted] reported that on one occasion when she telephoned: *"Jeanette [sic] sounded frightened and she asked* [redacted] *"*[241] When asked if she was alright, Jeannette allegedly stated: *I just need to talk to them."*[242] At the time [redacted] allegedly commented to [redacted], now deceased), [redacted] was 'really worried' about Jeannette.[243] [redacted] stated that SOUTER also telephoned at about the same time as Jeannette, as did Lenard DEMLER.[245]

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106. [redacted] said that sometime after this telephone call [redacted] *"... that Jeanette [sic] was* [redacted] *and that she sounded frightened."*[246] She claimed that she also advised Detective Inspector HUTTON and Detective Sergeant CHARLES of this information at the time of the homicide investigation, but does not recall [redacted] being written down.[247]

107. On 17 January 2012, [redacted] was again spoken to, by Detective Sergeant Veronica McPHERSON.[248] Regarding the telephone call from Jeannette, [redacted] reiterated that Jeannette sounded 'very stressed and frightened'.[249] [redacted] had no indication as to what was troubling Jeannette, [redacted] commented: *"To me personally she sounded like she'd been threatened."*[250] [redacted] further stated that Jeannette had telephoned [redacted] three times on that particular day, twice in the morning and once in the afternoon, [redacted].[251] [redacted] commented that [redacted] was so worried about Jeannette that day that [redacted].[252]

108. When asked about the telephone call from SOUTER, [redacted] stated [redacted] did not know the reason for the call, but commented that this stuck in her mind as [redacted] SOUTER lived in the United States of America (USA).[253] During this call, however, SOUTER mentioned [redacted] that she was in Auckland.[254] [redacted] recalled SOUTER sounding 'very positive' over the telephone.[255]

109. [redacted] could not say how close together the calls from Jeannette and SOUTER were, but believed that they were in the same week and that SOUTER had telephoned a few days before Jeannette.[256] [redacted] then commented the calls *"... were made very close in time to the murders, possibly a week or a few weeks prior."*[257]

110. [redacted] said the following day, after the calls from Jeannette [redacted] if [redacted].[258] [redacted] had tried to contact her that night, but got no answer, and [redacted] would try and telephone her again that day.[259] [redacted] claimed that in 1970 police did not seem interested in [redacted] had to say.[260]

111. The file does not contain any reference relating to the telephone calls by Jeannette or SOUTER, as described by [redacted]. Had this information been provided to police in 1970, as alleged by [redacted], it is likely that this would have been documented and a statement obtained from [redacted]. At the time Lenard DEMLER was the primary suspect for the murders, the motive for which was believed to have been centred on May DEMLER's will. Thus, police were investigating the implications to the DEMLER family of that document. The will had been drawn up by Sturrock & Monteith Solicitors and they were administering the estate. Any information regarding Jeannette being 'stressed' or 'frightened' [redacted] would certainly have been of interest.

112. On 24 June 1970, Detective Sergeant CHARLES [redacted]. He noted that after speaking with [redacted] were asked if they had seen Harvey or Jeannette since Wednesday 17 June.[261] [redacted], [redacted] answered that they had not seen either of the CREWES since this time.[262] Although not specifically asked, Detective Sergeant CHARLES' question would have provided an opportunity for [redacted] to pass comment about [redacted] interaction with Jeannette over the telephone that week. If [redacted] had been present, information such as that which [redacted] later proffered should have been volunteered if the interaction had in

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fact occurred.

113. Retired Detective Inspector CHARLES was spoken to by Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM on 17 December 2013. He was asked if he could recall [redacted] any information about Jeannette phoning [redacted] sounding stressed prior to the murders, or Heather SOUTER's alleged telephone call to [redacted]. CHARLES stated that he definitely could not remember any information of that nature being brought to his attention [redacted].[263] He stated that had he heard of the information (that was later provided by [redacted] in 2011) he would have taken note as this would have been of interest to the enquiry team.[264] Furthermore, CHARLES stated that if such information had come to his attention, this would have been recorded and he would have taken a statement from [redacted] [265]

114. [redacted] initially described the telephone call from Jeannette as occurring 'a few days' and 'the week before' the CREWES were murdered. This later changed to 'possibly a week or a few weeks prior' to the murders, making it difficult to establish when in fact the alleged telephone call occurred.

115. [redacted], whom [redacted] allegedly told of the 'stressed' telephone call from Jeannette, is now deceased and, like [redacted], was not documented as being spoken to in 1970. [redacted] were spoken to on a number of occasions at length [redacted] Neither mentioned such an incident as described by [redacted].

116. [redacted] stated that the telephone call from SOUTER, which was around the same time as the 'stressed' call from Jeannette, occurred when SOUTER was in Auckland. Records indicate that the last time SOUTER was in New Zealand prior to the CREWE murders was between 27 November 1969 and 9 March 1970.[266] It is quite possible that during this time SOUTER was in New Zealand, she contacted [redacted].[267] However, this was some months prior to the murders. After the murders SOUTER was in New Zealand between 25 June 1970[268] and 8 September 1970,[269] and [redacted].

117. It cannot be established whether the alleged telephone call from Jeannette occurred or when, if in fact it did occur. When considered along with the information about SOUTER's telephone call, it is apparent that this may not have been as close to the time of the murders as now thought by [redacted].

118. It is possible, although unlikely, that this information was given to police during the original investigation in 1970, but not appropriately recorded. The fact that there is no record of this disclosure to police anywhere on the investigation file and that this information does not appear to have been known by [redacted] undermines the validity of this disclosure. Overall, this information is assessed as being unreliable.

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2. ACTIVITY THAT TOOK PLACE AT THE CREWES' PROPERTY BETWEEN WEDNESDAY 17 JUNE 1970 AND THE TIME THE CRIME SCENE WAS DISCOVERED ON MONDAY 22 JUNE 1970

Key findings

119. Pukekawa resident Bruce RODDICK told police that he saw a woman and what he thought was the CREWES' vehicle in the CREWES' front paddock at about 9.00am on Friday 19 June 1970. He said the woman, whom he described as tall, with short hair and wearing slacks, was standing by the car (which was parked across the house gate) and watched him feed out hay from a tractor in a paddock on the opposite side of Highway 22.

120. RODDICK's statements and evidence made throughout the following 10 year period (1970-1980) remained reasonably consistent. It is possible that RODDICK did in fact see a woman at the CREWES' property on this day. However, no one has ever come forward to police claiming to be the woman seen that day, or having credible evidence which identifies that woman. It is difficult to reconcile why a woman, who was likely connected to the offender/s, would put herself in a position where she could be seen at the property between the time of the murders and the crime scene being discovered.

121. A number of people have attempted to gain a positive identification from RODDICK of the woman he saw on the CREWES' property. Many have claimed that they have succeeded. However, RODDICK disagreed, always maintaining that he had never gone any further than to say that any woman was 'similar' in appearance. RODDICK repeatedly claimed that he was 'quite certain' Vivien THOMAS was not the woman he saw that day and said that Norma DEMLER was 'definitely not' the woman he saw. Also, he has never gone further than stating that Heather SOUTER was 'similar' to the woman he saw. RODDICK has also described other women as being 'similar' to the person saw that day.

122. RODDICK died on 28 July 1991,[270] therefore any details relating to the sightings can no longer be clarified or expanded upon. This aspect of the case will continue to be open to speculation and form the basis of further theories pertaining to the murders of the CREWES, and in particular, the question of whether or not Rochelle was fed and/or had her nappy changed between the time of her parents' murder and the crime scene being discovered.

123. Pukekawa resident Queenie McCONACHIE told police that she had seen a small child and what she described as the CREWES' vehicle in the front paddock of the CREWES' property at about 1.40pm on Saturday 20 June 1970. McCONACHIE was unwavering with her account of the sighting of the child and was certain that it occurred on this day.

124. McCONACHIE's general description of the child, and her more detailed description of clothing worn by the child, match Rochelle and clothes that she was known to have. There is no information to indicate that another child had been at the property on that day, or any other, between the murders and the discovery of the crime scene.

125. It is not possible that Rochelle could have gotten out of her cot or the house unassisted. Therefore, if Rochelle was the child seen in the CREWES' front paddock on this day, there must have been another person at the property. However, it is very difficult to reconcile why Rochelle would have been taken outside by someone. This person certainly would have known that something untoward had occurred at the house and the act of taking Rochelle

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SENSITIVE

out into the front section of the property, which could easily be seen by passersby and neighbouring farms, would present a significant risk of being seen and/or found out. The additional factor of Rochelle's clothes being changed, for her to have been seen wearing the clothing described by McCONACHIE, makes the sighting even more peculiar.

126. No people or vehicles were reported to have been seen at or near the CREWES' property on the night of the murders, Wednesday 17 June 1970.

127. There were reported sightings of nine vehicles at or near the CREWES' property between the time the CREWES were murdered and the crime scene was discovered. Seven of these sightings have not been satisfactorily explained or accounted for. At this time it is unlikely that these sightings could be resolved. Two vehicles that had been seen near the CREWES' property during this time were identified and were unrelated to the murders.

128. It is difficult to discount sightings by three separate individuals (Bruce RODDICK, Queenie McCONACHIE and Keith BROWN) indicating that the CREWES' vehicle, or one similar/identical to it, was parked across the house gate on Friday 19 June, Saturday 20 June, and Sunday 21 June 1970. If these sightings are correct, someone moved the vehicle on either Sunday 21 June 1970, after BROWN's sighting, or the morning of Monday 22 June 1970, into the CREWES' garage. The reason why this may have occurred is unknown. Alternatively, it is possible that the witnesses were mistaken about the day of their sightings.

129. It is possible that the positioning of curtains and blinds in the CREWES' house had not changed since the murders on the evening of Wednesday 17 June 1970. Witness sightings indicate that a curtain in the lounge and blinds in Rochelle's bedroom (both visible from the road) remained closed from the afternoon of Friday 19 June to the afternoon of Monday 22 June when the crime scene was discovered. The delivery man, Emmett SHIRLEY, was the only witness who provided information indicating that the curtains in the house (visible from the road) had been open on the mornings of Thursday 18 June and Friday 19 June. However, SHIRLEY's assertions may have been based upon the usual positioning of the curtains and blinds, rather than his recollection of the specific days in question.

130. It is likely that the rear outside light had remained on since the evening of Wednesday 17 June 1970, and was actually turned on by one of the CREWES. The lack of reported sightings regarding the kitchen light makes it difficult to establish whether this changed at all during the days between the murders and the crime scene being discovered.

131. The CREWES did not collect their mail, or deliveries of bread and milk, from their delivery box after Wednesday 17 June 1970. This means that deliveries made on Thursday 18 June, Friday 19 June and Saturday 20 June (collectively Police Exhibit 48) remained in the box until Monday 22 June 1970.

132. Items located on the kitchen bench and dining table indicated that the CREWES had consumed a meal of flounder and potatoes. The CREWES were killed before they tidied up after their meal. There is no evidence to indicate that more than two people (Harvey and Jeannette) ate this meal.

133. There is no evidence at the crime scene which indicates that Rochelle had consumed food and/or fluid between the time of her parents' murders and the crime scene being discovered.

134. It appears that an attempt was made by the offender/s to clean up blood stains in the lounge. However, in doing so a number of drops of diluted blood (Police Exhibits 15 to 28) were left

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on the kitchen floor, cupboards and tap. Two saucepans (Police Exhibits 34 and 120) from the kitchen were filled with water and each was used (likely with a cloth) to try and remove blood from the carpet. One saucepan (Police Exhibit 34) was used for Jeannette's blood stains; the other saucepan (Police Exhibit 120) was used for Harvey's blood stains.

135. The presence of a large quantity of blood (Police Exhibits 1, 2 and 4) on the armchair (Police Exhibit 114) indicated that Harvey was likely sitting there when he was killed. Furthermore, it is possible that his body remained in this location for some time after his death due to the fact that his blood had seeped through the seat of the chair and on to the carpet beneath. It is almost certain that Harvey had been dragged from this chair, across the lounge floor and out the front door. It is likely that his body was transported from the steps of the front door to a vehicle using the CREWES' wheelbarrow (Police Exhibit 30).

136. It is likely that furniture within the lounge of the CREWES' house was moved after the CREWES were murdered. Blood stains on the armchair (Police Exhibit 114) and a blood stain on the carpet (Police Exhibit 14) indicate that this chair was not in the position it was found in when Harvey was killed while sitting in it. It is likely that the chair moved when Harvey was dragged out of it. Also, a drag mark in blood on the carpet, from a large blood stain (Police Exhibit 11) on the lounge floor, was almost certainly made by a castor on the couch (where Jeannette was believed to be sitting when Harvey was killed) when it was pushed backwards. It is possible this was done to clear space for the bodies to be removed from the lounge.

137. Examination of ash (Police Exhibits 35, 36 and 37) present in the fireplace indicates that a piece of carpet from in front of the fireplace and a cushion, possibly from the armchair (Police Exhibit 114), were likely burnt in the fire by the offender/s.

138. The presence of Jeannette's slipper (Police Exhibit 53) on the floor next to the armchair indicates that Jeannette may have approached Harvey's body after he had been shot. It is possible that Jeannette lost her slipper while trying to flee from this area after seeing the offender/s.

139. The presence of blood stains (Police Exhibits 8, 9, 10 and 11) by the fire indicates that Jeannette was likely killed in this area. It is possible that Jeannette's body was removed from the house in the same manner as Harvey's body, i.e. dragged and put into the wheelbarrow.

140. Rochelle was found in her cot in the front bedroom of the house. Her bedding was in a very wet condition and was badly urine stained.

141. A brown bedspread was noted to be missing from the CREWES' bed. It was later established that this, and other materials from the house, had been used to wrap the CREWES' bodies after their murders.

142. Harvey's Pioneer shotgun, which was located in a canvas bag in the washhouse, was undisturbed.

143. Two searches of the property surrounding the house, on 23 June 1970 and 18 August 1970, failed to locate a murder weapon or related items. However, a search on 27 October 1970 by Detective Sergeant CHARLES and Detective Sergeant PARKES resulted in a spent cartridge case (Police Exhibit 350) being located in the garden bed opposite the kitchen windows.

144. No blood, fingerprints or other physical evidence was identified at the crime scene which was linked to the offender/s.

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145. Several aspects of the police handling of the crime scene were unsatisfactory and, as a result, compromised the quality and integrity of the investigation. For example: (i) the presence of Detective Senior Sergeant SCHULTZ's notebook on the dining table in crime scene photographs, (ii) the movement (by Detective Sergeant JEFFRIES and/or Detective Inspector HUTTON) of the couch in the lounge prior to plans of the crime scene being drawn, (iii) crime scene photographs showing papers on the couch in varying positions, (iv) the movement of a 'child's plastic carrot' by Detective Sergeant JEFFIRES to act as a pointer to an extension cord in the crime scene, (v) crime scene photographs depicting a possible police reconstruction of the position of an extension cord in the master bedroom without any supporting documentation, (vi) the destruction (possibly by Detective KEITH) of a piece of material which was located outside near the back door, next to the wheelbarrow (Police Exhibit 30), (vii) a report of police officers eating, and discarding unwanted food, within the exterior crime scene, and (viii) an incomplete crime scene registry.

146. Medical experts consulted during the course of the original investigation gave conflicting opinions as to whether or not Rochelle had consumed food and/or fluid between Thursday 18 June 1970 and 2.30pm on Monday 22 June 1970. Importantly, all Doctors consulted in 1970 agreed that it would have been possible for Rochelle to survive that period without any food or fluid. However, Doctor FOX and Professor ELLIOTT were of the opinion that Rochelle had consumed food/fluid. Doctors CAUGHEY and LUDBROOK opined that she had not.

147. Professor JENNY, who was approached by the Review Team in 2012, reported that she too was of the opinion that although it was possible Rochelle could have survived unattended for the period between her parents' death and the crime scene being discovered, she was 'certain' that Rochelle had been provided food and/or fluid.

148. Of all the medical professionals consulted, Professor JENNY is the most qualified to give an opinion as, unlike the other doctors, she has experience in dealing with neglected children. Having said this, unlike the doctors in 1970, Professor JENNY did not have the benefit of examining Rochelle and based her opinion on reports by those who saw Rochelle around the time she was found.

Alleged sighting of a woman on the CREWES' property on Friday 19 June 1970

Bruce RODDICK's sighting

149. On 23 June 1970, Bruce Michael RODDICK (DOB [redacted] now deceased) informed police that he had seen a woman and a vehicle on the CREWES' property just after 9.00am on Friday 19 June 1970.[271] This was two days after the murders were almost certainly committed. RODDICK explained that he had been feeding out hay just behind Ronald CHITTY's old cottage (opposite the CREWES' house) on Highway 22, Pukekawa, when he saw a green Hillman, 'the modern shape', *"... parked on the grass outside the small front gate"* facing north.[272] RODDICK stated: *"There was a woman standing just inside the fence from the gateway."*[273] He described the woman as *"... in her thirties, and about 5'10 - 5'11"... her hair was not blonde but light brown, her hair was cut fairly short but curled up at the bottom."*[274] He further stated she was *"... about medium build, I would not say she was slim"*[275] and commented: *"... she looked quite good looking to me."*[276] RODDICK stated: *"She was wearing dark slacks but I don't know about the rest"*[277] and estimated that he was about 75 yards away[278] (approximately 69 metres) from the woman at the time.

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150. The date RODDICK stated he had seen the woman on the CREWES' property remained consistent throughout his statements, affidavits and evidence given from 1970 to 1980. However, there was inconsistent information about the period RODDICK was working in the paddock, from where he saw the woman.

151. In 1970, RODDICK worked as a labourer for various farmers in the Pukekawa area and, on occasion, for CHITTY.[279] On Friday 19 June 1970, RODDICK had been at home when he received a telephone call from CHITTY at about 7.30am.[280] RODDICK stated that CHITTY asked if he could go and help him feed out hay as CHITTY was going to be busy at 10.00am with (stock) buyers from Gisborne.[281] RODDICK agreed that he could work for a few hours that morning and arrived at CHITTY's farm at about 8.30am.[282]

152. Detective ROBERTS' Police Jobsheet from 23 June 1970 noted that CHITTY *"confirms with absolute certainty that the witness [RODDICK] ... was in the place at the time mentioned.*[283] This comment infers CHITTY confirmed that RODDICK was indeed working in the paddock where RODDICK told Detective ROBERTS he had been on 19 June when the sighting occurred. Later, at a Police Conference on 23 June, Detective ROBERTS reported:

> *"I have confirmed from this man's employer, CHITTY, that he [RODDICK] was where he said he was at the time. This is confirmed beyond all doubt because CHITTY sent for him on that particular day for a particular job. I think despite the limitations of this man it is probably an accurate sighting ... He did not feed out hay to the beasts any other day but that day."*[284]

153. When interviewed on 27 June 1970 by Detective Sergeant CHARLES, RODDICK stated that prior to Friday 19 June he had worked on CHITTY's farm the previous week on Monday 8 June, Tuesday 9 June and Thursday 11 June.[285] There is no documentation on the file that suggests this was confirmed with either Ronald CHITTY or his wife Carolyn CHITTY. It is possible that this enquiry was completed but not documented. Alternatively, police may have accepted RODDICK's assertions at the time and further enquiries were therefore not completed.

154. A statement by Detective Inspector HUTTON (the precise date of which is unknown, but due to its content must be after 1 June 1972) claims that enquiries with Ronald CHITTY established that he and RODDICK had been feeding out hay each day, over a period of four to five weeks prior to 19 June, in the paddock from which RODDICK's sighting occurred.[286] This clearly conflicts with RODDICK's statements and CHITTY's comment on 23 June 1970, which indicated that RODDICK *"... did not feed out hay to the beasts any other day but that day."*[287]

155. There does not appear to be any source documents on the file from which Detective Inspector HUTTON's statement was prepared, eg, Police Jobsheets or statements. It is almost certain that if there was firm evidence (such as CHITTY's wage book) RODDICK had been working on CHITTY's farm on other days that week, this would have been presented by police as evidence at the second trial to reject RODDICK's sighting. CHITTY kept a 'wage book' which was used by police in 1970 to clarify dates from 1967 that another employee had worked on his farm.[288] It is likely that the question of specific days on which RODDICK had worked for CHITTY could have been cleared up via this means in 1970. Detective Senior Sergeant LENDRUM contacted CHITTY on 23 March 2012 and it was determined that he no longer has the wage book from this period.

156. In 1978, at the request of Prime Minister Robert MULDOON, Robert ADAMS-SMITH QC

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conducted an enquiry in to a number of matters regarding the CREWE homicide investigation *(see chapter 11)*. ADAMS-SMITH QC interviewed RODDICK in an attempt to clarify the time period he had worked on CHITTY's farm.[289] ADAMS-SMITH QC concluded:

> *"Roddick I understand has been challenged as to his fixing the day he made his sighting of the woman, as Friday the 19th June. Had he been working for Chitty on other days during that week I would accept that there was justification for such a challenge ... I can see no reason to doubt his accuracy as fixing the day of the sighting as the Friday before [the CREWES disappearance was reported]. That was the only day that previous week that he had been on the Chitty farm."*[290]

157. It should be noted that it appears the sole source of information on this matter was RODDICK himself.

158. RODDICK further explained to ADAMS-SMITH QC that CHITTY usually had the help of another worker. However, around 19 June 1970 CHITTY was without assistance, which is why RODDICK was called in.[291]

159. At the RCOI in 1980, RODDICK again confirmed that 19 June 1970 was the first day of that week he worked on CHITTY's farm.[292] RODDICK said that he had not been in the area of the CHITTY farm at all later in the day[293] and, therefore, could not have confused the time of his sighting.

160. However, CHITTY gave evidence at the RCOI in support of Detective Inspector HUTTON's assertion that RODDICK had worked in the paddock in question on other days that week. CHITTY stated that there had been cattle in that paddock for at least a month prior to 19 June 1970.[294] CHITTY claimed he would have been feeding out every day over that period.[295] He further stated that RODDICK had been assisting him not only during the whole week of 15-19 June, but also the preceding week.[296] This evidence is in direct conflict with what CHITTY reportedly told Detective ROBERTS on 23 June 1970. It is relevant to note that at the time of giving evidence at the RCOI, CHITTY was recalling specific days one of his casual employees worked on the farm 10 years previously. This may make his evidence less reliable.

161. It appears that the last full time worker on CHITTY's farm was Allan Leslie ROBINSON (DOB [redacted]), who left in February 1970.[297] Between this time and June 1970 it does not appear that a new worker was hired, hence the use of RODDICK as a casual farm labourer. The cottage on CHITTY's farm was empty in June 1970 and was in fact used by police as an operation headquarters.[298] During the period CHITTY was without a full time worker, he also received assistance from Lindsay Albert BUDGE (DOB unknown) a Pukekawa farmer, in sowing grass seed on his property in about April 1970.[299] Information was also held by police that Bruce BUDGE (DOB unknown) was employed by CHITTY and was residing with his parents,[300] presumably Lindsay BUDGE, at the time of the investigation. No information is available in relation to the period in which Bruce BUDGE worked for CHITTY, and Bruce BUDGE was not spoken to by police. Therefore, it is not possible to establish whether he had also been helping CHITTY feed out hay during this same period.

162. It does not appear that the stock buyers from Gisborne, with whom CHITTY was said to be meeting on Friday 19 June 1970 *(see paragraph 151)*, were located in order to confirm the date of this meeting. This may have supported or challenged RODDICK's recall of the day on

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which his sighting occurred. However, there is information on the file which offers an alternative possibility. On the morning of Tuesday 9 June 1970, Matthew Robson Scott MILBURN (DOB [redacted]), a Stud Stock Agent for Dalgety New Zealand Ltd., Palmerston North,[301] visited CHITTY's farm along with Erle Bryant BOOTH (DOB unknown), a client of Dalgety New Zealand Ltd.,[302] John Reginald HENSON (DOB unknown), an employee of BOOTH's,[303] and either G. S. BOWRON (DOB unknown), Tuakau Manager of Dalgety New Zealand Ltd or E. C. BROWN (DOB unknown).[304] It is noted that Tuesday 9 June was one of the days RODDICK stated he had worked for CHITTY prior to his sighting on Friday 19 June 1970.[305]

163. It is possible that RODDICK could have confused the region the stock agents were from when he gave details of this event in his statement to police - it is possible they came from Palmerston North, not Gisborne. There are no documents on the investigation file indicating whether or not CHITTY was asked about the visiting stock agents close to the time of the alleged sighting. CHITTY's only comments regarding the stock agents were made at the RCOI, when he confirmed that he was expecting stock buyers from Gisborne on Friday 19 June 1970.[306] It is possible that this was the case. However, it is also possible that 10 years after the event, CHITTY did not recall the visitors coming from Gisborne, but as others had earlier stated this (RODDICK and John HENRY QC, counsel appearing for the New Zealand Police at the RCOI) he believed this to be true.

164. Had the date of this visit from stock agents on Tuesday 9 June 1970 been confused by RODDICK for a visit on Friday 19 June 1970, it could be argued that his sighting of the woman on the CREWES' property had actually occurred on 9 June. This cannot be confirmed by information held on the file. It is also possible that this visit by stock buyers from Palmerston North was a separate event to a visit by stock buyers from Gisborne the following week.

165. The information provided by RODDICK (recorded in Police Jobsheets, statements, affidavits and evidence at trials) largely remained consistent with his first statement to police on 23 June 1970. However, there are occasions when RODDICK's account of his sighting differed. For example, in affidavits, dated 18 May 1972[307] and 10 October 1972,[308] RODDICK put the time of his sighting between 8.30am and 9.00am. While this is not a significant deviation from his first description, of 'just after 9.00am', it is assessed that the time given to police in that statement, four days after the sighting, is likely to be more accurate than the time range proffered two years later.

166. RODDICK's description of the vehicle he saw on the CREWES' property remained consistent. It is noted that at the time of his second statement to police on 25 June 1970, RODDICK identified this vehicle as *"... the one I have seen at the CREWE farm a couple of times before."*[309] This was expanded upon during his evidence at the deposition hearing where RODDICK stated that he had seen the car before, parked in the CREWES' garage.[310] This sentiment was reiterated during RODDICK's evidence at the first trial.[311] At the second trial[312] and RCOI,[313] RODDICK positively identified this vehicle as belonging to the CREWES.

167. The woman was consistently described by RODDICK as standing in close proximity to this vehicle,[314] as if she were watching him feed out.[315] At the RCOI, RODDICK marked on a photograph where he had been in CHITTY's farm paddock and where the woman had been on the CREWES' property.[316] This photograph also depicted a vehicle parked in the position that RODDICK indicated one had been on Friday 19 June. RODDICK indicated the vehicle

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had been parked across the house gate, with the driver's side facing the gate.[317] This means that when looking at the CREWES' property from the road, the vehicle would be almost centred in front of the house. RODDICK indicated that the woman was standing near the front bonnet of the vehicle.

168. It was at the deposition hearing that the ethnicity of the woman was first described. Here RODDICK indicated that she was European,[318] which he again confirmed at the first trial[319] and in affidavits dated 18 May 1972[320] and 10 October 1972.[321] This information had not been included in RODDICK's two previous statements to police. The absence of comment regarding the woman's ethnicity is likely to be a result of the interviewing police officer not documenting (or perhaps not asking for) this information.

169. In his initial statement to police on 23 June 1970,[322] and at the RCOI,[323] RODDICK described the woman to have been 'in her thirties'. This is different to his affidavit dated 18 May 1972 where RODDICK claimed: *"I am not a good judge of ages but the lady did not look middleaged [sic] and I would say was in the 30 - 50 age group."*[324] These are the only occasions when RODDICK described his impression of the woman's age. It is interesting that on this one occasion in 1972 the age group was changed to include a considerably wider group, '30 - 50'. Furthermore, it is unknown how RODDICK defined 'middle aged'.

170. RODDICK's 1972 affidavit was submitted along with a petition to the Governor-General seeking a re-trial for Arthur THOMAS.[325] [redacted]

171. Nevertheless, there is some doubt over RODDICK's ability to judge age from a distance. ADAMS-SMITH QC reported:

> *"I enquired of Roddick as to how, if he could not distinguish facial features, he could put the woman as being 'in her thirties'. I said that not being able to see her face, surely it must have been difficult for him to put an age on the woman. He replied that he was able to do so 'partly by the way she held herself'. I then asked how he could tell, without seeing facial features that it was a woman in her thirties as opposed to someone in her twenties. His reply was that it was because the woman had a more mature figure than one would expect with that earlier age group."*[326]

172. RODDICK maintained that the woman was 'not slim'[327] and his descriptions of her build ranged from 'medium'[328] to 'big'.[329] RODDICK described the woman as tall[330] and as the same height[331] or taller than him;[332] however, RODDICK provided varying height measurements for the woman between *"... about 5'10 - 5'11"* in a statement dated 23 June 1970[333] and *"... about five feet eight or nine ..."* in his affidavit dated 18 May 1972.[334] At the RCOI, RODDICK stated that the woman was in fact taller than five foot eleven inches.[335]

173. After describing the woman's hair as 'short' on 23 June 1970,[336] RODDICK was shown a

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photograph of Jeannette on 25 June 1970.[337] He said the woman's face was 'similar' and her hair was *"... the same length but seemed to be a little lighter in colour than the photo."*[338] The photograph shown to RODDICK was from the CREWES' wedding four years previously and depicts Jeannette's hair as chin length. RODDICK's descriptions of the colour of the woman's hair varied from fair/fairish,[339] to 'not blonde but light brown'.[340] After stating that the woman's hair was *"... curled up at the bottom"*[341] in his initial statement, he did not mention this aspect again.

174. RODDICK consistently described the woman as wearing slacks[342] and claimed they were 'dark'[343] on about half the occasions he referred to them. Such references to the colour were largely made in statements RODDICK gave closest to the time of the sighting. It would, therefore, be reasonable to deduce that when RODDICK saw the woman, he perceived her to have been wearing slacks that were dark in colour.

175. At the RCOI, RODDICK claimed for the first time that the woman had been wearing a green top when he saw her.[344] When questioned, he explained that he had not previously supplied this information because he did not remember it until after he had made his initial statements.[345] He further explained that he had not previously referred to the green top as he had not been asked about it.[346] The 10 year time lapse between RODDICK's sighting and him offering this information about the woman's top is significant, and RODDICK's assertion that the woman had been wearing a green top is therefore not considered reliable.

176. RODDICK provided inconsistent estimations of the distance he had been from the woman when he saw her. These varied between 70 and 200 yards[347] (64-183 meters), which is a considerably wide range. Court transcripts are indicative of confusion between RODDICK and counsel when he gave evidence in relation to this. At times it is not clear if RODDICK was referring to his distance from the woman, CHITTY's house or the CREWES' house. Furthermore, at the RCOI RODDICK stated that he was not very good at judging distances.[348] From the photograph of the woman and vehicle presented at the RCOI (mentioned above), it can be established that, at this time, RODDICK indicated the woman was about 147 feet[349] (45 metres) from the road gate on the CREWES' property. There was then an additional distance across the road and a portion of CHITTY's paddock between RODDICK and the woman.

177. RODDICK's description of the woman suggests he was at a range where he could make out her general characteristics, such as gender, ethnicity, hair colour and physique. However, at the RCOI RODDICK agreed that he had been too far away to recognise facial characteristics. That said, he believed that he would have recognised the woman if she had been a person he knew.[350] It can therefore be inferred that RODDICK did not believe that, at the time of his sighting, he knew the woman standing in the CREWES' front paddock on the morning of Friday 19 June.

178. Photographs of the scene are misleading when assessing the feasibility of RODDICK's sighting. Upon visiting Pukekawa,[x] and the area where RODDICK's sighting occurred, a greater appreciation of the distance can be gained and tends to suggest that it is reasonable that at least a general description of a woman unknown to him could be made. It is possible that had this woman been known to RODDICK, he may have been able to recognise her.

[x] This visit occurred on 18 April 2012. The weather was fine and clear, unlike that described of mornings during the month of June 1970.

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However, if this woman had been somewhere he would not have expected her to be, he may not have recognised her (i.e. RODDICK's recognition may have been context-specific).

179. Detective Inspector HUTTON stated that RODDICK was taken to the paddock where he had been feeding out hay on Friday 19 June 1970 and indicated to police the approximate location he had been when he saw the woman.[351] From this location, a photograph was taken of a woman standing on the CREWES' property in the position indicated by RODDICK.[352] Detective Inspector HUTTON commented that this reconstruction raised serious doubts in his mind that anyone could identify a person at that distance.[353] This is contrary to the view expressed by Detective ROBERTS at the time of RODDICK's first interview: *"There is no doubt that he [RODDICK] could have seen what he said he saw from the position he describes."*[354]

180. In addition, it was noted by Detective Inspector HUTTON: *"... daylight at 8a.m to 9a.m in June at Pukekawa was not particularly good."*[355] This could have potentially inhibited RODDICK's ability to recognise this woman.

181. Of note, RODDICK did not mention in any of his interviews with police that he had seen sheep or lambs in the front paddock where the woman and vehicle were sighted. There were nine or ten lambs in this paddock from Wednesday 17 June[356] to Monday 22 June 1970.[357] If these lambs had been in the paddock at the time of RODDICK's sighting it is likely that he would have seen them. The fact that this detail was not noted by RODDICK may indicate that his sighting of a woman on the CREWES' property did not occur on Friday 19 June 1970, or any other day between the time the CREWES were murdered and the crime scene being discovered. Alternatively, it is likely that had RODDICK not been asked of this detail by police he may not have offered this information because he did not see it as significant.

182. Detective ROBERTS' Police Jobsheet from 23 June 1970 notes that RODDICK's employer, Ronald CHITTY, *"regards him as a moderate worker, of no [sic] very strong character and limited intelligence, but unlikely to be very inaccurate because he lacks either the inclination or the ability to romance much."*[358] Detective ROBERTS commented that he agreed with CHITTY's assessment of RODDICK, adding: *"RODDICK is an idiot and unobservant. His description seems reasonable however and can almost certainly be relied uponn [sic], and apart from the height, seems quite accurate."*[359]

183. At the time of the sighting it was presumed by RODDICK that the woman he saw was Jeannette,[360] as she was seen on the CREWES' property. Detective ROBERTS' comments that RODDICK's description 'seems reasonable' and *"... apart from the height seems quite accurate"*[361] suggests that at this point in time, he was of the same opinion (that the woman was Jeannette). RODDICK said, in a statement dated 25 June 1970: *"I do not know Mrs [Jeannette] CREWE and have not seen any woman at the CREWE farm before."*[362]

184. A discussion between RODDICK and his parents, Francis William RODDICK (DOB unknown) and Elsa RODDICK (DOB unknown) on either 22 June[363] or 23 June 1970[364] indicated that the woman was unlikely to be Jeannette.[365] This was because when Bruce RODDICK described the woman's hair as fair,[366] Elsa pointed out that Jeannette did not have fair hair.[367] The investigation file does not contain any colour photographs of Jeannette. However, descriptions of her by Lenard DEMLER indicate she had 'dark brown hair cut short'.[368]

185. After taking a statement from Bruce RODDICK on 25 June, Detective Sergeant CHARLES commented at a Police Conference that day, RODDICK *"... is a simple soul but has good eyes"*,[369]

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indicating that he too believed RODDICK's description of the woman was reliable.

186. At the time of RODDICK's sighting, he had been working on Ronald CHITTY's property, opposite the CREWES'.[370] CHITTY had been driving the tractor while RODDICK was on the tray at the back feeding out to cows.[371] RODDICK, from this elevated view, had looked across the road into the CREWES' front paddock and saw the woman.[372] CHITTY was quite sure he himself did not see any such woman.[373]

187. [redacted]

The woman's identity

188. RODDICK's sighting was initially thought to be of Jeannette but, as RODDICK was certain of the date on which this occurred, his sighting suggested that a woman (not Jeannette) had been on the CREWES' property two days after the couple had been murdered and three days before the crime scene was discovered. A news release[xi] was broadcast reporting the sighting of a woman at the property, along with a request for any similar sightings or any such woman to contact police.[378] No one has ever reported to police that they were the person seen on the CREWES' property that day.

189. Perhaps due to the complex implications presented by this sighting, and a lack of corroboration, Detective Inspector HUTTON commented at a Police Conference, on 15 July 1970, that the sighting of the woman by RODDICK *"... is unreliable and we have decided to disregard that altogether."*[379] At least at this stage in the investigation, it was not appropriate to completely 'disregard' this, or any other information, as having no bearing on the circumstances of the murders. As it happens, police later decided that this information was relevant and formed part of the information put before the jury at the first trial.

190. In mid-October 1970, when Arthur THOMAS became a suspect for the murders, this evidence once again formed part of the murder scenario. It was suggested that THOMAS' wife, Vivien Susan THOMAS (nee CARTER, DOB [redacted], now deceased), visited the CREWES' house to feed and/or change Rochelle's nappy.

191. This theory, that Vivien was the woman seen at the CREWES' property on Friday 19 June 1970, was proposed and RODDICK gave evidence for the Crown at the deposition hearing in 1970[380] and the first trial in 1971[381] of his sighting of the woman on the CREWES' property. However, as there was no evidence that this woman was in fact Vivien, she was not charged and was not directly accused in court.

192. An identification parade was conducted at the Pukekohe Police Station on 30 October 1970. RODDICK was asked to view a line-up of nine women in order to establish if any of them was the same woman he had seen on the CREWES' property.[382] Vivien was among the women, who were all dressed in slacks.[383] RODDICK was asked if he recognised the person

[xi] The date of this news release is unknown.

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that he had seen, to which he replied: *"No one there, looked similar to the woman I saw."*[384]

193. RODDICK did not positively identify the woman he had seen at the CREWES' property. Nor did he indicate to police that he could in fact exclude Vivien THOMAS, as he would later claim. It was discovered much later, at the RCOI, that RODDICK had in fact recognised two women in the identification parade - one woman he had gone to school with (identity unknown) and the other he recognised as Vivien,[385] whom he knew by sight.[386]

194. This matter was not properly addressed until the first trial when RODDICK stated that he had not been able to identify 'the woman' in the line-up, and confirmed that he recognised one of the participants as Vivien.[387] RODDICK went on to say that he had met Vivien prior to this occasion and described her hair as 'dark',[388] as opposed to 'light brown'[389] or 'fair'.[390] However, RODDICK was not asked outright if Vivien was the woman he had seen on Friday 19 June, nor did he state that he could say that she was not the woman.

195. It is likely the Crown prosecutors (David MORRIS and David BARAGWANATH) had not asked this question of RODDICK as he could not positively identify Vivien as the woman he saw on the CREWES' property. On the other hand, the Crown prosecutors may not have wanted to discount the possibility for the jury that Vivien was the woman he saw. Arthur THOMAS' defence counsel did not clarify this with RODDICK during his evidence as, in a 'Notice of Appeal or Application for Leave to Appeal', it was stated that they did not know what he would say.[391] Despite this, RODDICK was later adamant in affidavits and evidence given that the woman he saw on Friday 19 June at the CREWES' property was not Vivien.[392]

196. At the RCOI, RODDICK stated that he had never told police he could definitely exclude Vivien as being the woman he had seen, as he was never asked.[393] This is a common theme throughout RODDICK's assertions regarding his evidence. However, it should be noted that this was not an unusual position for people in the Pukekawa area to take at the time. The attitude sometimes appeared to be that if someone had information, but was not specifically asked for it by police, they would not offer it.

197. RODDICK further explained that when he first went into court to give evidence (at the deposition hearing), police advised him to answer the questions that were put to him, which he did.[394] This indicates that RODDICK may not have felt able to elaborate on his answers.

198. The other women who participated in the identification parade with Vivien THOMAS were: [redacted] (DOB unknown), [redacted] (DOB unknown), [redacted] (DOB unknown), [redacted] (DOB unknown), [redacted] (DOB unknown), [redacted] (DOB unknown), [redacted] (DOB unknown), and [redacted] (DOB unknown).[395] It is unknown how these women were selected to take part in the identification parade. However, they were all employed in local businesses in the Pukekohe area.[396] Thus it is possible that they were chosen as they bore some resemblance to the description of the woman provided by RODDICK and were readily available for the identification parade.

199. After viewing the line up of women, RODDICK was taken out into the street where Arthur and Vivien THOMAS'[397] pale[398] or medium[399] green, 1965 Hillman Super Minx[400] vehicle was parked among many others.[401] RODDICK walked down the street and was asked to identify if the vehicle he had seen on the CREWES' property on Friday 19 June was present. Senior Sergeant G. MELVILLE accompanied RODDICK and commented that as they passed the THOMAS' car *"... RODDICK almost put his hand on the left hand front mudguard of the car while*

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walking past it, but he did not say anything, and in fact did not give the car a second look."[402] RODDICK then pointed to a dark green Triumph 1200 and commented that the vehicle he had seen was the same colour, but of a different type.[403] Senior Sergeant MELVILLE stated the vehicle RODDICK identified was similar to the colour of the CREWES' vehicle.[404]

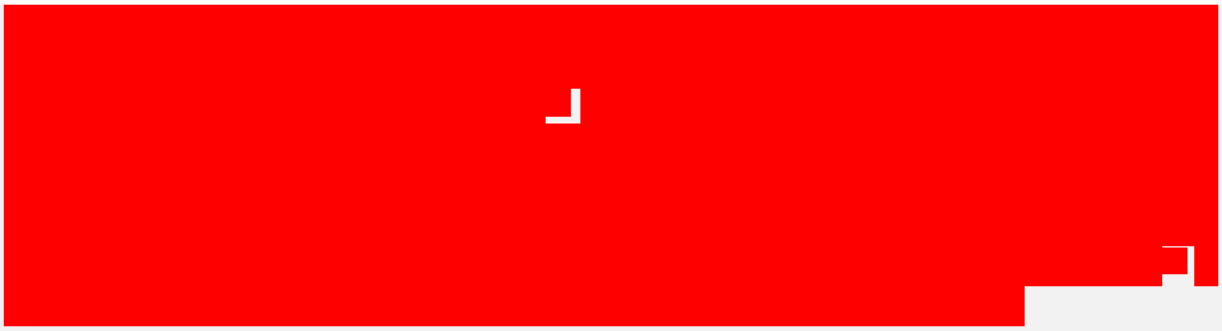
200. At the RCOI, RODDICK stated that while looking at these vehicles, he saw what he recognised to be Arthur THOMAS' Hillman.[405] RODDICK commented that until the point where he passed this vehicle, the accompanying police officer was right beside him but, as they passed THOMAS' vehicle, the police officer dropped back.[406] This gave RODDICK the impression that this was the vehicle police wanted him to identify.[407]

201. In an affidavit dated 18 May 1972, RODDICK stated he was quite certain the woman he saw on the CREWES' farm on Friday 19 June was not Vivien THOMAS.[408] He further explained that the woman he had seen was much taller and of a different build to Vivien, and had much longer, fair hair compared to Vivien who had short, dark hair.[409] A further affidavit by RODDICK, dated 10 October 1972, reiterated that the woman he saw was much taller than Vivien, and again described the differences between their hair, as in his previous affidavit.[410]

202. Subsequently, Crown Prosecutor David MORRIS (now deceased) advised Defence Counsel, Kevin RYAN (now deceased), that RODDICK would not be called as a witness for the Crown at the second trial in 1973.[411] RODDICK instead gave evidence for the defence.[412] At the second trial the Crown abandoned the theory that Rochelle had been cared for in the period between her parents' death and being found. In explanation, Detective Inspector HUTTON stated that as a result of enquiries made after the first trial it was determined that RODDICK's evidence was unreliable and should not be called at the second trial.[413] Instead, an attempt was made to cast doubt on the validity of evidence given by RODDICK.

203. At the second trial, RODDICK again stated that in the identification parade he did not recognise the woman he had seen on the CREWES' property.[414] RODDICK confirmed that he knew Vivien[415] by sight,[416] as he had been to social functions, such as parties, dances and a football match which she had also attended.[417] He stated the woman he saw at the CREWES' property was not Vivien.[418]

204. Furthermore, at the RCOI, RODDICK commented that the woman he saw was 'not even similar' to Vivien.[419]

205. 

206. A report by (then) Detective Sergeant Stanley KEITH (now deceased), dated 21 February 1978, stated that he could not accept Vivien had no knowledge of the murders.[423] He stated this was because: Rochelle had been fed, a woman of similar description had been seen at the CREWES' property after the murders, an attempt to clean the crime scene had obviously been made by two people, and because of *"other evidence which has been received since the trial tending to implicate Vivian [sic] THOMAS."*[424] Detective Sergeant KEITH did not elaborate on

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this last comment and the evidence allegedly implicating Vivien is unknown.

Additional sightings of 'the woman'

207. During his interview on 27 June 1970, RODDICK referred to an occasion when he had seen 'her' once before.[425] At this time it is unclear whether RODDICK was referring to the woman he had seen on the CREWES' property, or Jeannette. He claimed that about two weeks prior to Friday 19 June (about 5 June 1970) he had been driving Ronald CHITTY's tractor (north along Highway 22) towards the Pukekawa garage when a 'fairish haired woman'[426] passed in a car and waved.[427] He said he then saw this vehicle at the CREWES' property on his way home[428] and described it as a dark green Hillman, like the CREWES' car.[429] RODDICK stated that he did not know it was 'her' until he saw the vehicle.[430]

208. At the time of this interview, police, and probably RODDICK, believed that this was another sighting of Jeannette. Thus, Detective Sergeant CHARLES did not question RODDICK further in relation to this sighting, or specifically who RODDICK believed he saw in the car. It does not appear that this was later followed up with RODDICK, in order to connect these sightings or discount them as being a sighting of the same vehicle.

209. The date of this additional sighting has been reported differently at various times. On 24 November 1978, Patrick BOOTH, known as 'Pat', author of *The Fate of Arthur Thomas: Trial by Ambush,* published an article in the *Auckland Star* stating that this sighting occurred in the week before the murders.[431] While giving evidence at the RCOI, RODDICK's description of when this sighting occurred changed to 'a week or fortnight before' 19 June 1970.[432] Then in an affidavit dated 3 November 1995, Richard THOMAS stated RODDICK had told him he had seen the woman driving the car on the morning of Thursday 18 June 1970, the day prior to his sighting at the CREWES' property.[433] It is likely RODDICK's first explanation (on 27 June 1970) of when he saw the woman is more reliable as this would have been fresh in his mind.

210. While giving evidence at the first trial, RODDICK was asked if he had seen the woman (from Friday 19 June 1970) before.[434] Despite his previous statement to police (on 27 June 1970) that he believed he had, RODDICK replied he had not.[435]

211. It is clear RODDICK recognised the car this woman was driving as being similar to the one which he knew the CREWES owned, and that he did not recognise the woman or know Jeannette by sight. RODDICK's statement that the woman in the vehicle waved to him does not necessarily indicate that he was known to her. Waving out to people, whether they were known or not, was commonplace in the community.[436]

212. At the RCOI, RODDICK was asked whether this sighting, on about 5 June 1970 (as described above) could have occurred three months prior to Friday 19 June, rather than the two weeks indicated by RODDICK. He stated it was not.[437] It is likely that this line of questioning relates to the last known occasion when Heather SOUTER was in New Zealand. Heather had returned from the USA, where she was residing, to New Zealand accompanied by her husband, Robert Burns SOUTER (DOB [redacted], now deceased), in November 1969 to visit her seriously ill mother.[438] Heather remained in New Zealand until after the death of her mother on 26 February 1970, returning to the USA on 9 March 1970.[439] As Heather had been nominated by author David YALLOP as the woman who had allegedly been seen on the CREWES' property by RODDICK on 19 June, it appears that the matter was being explored at the RCOI with a view to try and establish whether RODDICK's sighting may have

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occurred while Heather was last in the country. This would have, therefore, provided an alternative explanation for his sighting.

213. In RODDICK's affidavit, signed 18 May 1972, he detailed for the first time that he had seen, on two occasions since Friday 19 June 1970, a woman 'resembling' the woman he had seen at the CREWES' property.[440] RODDICK said that he saw this woman *"... outside the Magistrates Court at Otahuhu during the taking of depositions ..."* and again *"... outside the Supreme Court at Auckland on the first days of the Thomas trial."*[441] RODDICK commented that the woman *"... stared at me on both occasions."*[442] He again reiterated these claims in a further affidavit dated 10 October 1972.[443] While giving evidence at the second trial in 1973, RODDICK was not asked by Crown or defence counsel about these sightings.[444]

214. At the RCOI, RODDICK was asked if the woman he saw at court was the same woman who he had seen on the CREWES' property on Friday 19 June.[445] RODDICK stated that he could only say that she was 'similar'.[446] It was established that RODDICK was never able to go any further than confirming any woman was 'similar' to the woman he had seen on the CREWES' property.[447]

215. In 1978, Robert ADAMS-SMITH QC articulated the thought process behind RODDICK linking the four sightings of this woman. He commented that RODDICK did not say the woman he saw driving the vehicle, approximately two weeks prior to 19 June 1970, was the same woman he had seen on 19 June, or that she even had similar characteristics other than her hair.[448]

216. Of the sighting during the deposition hearing, ADAMS-SMITH QC reported that RODDICK said he remembered noticing a woman with fairish hair.[449] ADAMS-SMITH QC commented: *"At that stage Roddick did not say to himself 'that looks like the woman I saw at the house' or even 'that woman looks familiar' or even 'I wonder if I have seen that woman before."*[450] He explained that RODDICK merely noted the woman being in attendance at the trial and that she had fairish hair.[451] At that stage, ADAMS-SMITH QC reported, RODDICK did not link this woman in his mind with the woman he had seen on 19 June 1970.[452]

217. ADAMS-SMITH QC established that RODDICK first connected the woman he had seen at the deposition hearing with the woman he had seen on the CREWES' property when he again saw her leaving the Supreme Court (at the time of the first trial).[453] ADAMS-SMITH QC commented: *"On a closer analysis of what he had to say about that, it would seem that even then there was no sudden flash of recognition."*[454] RODDICK said that after he had finished giving evidence, he went into the foyer and noticed the woman who he had seen at the deposition hearing.[455] ADAMS-SMITH QC commented: *"He [RODDICK] felt that she so turned her head as to discourage him seeing her face."*[456] RODDICK, however, admitted that this could have been a misinterpretation on his part and a completely innocent act by the woman.[457]

218. It appears that ADAMS-SMITH QC thoroughly pursued this matter, questioning RODDICK as to his thought process when linking the four separate sightings of 'the woman'. He established that RODDICK did not and could not say that the woman in each of these sightings was one and the same.[458]

219. It appears that the woman RODDICK saw at the deposition hearing, who was 'similar' to the woman he saw on the CREWES' property, was in fact [redacted] Detective Inspector HUTTON reported that after the deposition hearing RODDICK pointed out a woman ([redacted]) present at court as being 'like' the woman he had seen outside the CREWES'

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house.[459] Detective Inspector HUTTON stated that he made enquiries and was satisfied that [redacted] was in no way involved.[460] However, there does not appear to be any documented evidence of these enquiries contained within the file.

220. [redacted] There is no description of [redacted] on the file, to compare with that given by RODDICK. However, it is clear that RODDICK believed she looked 'similar' to the woman he had seen. [redacted].[461] From this photograph it is apparent that [redacted] the general description of the two women was not dissimilar.

221. [redacted]

222. Detective Inspector HUTTON further reported that the woman RODDICK claimed he saw outside the Supreme Court (at the first trial), who RODDICK thought could have been the woman he saw on the CREWES' property, was in fact [redacted] (DOB [redacted]).[463] [redacted] Detective Inspector HUTTON stated that he made enquiries in to this allegation and was satisfied that [redacted] was not involved.[464] Again, there does not appear to be any documented evidence of these enquiries contained within the file. There are no photographs or descriptions of [redacted] available to be compared with RODDICK's description of the woman he saw.

223. Various commentators on the CREWE murders have claimed that either Heather SOUTER or Norma DEMLER (Lenard DEMLER's second wife) was the woman seen on the CREWES' property on 19 June 1970. However, it is noted that both women claim they did not attend either of the trials where RODDICK saw a woman resembling the woman from the CREWES' property. At the RCOI, RODDICK was asked if he had, at any stage during the course of the court hearings, seen SOUTER, to which he replied: *"No, not her. No."*[465] Furthermore, travel records support the fact that SOUTER was not in New Zealand at the time of the deposition hearing (between 14 December 1970 and 22 December 1970) or the first trial (between 15 February 1971 and 2 March 1971).[466] However, it is noted that these records do not appear to be complete as the entry details for SOUTER's visit to New Zealand on 25 June 1970 are absent. Norma, who was not spoken to by police at the time of the original homicide investigation, told police in 2006 that she 'definitely' did not go to any of the court hearings.[467]

224. Lenard DEMLER was the primary suspect for the murders during the initial four months of the investigation. However, it does not appear that police identified anyone associated with DEMLER who they believed could have been the woman seen at the CREWES' property on Friday 19 June 1970. After DEMLER's marriage to Norma DEMLER on 7 April 1972,[468] Arthur THOMAS' family became aware of the relationship and speculated as to her possible

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involvement in the murders.

225. On 28 May 1972, articles featured in the *Sunday News* and *Sunday Herald* newspapers[469] claimed - it appears incorrectly - that Bruce RODDICK had identified the woman he had seen at the CREWES' property on Friday 19 June 1970.[470]

226. As a result of the newspaper articles, Detective Lenrick JOHNSTON (now deceased) visited RODDICK on 30 May 1972.[471] RODDICK declined to say anything relating to the identification, as instructed by Defence Counsel Kevin RYAN.[472] However, RODDICK did comment that he had not made any release to media, nor had he named any woman to be the same as the woman he had seen on Friday 19 June.[473] RODDICK declined to say anything further to police until he spoke with RYAN, but it appears that RODDICK then obtained his own Solicitor, 'Mr IMPERATRICE' (possibly John Victor IMPERATRICE), of King, Gerrard & Co., Pukekohe.[474]

227. On 31 May 1972, RODDICK visited IMPERATRICE, and made a written statement detailing the alleged identification.[475] In this statement, RODDICK said that about a fortnight prior he was asked by Henry Roger STUCKEY, known as 'Buster', (DOB [redacted]), brother-in-law of Arthur THOMAS and Richard THOMAS: *"... to go and have a look at a woman to see if she looked like the one I saw on Crewe's farm on 19 June 1970."*[476] RODDICK had been told that Arthur THOMAS' solicitor (RYAN) wanted him to do this.[477]

228. RODDICK said he went with Richard in his car to Sharpe Road, Pukekawa, which ran alongside Lenard DEMLER's property.[478] RODDICK explained that they waited for about five minutes before DEMLER's car arrived at the house.[479] He said DEMLER got out of the passenger's seat and a woman got out of the driver's seat.[480] RODDICK estimated that he was *"... a good hundred yards away from them at this time."*[481] This distance was later found by police to be 197 yards (approximately 180 metres); it was further noted that this identification took place on a wet day.[482] RODDICK commented:

> *"The woman I saw get out was of the same build and height as the woman I saw on the 19 June 1970 on the Crewe property but the hair of the second woman was a little darker than the first.*
>
> *I told Richard Thomas that she was similar and he said he would tell Mr Ryan the solicitor for Arthur Thomas."*[483]

229. RODDICK stated that Richard told him the woman he had seen was DEMLER's new wife. However, RODDICK was unsure as to whether Richard told him this before or after RODDICK saw her. RODDICK met with RYAN and: *"... told him what I had seen and that it could possibly be the same woman as I had first seen."*[484] RYAN told police on 30 May 1972 that he instructed RODDICK to check again.[485]

230. A report by Detective Inspector HUTTON to Assistant Commissioner Robert WALTON (unknown date) stated that Detective JOHNSTON interviewed Norma DEMLER on 29 May 1972 as a result of rumours circulating in the Pukekawa district.[486] Norma confirmed that there had been a vehicle parked in Sharpe Road near Lenard DEMLER's farm a couple of weeks previously, which had remained there for approximately five minutes.[487]

231. In an affidavit dated 3 November 1995,[xii] five years after RODDICK's death, Richard also provided details of this interaction with RODDICK. Richard confirmed that he had driven

[xii] The date on this document is unclear and could instead read 3 November 1996.

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RODDICK to the road adjacent to DEMLER's house.[488] He stated: *"... after a few hours a woman emerged from the Demler house and Bruce's hand began to shake."*[489] He also commented that RODDICK looked *"... through the binoculars for a long time and he said the woman he was looking at was the woman who he had seen in the Crewe car on Thursday, 18 June, 1970 and in the front yard of the Crewe house, on Friday, 19 June, 1970."*[490] Richard stated that he then took RODDICK to the home of Malcolm McARTHUR, to whom RODDICK relayed his identification.[491]

232. Richard's account varies from that provided by RODDICK. While Richard stated that they sat in his car for a few hours, RODDICK described them waiting for about five minutes. Similarly, Richard stated that the woman emerged from DEMLER's house, while RODDICK stated that both DEMLER and the woman arrived at the property in a vehicle. RODDICK's version of events regarding this matter was corroborated by McARTHUR who said RODDICK told him he had been sitting in Richard's car when DEMLER's car pulled up at the house.[492]

233. RODDICK stated that he identified this woman to Richard as being 'similar' to the woman he had seen at the CREWES' property on Friday 19 June 1970. However, Richard claimed that RODDICK identified the women as one and the same. McARTHUR also claimed that RODDICK identified this woman as the same woman he had seen on the CREWES' property.[493] McARTHUR claimed that RODDICK said to him: *"... her hair was a little darker, but she was definitely the same woman."*[494]

234. Richard commented: *"... Bruce [RODDICK] was adamant about his identification and did not change in that regard at any time iwhile [sic] I had contact with him."*[495] It is relevant to note that both Richard and McARTHUR were heavily invested in the campaign for Arthur THOMAS' retrial, and it would have been extremely beneficial for their case if RODDICK had in fact identified 'the woman' as anyone other than Vivien THOMAS. Richard also stated, in a *North & South* article, that by this stage he was: *"... somewhat desperate to gather evidence that would result in the freeing of my brother [Arthur THOMAS] and the clearing of the family name."*[496]

235. That said, it is possible that Richard and McARTHUR may have portrayed in a more definitive light RODDICK's acknowledgement that Norma DEMLER was 'similar' to the woman he had seen. It is also reasonable to suggest that RODDICK was likely under some pressure to make a positive identification of this woman.

236. On 29 January 2013, Gerald RYAN, Defence Counsel assisting Kevin RYAN at the second trial, was asked by Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM why RODDICK had not been called to give evidence of his identification of Norma at the second trial.[497] Gerald did not want to answer this question, but did say *"... Kevin would never call a witness that he didn't believe was being truthful or if he thought someone was being pressured to say something that may not be truthful."*[498] This comment by Gerald may indicate that Kevin felt RODDICK may have been pressured in to making this identification.

237. 

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238. As Richard's affidavit was made five years after RODDICK's death, it could not be challenged.

239. On 1 June 1972, RODDICK accompanied Detective Inspector HUTTON and Detective JOHNSTON to the home of Lenard and Norma DEMLER in Howick, Auckland.[502] Detective Inspector HUTTON reported to Assistant Commissioner WALTON that RODDICK remained in the vehicle with Detective JOHNSTON as Norma walked out of the house to the vehicle and had a short conversation with Detective JOHNSTON.[503] Detective Inspector HUTTON reported: *"Following this, RODDICK stated that this woman was definitely not the mystery woman ..."*[504]

240. As a result, RODDICK made a further statement through his Solicitor (IMPERATRICE) where he asserted: *"She [Norma] is certainly not the person I saw on the 19 June 1970."*[505] RODDICK explained that Norma was the same height, but was slighter in build than the woman he had seen at the CREWES' property.[506] RODDICK also said that when he had first seen Norma, while in the company of Richard THOMAS: *"... she was wearing a coat over her dress and I did not fully appreciate her build until I saw her in slacks this morning."*[507]

241. Maude KNOX (DOB unknown), a friend of Marie CREWE, accompanied Marie to Pukekawa in the days after Harvey and Jeannette's disappearance was reported.[508] Christopher BIRT, known as 'Chris', author of *All the Commissioner's Men,* reported (in 2012) that KNOX had been told by *"... one of the chief policemen involved with the investigation"* that Lenard DEMLER - who they suspected of murdering the CREWES - *"... had a new lady friend and he suggested this was the woman who had fed the baby ..."*[509] BIRT also recorded comments by former Constable Alan MEURANT, known as 'Ross', (in 2012): *"Our superiors believed that Demler ... had attended to his granddaughter Rochelle and that he was probably accompanied by his new female partner."*[510] MEURANT alleged that this theory was discussed many times at police conferences.[511] Had this been the case evidence of these discussions are expected to be contained within the transcripts of these conferences - they are not.

242. Contrary to the allegations above, there is no indication whatsoever on the police investigation file that Lenard DEMLER and Norma (then EASTMAN) were in a relationship, or even had a friendship prior to, or at the time of, the murders. However, it is acknowledged that Lenard DEMLER and Norma were known to each other for many years prior to the murders, as Norma's brother, Theo Brian THOMAS (DOB unknown, no relation to Arthur THOMAS), had been married to Lenard DEMLER's sister, Noelene Peggy THOMAS (nee DEMLER, DOB unknown, now deceased). Norma told police that she was 'definitely not' at the CREWES' property on Friday 19 June 1970 and did not begin an association with Lenard DEMLER (other than that previously mentioned) until after the death of Harvey and Jeannette in 1970.[512] Furthermore, there is no indication that police were aware of any other woman who could have been considered DEMLER's 'new lady friend'.

243. Norma's claims were corroborated by Heather SOUTER who told police: *"... Norma DEMLER was definitely not on the scene in Christmas 1969/70 or June through August 1970 when she [SOUTER] was in New Zealand."*[513] SOUTER said that she had met Norma previously at family gatherings, but Norma was 'definitely not' with Lenard DEMLER.[514] SOUTER did not know when Lenard DEMLER and Norma began a relationship *"... as it wasn't really discussed."*[515] SOUTER did, however, say that she recalled thinking their relationship began about two years after her mother, May DEMLER, died as SOUTER thought this was not a

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long time.[516]

244. This assertion is also supported by the CREWES' neighbour, Carolyn CHITTY. Carolyn told Detective Senior Sergeant LENDRUM that, other than the fact that DEMLER and Norma were known to each other through the marriage of their siblings, Norma was not involved with Lenard DEMLER until 'well after' May DEMLER died.[517] Carolyn and her husband, Ronald CHITTY, rejected the suggestion that Norma was associating with Lenard DEMLER immediately after May died, commenting that, had this been the case, the Pukekawa community would have known.[518]

245. BIRT claimed: *"The knowledge the police had of this woman [Norma] - more particularly Roddick's identification of her - is reinforced by the notes of one of its own squad members, Detective Len Johnston."*[519] BIRT included an excerpt from a notebook used by Detective JOHNSTON to record enquiries related to the CREWE homicide investigation. This reads: *"Alvin Potter told (Brad Benton) that Roddick was going to identify the woman he saw as Mrs. Demler."*[520] Detective JOHNSTON's comment beside this entry reads: *"Confirms our suspicion re identification"*.[521] Although it is unclear on which date this entry in his notebook was made in 1973.

246. BIRT claimed that this entry by Detective JOHNSTON confirmed police suspected Norma was the woman seen at the CREWES' property.[522] However, there is another possible explanation. It is likely that after the newspaper articles of 28 May 1972, police theorised about the withheld identity of the woman who was allegedly identified by RODDICK. Detective JOHNSTON's comment: *"Confirms our suspicion re identification"* may in fact mean that Norma was the woman who police believed was the subject of the alleged identification, as opposed to the identity of the woman whom they believed had been at the CREWES' property on 19 June 1970.

247. After RODDICK had been to the DEMLERS' Howick home with police, photographs were taken of a woman on Lenard DEMLER's Pukekawa property, from the position in Sharpe Road where RODDICK was encouraged by Richard THOMAS to make the identification.[523] It was commented that these photographs indicated quite clearly how difficult it was to identify a woman from a distance of 197 yards.[524]

248. Bruce RODDICK's brother, Graham RODDICK (DOB unknown), was quoted in a *North & South* magazine article (July 2010) stating that Bruce did not recognise the woman when he first saw her at the CREWES' property on Friday 19 June, because she was not from the district.[525] However, Graham alleged that Bruce later disclosed to his family that the woman was the girlfriend of a local farmer, whom she later married.[526] The article infers that the woman Bruce identified to his family as the woman he had seen at the CREWES' property was in fact Norma. As Bruce is now deceased this matter cannot be clarified.

249. At the completion of his first report, Robert ADAMS-SMITH QC recommended that, in view of Bruce RODDICK's affidavit obtained by 'Mr BOOTH', enquiries should be made to determine when Norma was known to have first gone to the Pukekawa district.[527]

250. The file does not contain a copy of the affidavit obtained by 'Mr BOOTH', referred to by ADAMS-SMITH QC. However, a copy of a newspaper article, *Fresh statements in Thomas case*, confirmed that this was taken by Pat BOOTH.[528] In an affidavit dated 28 October 1980, David YALLOP said that sometime after[529] October 1978,[530] BOOTH visited RODDICK in Australia where he was then residing.[531] The purpose of this visit would have been to discuss RODDICK's sighting of the woman on the CREWES' property. It is likely the affidavit

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referred to by ADAMS-SMITH QC is the one allegedly taken by BOOTH, likely in Australia.

251. The file does not contain a photograph or description of Norma's appearance in 1970. It therefore cannot be compared with RODDICK's description of the woman he saw at the CREWES' house.

252. RODDICK told the RCOI that prior to the second trial he accompanied Detective JOHNSTON to Ronald CHITTY's farm.[532] RODDICK was asked to indicate where he had been in the paddock when he saw the woman on the CREWES' property.[533] RODDICK stated that Detective JOHNSTON wanted to put the marker further away from the CREWES' house than the position he indicated.[534]

253. If true, this perhaps demonstrates an attempt by Detective JOHNSTON to increase the distance between RODDICK and the woman at the time of his sighting, therefore supporting the suggestions that RODDICK was too far away to be able to identify the woman. If this is the case, the greater distance from RODDICK's position at the time of the sighting could have been used in court at the second trial in an attempt to discredit RODDICK's sighting. It is also possible however, that Detective JOHNSTON was simply challenging RODDICK's recollection to ensure RODDICK was certain about his position on the property at the time of his sighting.

254. Also prior to the second trial, on 15 February 1972, a statement was obtained from [redacted].[535] [redacted] claimed that in fourth form RODDICK was unable to read or write, other than his name.[536] [redacted] indicated that RODDICK learnt some elementary words, but confused words such as 'saw' with 'was'.[537] [redacted] gave the opinion that RODDICK would be easily influenced by others because of his inability to take part in ordinary classroom activities.[538] [redacted] further stated that it was possible that today he could draw attention to himself by saying things to boost his ego.[539] It does not appear that this statement was used to rebut the claims made by RODDICK of the sighting.

255. [redacted] description of RODDICK confusing simple words clearly relates to his diagnosis as being 'partially dyslexic',[540] which may not have been commonly understood when RODDICK was at school in the 1950s and 1960s. Furthermore, her claim that RODDICK would possibly say things to draw attention to himself is unfounded. Although RODDICK was spoken to by a number of police officers and was, at one stage, a key witness in the murder investigation, RODDICK said he did not initially want to tell police about this information. At no stage did he appear to be seeking attention and there were no comments made by police who dealt with RODDICK alluding to this possibility.

256. At the second trial, the Crown attempted to cast doubt on RODDICK's account of the 19 June sighting and asked if it was possible he was confused about the day on which he saw a woman at the CREWES' property.[541] In his closing address, Crown Prosecutor David MORRIS suggested that RODDICK had in fact seen Jeannette on her property, but on a different day to that which RODDICK suggested.[542] MORRIS highlighted the fact that the woman made no attempt to conceal herself from view and his belief that an associate of the offender/s would never have returned to the crime scene in broad daylight behaving in this manner.[543] MORRIS also stated: *"It is unreal to suggest from his distance indthe [sic] glimpse he [RODDICK] had, he could later assert that the woman in slacks was or was not a particular individual."*[544]

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257. Detective Inspector HUTTON's statement (the precise date of which is unknown, however due to its content must be after 1 June 1972) said that Ronald CHITTY, whom he felt was most reliable, regarded RODDICK as an unobservant employee with a poor memory, but basically very honest.[545] It is clear from this statement that, taking in to consideration the feelings towards RODDICK's sighting at this time, Detective Inspector HUTTON, while not claiming that RODDICK's sighting was fabricated, was suggesting that RODDICK was likely mistaken as to the day on which this occurred. Later, in an interview with (then) Detective Chief Inspector A. BAKER on 22 August 1977, Detective Inspector HUTTON voiced his belief that RODDICK's evidence was destroyed at the Court of Appeal and Arthur THOMAS' defence counsel attained a retrial because of this.[546] Detective Inspector HUTTON commented that he thought RODDICK had seen Jeannette on the property, but that this occurred about a week or 10 days prior to Friday 19 June 1970.[547] As noted in paragraph 154, Detective Inspector HUTTON claimed that enquiries with CHITTY had established that RODDICK had worked on the farm every day for a period of four to five weeks prior to 19 June.

258. CHITTY stated, at the RCOI, that he did not think RODDICK had a good memory.[548] It should be noted that RODDICK's evidence throughout the 10 year period did not differ markedly, apart from his stated distance from the woman, and estimations of height. This more likely indicates RODDICK's difficulty when judging distances and heights as opposed to problems remembering what he says he saw.

259. Following the second trial, police held the view that RODDICK had in fact seen Jeannette on the CREWES' property prior to the murders. This was evidenced in a report by Assistant Commissioner K. THOMPSON, dated 11 October 1977. Assistant Commissioner THOMPSON stated:

> *"Although [Arthur] Thomas' advisors have made a lot of this evidence it is obvious that if in fact Roddick did see anyone at the Crewe house it was probably Mrs [Jeannette] Crewe with their car prior to the murders. Roddick is regarded as sub normal and was at least 100 yards away when he allegedly saw the woman and the car."*[549]

260. Allegations were made by Pat BOOTH and Doctor Thomas SPROTT, known as 'Jim', a Scientist working with Arthur THOMAS' defence team, that police failed to inform the defence that no identification had been made by RODDICK at the identification parade.[550] In response to this, Assistant Commissioner THOMPSON stated: *"There is little doubt this man's evidence was useless. He was obviously mistaken and yet again something is being made of a non event."*[551]

261. On 6 November 1977, [redacted] (DOB unknown), a psychic,[552] visited RODDICK at his home in Sydney, Australia, on behalf of David YALLOP.[xiii][553] [redacted] presented 16 photographs to RODDICK[554] and asked him to examine them with memory of the woman he saw at the CREWES' property on Friday 19 June 1970.[555]

262. [redacted] stated that RODDICK selected two photographs. In respect of the first photograph he selected, [redacted] stated RODDICK said 'that's her' and that he was 'positive' that the woman in the photograph was the woman he had seen on the CREWES' property.[556] Regarding the second photograph, [redacted] said RODDICK indicated that

[xiii] Also present were [redacted] (DOB unknown), [redacted] (DOB unknown) and [redacted]r [redacted] (DOB unknown).

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this woman was wearing 'exactly the same clothes' and standing in the same way as the woman he had seen on the CREWES' property.[557] However, according to [redacted], RODDICK commented that the woman in this photograph was too old and the identification applied only to the clothing, the way she was standing, her height and vaguely her hairstyle.[558] RODDICK initialled the back of these two photographs.[559]

263. When YALLOP's book was published in 1978, he sent a letter to Prime Minister Robert MULDOON, along with one of the photographs RODDICK had initialled.[560] YALLOP stated that the woman in the photograph was Heather SOUTER[561] and commented: *"... I believe that this is the woman that Roddick saw on the Crewe farm on the morning of Friday the 19th of June, 1970."*[562] YALLOP failed to disclose that RODDICK had also selected a photograph of another woman, who was allegedly resident in Scotland and had never travelled to New Zealand.[563] This would become relevant later, at the RCOI in 1980, when RODDICK was questioned about this.

264. The information YALLOP provided to the Prime Minister prompted the enquiry undertaken by Robert ADAMS-SMITH QC. One of the enquiry's objectives was to ascertain the validity of RODDICK's alleged identification of the woman claimed to have been seen on the CREWES' property.[564]

265. During the course of his enquiries, ADAMS-SMITH QC interviewed RODDICK, who claimed that at no stage had he recognised any person in a photograph as being one and the same as whom he had seen on Friday 19 June 1970.[565] Furthermore, ADAMS-SMITH QC reported: *"Roddick absolutely denies that he told Yallop's representative [June DONAGHIE] that he positively identified any woman."*[566] RODDICK commented he had said that the women whom he indicated in the photographs were similar to the woman that he had seen.[567]

266. A recommendation by ADAMS-SMITH QC, at the completion of his report, was that further enquiries be made in to the whereabouts of Heather SOUTER at the time of the murders.[568]

267. At the RCOI, RODDICK said that SOUTER was 'similar' to the woman he saw, explaining that in the photograph he was shown SOUTER was roughly the same height, build and had a similar haircut.[569] RODDICK also confirmed that he had been shown another photograph of a woman who was also similar.[570] When questioned as to whether he had, at any stage, gone any further than saying that SOUTER was similar to the woman he saw, RODDICK replied that he had not.[571] RODDICK alleged that at no stage had he said a woman in one of the photographs and the woman he saw on 19 June 1970 were in fact one and the same.[572]

268. Following the publication of YALLOP's book, Pat BOOTH visited RODDICK in Sydney, Australia.[573] At the time of June DONAGHIE's visit she did not disclose the names of the women in the photographs that RODDICK selected.[574] YALLOP informed BOOTH that the woman RODDICK selected in one of the photographs was SOUTER, but asked that BOOTH not reveal this information to RODDICK.[575] YALLOP alleged that BOOTH did tell RODDICK and it is YALLOP's belief that the *"... realisation of the implications of his evidence may have caused Mr. Roddick to modify his evidence, as I feared might happen."*[576]

269. It is unknown why YALLOP believes that RODDICK's realisation of the implications of this identification would cause him to change his evidence. SOUTER was not known to RODDICK and they lived in different countries. However, if SOUTER was the woman who was seen at the property that day, it is presumed she would therefore have some connection to the murderer and it may be argued that RODDICK was frightened that if he identified

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her, his life would be in danger. That said, the same could be said for any other woman he allegedly identified as being at the property that day, such as Vivien THOMAS or Norma DEMLER. It is likely that the above explanation *(see paragraph 268)* was used by YALLOP to justify why RODDICK would not agree to the evidence presented by YALLOP and his associate DONAGHIE.

Bruce RODDICK - suspect

270. When RODDICK was interviewed by Detective Sergeant CHARLES on 27 June 1970, he was fingerprinted and his grey Standard 8 vehicle was searched for blood stains, with negative results.[577] It was put to RODDICK: *"There are three solutions to what you have said about seeing her. Either you are lying or mistaken or someone told you to say so."*[578] To which RODDICK replied: *"No, I saw her. I am sticking to my story. No-one put me up to it."*[579] RODDICK was asked to account for his movements in the week the CREWES were murdered,[580] whether he had any particular opinions about Jeannette,[581] and his attitude towards women in general.[582]

271. At the RCOI, Detective Sergeant CHARLES explained that the interview with RODDICK on 27 June 1970 was to confirm or discount him as a potential suspect,[583] bearing in mind information RODDICK provided was inconsistent with other information available to police at the time[584] - that the CREWES were likely dead by the Friday morning when this sighting took place. Detective Sergeant CHARLES commented that while considering RODDICK as a possible suspect, he focused his questioning on RODDICK's apparent shyness towards the opposite sex.[585]

272. Bruce RODDICK and his parents, Francis and Elsa RODDICK, were unhappy with the way in which this interview was conducted.[586] This line of questioning, such as: *"Don't you like girls?", "What did you think of Mrs [Jeannette] CREWE ... I mean looks?", "Did you have a thing about her?"*[587] and *"Have you been to bed with a girl?"*[588] led to allegations that Bruce RODDICK was accused of being homosexual by Detective Sergeant CHARLES.[589]

273. When asked of his whereabouts on the evening of Wednesday 17 June 1970, Bruce RODDICK said that he had stayed home with his parents and watched television.[590] This was corroborated by Francis and Elsa RODDICK.[591]

274. Bruce RODDICK stated that he did not initially want to go to police with information of his sighting.[592] He said that had he not been approached by police and his father had not encouraged him to tell police of the sighting, he probably never would have done so.[593]

275. At the RCOI, RODDICK gave evidence that police took a blanket which he kept on the front seat of his car, 'scraped it' (i.e. took a sample) and put it back.[594] He further explained that when his parents had previously borrowed his car, his mother had accidentally dropped raspberry ice cream on the blanket,[595] which was the cause of a stain. There is no record on the file relating to this or any exhibits or samples taken from RODDICK's vehicle for further examination.[596]

276. RODDICK was noted to be cooperative during the interview on 27 June, answering all questions put to him.[597] Detective Sergeant CHARLES stated that this interview, and his follow up enquiries, eliminated RODDICK as a suspect.[598] This was confirmed by the transcript of a Police Conference dated 27 June 1970, where Detective Sergeant CHARLES stated: *"We're quite satisfied that he [RODDICK] is all right. He's not to be treated as a suspect."*[599]

277. However, after this time RODDICK alleges police *"... used to ring up mum [Elsa RODDICK] on*

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the hour to find out where I was and what I was doing."[600] When asked about this at the RCOI, Detective Sergeant CHARLES claimed he did not know anything about it and knows no reason why this should have happened.[601] Bruce RODDICK's brother, Graham RODDICK, also alleged that on one occasion police broke into their home while the family were out.[602] He stated that the house was ransacked in an attempt to put pressure on Bruce RODDICK.[603] As this allegation was made in 2010, there is no comment on the file regarding this matter.

278. After it had been established (on 16 August 1970) that the murder weapon was a .22 firearm, enquiries were made in relation to such firearms in the Pukekawa district. It was established that Bruce RODDICK did not own a firearm, nor did his father.[604] However, RODDICK's brother, Allan Edwin RODDICK (DOB unknown),[605] owned a .22 Trico rifle.[606]

279. Allan RODDICK resided in Pakuranga, Auckland,[607] and therefore did not fall in to the category of people from whom police were collecting firearms for testing. However, his link to Bruce RODDICK meant that this was required to be ruled out. Allan RODDICK's firearm (Police Reference Number P27B) was collected by police for testing on 26 August 1970[608] and was found to have six lands and grooves with a right hand twist (the same as the fatal bullets).[609] However, this firearm was excluded as the murder weapon by Doctor Donald NELSON (now deceased), Government Analyst, Chemistry Division, Department of Scientific and Industrial Research (DSIR) (now known as the Institute of Environmental Science and Research (ESR)). Doctor NELSON's finding was later confirmed (in 2013) by Sharon FOWLER, Senior Forensic Scientist, National Ballistics Intelligence Service, Greater Manchester Police, United Kingdom *(see paragraph 1152)*.

280. It is clear that Bruce RODDICK was quickly ruled out as a suspect for the murders. However, Graham RODDICK stated: *"... the Police put themselves offside with Bruce and his parents almost from the moment their paths crossed."*[610] Bruce RODDICK stated that after he was interviewed on 27 June 1970 he was 'wild': *"I didnt [sic] think my private life had anything to do with the evidence [I] had given them about the lady."*[611] His reluctance to become involved with police again was evident later, in 1972, when approached regarding his alleged identification of Norma DEMLER as the woman he had seen at the CREWES' property *(see paragraph 226)*.

New information

[redacted] *nominated as 'the woman'*

281. [redacted]



282. [redacted]



283 [redacted]

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[redacted]

284. [redacted]

285. [redacted]

286. [redacted]

287. [redacted]

288. [redacted]

289. [redacted]

290. [redacted]

291. [redacted]

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[redacted]

292 [redacted]

293. [redacted]

294 [redacted]

295 [redacted]

296. [redacted]

297. [redacted]

298. [redacted]

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2. ACTIVITY THAT TOOK PLACE AT THE CREWES' PROPERTY BETWEEN WEDNESDAY 17 JUNE 1970 AND THE TIME THE CRIME SCENE WAS DISCOVERED ON MONDAY 22 JUNE 1970

305. [redacted]

306. [redacted]

307. [redacted]

308 [redacted]

309. [redacted]

310. [redacted]

311. [redacted]

312. [redacted]

313. [redacted]

314. [redacted]

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Allegation that feeding Rochelle

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321. had, on occasion, done Norma's and stated that sometime in the spring of

322.

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323. [redacted]

324 [redacted]

325 [redacted]

326. [redacted]

327. [redacted]

328. [redacted]

329. [redacted]

Allegation that [redacted] *murdered the CREWES*

330. [redacted]

331. [redacted]

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332 [redacted]

333. [redacted]

Allegation that [redacted] could have been 'the woman'

334. [redacted]

335. [redacted]

[redacted] nominated as 'the woman'

336. [redacted]

337. [redacted]

338. [redacted] (nee [redacted], DOB [redacted]) was nominated by [redacted] as the person known to him as [redacted]'.[707]

339. [redacted]

340. [redacted]

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341. [redacted].

342. [redacted]

[redacted] *nominated as 'the woman'*

343. [redacted]

344. [redacted]

345. [redacted]

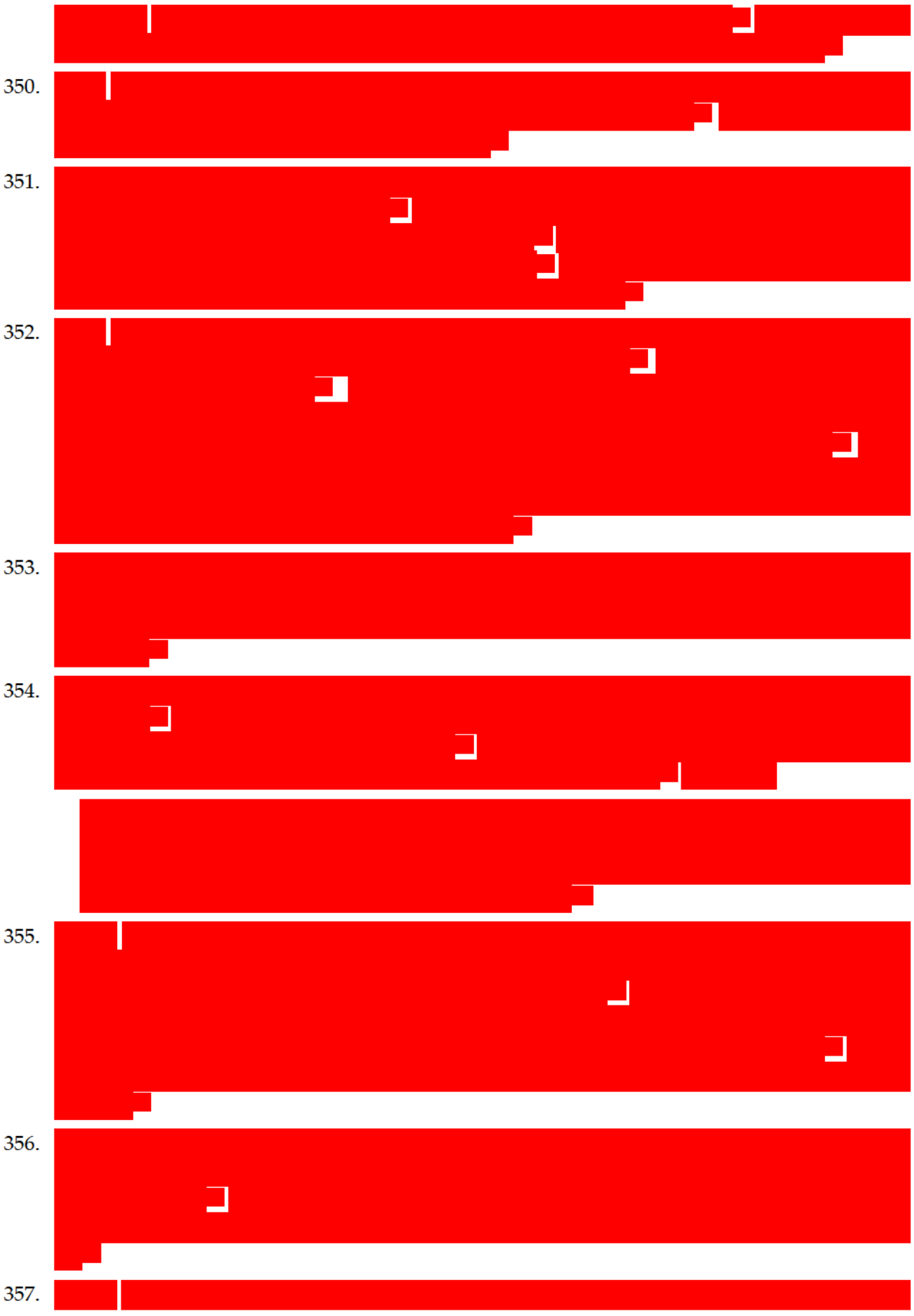
346. [redacted]

347. [redacted]

348. [redacted]

349. [redacted]

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[redacted]

365. [redacted]

366. The assertion that stub axles from the axle used to weight Harvey's body in the river had been held by [redacted] and then disposed of in the Whitford tip is not true. The stub axles (Police Exhibits 330 and 331) which had at one time been attached to the axle (Police Exhibit 293) were located by police in Arthur THOMAS' farm tip on 20 October 1970 *(see paragraph 1331)*. These stub axles have never been returned to the THOMAS family, or disposed of, and are currently held at New Zealand Archives, Wellington. [redacted]

367. [redacted]

368. [redacted]

369. [redacted]

370. [redacted]

371. [redacted]

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Information relating to Norma DEMLER's possible involvement

372 [redacted]

373. [redacted]

374. [redacted]

375. [redacted]

376. Norma made a statement to Detective Superintendent LOVELOCK and Senior Sergeant SPILLER on 19 July 2006 in which she stated that she was 'definitely not' at the CREWES' property on Friday 19 June 1970 and only began an association with Lenard DEMLER after June 1970.[790]

Alleged sighting of a child on the CREWES' property on Saturday 20 June 1970

377. On 23 June 1970, Pukekawa resident Queenie McCONACHIE (nee TONGA, DOB [redacted]) reported that she had seen a child and a vehicle on the CREWES' property at 'about 1.30pm' on Saturday 20 June 1970.[791] McCONACHIE stated that she and her husband, Maurice Dale McCONACHIE (DOB [redacted]), had been travelling along Highway 22, Pukekawa, to a football match at Tuakau when they passed the CREWES' property.[792] Queenie McCONACHIE described seeing: *"... a little fair haired girl at the CREWE gate. The car was parked up at the house. The girl was wearing little blue trousers with a bib front and straps running over the shoulders. She ran from the gate to the house."*[793]

378. Detective Constable Brian METCALF noted in his Police Jobsheet of the interview: *"This woman [Queenie McCONACHIE] is definite on the date. She has not been out for a fortnight and did not go to the football the previous Saturday."*[794]

379. McCONACHIE made a number of statements and gave evidence at three judicial hearings (the deposition hearing in 1970, the first trial in 1971 and the second trial in 1973), during which she did not deviate significantly from the initial account of her sighting.

380. The date on which McCONACHIE stated she saw a child remained consistent,[795] as did her assertion that it was while on the way to the football match at Tuakau,[796] as opposed to on the return trip. In an interview with Detective Sergeant CHARLES on 25 June 1970, McCONACHIE explained that this sighting could not have occurred on any other day that

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week, as she had not gone out at any other time.[797] She related the sighting as being the day she attended the football match, and commented that she had not been to any other football match since 5 April 1970.[798]

381. On 25 June 1970, McCONACHIE was driven along Highway 22 which confirmed to her that it was on the way to Tuakau that she had seen the child.[799] McCONACHIE explained: *"Going in the opposite direction did not seem right to me and the letter box was in the way so that I could not have seen the girl the way I did."*[800]

382. In her initial interview with police, McCONACHIE stated that she saw the child at 'about 1.30pm'. However, on all other occasions (apart from information contained within Robert ADAMS-SMITH QC's report)[801] McCONACHIE said she would have passed the CREWES' house and seen the child at about 1.40pm.[802] In a statement dated 25 June 1970, McCONACHIE explained that they would have left home at about 1.30pm, thus would have driven past the CREWES' property at about 1.40pm.[803]

383. McCONACHIE never said that she could identify the child as Rochelle CREWE[804] and after stating on 23 June[805] and 25 June[806] that the child was a girl, went on to say at the deposition hearing that she could not positively identify the gender of the child.[807] It is apparent that McCONACHIE assumed the child she had seen was Rochelle, as she knew Jeannette had a child of that age.[808]

384. Rochelle had fair hair and, although McCONACHIE did not appear to give an estimate of age, she described the child to ADAMS-SMITH QC in 1978 as a toddler.[809] Both of these comments match the appearance of Rochelle at the time, but are not specific enough to confirm Rochelle was the child seen to the exclusion of any other.

385. McCONACHIE's description of the child's clothing remained consistent throughout the eight-year period she was questioned on this matter (from 1970 until ADAMS-SMITH QC's investigation in 1978 - McCONACHIE was not called to give evidence at the RCOI). However, her evidence indicates that she became less sure of the clothing the child was wearing from the first trial (in 1971) onwards, as she provided increasingly general descriptions. This is to be expected when recalling information relating to a sighting some months or even years before. In addition to her first statement, McCONACHIE said on 25 June 1970 that the child could have been wearing a jersey underneath the trousers with the bib front, as *"she looked well covered up."*[810]

386. A point of interest is that the description of the child's clothing is very similar to that worn by Rochelle on Wednesday 17 June 1970, as described by Thyrle PIRRETT. PIRRETT said Rochelle had been wearing a pair of mid to light[811] blue corduroy[812] trousers with combination bib,[813] a white jersey[814] under the trousers[815] and blue and red felt slippers.[816] John GRACIE somewhat corroborated this by stating that when he visited the CREWES on the morning of 17 June, Rochelle had been wearing long pants with a bib front and shoulder straps and a jersey.[817] GRACIE was described as *"... not an observant person ..."*,[818] but it is not unusual that PIRRETT, being a mother of a child of a similar age, took more notice of Rochelle's clothing. This indicates that Rochelle did have similar clothing to that which McCONACHIE saw the child wearing.

387. It is possible that when changing Rochelle into her pyjamas on the evening of Wednesday 17 June, Jeannette simply laid the clothing Rochelle had been wearing somewhere in the bedroom. Crime scene photographs depict Rochelle's slippers on top of a bed in her room.

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The clothing located on the floor in the master bedroom indicates that Jeannette was not in the habit of putting clothes straight back into drawers or in the washhouse after use. Rochelle's clothes could have been picked up by someone at the house on Saturday 20 June, and Rochelle again dressed in them. It is possible that the slippers located in her bedroom are those which Rochelle was noted wearing by PIRRETT on 17 June. However, this is unable to be confirmed as PIRRETT's description of the slippers relies on colour and black and white crime scene photographs are the only available evidence against which to compare this. No other children's slippers were listed in the crime scene inventory, but this document has not proven totally reliable as the slippers visible in the photographs were not listed in the inventory.[819]

388. On 24 June 1970, a number of items of Rochelle's clothing were released to Lenard DEMLER. These included: 'one blue romper suit', 'a pair of blue slippers', and 'one white cardigan'.[820] This clothing matches that described by PIRRETT and McCONACHIE. It is unknown where these items were located inside the house before they were given to DEMLER, as descriptions in the crime scene inventory are not always specific. Multiple 'romper suits' were located in a drawer of a divan in Rochelle's bedroom,[821] and 'a baby's white cardigan' was located in the hot water cupboard in the kitchen[822] and also in a linen cupboard in the hallway.[823] Again, it is possible that the items released to DEMLER were located on top of the bed, along with Rochelle's slippers, but were not included in the crime scene inventory. The inventory of the house was made after the photographs were taken[824] and commenced at 9.00am on 24 June 1970,[825] the same day the items were released. Detective Sergeant Murray JEFFRIES, officer-in-charge of the crime scene, conceded, while giving evidence at the second trial, some items did not appear in the inventory as they had been taken as police exhibits.[826] Although these items of clothing were not exhibits, it appears likely that they were removed from the house prior to the inventory of Rochelle's bedroom.

389. At the time of her second interview (25 June 1970), McCONACHIE stated that she saw the child: *"... standing inside the front gate with her hands holding the wire half way down the gate ... As soon as I saw her, she turned and tottered up towards the house."*[827] McCONACHIE added that after passing: *"... I looked around over my right shoulder and through the rear window of the Land Rover. It was then that she actually turned and tottered off."*[828]

390. Interestingly, when Doctor Samuel LUDBROOK and Doctor Ronald CAUGHEY were told of McCONACHIE's alleged sighting, Doctor LUDBROOK did not think that in Rochelle's weakened state this was possible, but Doctor CAUGHEY did.[829] The context of this reporting is believed to be in relation to the statements that the child *"... turned and tottered up towards the house"*[830] or *"... ran back up to the house"*.[831]

391. In his first report, ADAMS-SMITH QC noted that McCONACHIE was expecting her first child at the time of the sighting.[832] It could therefore be inferred that McCONACHIE would be paying particular attention to small children she came across and this may add weight to her description of the child.

392. When Rochelle was found on Monday 22 June 1970, she was wearing: a nappy, a pair of plastic pants (believed to be a nappy cover), a pyjama top and singlet.[833] Inside her cot was a pair of pink pyjama pants,[834] probably matching the pink pyjama top she was wearing,[835] and one wet nappy.[836] It is likely that Rochelle was put down to bed on the evening of Wednesday 17 June wearing these pyjamas.

393. If McCONACHIE did in fact see a child outside the CREWES' house on Saturday 20 June,

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and if this child was Rochelle, someone must have changed her clothing from her pyjamas to the clothes she was seen wearing. After Rochelle was brought back inside the home she must then have been changed again, back into her pyjamas, before being left in her cot.

394. All sides of Rochelle's cot, when found, were up.[837] The side of the cot could be moved down by simultaneously operating catches at either end of the cot.[838] However, at the time this side was obstructed by boxes underneath the cot.[839] For this reason the side could not be lowered.[840] The proposition that Rochelle could have gotten out of her cot unassisted was ruled out and even if this was possible it is almost certain that she would not have been able to get back into the cot unaided. This was supported by the opinion of Doctor Thomas FOX who stated that Rochelle could not have got into, or out of, the cot without assistance.[841] Doctor CAUGHEY also commented that he thought this was most improbable.[842] Thus, if Rochelle had in fact been outside the home on Saturday 20 June, someone must have been at the house to enable this.

395. Furthermore, it would not have been possible for Rochelle to have left the house unaided unless the front or back doors had been left open, which is not thought to be the case (both doors were closed when the crime scene was located). Jeannette commented to Thyrle PIRRETT on Wednesday 17 June that the front door was difficult to open,[843] and crime scene photographs clearly show that the door handle to the back door was far too high for Rochelle to reach.

396. McCONACHIE stated that she did not notice any other person on the property,[844] but did see a vehicle parked across the house gate at the time she saw the child.[845] At the deposition hearing[846] and first trial,[847] she described this as a light coloured car and said it appeared to be the vehicle she had seen Jeannette driving previously.[848] McCONACHIE indicated, on 25 June 1970, that this was the car Jeannette had driven when she played golf years before.[849]

397. At the deposition hearing, McCONACHIE described the vehicle she saw at the CREWES' property as light coloured, which she thought was 'light bluish grey'.[850] Then at the first trial, McCONACHIE stated that she could not remember the colour of the vehicle she had seen, but when pressed by Paul TEMM, Arthur THOMAS' Defence Counsel, she stated that it was a light coloured car but could not narrow down the colour to blue, green, grey or any other colour.[851] It is clear that McCONACHIE did not pay much attention to the vehicle and, as in the case with the child, assumed that it belonged to the CREWES. Prior to giving evidence in judicial hearings, McCONACHIE said she had seen the CREWES' vehicle at the property that day.[852] On one occasion she described this as a bluey grey car which she thought was a Triumph.[853] She was unaware that the CREWES had purchased a new vehicle since the time Jeannette played golf.[854]

398. Jeannette was a full member of the Onewhero Golf Club during the 1967-1968 season, and then reverted to a limited membership.[855] From 1966 to 1969 Harvey and Jeannette owned a medium blue, 1966 Hillman Super Minx.[856] This was traded on 30 June 1969 for a green, 1969 Hillman Hunter,[857] meaning that in June 1970 they owned and drove a green vehicle. After learning of this McCONACHIE conceded that it could have been the dark green vehicle, which the CREWES currently owned, that she had seen on the property[858] and said that she did not know much about the models of vehicles.[859] From the first trial onwards, McCONACHIE stated that she did not know what colour the vehicle she saw at the property was.[860]

399. Of note, McCONACHIE did not mention in any of her interviews with police that she had

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seen sheep or lambs in the front paddock where the child and vehicle were sighted. There were nine or ten lambs in this paddock from Wednesday 17 June[861] to Monday 22 June 1970.[862] If these lambs had been in the paddock at the time of McCONACHIE's sighting it is likely that she would have seen and commented on them. This detail may indicate that McCONACHIE's sighting did not occur on Saturday 20 June 1970. This said there is no evidence to suggest that McCONACHIE was asked about this detail by police.

400. In June 1970, Arthur and Vivien THOMAS owned a pale green[863] or medium green,[864] 1965 Hillman Super Minx.[865] A question was raised as to whether McCONACHIE had seen this vehicle at the CREWES' property on Saturday 20 June and mistook this for the vehicle the CREWES' previously owned. Phillip Ross ORNSTIEN (DOB unknown), of Ornstien & Greenwell Ltd., Pukekohe, told police that there was no difference in the shape of the 1965 Hillman (owned by the THOMASES) and the 1966 Hillman (previously owned by the CREWES).[866] There was only a small badge on the 1966 model which was different.[867] He did state, however, a 1965 Hillman could easily be distinguished from a 1969 Hillman (owned by the CREWES in 1970).[868]

401. Although ORNSTIEN believed that the two models, a 1965 Hillman and a 1969 Hillman, could be easily distinguished from one another, it is noted that this was the assessment of a man who worked with cars for a living. It is likely that someone such as McCONACHIE, who stated she did not know much about different model vehicles, may not distinguish between the two.

402. Police conducted an 'identification parade' on 30 October 1970, during which McCONACHIE viewed a number of vehicles of different makes and colours to see if she could identify the vehicle she had seen parked in the front paddock of the CREWES' farm.[869] McCONACHIE pointed out two separate vehicles, one was painted with a light blue base and a grey top; the other was painted two tone light grey.[870] She indicated that the vehicle she had seen was similar in colour to these.[871]

403. The THOMASES' green, 1965 Hillman Super Minx[872] was parked on the street with a number of other vehicles.[873] McCONACHIE initially walked past this vehicle without making comment.[874] However, she pointed out a blue Hillman Super Minx, of identical model to the THOMASES' car and stated the vehicle was like that but a different blue.[875] She then looked back across the road and pointed to the THOMASES' car and said: *"It was not as green as that"*.[876] McCONACHIE was unable to identify the vehicle she had seen at the CREWES' property from those she saw that day.

404. It appears from McCONACHIE's comments during the identification parade that she believed she had seen a light coloured vehicle at the CREWES' property, and she did not identify the vehicle from the CREWES' property that day as the THOMASES' car.

405. Maurice McCONACHIE also told police that he had seen the child at the CREWES' property on Saturday 20 June 1970.[877] However, he stated that the timing of his sighting was later in the afternoon, on their return home from football, at about 4.35pm.[878] This clearly conflicts with the time given by Queenie McCONACHIE. Maurice's sighting was eventually discounted by police by way of other witness statements and it was concluded that Maurice was mistaken regarding the time.

406. Maurice initially told police that he and his wife had gone to watch the football at Tuakau, and when they passed the CREWES' house he had seen a child.[879] At this stage it was not

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clear whether Maurice saw the child on the way to Tuakau or on the way home from Tuakau. The next day he made a statement that this sighting occurred as they were driving home from Tuakau at about 4.35pm,[880] in conflict with Queenie's statement.

407. On Saturday 20 June, Mary Currie FOOTE (DOB unknown), a Pukekawa resident, was in a vehicle with her husband, Lloyd Westwood FOOTE (DOB unknown), and passed the McCONACHIES in their vehicle just before the CREWES' residence on Highway 22.[881] Mary stated that this was on the way back from the football match at Tuakau.[882] She said that she looked at the CREWES' house as they passed and did not see a vehicle parked in front of the house, nor did she see a child, and is sure that if either had been in the front area of the house she would have seen them.[883] Mary's account adds further weight to the timing of the sighting by Queenie as opposed to Maurice.

408. Maurice also described the child as a *"... little fair haired girl ..."*[884] and said he thought the child was between two and three years old.[885] Maurice stated that he had never seen the child before, but assumed she was the CREWES' child.[886] He said the child had been standing on the inside of the gate[887] by the garage on the CREWES' property,[888] before turning and running back towards the house as they passed.[889] Maurice did not see any other people[890] or vehicles on the property at this time.[891]

409. At the time of his first interview, on 23 June 1970, Detective Constable METCALF noted that Maurice would make an excellent witness as he could not be shaken on what he said.[892] However, Maurice's description of the child subsequently changed. When Maurice initially told police of the sighting on 23 June he thought the child had been wearing a 'dress'.[893] The following day his description of the clothing changed markedly to: *"... a pair of grey overalls with shoulder straps that buttoned up over the front"*.[894] This second description matches fairly closely that which was given to police by Queenie on 23 June.[895] It is likely that the couple had spoken about their sighting after their first contact with police, prompting Maurice to change his mind about what the child had been wearing at the time.

410. Maurice said that when he and Queenie were on their way to football, about 200 yards down the road from the CREWES' house, he saw some people at the unoccupied house owned by Owen Lawrence PRIEST (DOB [redacted]) and Julie PRIEST.[896] He described an old lady with a red cardigan standing on the lawn at the front of the house.[897]

411. Police enquiries identified that Julie's mother, Muriel CRONIN (DOB unknown), had been staying at their house on Thursday 18 June 1970.[898] At about 11.30am that day she had taken the PRIESTS' youngest child, Gregory PRIEST (DOB unknown), to pick flowers at the cottage.[899] CRONIN had been wearing a red/pink cardigan[900] and a brown dress[901] at the time.

412. Maurice's nephew, David John QUINN (DOB unknown), confirmed that on Thursday 18 June 1970, two days before Maurice's alleged sighting of this woman, he went to a stock sale with Maurice,[902] and they had passed the PRIESTS' cottage at about 11.30am.[903] QUINN stated that on this day he had seen an elderly woman who appeared to be dressed in a red or brown cardigan and a blue dress.[904] When this was brought to the attention of Maurice he stated that it could have in fact been Thursday that he saw the woman in the red cardigan,[905] as he did go past the house that day at about 11.30am.[906]

413. Maurice's confusion of the day on which the sighting of the woman by the PRIESTS' cottage occurred weakens his assertion that the sighting of the child occurred at about 4.35pm on

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Saturday 20 June 1970. For the reasons described above, Queenie McCONACHIE's account of the sighting was considered most reliable.

New information

Refer to New Information, 'The Woman', for information regarding the possibility of Rochelle being cared for between the time of the murders and the crime scene being discovered.

Claim that 'the child' had been outside the CREWES' house for three hours

414. In his book, *All the Commissioner's Men*, Chris BIRT commented that Arthur THOMAS' defence team was not aware of Maurice McCONACHIE's statement (about his sighting of the child on the CREWES' property).[907] They were, therefore, not allowed the opportunity to prove that Arthur and Vivien THOMAS had an alibi for this time.[908] BIRT claimed that both Maurice and Queenie McCONACHIE's sightings of the child in the front paddock of the CREWES' property on Saturday 20 June 1970 were accurate.

> *"... David MORRIS so blatantly inferred that the wife of the accused Arthur Thomas was the woman who had fed Rochelle Crewe when he knew categorically that someone else had been at their property, attending the infant and having her out of her cot and running around in the paddock from 1.40pm till at least 4.30pm - a period of about three hours - deserves condemnation."*[909]

415. As outlined above, Maurice's report of his sighting of the child was found to be unreliable and was disregarded. There are no witness accounts or other evidence to suggest that a child was in the front paddock of the CREWES' farm for a period of three hours on this, or any other day, between the murders and the crime scene being discovered.

416. In *All the Commissioner's Men*, BIRT reproduced retired Detective Inspector HUTTON's alleged comments during a television interview on 7 September 2001. HUTTON allegedly stated that:

> *"... in an attempt to survive those five days, baby Rochelle had bitten most of the varnish off the top rails of that large cot. And in addition to that, and remarkably so, she had somehow got her wet napkins [nappies] off, stained with urine of course, and had sucked on those to the extent that she had quite serious discolouration and sores starting to form around her lips and under her nose."*[910]

417. This sentiment was reiterated when HUTTON was spoken to by Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM on 19 January 2012. At this time HUTTON explained that he had seen Rochelle soon after she had been found and noted that she had emaciated lips, *"... as if she'd been chewing into the cot ..."*, and said that he believed she had been sucking on the wet nappy in her cot.[911]

418. It was not documented by Detective Inspector HUTTON, or anyone else, that the cot in which Rochelle was found had extensive bites marks as he allegedly described in 2001. Furthermore, had there been bite marks visible on the cot there is no evidence to confirm that these occurred during the period Rochelle was alone in the house. It is not uncommon for small children to bite on the rails of their cot and this could have occurred at a time prior to that in question.

419. The suggestion that Rochelle had been sucking on a urine-stained nappy is also unsupported. The proposition that Rochelle had removed her own nappy is not supported by fact. When located, Rochelle had on a nappy, fastened with a nappy pin, underneath a

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pair of plastic pants (believed to be a nappy cover). Clearly the soiled nappy located in her cot was not one she had removed herself.

420. In addition, HUTTON's description of the sores developing around Rochelle's lips and nose were not recorded by him at the time. More compellingly, this was not noted by Barbara Florence WILLIS (DOB unknown), the woman to whom Rochelle was taken by Lenard DEMLER, or Nancy CRAWFORD, Onewhero District Nurse who saw Rochelle at WILLIS' house on 22 June 1970, or Doctor FOX, who first examined Rochelle on 23 June 1970.

Other sightings at or near the CREWES' property

Vehicles

421. After the crime scene was discovered on Monday 22 June 1970, police appealed for information from the public about any vehicles seen in and around the area between the day the CREWES were last seen and the day the crime scene was discovered. Fourteen sightings of the CREWES' vehicle and other vehicles at, or nearby, the property were reported.

Wednesday 17 June 1970

422. Frederick George HOSKING (DOB [redacted]), a Pukekawa farmer, informed police that he had been to the CREWES' property on either Wednesday 17 June or Thursday 18 June 1970 to return one of their sheep which had wandered.[912] He stated that at this time it appeared as though a truck had just called at the CREWES' house, as there were tyre marks in the mud.[913] HOSKING suggested that the truck may have called to pick up the sheep which were located in the front paddock of the property.[914]

423. The actual location of the 'tyre marks in the mud', seen by HOSKING on the CREWES' property, is unknown. When spoken to by police on 22 June 1970, HOSKING stated that he had gone to the address to return a sheep, but gave two separate locations on the farm where he left the sheep. He stated that he had taken the sheep to the shearing shed, where he left it, and also said he left the sheep in the front paddock of the property with the other sheep that were there.[915] These varying locations mean the tyre marks could have been seen by HOSKING in either the driveway to the CREWES' house, the front paddock or the driveway to the wool shed/shearing shed (in a paddock to the right of the house, when looking from the road).

424. HOSKING was unsure as to which day this occurred and even though he was interviewed by police on two subsequent occasions,[916] he does not appear to have been asked any further questions about this incident. Therefore, these matters were not clarified. From HOSKING's description that the tyre marks belonged to a truck, it could be surmised that the tyre impressions left in the mud were larger than that of a normal car in those days. However, the lack of further descriptions or information provided by HOSKING makes it difficult to link this information with a vehicle which had legitimately visited the property.

425. A number of vehicles were known to have stopped at the CREWES' property on Tuesday 16 June, Wednesday 17 June and Thursday 18 June 1970. Those being: the CREWES' green 1969 Hillman Hunter,[917] Lenard DEMLER's blue Morris 1100 (owned by his late-wife's estate),[918] John GRACIE's khaki 1968 or 1969 Holden sedan,[919] Thyrle PIRRETT's gold 1970 Holden station wagon,[920] and a vehicle owned by Emmett SHIRLEY (DOB [redacted], now deceased), the local delivery man who distributed bread, milk and mail to houses in the area.

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The make and model of SHIRLEY's vehicle is unknown, but in a statement to police he described it as a 'truck'.[921] SHIRLEY's vehicle was therefore the only vehicle known to have visited the CREWES' property between 16 and 18 June which could possibly match HOSKING's description of a 'truck'. Therefore, it is possible that the tyre marks noted by HOSKING were in fact those of SHIRLEY's vehicle on 16, 17 or 18 June in the ground near the main entrance to the CREWES' property. However, there still remains the possibility that neither SHIRLEY's vehicle, nor any other vehicles identified as visiting the address, left these impressions. It should also be noted that the CREWES owned a tractor which would have left large tyre marks. That said tractor tyre mark patterns are significantly different to those of a truck.

426. It is possible that there was an unidentified vehicle at the CREWES' property on either Wednesday 17 June or Thursday 18 June. This in turn raises the question of whether the occupant/s of this unidentified vehicle had any involvement in the activities at the crime scene over this time.

427. On the evening of Wednesday 17 June there were a large number of vehicles travelling in the Pukekawa area. That evening there was a rate payers' meeting at the Pukekawa Hall, Clark and Denize Road, from about 8.10pm to 10.40pm;[922] indoor bowls at Glen Murray from about 7.30pm to 11.45pm;[923] and table tennis at the Opuatia Hall.[924] The times for the table tennis are unknown, but indications are that people began travelling to Opuatia Hall between 7.30pm and 9.00pm, then left between 11.00pm and 11.30pm. A number of people would have passed the CREWES' property while travelling to and from these events.

Thursday 18 June 1970

428. On 23 April 1980, Karl Courtney LOBB (DOB [redacted]), a Pukekawa resident (in 1970), contacted police and stated that he had seen a car and trailer at about 7.00am on Thursday 18 June 1970.[925] This had been parked on the side of the Highway 22, about 200 yards (approximately 183 metres) from the CREWES' wool shed.[926] LOBB described the vehicle as a green Hillman Minx car with a grey plywood trailer which had 'spoked wheels'.[927] LOBB said he knew this vehicle belonged to Arthur THOMAS.[928] He described *"... what looked like a couple of bundles covered with cow covers and layed [sic] on them there were some old water pipes."*[929] LOBB stated that Richard Wayne HOWE (DOB unknown, now deceased), who previously worked for Fletchers as a Driver, told LOBB that he had also seen the car and that he too knew the car belonged to THOMAS.[930]

429. A statement was taken from LOBB on 30 April 1980 in which he reiterated the sighting of the car and trailer.[931] LOBB stated that when seen, the car and trailer were in the pull-off just past the CREWES' wool shed gate, and was facing south.[932] LOBB said he did not see any people around the vehicle.[933] He described the bundles on the trailer as giving the appearance of being two sacks of barley covered by old brown cow covers.[934] LOBB stated that the bundles could have been two human bodies lying side by side, and that the cow covers were held down with pieces of twisted galvanised pipe.[935]

430. At the time of giving this statement, LOBB did not say that HOWE had also seen the car and trailer.[936] He instead said that some time after the sighting, Vivien THOMAS visited the yard of Banks & Moore Carriers, Tuakau, - LOBB's employers - driving the THOMASES' Hillman car and towing the trailer.[937] On this occasion it is alleged that HOWE looked at LOBB and said: *"Thank Christ we did not have to go and give evidence on that"* indicating towards the

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trailer.[938] LOBB stated that he did not discuss the matter with HOWE, and LOBB *"... presumed that he [HOWE] had seen the car and trailer also because he was cartingfertiliser [sic] from Banks and Moore that morning."*[939]

431. On 30 April 1980, LOBB stated that at the time he was spoken to by police in 1970, Constable Gerald WYLLIE had asked if he had seen anything strange.[940] LOBB stated: *"By this I thought he meant any foreign persons. It did not register to mention the sightings of any locals or local vehicles."*[941] LOBB said that he did not give the sighting of the car and trailer much thought at the time and it was not until after the first trial that he thought about this again.[942] This, he said, was the time when Vivien had gone to the Banks & Moore Carriers yard to get cement and had been driving the same car and trailer that he had seen near the CREWES' property.[943]

432. At the RCOI in 1980, LOBB stated that he did not go to police when he first connected his sighting of the car and trailer with the murders as: *"If you had said anything at the time there was a flaw or anything in it you were in trouble, a few people got roughed up, young fellows ['all caps' removed]."*[944] He said he was also worried about what the Arthur Thomas Retrial Committee Inc. would do if he came forward, stating: *"If anyone had said anything he was likely to have worn a crowbar."*[945] LOBB said that as Arthur THOMAS had been arrested he felt police must have already had enough evidence against him.[946] It is noted that LOBB did not approach police with information of his sighting after THOMAS had been granted a second trial by the Court of Appeal. LOBB explained: *"Later I heard that Arthur [THOMAS] had been pardoned and was trying to get compensation. I did not think that was right."*[947]

433. At the time of the original investigation in 1970, LOBB told police he had passed the CREWES' home between the time of the murders and the crime scene being discovered. However, at this time he was referring to approximately 6.20am on Friday 19 June 1970.[948] Constable WYLLIE's Police Jobsheet of his interview with LOBB on 24 June 1970 does not indicate that LOBB had also passed the house on Thursday 18 June.[949] The first indication that LOBB may have passed the CREWES' property on 18 June 1970 was not until 10 years later, on 23 April 1980.[950]

434. In a statement to the RCOI, LOBB explained that there was a stock sale in Pukekohe every Thursday, meaning that he would start work early to collect stock from farmers and get to Pukekohe in time for the sale.[951] He stated that Thursday 18 June was one of those days.[952] However, while giving evidence at the RCOI, LOBB explained that he thought the sighting took place on 18 June, rather than Friday 19 June, because on 19 June he had started work earlier.[953] LOBB's statement to the RCOI said that on 19 June, when he passed the CREWES' property, it was dark.[954] LOBB's work records showed he began work at 6.00am on 19 June.[955] After being questioned, LOBB agreed that he could be confusing the two days, Thursday 18 June and Friday 19 June.[956]

435. At the RCOI, LOBB stated he often drove along that section of Highway 22, Pukekawa, sometimes once a day, sometimes six times a day.[957] This could make it difficult to accurately identify a particular day, and the precise trip that day, on which LOBB's sighting occurred.

436. In his statement dated 30 April 1980 and again in a statement for the RCOI, LOBB said that on Thursday 18 June he left the Banks & Moore, Tuakau, depot at about 6.30am,[958] passing the CREWES' house at about 7.00am.[959] He noted that the sun was just coming up and it was not dark at the time.[960] Then while giving evidence before the RCOI, LOBB stated that he had passed the CREWES' property between 7.30am and 7.45am on 18 June[961] and that it could

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have even been later than 8.00am.[962] LOBB explained he would usually get to the depot at about 7.30am, depending on what time he was starting work that morning,[963] which would mean that he would pass the CREWES' house at about 8.00am.[964] He said the latest possible time he would have passed the house would be 8.30am.[965]

437. In order to clarify the matter of which day LOBB's sighting occurred, LOBB's day sheet for Thursday 18 June 1970[966] from Banks & Moore Ltd. was produced.[967] James Thomas BANKS (DOB unknown), manager of Banks & Moore in 1970, gave evidence that the date on LOBB's day sheet had been changed from '17' to '18'.[968] BANKS stated that this indicated a mistake on LOBB's part when completing the form, which had been altered to 18 June for business records.[969] It is unknown when this change was made. BANKS had his diary from 1970 and was able to confirm 18 June was the correct date for this day sheet.[970]

438. The day sheet established that on Thursday 18 June LOBB commenced work at 8.00am.[971] LOBB agreed that this meant it was not possible for him to have been outside the CREWES' house before 9.00am on this day.[972] In his subsequent evidence LOBB continued along the lines that the sighting had occurred at about 9.00am on 18 June.[973]

439. LOBB said that on the morning of Thursday 18 June he was heading to Chapman Road, Pukekawa, and thought he was going to Alan EGGLETON's (DOB unknown) to collect pigs[974] and take them to the Pukekohe sale.[975] However, LOBB was unsure of the type of stock he actually collected, citing the time lapse between the event and him giving evidence.[976] LOBB's day sheet indicated that he collected one dairy heifer from Ruapuke Lands on 18 June.[977] LOBB explained that Ruapuke Lands was a loading place also used by EGGLETON.[978]

440. LOBB's description of the vehicle he saw parked near the CREWES' wool shed was accurate when compared with Arthur THOMAS' car, but that THOMAS' trailer did not have 'spoked wheels' as described by LOBB. He stated that after seeing the vehicle and trailer he again passed the property about 30 minutes later and they were no longer there.[979]

441. At the RCOI, LOBB acknowledged that Richard HOWE had never said to him that he had seen THOMAS' car and trailer.[980] Instead this was the inference LOBB drew from what HOWE had said.[981] LOBB stated that after HOWE had expressed relief about not giving evidence he drew that inference because:

> *"From the way he looked at me I took it that he must have been carting fertiliser on the morning of 18th June 1970 and seen the car and trailer as well but he did not say so outwardly and I did not want to talk about it. I never had any further discussions with Wayne [Richard HOWE] regarding the sighting."*[982]

442. HOWE died in 1975 and therefore LOBB's claims could not be put to him at the RCOI. HOWE's widow, Heather Angus HOWE (DOB unknown), was spoken to by police on 7 May 1980.[983] Heather confirmed that while Richard HOWE worked for Fletchers he would often be contracted by Banks & Moore during spreading season.[984] Heather stated that HOWE had never mentioned anything about seeing a car and trailer in the vicinity of the CREWES' farm around the time of the murders.[985] She further stated that she was sure if he had seen this, he would have told her.[986]

443. Upon questioning at the RCOI, a number of inconsistencies in LOBB's allegations were identified and he appeared to concede that it was 'probable' he had made a mistake about this sighting.[987] LOBB admitted the reason behind him coming forward with this information

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was because he thought the Prime Minister's decision to pardon THOMAS was wrong, and LOBB believed that THOMAS was guilty of the murders.[988] It also became apparent that a motivating factor for LOBB reporting this sighting was the compensation payment that THOMAS would potentially receive. Based upon the above information, the sighting alleged by LOBB is of questionable credibility.

444. Since this time, [redacted] (DOB [redacted]) contacted police with information which appears to relate to LOBB's sighting.[989] [redacted] stated that 'Karl' worked for Tom Banks Trucking in 1970 and that 'Karl' had been driving past the CREWES' house one morning between 2.30am and 3.00am on his way to pick up a load of wool, when he saw THOMAS' car outside their gates.[991] The boot of THOMAS' car, which was parked behind a big metal heap, was allegedly open and 'Karl' told [redacted] that he saw two grass seed sacks, big enough to fit a person inside in the boot.[992]

445. [redacted]

446. [redacted] thought that 'Karl' told him of this in about 1971 or 1972, as it was after THOMAS had been convicted.[995] [redacted]

447. Although the basic story told by [redacted] is similar to that told by LOBB, many details alleged by [redacted] differ from the version provided by LOBB. [redacted] It is possible that LOBB told [redacted] of this after the time of the RCOI in 1980. Through the passage of time it could be expected that details would become misconstrued, but in any case this statement does little to corroborate LOBB's allegations.

448. Richard THOMAS claimed that Bruce RODDICK told him he had seen a woman driving the CREWES' vehicle towards Pukekawa on Thursday 18 June. However this appears to be incorrect as RODDICK himself stated that this occurred two weeks prior to the murders *(see paragraph 207)*.

449. Between 11.00am and 11.30am on Thursday 18 June, Raymond Leslie FOX (DOB [redacted]), a Pukekawa farmer whose property boarded the CREWES' property, alleged that he saw Jeannette in her vehicle with another woman, driving along Highway 22.[998] FOX stated that he saw the vehicle going past the hay barn on his property, driving towards Glen Murray.[999] FOX described the vehicle as a blue Hillman and stated that it was the same type and colour vehicle the CREWES owned.[1000] FOX commented that he only got a glimpse of the women in the vehicle and took the driver to be Jeannette, but was not positive it was her.[1001] FOX described the other woman in the vehicle as slightly older, and in her forties.[1002]

450. FOX's alleged sighting of two women in the CREWES' vehicle, one of whom being Jeannette, cannot be rationalised. By this time both Harvey and Jeannette were almost certainly dead

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(see paragraph 842). On 24 June 1970, the same day FOX made his statement, Detective Sergeant Philip SEAMAN commented that although FOX appeared to be a very genuine type of person who obviously wanted to help, FOX was not positive of his sighting of Jeannette.[1003] Detective Sergeant SEAMAN reported: *"I do not think that too much weight can be placed on this sighting but by the same token it cannot be completely disregarded."*[1004]

451. It is not believed to be possible that FOX saw Jeannette that day and it is more likely that he saw two women driving in the area, but one of those was not Jeannette. FOX described the vehicle as the same type and colour as the CREWES' vehicle, but stated that the vehicle was 'blue'. In June 1970 the CREWES owned a dark green Hillman.

452. If this sighting did in fact occur, but on a previous day during the week when Jeannette was still alive, it is unknown who the older woman accompanying her in the vehicle would have been. Police spoke to everyone known to have had contact with Jeannette that week, none of whom described an outing such as this.

Friday 19 June 1970

453. Between 8.30am and 9.10am on Friday 19 June, Bruce RODDICK stated he saw the CREWES' vehicle on their property, parked across the house gate[1005] *(see paragraphs 149, 166)*.

454. Gordon TONGA (DOB [redacted]), a Pukekawa farmer, stated that he saw a vehicle travelling north along Highway 22 at about 7.30pm on Friday 19 June, which then stopped in the CREWES' driveway, outside the gate.[1006] TONGA stated that the sole occupant of the vehicle was the male driver, although there was no comment as to how he determined this as TONGA also admitted: *"I couldn't really see him clearly because of the dark ..."*[1007] He described the vehicle as a small, modern car, possibly dark green, which may have been a late model Hillman, Escort or Viva.[1008] At the time TONGA was in a taxi driven by Mervyn LORIGAN (DOB unknown), on his way to Tuakau.[1009] LORIGAN did not remember seeing any vehicle near the CREWES' property, but stated he would not have been looking.[1010]

455. It does not appear that the dark green vehicle, described as possibly a Hillman, which was seen in the CREWES' driveway by TONGA on the evening of Friday 19 June was ever identified. It is acknowledged that the description of this car fits the description car owned by the CREWES. It is unlikely at this time the matter could be advanced any further.

Saturday 20 June 1970

456. Tutu HOETA (DOB unknown), a Pukekohe resident, stated that on Saturday 20 June he passed the CREWES' house at approximately 7.00am.[1011] He saw a two-tone green, 1964 Chrysler Valiant sedan with a chrome strip down the side[1012] parked in front of, and facing, the closed gate.[1013] HOETA did not see any people near the vehicle,[1014] which he said he took particular notice of as he had always wanted a Valiant.[1015] HOETA is sure his sighting was on this day as he bet on a double (horses) at the Pukemiro Totalisator Agency Board (TAB) and won.[1016]

457. HOETA's sighting of a Chrysler vehicle outside the CREWES' property was investigated. Police ruled out two vehicles of a similar description in the area and it was concluded that HOETA's sighting had in fact been of Anthony Baker INSOLL's (DOB [redacted]) two-tone green, 1964 AP5 Chrysler Valiant.[1017] This had been parked outside the property of Claude SHEPHERD on Waikaretu Valley Road, Glen Murray, (some 28 kilometres from the

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CREWES' house) at approximately 10.30am the following day, Sunday 21 June.[1018] HOETA's route from his Pukekohe home to his father's Waikaratu home on 20 June would have taken him along Waikaretu Valley Road. HOETA also drove this route on 21 June, again to visit his father.[1019] Detective PARKES, officer-in-charge of vehicles, noted in his Police Jobsheet: *"Detective Sergenat [sic] SEAMAN who interviewed HOETA states that HOETA is adamant about where he saw the car however I am of the opinion that he was mistaken and he did in fact see the car on the Sunday when it was parked at SHEPHERD's."*[1020]

458. It could be argued that police were too quick to dismiss this sighting. Various aspects of HOETA's statement were proven to be reliable. He commented that he remembered this particular day as he had bet on the horses and won.[1021] The details of this were checked with the Pukekohe TAB and it was established that HOETA was 'spot on' with what he had said in this regard.[1022]

459. Supporting HOETA's ability to recall such details, he also stated that on Monday 22 June 1970 at about 1.40pm he drove past the CREWES' house and saw a little red car parked where the Valiant had been on Saturday 20 June.[1023] On Monday 22 June, Lenard DEMLER is believed to have parked his red, 1969 Ford Cortina in front of the closed road gate, while searching the CREWES' house with Owen PRIEST. It is almost certain that this is the vehicle HOETA saw.

460. HOETA's sighting again appears to leave a vehicle which was seen parked in front of the CREWES' gate unidentified. Of note, there was another green Chrysler vehicle that had links to the district, which was not one of the two 'eliminated' by police during their enquiries. Information contained on the file indicates that in 1970 [redacted] drove what was described as a green, 1964 Chrysler, although does not indicate whether this was a Valiant model.[1024] [redacted], confirmed [redacted].[1025]

461 [redacted] was spoken to by Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM on 9 April 2014 and was told of HOETA's sighting of the green Valiant.[1026] [redacted] accepted that [redacted] have owned [redacted] Valiant around the time of the murders and said that [redacted] heard of the sighting (by HOETA).[1027] [redacted] denied that the sighting was [redacted] vehicle [redacted]

462. At about 1.40pm on Saturday 20 June, Queenie McCONACHIE alleged that she saw the CREWES' vehicle outside the house gate of their home. However, she described this vehicle as light-bluish grey' *(see paragraphs 377, 397).*

463. At about 4.30pm on Saturday 20 June, Mary FOOTE passed the CREWES' property and noted that there were no vehicles parked in front of the house[1029] *(see paragraph 407).*

Sunday 21 June 1970

464. Keith McKenzie BROWN (DOB unknown), a Stock Agent for Wright Stephenson & Co., drove past the CREWES' property at about 8.30am on Sunday 21 June, and saw the CREWES' vehicle parked at the house gate.[1030] BROWN said he was definite about the date as it was the first time he had been along this road since the previous Monday (15 June), when he had collected a farmer at 6.30am to travel to Gisborne.[1031]

465. Frederick HOSKING told police that between 10.30am[1032] and 11.00am[1033] on Sunday 21 June

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he was travelling between Otuiti Road and Sharpe Road, Pukekawa, with his grandchildren Kevin Brian HOSKING (DOB unknown), Gaye Maree HOSKING (DOB unknown)[1034] and Allan HOSKING (DOB unknown).[1035] Frederick HOSKING said he saw an old car parked on the left hand side of the road, almost opposite the CREWES' wool shed.[1036] It was noted that he described Maori people[1037] with long hair[1038] around the car, changing a tyre.[1039] HOSKING stated that on his return trip he saw the same car, this time parked outside the CREWES' gate and there were no people around the vehicle.[1040] HOSKING was definite that the vehicle was outside the CREWES' property as it had been obstructing the road, causing him to swerve around it.[1041]

466. In respect of Frederick HOSKING's sighting of a vehicle near the CREWES' property, police appealed for the person who had a puncture on Sunday 21 June in the Pukekawa area to make contact with them.[1042] David Charles MARSHALL (DOB [redacted]), a Glen Murray resident, told police that on this day, at about 11.30am, he and his family (including his wife and five children) were driving along Highway 22, from Glen Murray to Pukekawa, when his 1958 Morris Oxford[1043] got a puncture just south of the CREWES' front gate.[1044] MARSHALL's wife, Winifred Ann MARSHALL (nee RHIND) (DOB unknown), confirmed this version of events.[1045] There is no comment on the file as to whether David MARSHALL and his family matched the description of the people seen by HOSKING.

467. Kevin and Gaye HOSKING were spoken to by police and both described the vehicle as *"... a typical Maori car ..."*[1046] They stated that it was brown or rust coloured and had primer paint on it in patches.[1047] The people seen around the car were described as Maori, young (18-20 years) and dressed in 'farm clothes'.[1048] Kevin and Gaye could not provide a make or model for the vehicle, but stated that they would probably know it again if they saw it.[1049] The pair's description differs from Frederick's statement regarding the position of this vehicle on the second occasion, claiming that it was some distance from the CREWES' house, parked on the side of the road opposite Fleming Road[1050] (approximately one kilometre from the CREWES' house).

468. Allan HOSKING stated that when he first saw the vehicle it was parked opposite the CREWES' facing towards Pukekawa, similar to the description given by Frederick. However, Allan stated that Frederick was incorrect about the position of the vehicle on the return trip.[1051] He said the car was then parked by Fleming Road facing towards Glen Murray.[1052] Allan did not know what type of car it was but stated that it was 'all patchy'.[1053] Allan said he saw a Maori woman sitting in the car when it was outside the CREWES.[1054]

469. The descriptions given of the vehicle by Kevin, Gaye and Allan HOSKING could relate to David MARSHALL's vehicle, as noted by police. The HOSKINGS stated the vehicle was brown or rust coloured. Although MARSHALL's vehicle was actually 'bottle green'[1055] it was commented that it had rust around the door sills and body frame and was deeply coated in mud and grime.[1056] The HOSKINGS also said it was 'all patchy' and had primer paint on it. MARSHALL's vehicle was in rough condition, but it was noted that there was no primer paint anywhere on the car.[1057] It is possible that the HOSKINGS mistook mud on the vehicle for primer paint. It was noted that Kevin and Gaye believed that if they saw the vehicle again they would be able to identify it as the same vehicle they had seen that day. As none of the HOSKINGS were able to give an indication of the make or model of the vehicle this type of identification would have been useful in positively connecting these two occurrences. This was not done. Although Police Jobsheets do not comment on whether members of the

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MARSHALL family match the descriptions given by the HOSKINGS, it appears that police believed these two occurrences to be one and the same.[1058]

470. At about 12.00 noon on Sunday 21 June, Claude SHEPHERD drove past the CREWES' house and noticed a green, International panel van parked near the wool shed entrance, facing towards Glen Murray.[1059] SHEPHERD saw a man standing on the grass towards the rear of the van[1060] and although he did not get a good look at him, was of the opinion that he had stopped for the purpose of 'relieving himself'.[1061]

471. SHEPHERD's reported sighting of a vehicle and a male near the CREWES' wool shed is believed to be of Rakena TAI (DOB unknown), a Pukekohe resident, but on the previous day, Saturday 20 June.[1062] TAI stated on 20 June he had travelled to Raglan in his green and white International panel van.[1063] At about midday he stopped at the top of the hill, before the Maori cemetery (in Pukekawa), to have a 'leak'.[1064] Detective PARKES was quite sure that TAI's was the vehicle that was sighted by SHEPHERD.[1065]

472. The Maori cemetery is located approximately two kilometres south along Highway 22 from the CREWES' property, and is a different position along the road than that described by SHEPHERD. However, it is possible that TAI did not know which property was the CREWES' and therefore related his location to the nearest landmark he could provide - this being the cemetery. The landscape around Pukekawa is hilly which makes it difficult to definitively pin-point what is the 'top of the hill'. However, it is noted that when travelling south along Highway 22, the CREWES' property is just prior to a decline in the road. The description of the vehicle seen by SHEPHERD, and the male's actions, closely match that of TAI, and it is likely that these occurrences were one and the same.

473. Milton Keith HUNTER (DOB unknown) and Margaret HUNTER (DOB unknown), residents of Glen Murray, told police on 26 June 1970, that they thought they saw a grey, Mini panel van[1066] or Austin van[1067] parked in the metalled lay-off about one tenth of a mile (160 metres) south of the CREWES' wool shed.[1068] They thought this was on Sunday 21 June and, if it was this day, would have been at about 1.30pm.[1069] Margaret stated that there were two occupants in the vehicle, one being a 'dark male' and the other a 'fair haired woman'. Detective PARKES commented that the more the HUNTERS thought about this incident, the less certain they were that it was on Sunday they saw the van.[1070]

474. Kenneth John HAWKINS (DOB unknown), of Pukekawa Motors Ltd, and Kenneth Ian MAY-SOMERVILLE (DOB unknown), of Glen Murray Motors Ltd, were both seen by police and stated that they did not know of a similar vehicle in the district as that described by the HUNTERS.[1071] The HUNTERS' uncertainty of the date on which they believe they saw a grey, mini panel van, coupled with Detective PARKES' comment that he did not think Margaret HUNTER was a good witness *(see paragraph 530)*,[1072] appears to have resulted in their sighting of this vehicle being discounted and no further enquiries were made.

475. However, it is of note that William Henry STEVENSON (DOB unknown), from Ellerslie, Auckland, also reported to police, on 24 June 1970, a sighting of a 'grey panel van', possibly an Austin.[1073] He said he saw this at the Alexandra Redoubt, River Road, Tuakau, at about 2.00pm on Saturday 20 June.[1074] STEVENSON described a man, between 40 and 45 years old, tall, well built with sandy coloured hair, who was with two women.[1075] He said one of the women had dark brownish hair and the other was about 18 years old.[1076] STEVENSON notified police of this sighting because when he spoke to these people they did not respond and *"... looked straight through him."*[1077] STEVENSON's sighting was not investigated by police

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nor is there any further information on file relating to a grey Austin van.

Monday 22 June 1970

476. Joseph Gerald MOORE (DOB unknown) and John Elliot DAGG (DOB unknown), Stock Agents for National Mortgage Association, Tuakau, visited the CREWES' property between 8.45am and 9.00am on Monday 22 June. DAGG stated that at this time the CREWES' vehicle was in the garage.[1078] MOORE also noticed, about 200 yards (180 metres) past the CREWES' wool shed, a grey Chrysler Valiant.[1079] MOORE said a black haired man, who was not Harvey, was in the vehicle.[1080]

477. It was established that MOORE's sighting of the Chrysler Valiant on Monday 22 June was likely to be the vehicle driven by Graeme Frewin MARTIN (DOB unknown), a Papatoetoe resident.[1081] MARTIN stated that he was parked about one tenth of a mile (160 metres) south of the CREWES' shed at about 9.00am on 22 June.[1082] He was driving a grey, Chrysler[1083] Valiant with a white roof,[1084] and had stopped to look at a map and give his dog a run.[1085] The date MARTIN was in the area was confirmed by documentation from his employers,[1086] although a description of MARTIN to compare with that given by MOORE was not noted.

478. At about 1.00pm on Monday 22 June 1970, Lenard DEMLER arrived at the CREWES' property in his vehicle (a red 1969 Ford Cortina) which was parked outside the road gate.[1087] After returning home,[1088] and then collecting Owen PRIEST from his neighbouring farm,[1089] DEMLER's Cortina vehicle[1090] was again parked outside the CREWES' road gate[1091] at about 1.40pm, where it was seen by Tutu HOETA *(see paragraph 459)*.

479. It is not specifically recorded in the file that DEMLER's Cortina vehicle was that which he drove to the CREWES' property on his first visit to the property on Monday 22 June 1970. While describing his movements DEMLER simply stated that he drove *"... my car ..."* to the CREWES'.[1092] DEMLER had access to two vehicles, his Cortina and his late-wife's blue 1100 Morris. Having said this, it is noted that DEMLER referred to the Morris car as his late-wife's rather than 'his'.[1093]

480. It was confirmed by PRIEST[1094] and Barbara WILLIS[1095] that DEMLER was driving the Cortina vehicle on his second visit to the CREWES' property on 22 June.

481. When the crime scene was discovered at about 1.00pm, the CREWES' green, 1969 Hillman Hunter[1096] vehicle was found parked inside their garage, located in the front paddock by the road gate.

482. After the CREWES' vehicle was seen at the road side on Highway 22 at about 5.10pm on Wednesday 17 June *(see paragraph 99)*, it was then noted by Bruce RODDICK to be parked across the house gate, inside the front paddock of the CREWES' farm on the morning of Friday 19 June. Queenie McCONACHIE then claimed that a vehicle, which she thought was the CREWES', was seen in this same position at 1.40pm the following day, Saturday 20 June. Mary FOOTE stated that there was no vehicle in this position by the house gate later at 4.30pm when she passed on Saturday 20 June. Keith BROWN alleged that the CREWES' vehicle was parked at the house gate at 8.30am on Sunday 21 June. This vehicle was then noted inside the garage on the morning of Monday 22 June, where it appears to have remained until that afternoon when the crime scene was discovered. Emmett SHIRLEY, who had made deliveries to the CREWES' house on Thursday 18 June, Friday 19 June, Saturday 20 June and Monday 22 June, stated that he did not see the CREWES' car during this

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period.[1097] SHIRLEY further stated that he had not looked in the CREWES' garage to see if the car was there on any of these occasions.[1098]

483. This sequence of events is difficult to reconcile with the fact that the CREWES were almost certainly murdered on the evening of Wednesday 17 June. If these reported sightings are all accurate the only viable explanation would be that someone had moved the vehicle on three separate occasions. It is almost certain that if someone did this they would have some knowledge that something untoward had occurred at the house. This action could perhaps be understood if the offender/s, or someone associated with the offender, moved the vehicle from a position where it would be seen from the road, to a more discreet location, i.e. the garage. If the vehicle had been left at the house gate by the CREWES it is possible that this would give reason for people to believe that they were home and call in on them. Therefore, if the vehicle was in the garage, which does not appear to have been visible from the road, an opportunistic visit would be somewhat reduced. However, it does not then make sense that the vehicle would be moved back to the front of the house and once again back into the garage.

484. While this is possible, it is very risky on the part of the offender/s or someone associated with the offender/s. The front section of the CREWES' house is visible from the road and as can be seen from the above discussion, locals took note of, and reported, what had occurred during the week in question. Having said this, the offender/s would have had a reasonable chance of not being seen if the relocation of the CREWES' vehicle occurred late one night or early in the morning. The CREWES' farm had no immediate neighbouring dwellings, the closest of which being the vacant cottage on Ronald and Carolyn CHITTY's property across the road and approximately 120 metres north. The closest occupied house to the CREWES' residence, therefore, was the CHITTYS' house, approximately 250 metres north-west of the CREWES'. This area of Highway 22 did not have street lighting in 1970, which would have provided an opportunity for the offender/s, using the cover of darkness, to visit the property undetected.

485. The only indication that there may have been a visitor to the CREWES' property under the cover of darkness was reported by Raymond FOX, who owned the farm neighbouring the CREWES' southern boundary. His house was situated just over a mile (approximately 1.6 kilometres) by road from the CREWES.[1099] FOX stated that at about 3.00am on Friday 19 June, he was awoken by his dogs barking,[1100] which he said was most unusual.[1101] The dogs had been tied up in the shed at the front of his house.[1102] FOX said that his dogs were very upset[1103] and when he went out to see them they were 'straining at the leash'.[1104] FOX thought this indicated someone may have been about.[1105] He looked around the house but could see nothing.[1106] He moved his dogs to the cow shed 50 yards (approximately 46 meters) from the house where they continued barking.[1107] FOX stated that his dogs had never carried on like that before.[1108]

486. The CREWES' vehicle was examined for evidence that it may have been used by the offender/s to transport the bodies of Harvey and Jeannette to another location. Nothing was found that would indicate this. The vehicle was also fingerprinted and it was established that the prints lifted from the vehicle were most probably Harvey's.[1109] It is also noted that a single set of car keys for the vehicle was located in a drawer of the cocktail cabinet situated in the lounge of the home.[1110] There is no comment on the file as to whether this was the usual place the CREWES left the keys for their vehicle while not in use. It is unknown whether there was more than one set of keys for the vehicle, but it is presumed that when the

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CREWES purchased this vehicle it would have come with two sets. If there was only the one set of keys for the vehicle, anyone who moved the vehicle would have then had to enter the home and put them in the cocktail cabinet. Alternatively, if there were two sets it appears that the offender/s retained a set. Another key was located in a separate drawer of the cocktail cabinet,[1111] but it is unknown whether this was another ignition key for the Hillman vehicle.

487. On 25 June 1970, Detective PARKES searched the CREWES' Hillman car and noted: *"The drivers [sic] seat was not pushed right back, it was forward in an upright back position and gave little room for a man of about 6 foot in height and would possibly be in a position ... adopted by a shorter person than Crewe (Harvey) is reported to be."*[1112] This observation may indicate that someone, of smaller stature to Harvey, had been the last person to drive the vehicle. This may have been Jeannette, or someone who moved the vehicle after their deaths. Alternatively, there may be another explanation such as the seat being moved after it was last driven by Harvey to retrieve or look for something on the floor or under the seat of the car.

488. It is reasonable to suggest that not all of the reported sightings of the CREWES' car on their property are accurate. Bruce RODDICK, Queenie McCONACHIE and Keith BROWN all claimed they saw the CREWES' vehicle outside the house gate on consecutive days, these being: Friday 19 June, Saturday 20 June, and Sunday 21 June. All witnesses were certain they had not confused the date of their sighting. This vehicle was later found in the CREWES' garage on the following Monday 22 June. It is possible that after shifting stock on the evening of Wednesday 17 June, Harvey drove back to the house, parking the vehicle at the house gate as opposed to in the garage. The weather during that day and evening is known to have been raining and windy, but the weather at the time Harvey drove back to the house is unknown. The distance between the garage and the house gate is approximately 45 metres and, in bad weather, it is not unreasonable to suggest that Harvey may have parked the vehicle closer to the house to avoid getting wet on his way back to the house. However, this scenario calls for someone to then move the vehicle from this position in front of the house gate into the garage, had this not been done by Harvey prior to his death.

489. In his book, *The Final Chapter*, Chris BIRT stated that Graeme Robert HEWSON (DOB [redacted]), a friend of Harvey's from Eketahuna, was told by Ronald and Carolyn CHITTY that Lenard DEMLER's car had been at the CREWES' property between Wednesday 17 June and Monday 22 June 1970.[1113] BIRT reported that the CHITTYS did not say it was DEMLER's car specifically, but referred to it as the 'red Cortina' when speaking to HEWSON[1114] (in June 1970, DEMLER owned a red, 1969 Ford Cortina).[1115] BIRT further reported that Ella Veronica McGUIRE (DOB [redacted]), wife of George Abraham McGUIRE (DOB [redacted]), then-Mayor of Tuakau, had also been told this by the CHITTYS on more than one occasion.[1116]

490. Neither Ronald nor Carolyn CHITTY has ever reported this information to police. Ronald was asked at the RCOI if he had seen a car on the CREWES' property between 17 June and 21 June 1970,[1117] to which he replied that he had not.[1118] Ronald maintained this version of events throughout all other judicial hearings (deposition hearing in 1970, first trial in 1971 and second trial in 1973).[1119]

491. The source of this information is questionable, as both HEWSON and McGUIRE fell out with police during the course of the trials and had been involved in trying to secure a retrial for Arthur THOMAS. Both were also vocal advocates alleging police misconduct throughout the

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case and did not believe that THOMAS was guilty.[1120]

Curtains and lights

492. When the crime scene was discovered on the afternoon of Monday 22 June, the rear outside light and kitchen light were both on.[1121] Curtains were drawn across the far left window and blinds were down over the far right window (when looking at the house from the road). There were no curtains at all covering the middle window or an east facing window in the lounge/dining area.

493. Enquiries were carried out by police to establish whether the position of curtains and the use of lights in the house changed between the time Harvey and Jeannette were last seen on Wednesday 17 June 1970 and the time the crime scene was discovered on Monday 22 June 1970.

Curtains

494. There were three windows along the front of the CREWES' house *(see appendix 3)*. When viewed from the road there was a large window on the far left, which was situated in the lounge/dining area of the house. To the right of this was the chimney. To the right of the chimney was a smaller window which was situated in the lounge (this would be seen as the middle window). To the right of this was the front door. The window on the far right of the house (to the right of the front door) was again a large window and situated in the bedroom that was occupied by Rochelle. Various people reported seeing curtains covering these windows from the afternoon of Friday 19 June 1970 to Monday 22 June 1970.

495. Between 2.20pm and 2.30pm on Friday 19 June 1970, Sonia Mariee HAWKINS (DOB unknown), a Tuakau resident, noticed that there appeared to be curtains drawn across the two big front windows of the house.[1122]

496. The following day, Saturday 20 June, Lloyd and Mary FOOTE drove past at about 4.30pm and Mary noted that the blinds were down on the right hand side window.[1123]

497. At 12.30pm on Sunday 21 June, Irwin BROPHY (DOB unknown) a Pukekawa resident, noted that the curtains in the front right window and far left window were down, but there were no curtains on the middle set of windows.[1124]

498. On Monday 22 June between 8.45am and 9.00am, John DAGG noted the blinds to the left and right of the front door were down.[1125] Emmett SHIRLEY made a delivery at the house shortly afterwards, at 9.30am, and stated that the window on the far left had curtains drawn.[1126] SHIRLEY said he was quite convinced that curtains had been drawn over windows along the whole front of the house on this day.[1127]

499. The sighting by SHIRLEY was the only one that conflicted with the positioning of curtains in the house when the crime scene was located. SHIRLEY stated that he was positive the blinds all along the front of the house were open when he passed at about 9.30am on both Thursday 18 June[1128] and Friday 19 June 1970.[1129] No witnesses came forward with information pertaining to the positioning of these curtains during the morning of Saturday 20 June or Sunday 21 June, or the afternoon/evening of Thursday 18 June.

500. Mary FOOTE, who only saw curtains drawn over the right hand side window, particularly noted the pink blinds covering the far right window as she did not think they went well with the exterior of the house.[1130] FOOTE said she did not remember the situation in relation to the

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other blinds in the house,[1131] but commented that the house seemed closed up.[1132] It is possible that FOOTE did not remember seeing curtains across the far left window as they were not pink, as was the case on the far right window. The comment that the house seemed closed up may suggest that more than one window was covered. Therefore, it is possible that at the time of her sighting, both the left hand window and the right hand window had curtains drawn. This means that from the afternoon of Friday 19 June, the positioning of curtains in the CREWES' house did not change.

501. It is quite likely that DAGG's description of curtains covering the windows to the left and right of the front door was in fact referring to the left hand window and the right hand window, as opposed to the right hand window and middle window which are on either side of the front door. This is because it is known that there were no curtains across this middle window at the time the crime scene was discovered and probably for some time prior to this.

502. SHIRLEY's assertion that there were no curtains covering any windows along the front of the CREWES' house, on the morning of 18 June and 19 June, could be based on his knowledge of what the usual situation was at the house, as opposed to what he had noted to be the case on the days in question. SHIRLEY commented that when making his deliveries, the far left window would not normally have curtains drawn across it,[1133] and since commencing his deliveries 18 months previously, he had never seen these drawn.[1134] SHIRLEY further stated that the windows to the right of the chimney appeared to be drawn most of the time.[1135] Here he is believed to be referring to the far right window (not the middle window) as he never specifically commented upon the middle window.

503. Due to the absence of curtains from two windows in the lounge area (middle window and east facing window), where the murders were committed, enquiries were undertaken as to whether there had in fact been window coverings of this nature prior to the murders. At this time it was clear that the bodies had been removed from the scene and, if these curtains were missing, it was possible that they had been used to wrap the bodies.

504. Thyrle PIRRETT, who had been inside the CREWES' house on Wednesday 17 June, was unable to say if there had been any form of covering over the middle window.[1136] However, she did comment that the curtain on the far left window had been open.[1137] PIRRETT further stated that she was sure there were no curtains on the window beside the dining table (east facing window) as she had been looking out of this window.[1138] John GRACIE, who had also been inside the house that day, could not assist in respect of the window coverings.[1139]

505. Lenard DEMLER said there were normally curtains on all windows in the lounge/dining room area.[1140] This was confirmed by Marie CREWE who stated that the middle window and east facing window both had curtains, identical to the one remaining on the far left window of the lounge.[1141] However, Marie said that she had not been inside the house for 18 months[1142] and, after the house fire in 1968, Jeannette was going to replace these curtains.[1143] The length of time since Marie was last inside the home indicates that she may not have been aware of the current furnishings inside the lounge.

506. In evidence given during the trials, Detective Sergeant JEFFRIES maintained that he examined the curtain rails and ledge above the windows which were in a dirty condition, indicating that there had not been curtains there for some time.[1144]

507. At the second trial, Detective Inspector HUTTON was also questioned about the absence of curtains in the lounge.[1145] Detective Inspector HUTTON stated that his enquiries established

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that there had been no curtains on the middle window prior to the murders, although there had been curtains on the east facing window.[1146] It is unknown what enquiries Detective Inspector HUTTON made before drawing these conclusions.

508. Although DEMLER and Marie CREWE commented that there had been curtains on both the east and middle windows, it is clear both Detective Inspector HUTTON and Detective Sergeant JEFFRIES agreed the middle window, at least, was without a curtain prior to the murders. It is not thought that DEMLER would take particular notice of such things and Marie had not been in the house for a period of 18 months. The evidence of Thyrle PIRRETT is likely to be more reliable, as she had been inside the house the day the CREWES were murdered and remembered specifically looking out of the east-facing window.

509. On 24 June 1970 a parcel addressed to Jeannette was delivered and examined by police.[1147] The parcel contained curtain material previously ordered from Smith & Caughey's Ltd., and was identical to that from which the existing curtain in the lounge was made.[1148] It is likely that this material was to be made into a curtain to fit one or both of the windows in the lounge that was without coverings.

510. A white sheet/blanket (Police Exhibit 51) located on the floor of the lounge was examined, but was not thought to have been used as a temporary window covering.[1149]

511. An *Auckland Star* article, dated 17 August 1970, reported that Jeannette's body had been wrapped in a bedspread taken from her bed and nylon curtains from the home.[1150] The article does not cite the source of this information. However, a statement, dated 19 August 1970, by Joseph Charles ADAMS (DOB [redacted]), one of two men who located Jeannette's body in the Waikato River, commented there was *"... curtain like material wrapped tightly around the upper legs."*[1151] Referring to the 'curtain like material', he went on to say that when they arrived at shore they found there was not as much curtain as when they had left, inferring that some must have been lost during the recovery of the body.[1152]

512. Although it was publicised that Jeannette's body was wrapped by the offender/s in a curtain taken from the lounge of her home, there is no evidence contained within the file to support this. Both the Police Exhibits Register and Police Exhibit sheets indicate that two separate pieces of material were wrapped around her body: Police Exhibit 245 - *"Portion of green blanket with satin edging ..."*[1153] and Police Exhibit 246 - *"Multi-coloured cotton cover ..."*[1154]

513. The first police officer on the scene, Constable D. HOWARD, noted that while attempting to move the body in the Waikato River, a 'dirty yellow' jersey or cardigan came off the body and sunk into the water.[1155] Constable HOWARD also reported: *"... a small piece of the material round the legs came off and was lost to sight immediately."*[1156] A subsequent search located the cardigan (Police Exhibit 243) at the base of a tree where Constable HOWARD had seen it disappear.[1157] The other material was not located and it is unknown what this was.

514. A photograph of the 'multi-coloured cotton cover' found on Jeannette's body does not match the appearance of the curtains in the lounge of the CREWES' house which were described as 'wine coloured'.[1158] This cotton cover is, therefore, unlikely to be a curtain from this room. Furthermore, the crime scene photographs do not depict 'nylon curtains', as described in the *Auckland Star* article, on windows anywhere in the house. The assertion that Jeannette's body was wrapped in a curtain from the CREWES' home is not supported by evidence.

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Lights

515. The rear outside light, which was found to be on when the crime scene was discovered, is located under the eaves of the house by the back door and could be seen from Highway 22 while travelling south towards Glen Murray. The kitchen light would also have been visible from this position.

516. Brian and Frederick HOSKING drove past the house at about 7.30pm on Wednesday 17 June, at which time Brian noticed the rear outside light was on.[1159] This light was still on at about midnight when Cesteven Cother SAXTON (DOB unknown) a Te Kauwhata resident, drove past.[1160]

517. There are no reported sightings of lights at the CREWES' house on Thursday 18 June.

518. At about 6.20am on Friday 19 June, Karl LOBB noted that there were no lights on at the CREWES' house and felt certain that if there had been a light on he would have seen it.[1161]

519. Enquiries with the Franklin Electric Power Board indicate that there was a power cut in Pukekawa, which effected properties in the vicinity of the CREWES' house on the evening of Saturday 20 June.[1162]

520. This is supported by the CHITTYS, who told police that their home had gone without power from approximately 9.00pm to 10.00pm that evening.[1163]

521. When spoken to by Detective Senior Sergeant LENDRUM on 9 January 2014, Carolyn CHITTY confirmed that their house had been affected by the power outage on this evening.[1164] She stated that she was watching television and her husband, Ronald CHITTY, had been reading in bed when the power went out.[1165] Carolyn stated that when this occurred, she looked out of the window and commented to Ronald that it was a power cut, as opposed to an issue with their property specifically, as she could not see any lights on at the CREWES' house.[1166] She further stated that when the power went back on she again looked out the window to the CREWES' house and saw that their lights were also back on.[1167]

522. At 4.00am on Sunday 21 June, Raymond FOX and Lillian Mayfield FOX (DOB unknown) drove past the CREWES' property and noted that the rear light was on.[1168] At 8.30am that day Keith BROWN drove past and also noticed this light was on.[1169] Irwin BROPHY passed at 12.30pm and noted the rear light on[1170] and also said he thought he saw another light on at the back of the house.[1171] BROPHY again passed the property at 5.15pm and said the rear light was still on.[1172]

523. On Monday 22 June between 8.45am and 9.00am, John DAGG noted the rear light and kitchen light were both on.[1173]

524. It is likely that the rear outside light which was first seen to be on at 7.30pm on Wednesday 17 June was turned on by Harvey or Jeannette. Harvey had been out moving stock at 5.10pm that evening and, as this was the middle of winter and a rainy day, it is possible Jeannette turned this outside light on in anticipation of Harvey arriving home that evening. It is also possible that the light had been turned on by Harvey himself who is believed to have entered the house to change his clothes prior to moving stock. Furthermore, supporting the theory that the light was turned on by one of the CREWES, Edna Dorothy RENTON (DOB unknown), a Glen Murray resident, told police that the CREWES usually left their outside light on.[1174] It is unknown how RENTON was connected with the CREWES or how she knew this was their usual practice.

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525. In a scenario where the CREWES had been murdered by the time of this first sighting of the light at 7.30pm, there are a number of different arguments as to why the light was found to be on. It was first theorised that the offender/s had turned on the outside light in order to wash the wheelbarrow (Police Exhibit 30), which was likely used to move the bodies from the house. The rear light shone over the area where a tap and hose were located and where the wheelbarrow was eventually left. Later, after the cartridge case (Police Exhibit 350) was located in the flower bed near the back door, it was suggested that as a result of firing a shot from outside the house, the offender/s turned on the outside light to look for the discarded cartridge case.

526. Karl LOBB provided a list to police of all the houses that he recalled having had lights on along the route he took on the morning of Friday 19 June. However, none of the houses on this list were checked to evaluate his accuracy. LOBB's evidence given later, in 1980, regarding his sighting of a car and trailer outside the CREWES' property had been found to be unreliable. However, the information pertaining to the CREWES' lights was given to police on 24 June 1970 and is therefore likely to be more reliable. LOBB was the only person who came forward to say that the lights at the house had been off. Based upon the other sightings of the lights during this time, and the fact that they were found to be on when the crime scene was discovered, it is possible that LOBB was simply mistaken about the lights being off. However, if LOBB was not mistaken, this infers that someone may have gone to the house after midnight on Wednesday 17 June and turned them off. This would, however, necessitate the lights being turned on again before 4.00am on Sunday 21 June. This in itself is unlikely.

527. Also of note was that the light in the lounge of the CREWES' house was found to be off.[1175] It is likely that this had in fact been on at the time the murders were committed as evidence within the lounge indicated that Jeannette had been knitting, which she is unlikely to have done in the dark. This indicates that the offender/s turned the lounge light off before leaving the scene.

528. As with the location of the CREWES' vehicle, it is possible that the curtains and lights were altered by someone visiting the house. The only reasonable motive to suggest for this would be to reduce the risk of the murders being detected. It is possible that if someone did attend the property between the time of the murders and the time that the crime scene was discovered, curtains may have been closed and lights turned off to avoid passers-by noticing someone at the address. However, it is noted that these same precautions were not taken by the woman who was allegedly seen at the address on the Friday 19 June, or by the person who allegedly let Rochelle out into the front paddock on Saturday 20 June.

529. A simpler explanation for these sightings could merely be that not all are reliable and the crime scene remained unaltered between the evening of Wednesday 17 June, and Monday 22 June 1970.

530. Margaret HUNTER told police that at about 9.00pm on Wednesday 17 June, she saw lights on at the CREWES' wool shed, but she was deemed *"…not a good witness…"* by Detective PARKES[1176] and no further action was taken in relation to this information. At this time it is unknown whether there was in fact a light in, or outside, the wool shed.

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Possible sighting of a fire on the CREWES' property on Friday 19 June 1970

531. A statement was made to police on 24 June 1970 by eight-year-old Robert Gordon FLEMING (DOB unknown) in the presence of his mother, Jocelyn FLEMING.[1177] Robert stated that on Friday 19 June he had been in the car with his father, David FLEMING, and, when driving past the CREWES' house, Robert thought he saw a fire beside the wool shed.[1178] Robert described this as *"... about twice as big as a hearth fire ..."* and commented that it looked like a barbeque fire.[1179] He said he did not see anybody nearby.[1180]

532. David FLEMING confirmed that Robert had told him of this sighting while they were in the car together and stated that that was at about 7.30pm that night.[1181] David did not see a fire and was of the opinion that his son was mistaken, suggesting that Robert may have instead seen the lights from Te Kauwhata in the distance.[1182] David further stated that when he participated in the search for the CREWES, he checked the paddock where the fire was supposed to have been and saw no sign of any fire.[1183] Detective Constable METCALF also searched the paddock for signs of a fire and was unable to find any.[1184]

533. The *Auckland Star* was the first to allege that 'sparks' had been seen coming from the CREWES' chimney on the evening of Friday 19 June.[1185] The article, dated 27 June 1978, reported that a Pukekawa boy made a statement to police that he had seen sparks coming from the chimney of the CREWES' house at about 7.30pm on 19 June.[1186] The article alleged that this information had been withheld from the judicial hearings.[1187] Campaigners for Arthur THOMAS were said to believe that this was crucial evidence which could pinpoint the time when the offender/s returned to the crime scene to clean up, dispose of the bodies and possibly feed Rochelle.[1188] The article further alleged that this sighting did not fit with the Crown's reconstruction of the murders, and presented an alibi for Arthur and Vivien THOMAS during this time - that they were at Arthur's sister, Margaret Esther STUCKEY's (nee THOMAS, DOB [redacted]) 21st birthday party.[1189]

534. The *Auckland Star* ran another article, dated 29 June 1978, featuring excerpts from an interview between a journalist and Jocelyn FLEMING.[1190] Jocelyn FLEMING allegedly stated to the journalist that Robert FLEMING was the boy who had seen sparks and, after studying the line of sight, Robert and David FLEMING thought the sparks could have come from the CREWES' chimney.[1191] The article again claimed that this was crucial evidence which had been withheld from the judicial hearings.[1192] Pat BOOTH was quoted in the article as stating: *"... whether the fire was inside the house or outside, does not detract from the clear indication that someone was at the house."*[1193] Also included was an excerpt of a press statement by Assistant Commissioner Bill OVERTON dated 29 June 1978.[1194] This revealed that police had a statement from a boy who thought he had seen a fire near the CREWES' wool shed, but this report had been considered and discounted.[1195] The Assistant Commissioner further explained that the boy's father thought his son had mistaken the distant lights of Te Kauwhata as being a fire.[1196] Assistant Commissioner OVERTON was clear that police had no knowledge of any report being made of sparks coming from the CREWES' chimney.[1197]

535. On 20 July 1978, Doctor SPROTT wrote to the Prime Minister claiming that there was new evidence regarding the sighting of 'smoke and sparks' coming from the CREWES' chimney.[1198] Doctor SPROTT told the Prime Minister: *"The police have attempted to discount this report by saying that the boy saw the distant lights of Te Kauwhata."*[1199] Doctor SPROTT also claimed that the failure of police to pass this information on to Arthur THOMAS' defence counsel was a contravention of the rules of disclosure.[1200] A 'draft' letter of response from the

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Prime Minister to Doctor SPROTT outlined that the matter was thoroughly investigated at the time and that it appeared what the boy had said was being distorted.[1201] The Prime Minister asserted that the boy did not say the fire was from the chimney, but rather from near the wool shed.[1202] It is unknown if this draft letter was sent to Doctor SPROTT.

536. Regardless of the 29 June 1978 press release by police (detailed above),[1203] this incorrect information again featured in a number of other publications. An *Auckland Star* article, dated 25 October 1978, reported: *"... author David Yallop says police investigating the Crewe murders had clear evidence that their reconstruction of the killing was wrong and that they failed to tell the jury the full facts."*[1204] Pat BOOTH, author of the article, stated: *"Despite police denials when the Star published a reference in June, David Yallop says there is evidence of smoke and sparks from the Crewe chimney on that Friday night after the murders but before the crime was detected."*[1205]

537. During October 1978 David YALLOP's book, *Beyond Reasonable Doubt*, was published.[1206] In it YALLOP claimed Robert FLEMING had seen *"... sparks and spurts of flame ..."* coming from the CREWES' chimney.[1207] He further commented that this sighting was 'without doubt' the offender cleaning up, burning a cushion and the hearth carpet on the fire, and that the sparks must have been unburned kapok.[xiv1208]

538. On 8 November 1978, a public meeting was held at the Auckland Town Hall by the Arthur Thomas Retrial Committee Inc., where Doctor SPROTT stated that police had only just made available the information regarding sparks seen coming from the CREWES' house.[1209]

539. On 17 November 1978, another *Auckland Star* article stated that Bruce BEETHAM, Social Credit League leader, believed a miscarriage of justice may have occurred in Arthur THOMAS' case.[1210] BEETHAM noted the new evidence in respect of the 'smoke and sparks' seen coming from the CREWES' chimney and that Arthur and Vivien THOMAS had alibis at this time.[1211]

540. A *Readers Digest* article from November 1979 also claimed that 'sparks were rising brightly' from the CREWES' chimney.[1212] Further articles from the *Star Weekender*, dated 19 January 1980,[1213] and the *Dominion*, dated 11 November 1990,[1214] both relayed details of a sighting of 'sparks' coming from the chimney at the CREWES' house on the evening of Friday 19 June.[1215] In addition, a feature article for *North & South* in October 1990 stated 'sparks flew like a bonfire' from the CREWES' chimney.[1216] The *Star Weekender* and *North & South* articles were written by Pat BOOTH, while the *Dominion* article cited their source as BOOTH.

541. This misinformation continues to be submitted by authors as evidence that Arthur THOMAS could not have been at the CREWES' house at 7.30pm on Friday 19 June, and therefore he could not be the offender. In *The Case of the Missing Blood Stain* published in 2012, Keith HUNTER described 'sparks shooting out of the CREWES' house chimney' and commented that in light of the fire's 'apparent ferocity' the person who lit the fire must have still been there.[1217] Chris BIRT's latest book *All the Commissioner's Men*, also published in 2012, again alleges that 'sparks' were seen coming from the CREWES' chimney that evening.[1218] This was also reported in *The Investigator* documentary *Who Killed The Crewes?* produced by Bryan BRUCE.[1219]

542. Available information clearly establishes that Robert FLEMING never said he saw 'sparks' coming from the CREWES' chimney and, in all likelihood, had in fact seen the lights from Te

[xiv] Natural fibre used to fill pillows.

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Kauwhata. Various reporting by supporters of Arthur THOMAS have developed this story from 'sparks' coming from the chimney, to 'smoke and sparks', then to 'sparks and spurts of flame'. Contrary to Pat BOOTH's assertions, there is no evidence that there was anyone at the house at this time, 7.30pm on Friday 19 June 1970. Furthermore, David YALLOP's assertion, that this information provided police with evidence that their reconstruction of the killing was wrong, is unjustified.

New information

Alleged sighting of the CREWES' vehicle

543. On 7 March 2006, Ross EYRE told Detective Sergeant David FRENCH that he had seen the CREWES' vehicle on Thursday 18 June 1970 or Friday 19 June 1970.[1220] EYRE, who was 16 years old at the time, explained that he had been waiting for the school bus, on the corner of Te Ahu Road and Highway 22, Pukekawa, when he saw a woman drive past in the vehicle.[1221] EYRE said he waved out to her and said the woman *"... just looked straight through me"*, which EYRE thought unusual as Harvey and Jeannette always waved.[1222] EYRE stated that after all this time he could not be sure if it was Jeannette driving or not, but he was positive it was the CREWES' vehicle, explaining that back then he knew everyone's vehicles.[1223]

544. EYRE claimed that during the original investigation in 1970 he was interviewed by police and told them of this sighting.[1224] He said that the police officer talking to him *"... treated me like an idiot ..."* which still angered him today.[1225]

545. During a second interview, on 25 January 2012, with Detective Senior Sergeant LENDRUM and Detective Sergeant McPHERSON, EYRE described this incident occurring at about 8.00am.[1226] He stated that the woman driving the vehicle had hit a pot hole in the road, which caused the vehicle to veer across the road before she was able to correct the vehicle.[1227] EYRE suggested that the woman obviously did not know the area, as everyone living locally in those days knew where this pot hole was.[1228] He said the woman continued driving in the direction of Tuakau.[1229]

546. The investigation file reveals that police spoke to the EYRE family on 23 June 1970 as part of the area canvas.[1230] The family was approached again on 7 September 1970, regarding the association of Ross EYRE's parents, Annesley Seymour EYRE, known as 'Joff', (DOB unknown, now deceased) and Margaret Ruth EYRE (nee BROWN, DOB unknown), with the CREWES and the origin of a Remington rifle (Police Reference Number C3B) which had been seized from them by police.[1231] The sighting described by Ross and allegedly reported to police was not documented.

547. Harvey and Jeannette were almost certainly murdered on the evening of Wednesday 17 June 1970. Therefore, the woman Ross EYRE described seeing on Thursday 18 June or Friday 19 June could not have been Jeannette. Indeed, EYRE said that he could not be sure the woman was Jeannette, although was certain this woman was driving the CREWES' vehicle.

548. EYRE claimed that the vehicle was being driven towards Tuakau (north of the CREWES' property) at about 8.00am. The same day, between 11.00am and 11.30am, Raymond FOX claimed he saw two women in the CREWES' vehicle driving towards Glen Murray (south of the CREWES' property). Thus, if both sightings are correct, a woman was driving the CREWES' vehicle on two separate trips that day.

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549. At the time of the murders EYRE was a 16-year-old school boy, which is why he believed police did not take his information regarding the sighting seriously. Despite the investigation file not containing any reference to this, it is possible that police did receive this information from EYRE. There are other examples of instances where people have claimed they provided information to police relating to the investigation, which does not appear to have been documented and/or retained on the file.

550. On 17 December 2013, retired Detective Inspector CHARLES told Detective Senior Sergeant LENDRUM that he had been to the EYRES' home during the course of the investigation to uplift firearms.[1232] CHARLES could not recall going to the EYRES' property for any other reason and did not remember being told by a young boy (Ross EYRE) anything about a sighting of the CREWES' vehicle being driven past their property immediately after the murders.[1233] CHARLES stated that had he been made aware of this information, he would have taken a statement from EYRE about this.[1234]

A vehicle seen at the redoubt

551. [redacted]

552. [redacted]

553. [redacted] stated that the accompanying vehicle was a covered truck which had items such as rope [redacted]

554. [redacted] said the day after this sighting the CREWES disappearance was reported and she learn [redacted]

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Findings at the crime scene

Note:

561. In 1970 the identification of blood stains was achieved through blood typing which enabled scientists to determine which blood group a sample came from. However, blood samples could not be linked to an individual or gender.[1266] For the purposes of this document, where blood stains in the CREWES' house have been identified as being the same blood group as either Harvey (O positive) or Jeannette (A negative), they will simply be described as Harvey or Jeannette's blood.

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562. There is no documentation on the file which identifies Arthur THOMAS' blood group. A pair of THOMAS' overalls located in his vehicle was examined and were found to contain A positive blood on the right knee area.[1267] Although not stated, it is possible that this was THOMAS' blood. Lenard DEMLER's blood group was A positive.[1268]

Property overview

563. The crime scene was a four bedroom, 1950s[1269] brick and tile house[1270] owned by Harvey and Jeannette.[1271] It was located on approximately 340 acres[1272] of farm land at 1405 Highway 22, Pukekawa. The north-facing[1273] house was separated from the road by a fenced paddock[1274] of approximately 147 feet (45 metres).[1275] A single garage was situated in this paddock near the road gate.[1276] Another gate was positioned at the opposite end of the paddock and led to a concrete path to the front door of the house.[1277] The 'back door' was located at the east side of the house.[1278] At the rear of the dwelling were a number of outbuildings and in a paddock to the right of the house, a wool shed *(see appendix 4).*

564. The crime scene was discovered by Lenard DEMLER on Monday 22 June 1970 at about 1.00pm.[1279] At this time, the gate at the road was shut and there were approximately 10 sheep in the front paddock.[1280] The CREWES' vehicle was parked in the garage[1281] and the gate to the house section was shut.

565. DEMLER stated that the sheep found in the front paddock were not there when he was at the property on the evening of Tuesday 16 June 1970.[1282] He said that on 16 June the road gate to this paddock was open,[1283] therefore allowing vehicles to drive into the paddock. If this is accurate, then stock would not have been kept in this paddock. Constable WYLLIE, the first police officer at the crime scene, reported that in discussion with DEMLER it was decided that the sheep should be moved out of this paddock.[1284] DEMLER rounded up the sheep and they were put into the paddock to the right of the house (when looking from the road).[1285]

566. Frederick HOSKING stated that he had been to the CREWES' farm on either Wednesday 17 June or Thursday 18 June, to return one of the CREWES' sheep which had wandered.[1286] HOSKING commented that at this time there had been sheep in the front section by the house.[1287] HOSKING was uncertain as to which day this occurred and also gave conflicting accounts of where he left the sheep he returned, first stating that he dropped it at the 'shearing shed'[1288] and then that he left this sheep in the front section of the house, with the other sheep.[1289]

567. Two stock agents, John DAGG and Joseph MOORE, did not think the sheep were in the front paddock when they called at the address between 8.45am and 9.00am on Monday 22 June,[1290] but were not sure of this. DAGG stated: *"There may have been stock in the front paddock but the impression I have is that there wasn't."*[1291] While MOORE said: *"As far as I can remember there was no stock in the front paddock"*[1292] and that he 'didn't notice in particular' whether there was stock in the front paddock.[1293] It is not documented whether any internal gates within the property were open at the time the crime scene was discovered, thus allowing sheep to wander.

568. It is known that arrangements had been made for Tuakau Transport to uplift 27 of the CREWES' sheep (infected with eczema) on Thursday 18 June, and take them to Westfield Freezing Company for slaughter.[1294] However, these sheep were not collected due to a strike at Westfield.[1295] DEMLER commented that the sheep in the front paddock appeared to be some of those suffering from eczema.[1296] This corresponds with a statement made by John

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GRACIE on 29 July 1970. GRACIE stated that while he was travelling to Keith KENYON's farm with Harvey on the morning of Wednesday 17 June, Harvey told him that the nine lambs in the front paddock were the ones for the works, as well as eighteen ewes in the paddock to the left of the house, by the back door.[1297] This refutes the claims made by Graham CALVERT (DOB unknown), a Pukekawa farmer, who stated that Harvey would not have left sheep in the front paddock on a wet night, as they would have churned up the surface of the ground, turning it in to a sea of mud.[1298]

569. CALVERT believed that the placement of these sheep was suspicious, saying that nothing would more effectively eliminate tracks made by a person or vehicle.[1299] Although sheep in this paddock may well have destroyed evidence left at the scene by the offender/s, it appears that Harvey was the one who put the sheep into the front paddock on Wednesday 17 June.

570. The integrity of the paddock, as part of the overall crime scene, was further compromised by the presence of a number of vehicles parking there which belonged to members of the local community who had come to assist in the search for the missing couple.[1300] It is unknown when this commenced.

The delivery box

571. Constable WYLLIE noted that inside the delivery box at the road gate were five bottles of milk dated 18 June and 19 June 1970 and two *New Zealand Herald* newspapers dated 18 June and 19 June 1970 (collectively Police Exhibit 48).[1301] The delivery man, Emmett SHIRLEY, had also delivered three full loaves and two half loaves of bread to the address (one-and-a-half loaves on Thursday 18 June and two-and-a-half loaves on Friday 19 June),[1302] some or all of which had been thrown into neighbouring paddocks by him on Monday 22 June, so as not to attract rats.[1303] There was also a *New Zealand Herald* newspaper thrown near the delivery box on Saturday 20 June 1970.[1304]

572. SHIRLEY told police that when he stopped to make his delivery at the CREWES' property on Monday 22 June 1970, he found the deliveries from Thursday 18 June, Friday 19 June and Saturday 20 June 1970 untouched.[1305] Because of this, he did not leave Monday's usual delivery of two bottles of milk, one-and-a-half loaves of bread,[1306] and the *New Zealand Herald* newspaper, thinking that the CREWES' had gone away without notifying him.[1307] SHIRLEY stated that he had made a mental note to telephone Lenard DEMLER and ask when the CREWES would be back.[1308] SHIRLEY made this telephone call at about 6.30pm on 22 June 1970.[1309]

573. An exhibit sheet noted that Police Exhibit 48 consisted of the three *New Zealand Herald* newspapers (from 18, 19 and 20 June) as well as *"1 Northern Farm Review dated June 1970 and 1 South Auckland News Advertiser dated 18/6/70."*[1310] These latter items were not recorded by Constable WYLLIE as being present in the delivery box on Monday 22 June 1970, but were allegedly present when these items were seized as exhibits by Detective Graham ABBOTT, officer-in-charge of exhibits, on 24 June 1970. The reason for this discrepancy is unknown, although it is possible that these items were located underneath the newspapers and, on the initial inspection by Constable WYLLIE, were not noted.

574. Owen PRIEST commented that when he visited the CREWES' property with Lenard DEMLER on Monday 22 June 1970 he saw loaves of bread in the paddock behind the delivery box.[1311] This corroborates SHIRLEY's assertion that he threw the bread out of the box so as not to attract rats.[1312] However, crime scene photographs show at least three partial

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loaves of bread in the delivery box.[1313] Police Jobsheets on this matter are not clear. Constable WYLLIE stated that there were: *"... five half loaves of bread in the box"*[1314] and a report by Detective Inspector HUTTON stated that there had been: *"... some 5 1/2 loaves of bread in the delivery box ..."*[1315] Neither mentioned bread being located in the paddock. Someone clearly moved bread from the paddock back into the delivery box between approximately 1.50pm when PREIST was at the property and approximately 4.00pm when police made note of the contents of the delivery box.[1316]

575. Similarly, SHIRLEY stated that he threw Saturday's *New Zealand Herald* newspaper out of his vehicle as he went past.[1317] SHIRLEY noted that this paper was still on the ground on Monday 22 June when he went to make his delivery.[1318] Constable WYLLIE made note of two *New Zealand Herald* newspapers, dated Thursday 18 June and Friday 19 June[1319] in the delivery box but did not mention a newspaper from Saturday 20 June. Nor did he document finding this newspaper on the ground where SHIRLEY had seen it that morning. However, crime scene photographs and the exhibit sheet indicate that there were three newspapers (Police Exhibit 48) in the delivery box.[1320] If SHIRLEY's sighting that morning was correct, it appears that someone put this newspaper into the delivery box.

576. Conversely, PRIEST commented that after he and DEMLER visited the scene at about 1.50pm, DEMLER opened the delivery box and stated: *"Saturday's paper is still here."*[1321] PRIEST noticed a wet newspaper on the bottom shelf of the delivery box. However, PRIEST did not mention the other newspapers that were also there, and said he did not notice any milk in the box,[1322] when there was in fact five bottles.

577. This sequence of events suggests that Saturday's paper was not in the box when first inspected by police, but was there when the photographs were taken. It is possible that DEMLER did notice Saturday's paper either in, or near, the delivery box, but who moved it, when and why is unknown.

578. Although possible, it is unlikely that the movement of bread and newspapers was an attempt by someone to tamper with evidence. The more likely explanation is that the bread and newspaper were moved into the delivery box in an attempt to preserve the bread from being eaten by animals and the paper being lost or damaged by the elements or arriving vehicles.

Rear door

579. When the crime scene was discovered, the outside light above the back door of the house was on, as was the kitchen light.[1323] The fly screen door appears to have been open[1324] and the key to the back door was sitting in the outside of the lock.[1325]

580. Although the key to the back door was located in the outside of the lock,[1326] Lenard DEMLER does not appear to have been asked, until the first trial in February 1971, whether the back door was in fact locked when he first visited the scene. At the first trial, DEMLER stated that he had to turn the key to open the door.[1327] However, the eight months which had passed between the event and the first time he was asked about this does cast some doubt on the reliance that can be placed on this evidence.

581. Anecdotal evidence suggests that in 1970 it was uncommon for house doors to be locked in rural areas such as Pukekawa, unless the occupants were away for extended periods. However, information was obtained from a number of different sources suggesting that Jeannette was frightened to be in the house alone,[1328] and both she and Harvey had been

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distressed after the burglary and two fires which previously occurred at their property *(see paragraph 2569)*. For these reasons it is possible that the CREWES were in the habit of locking their doors more frequently than others in the district. Nonetheless, this does not assist in establishing whether the CREWES' back door was locked when the crime scene was discovered on Monday 22 June, why the key was in the exterior of the lock, or what the usual practice would have been.

Kitchen

582. There was an array of items on the kitchen bench, including dirty dishes used in the preparation of a flounder meal, the remains of which were located on the dining table.[1329] A milk bottle (Police Exhibit 33) dated Monday 15 June 1970, containing a small quantity of milk, was located next to the sink.[1330] Two full unopened bottles of milk (Police Exhibit 32) dated Wednesday 17 June 1970, were on the opposite kitchen bench.[1331] There were also numerous items of food located on the kitchen benches,[1332] and a set of louvre windows in the kitchen were in an open position. A sliding door between the kitchen and dining area of the lounge was open.[1333]

583. The two full milk bottles found on the kitchen bench[1334] were considered to be unusual and it was questioned why Harvey or Jeannette would leave the milk delivered that day on the kitchen bench. This contributed to speculation that Rochelle may have been cared for between the time of her parents' murders, and when she was discovered. However, this does not provide any indication as to whether milk was given to Rochelle after the evening of Wednesday 17 June. The fact that the two bottles of milk on the bench were full and unopened indicates that, if Rochelle was fed, this was not what she had consumed.

584. It is possible these bottles, dated Wednesday 17 June,[1335] had been left out by Jeannette who did not put them in the refrigerator prior to being killed. Without knowledge of their usual routine it is not possible to narrow down the time of day that these items were collected from the delivery box. However, they would have been collected after 9.30am, as this was the approximate time of delivery. It is likely that if the milk was to be used for cooking or making a cup of tea, the older milk found in the refrigerator, or on the bench next to the sink, would have been used first.

585. It is also possible that someone at the crime scene, other than Harvey or Jeannette, had removed these bottles from the fridge intending to prepare a cup or bottle of milk for Rochelle but was disturbed. Although, in this case it would not be necessary for both bottles to be brought out into the kitchen. An 'empty milk bottle' in the kitchen was fingerprinted, but there was insufficient detail or no fingerprints developed[1336] to establish if someone other than Jeannette had touched this. Furthermore, it is known that while inspecting the house on Monday 22 June, Owen PRIEST picked up a milk bottle in the kitchen,[1337] meaning that any print on the bottle may have been his. Although the source of this information states that this was an 'empty milk bottle' and does not identify which bottle was fingerprinted, it is likely that this was the partially full bottle (Police Exhibit 33) on the kitchen bench to the left of the sink.

586. There were numerous items of food located on top of the kitchen benches, including: partial chocolate bars, cake, part of an apple and cooked potatoes, as well as pieces of fruit.[1338] Due to the disorganised state of the kitchen, and the assortment of items on the benches, it is not possible to establish if one or more of these items were out of place and/or possibly given to

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Rochelle to eat. There were also numerous food items throughout the kitchen, including tins of baby food[1339] in a cupboard, 'cooked baby food'[1340] inside the refrigerator in the washroom and various other items of food which could have been given to Rochelle. Furthermore, at 18 months old Rochelle would not have been limited to eating 'baby food', thus much of the food in the home could have been consumed by her.

587. There was an array of dishes and utensils on the kitchen bench, in addition to those located in cupboards and draws, which could have been used by someone to feed Rochelle. On the window sill above the sink in the kitchen was a baby's bottle and drinking cup. Detective Sergeant JEFFRIES noted in a Police Jobsheet, dated 25 September 1970, that the drinking cup was in an empty and dirty condition.[1341] At the second trial[1342] and the RCOI,[1343] he gave evidence that the baby's bottle had been rinsed out and was clean. Detective Sergeant JEFFRIES did not note why he said the drinking cup was dirty, eg, whether this was due to a small quantity of liquid remaining in the bottom of the cup or some other residue which was present.

588. There was no evidence in Rochelle's bedroom of food, containers or bottles to indicate that she had been fed.[1344] It is unknown what was contained in a box of rubbish located in the kitchen[xv][1345] and it is therefore not possible to comment on any food packaging or remains which may have been discarded. It must also be considered that if Rochelle was fed, the person who fed her brought the food and/or utensils to the scene, and took the packaging and/or utensils away with them.

589. After 13 October 1970, the open set of louvre windows in the kitchen became pivotal to the police reconstruction of events as it was suggested that the shot which killed Harvey could have been fired from outside the house, through these open windows. This became known as the 'JOHNSTON Theory'. Critics have said it is unlikely the CREWES would have left this window open on a winter's night, asserting that the wind and rain would have blown right through these windows into the house.[1346] However, the wind direction on the night in question was a north-westerly, meaning that the eastern side of the house where the kitchen windows were located would have been on the sheltered side of the house.[1347]

590. When considering the activity that took place inside the home that evening it is likely that Jeannette had in fact opened this window. It appears that Jeannette cooked two saucepans of vegetables and the flounder in a frying pan of fat.[1348] The frying pan on the stove top was found to contain a greasy mixture, as if someone had put water in it to let it soak.[1349] Thus, it would be reasonable to suggest that Jeannette opened this window to air out the kitchen during or after cooking the meal. It is almost certain that the process of cooking would have produced steam and cooking odours and, as there was no extractor fan in the kitchen, it is likely that the louvre windows were used for this purpose.

591. It is also possible that this window was closed by either Harvey or Jeannette after dinner that night and re-opened by an unknown person involved in the attempt to clean up the scene. This could be in order to dry out the wet carpet (after an attempt to clean up blood stains) or remove odours within the house, particularly as indications are that items were burnt in the fireplace which may have produced a large amount of smoke.[1350] There were two ash trays located on top of a cabinet in the lounge[1351] and one cigarette butt is believed to have been

[xv] The box containing rubbish was not listed in the crime scene inventory, but rather appeared on a Police Jobsheet by Detective Sergeant JEFFRIES. [redacted]

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located.[1352] It is possible that this belonged to the offender/s who opened the window to have a cigarette while at the scene (of note: it is unknown if Arthur THOMAS smoked cigarettes). However, it is known that Harvey was a smoker,[1353] and it is equally possible that this cigarette butt belonged to him. It also cannot be discounted that the window was opened by a member of police for some reason, after the crime scene was discovered, but prior to the photographs being taken.

592. A further explanation for the open louvre window was voiced by Detective Inspector HUTTON at the second trial. Here he described carrying out tests as to the feasibility of opening the louvre window from outside the house without making any noise or leaving fingerprints, which he said he found 'quite easy' to do.[1354] It was thereby inferred that, had this window been closed prior to the murders, the offender/s could have opened it from outside the house in order to fire a shot through the louvre windows.

593. Detective Inspector HUTTON (at the first trial)[1355] and Detective Sergeant JEFFRIES (at the RCOI),[1356] both stated that from their inspections of the sliding door between the kitchen and lounge area, it did not appear that this door had been closed for some time. Detective Inspector HUTTON estimated that this door had not been closed for years.[1357] Marie CREWE's evidence at the second trial supported this hypothesis. She stated that this sliding door was always open - as Harvey and Jeannette did not feel the cold.[1358] Also at the second trial, Lenard DEMLER stated that this door was mostly kept open, and it was very seldom that he had seen it shut.[1359]

594. The linoleum kitchen floor (Police Exhibits 16 and 18 to 27), cupboard doors beneath the sink (Police Exhibit 17), kitchen bench (Police Exhibit 15) and hot water tap (Police Exhibit 28) were covered in diluted blood stains.[1360] On the kitchen bench, either side of the sink, were two saucepans (Police Exhibits 34 and 120) containing diluted blood stains.[1361] Seven of these samples were sent to Doctor John STAVELEY, Medical Officer-in-charge of the Auckland Blood Transfusion Service Forensic Blood Group Unit, for analysis. This analysis identified that one saucepan (Police Exhibit 34) contained blood belonging to Jeannette, while the other saucepan (Police Exhibit 120) is likely to have contained Harvey's blood.[xvi1362] The five remaining samples that were tested (Police Exhibits 16, 21, 26, 27 and 28) were either not able to be tested or no result could be obtained as the samples were 'wet and infected'.[xvii1363]

595. A clothes dryer situated in the kitchen was found to be on by Constable WYLLIE.[1364] He commented that there was a great deal of heat coming from the dryer and thought it unsafe to leave it going, so he turned it off at the wall plug.[1365] The dryer was found to contain one pair of men's underpants and a pair of men's working socks.[1366]

596. An inspector from the Franklin Electric Power Board, Ronald Arthur STABLER (DOB unknown), examined the clothes dryer after the crime scene was discovered. He explained that there were four elements within the dryer; if all four were on it was in 'dryer' mode and the fan motor would be going; if two elements were on it was in 'airer' mode.[1367] Two of the elements in the CREWES' dryer were coloured dark blue and the wire insulation was found

[xvi] Analysis identified that the blood group in Police Exhibit 120 was almost certainly 'O' but the Rh type was not able to be identified. [redacted]

[xvii] At a Police Conference on 29 June 1970, officer-in-charge of exhibits, Detective ABBOTT, explained that he had taken samples of blood stains to Doctor STAVELEY that day, which had been taken from the crime scene six days prior. These samples were still 'damp and moist' and Doctor STAVELEY informed him that it was unlikely the blood group could be determined due to bacteria attacking the blood. [redacted]

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to be breaking away.[1368] The cause of both of these issues was due to excessive heat.[1369] STABLER also noted that the fan motor had seized;[1370] however, the amount of cobwebs present indicated to him that the fan had not been going for a considerable time.[1371] A fuse was also noted to be blown on the switch board, although he said that this could have occurred after the unit had been turned off and cooled.[1372]

597. The content of STABLER's report suggests that the clothes dryer had been on in the 'airer' position long enough for it to overheat, but the inspector was unable to ascertain how long the dryer had been operating in the overheated condition.[1373] The reason for there being one pair of men's underpants and a pair of men's working socks[1374] inside, despite there being 18 pairs of men's underpants[1375] and at least 13 pairs of men's socks[xviii][1376] in a chest of drawers in the bedroom cannot be explained. There were further 'dirty' clothes located in the washroom, including another pair of 'soiled male underpants'[1377] which were not dealt with as these items had been. It is likely that without further knowledge of the CREWES' usual practices, no reasonable explanation can be given for this.

598. The second report by Robert ADAMS-SMITH QC suggested a good reason for only these small items being in the dryer could be that Harvey was soaked to the skin and decided to dry these items without Jeannette having to wash them.[1378] Harvey had been out in the rain on Wednesday 17 June, at a stock sale at Bombay and then was believed to be outside moving his sheep later that afternoon. However in this case, for Harvey's underpants and socks to be soaking wet, one would presume his outer clothing, i.e. trousers, would also have to be in that condition. The inventory of the crime scene indicates that there were two pairs of men's trousers hanging on hooks in the washhouse[1379] and clothing in the master bedroom. It is unlikely that had any of these items of clothing been soaking wet, they would have been left in this manner.

Lounge and dining area

599. On the dining table were the remnants of a meal.[1380] There were three plates,[1381] one at either side of the circular table on top of place settings (Police Exhibits 42 and 43), and one plate in the centre of the table (Police Exhibit 41).[1382] The centre plate and one other (Police Exhibit 42) held the remainder of two flounder.[1383] The table was set out suggesting that only two people had eaten dinner as there were two sets of knives and forks,[1384] the third plate in the centre of the table holding a partially eaten flounder.[1385] There was nothing to indicate that more than two people had partaken in the meal.[1386]

600. A number of documents, which appear to be the CREWES' opened mail, were located next to the plates on the table and consisted of accounts from various local businesses, as well as a personal letter to Harvey and Jeannette from friends.[1387] These items (Police Exhibit 66) were:

- Account dated 31 May 1970, addressed to Mr. H. CREWE from Land Spray Services Limited, Upper Queen Street, Pukekohe. A receipt dated 15 June 1970 for the sum of $87.92 was attached to the account.[1388]

[xviii] In addition to this, eight pairs of men's socks were located in a cardboard box in the rear spare bedroom. There were also four pairs of socks located in a chest of drawers in the bedroom. [redacted] However, as the crime scene inventory does not specify whether these were men's or women's socks, and because both men's and women's clothing was located in the same drawer, it is not possible to ascertain who these belonged to. Similarly, four pairs of socks were located on a shelf in the bedroom wardrobe, [redacted] but again, it is not known if these are men's or women's.

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- Statement of account dated 31 May 1970, addressed to Mr. D. H. CREWE from Ornstien & Greenwell Ltd., West Street, Pukekohe, for the sum of $21.54.[1389]
- Account (unknown date) addressed to D. H. & J. L. CREWE from National Mortgage Agency, trading as Alfred Buckland, Tuakau for the sum of $2.72.[1390]
- Receipt issued to D. H. CREWE by Ornstien & Greenwell Ltd., West Street Pukekohe for the sum of $16.19 regarding payment of the account ending 30 April 1970.[1391]
- Circular relating to artificial insemination.[1392]
- Personal letter dated 12 June 1970 addressed to Harvey and Jeannette from 'Janet and Bill', [redacted] Wellington.[1393] The senders of this letter are known to be William and Janet AVERY. This is likely to be in response to a card sent to them by Jeannette around 12 June 1970 regarding the birth of their child.[1394]

601. Crime scene photographs depict mail on the dining table laid out facing a third chair at the table, where neither Harvey nor Jeannette had been sitting to eat their meal.[1395] One would expect that if the mail was being read over dinner, this would be found in a corresponding position to where either of the couple had been seated. However, it is possible that this mail had been read, or sorted, by one of the CREWES before or after their meal.

602. It is also possible that these photographs are not a true depiction of the arrangement of mail when the scene was discovered. In the same photographs, between items of mail, is a notebook which belonged to Detective Senior Sergeant Leslie SCHULTZ, second-in-charge of the CREWE homicide investigation,[1396] indicating that there was some degree of avoidable scene contamination on the part of police themselves. It is therefore possible that the mail had been laid out, as seen in the photograph, by a police officer at the scene after looking through it.

603. On the carpet in the lounge area were several blood stains *(see appendix 5)*.[1397] One of two armchairs (Police Exhibit 114) in close proximity to one another[1398] contained a blood stain (Police Exhibits 1, 2 and 4) which had seeped through the seat of the chair and appeared on the material above the rear castor on the side of the chair's base.[1399] This blood had then dripped on to the carpet (Police Exhibit 14) below the chair.[1400] This was found to be Harvey's blood.[1401]

604. It was noted at a Police Conference dated 26 June 1970 that there was what appeared to be skin tissue on a cover (Police Exhibit 107) over the left arm of the blood stained armchair.[1402] This comment was attributed to the officer-in-charge of exhibits,[1403] who would have been Detective ABBOTT. This specimen was taken to Pathologist, Doctor Francis CAIRNS on either 1 July or 2 July 1970.[1404] Doctor CAIRNS subsequently reported at a Police Conference dated 15 July 1970 that what was thought to be skin tissue was in fact two pieces of brain tissue.[1405]

605. There were a number of entrances into the lounge area and, therefore, a number of positions an offender could have taken up from which they fired the shot which killed Harvey. There were three internal doors which opened on to the lounge *(see appendix 6)*, a door in the bottom right corner which led through to a front hallway from which two bedrooms and the front door could be accessed, a door in the top right corner which led to a rear hallway from which two bedrooms and a bathroom could be accessed (this hallway also led to the washhouse and a further passage to the back door), and a sliding door in the vicinity of the

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top left of the room which opened on to the kitchen. A further door in the kitchen opened on to the passage to the back door. In addition to this, there was a telephone hatch (opening in the wall with a small door) on the back wall of the lounge. The door to this hatch was partly open with the telephone cord running through it at the time the crime scene was discovered.

606. It does appear possible for a shot to be fired at Harvey, sitting in the chair, from any of these locations. It is also possible that a shot had been fired from within the lounge (although a reconstruction of the murders may discount one or more of these positions being viable). However, the scenario pursued by police in the prosecution of Arthur THOMAS was suggested by Detective JOHNSTON on 11 October 1970.[1406] Detective JOHNSTON contended that a shot could have been fired from outside the house through the louvre window in the kitchen (which was open at the time the crime scene was photographed). The bullet would have passed through the open sliding door between the kitchen and lounge and could have entered Harvey's skull while he sat in his chair by the fire. This scenario was to be known as the 'JOHNSTON Theory'.

607. On the evening of 13 October 1970, Detective Inspector HUTTON,[1407] Detective Inspector BAKER,[1408] Detective Senior Sergeant Patrick O'DONOVAN,[1409] Detective JOHNSTON,[1410] Doctor NELSON,[1411] Rory SHANAHAN, Scientist, Chemistry Division, DSIR,[1412] Grant HANSEN (unknown person)[1413] and an unnamed DSIR technician[1414] attended the CREWES' house and carried out a reconstruction[1415] with a .22 rifle[1416] (not Arthur THOMAS' rifle - Police Exhibit 317).[1417] While standing with one foot on the wall next to the back steps and the other foot on the window sill,[1418] Doctor NELSON fired two shots at a target[1419] and one shot was fired by Detective JOHNSTON.[1420] Both men hit the target.[1421] The target in this case was a piece of paper attached to two telephone books[1422] which had been arranged at the height of Detective Inspector BAKER's head when he had been sitting in the chair.[1423] (Then) Detective Inspector O'DONOVAN stated, at the RCOI, that Detective Inspector BAKER was of a similar build to Harvey.[1424] As a result of this test, Doctor NELSON concluded that it was possible[1425] and in fact relatively easy for a person to fire a shot through this window at a person seated in a chair, in the position which Harvey was likely in.[1426]

608. On 28 February 1971,[xix] during the first trial, a further reconstruction was carried out by Arthur THOMAS' defence counsel[1427] using THOMAS' .22 rifle.[1428] Percy Anthony Matthews BRANT (DOB unknown), a retired Firearms Instructor from the New Zealand Army,[1429] Detective JOHNSTON,[1430] John Charles McKENZIE (DOB unknown)[1431] a Field Supervisor with the Franklin County Pest Destruction Board,[1432] Paul TEMM,[1433] Brian WEBB,[1434] Defence Counsel assisting TEMM at the first trial, Photographer Richard Warnock DRAPER (DOB unknown)[1435] and a surveyor[1436] (unknown person) attended the CREWES' house.[1437] The purpose of this visit was to determine the feasibility of a shot being fired through the open louvre window and hitting a target in the position that Harvey had likely been sitting.[1438] McKENZIE commented that a shot from this position was 'very awkward'[1439] but did say that a person competent with a firearm could make the shot.[1440] BRANT stated that he found the position 'quite uncomfortable' and said: *"... I wd [sic] not guarantee a steady sight in that position"*, but did agree that a shot could be fired from this position.[1441] Both McKENZIE and

[xix] While giving evidence at the RCOI, John McKENZIE agreed that this occurred on 29 February 1971. [redacted] However, as there were only 28 days in February that year it is likely that the 28th was the date of the reconstruction. Later, during McKENZIE's evidence, Howard KEYTE stated that this was in fact on 28 February 1971. [redacted]

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BRANT raised concerns about the effect of the lighting which would have been on at the time Harvey was killed on Wednesday 17 June 1970.[1442]

609. The area around the dining table was cluttered with chairs and a high chair[1443] and the positioning of two green armchairs[xx][1444] in the lounge looks out of place *(see appendix 5)*.[1445] One is situated to the rear of the other and appears to be obstructing an easy thoroughfare between the kitchen and lounge. Both chairs are sitting on an angle which is not thought would be adopted by someone sitting in the chairs, as they point away from the fireplace and television set and would not make the line of sight easy if the occupant were conversing with someone in the lounge or dining area.

610. The police reconstruction of the crime scene was not unreasonably centred on the assumption that Harvey was shot while sitting in the bloodstained armchair. It is thought that his body was then dragged out of the chair, along the floor towards the front door, which is evidenced by the blood stains on the carpet matching the same group as Harvey's blood. The most likely way this occurred was by the offender/s holding Harvey by the legs and pulling backwards. It is likely that the motion of the 14[1446] to 16 stone[1447] (89 to 102 kilogram) dead weight of Harvey's body slumping to the floor caused the chair to move backwards to some degree. Therefore, it is likely that the chair as seen in the crime scene photographs is not in the same position it was when Harvey was shot while sitting in it.

611. In seeking to establish the usual positioning of the armchairs, police spoke to a number of people. Lenard DEMLER stated that the armchair located behind the other in scene photographs was the smaller of the two, and was usually kept by the window to the left of the fireplace, next to the set of three coffee tables.[1448] Although at first glance both armchairs appear to be matching, they are different styles and there are noticeable differences in the arms and seat of the chairs. One armchair appears to sit lower to the ground than the other, which is consistent with witness descriptions.[1449] DEMLER further stated that when he had been at the house on Tuesday 16 June, the smaller chair had been pulled over between the other armchair and the couch to watch television.[1450]

612. Thyrle PIRRETT stated that on the morning of Wednesday 17 June one armchair was situated against the wall to the left of the fireplace and the other was to the right of the fireplace, between that and a red upholstered chair.[1451] However, PIRRETT did not appear to be certain as to the placement of both armchairs.[1452] At the RCOI hearing, PIRRETT maintained her description of the positioning of the chairs when she was at the address, but appeared to be confused with regards to where she had been sitting in the room.[1453]

613. John GRACIE stated that the position of the armchairs when the scene was located was not as it had been on the morning of Wednesday 17 June.[1454] GRACIE gave the same description as PIRRETT as to the positioning of the armchairs,[1455] although GRACIE also did not appear to be certain as to the placement of both armchairs.[1456] He elaborated at the RCOI hearing, where he described that the armchairs were swung against the wall which contained the fireplace.[1457]

614. Marie CREWE gave evidence at the deposition hearing and the first trial that when she had previously visited the CREWES, and they had been watching television, both Harvey and Jeannette sat in chairs.[1458] However, when spoken to on 29 June 1970, Marie said that when

[xx] These armchairs were also referred to as lounge chairs by different people. For the sake of consistency in this document they will be called armchairs.

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she last had visited, Harvey and Jeannette did not have a television.[1459] Since getting their television it appears that the positioning of chairs in the lounge had changed.[1460]

615. The arrangement of furniture when the scene was discovered, taking in to consideration the likely movement of the bloodstained armchair, is similar to that described by DEMLER when he was at the house on Tuesday 16 June. However descriptions from both PIRRETT and GRACIE indicate that these chairs had been moved back in to their usual positions by the morning of Wednesday 17 June. The arrangement of furniture, as shown in crime scene photographs, may indicate that a third person had been at the address prior to the murders and was a welcome visitor to the home, as they may have been sitting with Harvey and Jeannette in the lounge.

616. Brian Keith SLY (DOB unknown), a Registered Surveyor for the Lands and Survey Department, was enlisted to prepare a detailed plan of the house, including the positioning of furniture *(see appendix 6)*.[1461] This occurred on Wednesday 24 June, two days after the crime scene was discovered.[1462] At the deposition hearing and the first trial, SLY stated that he had the impression that everything in the house, when he saw it, was in the position it had been found in,[1463] except for the three-seater couch which was swung back a few feet.[1464] Detective Sergeant JEFFRIES (the officer-in-charge of the scene) stated, at the first trial, that he had not moved the couch, but may have lifted up a corner so an examination could be made underneath.[1465] At the second trial Detective Sergeant JEFFRIES then stated that a reconstruction of the scene had been considered and to do this Detective Inspector HUTTON had moved the couch.[1466] At the RCOI hearing, SLY reiterated that when he first saw the couch it was at the other end of a blood stain (closer to the fireplace).[1467] The couch was then swung back and he was told that this was how it should be recorded.[1468]

617. At the RCOI hearing, Lenard DEMLER stated that he thought the armchair closest to the dining table (not blood stained) was in a different position when he went into the house, than that shown on the plan by SLY.[1469] DEMLER qualified this by commenting that if this was the true position of the chair one would not be able to walk into the lounge the way he did, as the chair would have been in the way.[1470] However, he could not describe where the chair would have been.[1471] DEMLER said he did not move anything in the lounge/dining area when he was in the house.[1472] Crime scene photographs show that an armchair is positioned in front of the doorway, from the kitchen into the lounge area and is also very close to a cocktail cabinet to the right of the doorway (when looking at the doorway from the lounge).[1473] This positioning indicates that if someone was walking through, they would have to move carefully, probably turning as they did so, to get past the furniture. This raises the question of whether these chairs had been moved after the scene was discovered and prior to it being photographed.

618. In the intervening two days between the discovery of the crime scene and SLY drawing a plan, police had begun a reconstruction of events. Taking in to consideration SLY's statements, confirmed by the evidence of Detective Sergeant JEFFRIES, it is possible that, along with the couch, other items of furniture in the lounge, namely the armchairs, were repositioned in this process.

619. In photographs of the crime scene a piece of paper folded in two is visible under the blood-stained arm chair.[1474] This item is not included in the crime scene inventory and there does not appear to be any record of it on the file. It is possible that this paper had fallen from the dining table, where envelopes and papers were laid out, and landed underneath the chair,

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but this cannot be confirmed.

620. Detective Inspector HUTTON reported that an attempt had been made to clean up blood from the carpet in the lounge using a damp cloth.[1475] Several large blood stains on the carpet had been 'rubbed over', leaving a different texture to other stains.[1476] Blood stains (Police Exhibits 8 and 9) near the edge of the hearth had been rubbed over *(see appendix 5)*,[1477] as was the drag mark made by the castor of the couch leading from Police Exhibit 11 *(see appendix 6)*.[1478] It appears that at some stage the couch had been pushed back across the carpet, leaving a light drag mark in blood.[1479] These bloodstains, Police Exhibits 8, 9 and 11, belonged to Jeannette.[1480] Information contained on the file does not indicate which blood stains in Harvey's blood had been wiped, in order for there to be a saucepan of water containing his blood located on the kitchen bench *(see paragraph 594).*

621. The presence of two separate saucepans in the kitchen, each with blood of a different type, suggests that each container was used on a different area of the carpet. This evidence could indicate that more than one person was involved in this process as, if there was only one person, it would be reasonable to think that they would simply use one saucepan.

622. Although attempts were made to clean up, it does not appear that significant effort was devoted to this task and it is likely that the person/s involved gave up fairly quickly. Not all of the blood stains on the carpet had the appearance that they had been 'rubbed over' with a cloth and there is no evidence that anything other than water was used. Contained within the cupboard under the kitchen sink was liquid soap,[1481] likewise in the washroom were products which could have possibly assisted in the removal of blood from the carpet, such as a can of 'Drycleenaene' carpet cleaner[1482] and other cleaning products.[1483] Additionally there were a large number of diluted blood spots in the kitchen, where it appears as if a wet cloth dripped blood-stained water on the floor, cupboard doors and sink. These could have been easily wiped up, but were not.

623. The apparent abandonment of this task may suggest that it was not part of prior planning by the offender/s. If this aspect of the murders had been planned it is likely to have been considered an important task by the offender/s. Thus, it is likely that more effort would have gone in to the removal of blood stains from the carpet and the drops of diluted blood from the kitchen. Alternatively, it is possible the offender/s had intended to continue the clean up but was disturbed or became afraid of being disturbed and instead left the scene.

624. No cloth or other items were located in the home which appeared to be that used to clean up the blood. A search inside and outside the house was made for a cloth or similar article but nothing of this nature was found.[1484] It is likely that the cloth used was burnt in the fireplace *(see paragraph 626)*. Contrary to assertions made by authors on the topic, there is no evidence to suggest when this took place.

625. Crime scene photographs establish that the door to the hot water cupboard (in the kitchen) was open. It is possible that this was opened by someone at the address looking for a cloth to use in the attempt to clean up. It is unclear whether this door was examined for fingerprints, but from documentation available it does not appear that any were located in this area.

626. Evidence at the crime scene also indicates that items were destroyed by being incinerated in the fireplace within the lounge. An examination of the crime scene and related enquiries identified that a piece of carpet from in front of the fireplace[1485] and a cushion,[1486] likely to have been from Harvey's arm chair, were missing from the lounge. An examination of ash

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(Police Exhibits 35, 36 and 37) in the fireplace indicated that these items were likely burnt in the fire.[1487] It is noted that the fire screen had been replaced in front of the fire after this occurred.[1488] From the positioning of dried blood (Police Exhibit 132) belonging to Jeannette on the hearth of the fireplace,[1489] it is likely that the burnt carpet also contained Jeannette's blood.

627. The act of burning the blood-stained cushion and piece of carpet in the fire was clearly related to the attempt to clean up at the scene. It is likely that the offender/s was trying to destroy or remove evidence which would indicate that a murder or violent crime had occurred in the house, thus increasing their chances of getting away with the murders.

628. The investigation team conducted an experiment in 1970 and burnt a piece of carpet and cushion in the CREWES' fire.[1490] Detective Sergeant JEFFRIES commented that the debris resulting from this 'control' fire were less than the amount of debris present in the fireplace when the crime scene had been discovered.[1491] This indicated to him that the fire in which the piece of carpet and cushion were burnt had been alight for a considerably longer period than the control fire - which had burnt for one hour and 15 minutes prior to the items being added.[1492] Therefore, it is likely that the carpet and cushion were put on to the fire by the offender/s the same evening as the CREWES were killed. This is because the fire was likely to have been already going, as opposed to the offender/s returning to the scene at a later time, building a fire and waiting for this to heat up.

629. A large blood stain (Police Exhibits 5 and 6) and corresponding marks on the carpet are consistent with a body being dragged from the blood-stained armchair in the lounge, through the front hallway and on to the top step outside the front door.[1493] The outdoor mat which, presumably, would normally be in front of the front door, was located on top of plant foliage next to the steps by the front door.[1494] Blood spatter (Police Exhibit 14A) was also located outside, on a brick wall of the house near the steps.[1495] Analysis of these blood stains indicated that they belonged to Harvey.[1496] At the bottom of these steps were flakes of rust (Police Exhibit 29)[1497] which, upon examination, matched samples that had been taken from the underside of the CREWES' wheelbarrow (Police Exhibit 30) situated near the back door of the property.[1498] The wheelbarrow contained a fine clay type soil (Police Exhibit 31) and reportedly appeared as if it had been washed,[1499] possibly using the tap and hose to the left of the water tank[1500] in close proximity to where the wheelbarrow was located. It is likely that the wheelbarrow had been positioned at the front steps and used to transport Harvey's body, and probably Jeannette's, to a vehicle.

630. On the couch in the lounge was Jeannette's knitting (Police Exhibit 155), from which there were several dropped stitches.[1501] A knitting needle (Police Exhibit 54) was lying on the floor in front of the couch and was noted to be slightly bent.[1502]

631. It has been suggested that the 'slightly bent' knitting needle[1503] located on the lounge floor could have been used by Jeannette as a weapon against the offender/s. While this is possible, there is no evidence to confirm that this was used in an attempt to defend herself or Harvey from an assailant.

632. Police documents state that the dropped stitches were part of a cable pattern,[1504] which requires the use of three needles, sometimes one with a bend in it to hold the stitches in place. The degree that this needle was bent is not adequately described in police documents and an examination of the crime scene photographs does not assist a great deal. However, it is possible that this needle could not be used as a primary knitting needle due to it being

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bent, but was instead used by Jeannette to carry the stitches for the cable pattern.

633. It is possible that the dropped stitches had been removed from the needle intentionally by Jeannette, possibly fixing a mistake in her knitting, or by Rochelle getting into her mother's knitting. The inventory of the crime scene indicates there were in fact eight knitting needles on the couch[1505] and this needle could have ended up on the floor in the process of Jeannette rising from the couch in reaction to the situation that was unfolding in the home.

634. Separate crime scene photographs also display varying depictions of items on the couch. In one photograph[1506] (believed to have been taken on the evening of Monday 22 June 1970), on either end of the couch is a cushion and two piles of knitting - one on the seat next to the pillow on the left (when facing the couch) and the other on the back rest of the couch above this pillow. The second photograph[1507] (believed to have been taken on Tuesday 23 June 1970) shows what appears to be a number of sheets of A4 paper on top of and covering the pile of knitting on the seat of the couch. This paper is not listed in the crime scene inventory, possibly suggesting that it may have been placed there by police, as was the case with the notebook on the dining table *(see paragraph 602).* However, it is noted that the inventory has not proven totally reliable. The origin and/or validity of these documents are unknown and may in fact be another example of scene contamination early on in the investigation.

635. Two slippers, presumably belonging to Jeannette, were located in the lounge.[1508] One (Police Exhibit 53) was situated to the rear of the blood-stained armchair, between the chair and the fireplace, and the other (Police Exhibit 52) was found across the other side of the room, near the door to the rear hallway under a crumpled blanket[1509] or flannel sheet[1510] (Police Exhibit 51). This material had several small blood stains on it[1511] which belonged to Jeannette.[1512]

636. Curtains were drawn across the large window in the lounge, to the right of the fireplace (when inside the house).[1513] There were no curtains on the other lounge windows.[1514]

637. A single set of car keys for the CREWES' vehicle were located in a drawer of the cocktail cabinet situated in the lounge.[1515] It is unknown whether there was more than one set of keys for the vehicle, and if this was the usual place where these were kept. It is noted that another 'key' was also located in a separate drawer of the cocktail cabinet, although it is unknown if this was another ignition key for the CREWES' vehicle.[1516]

638. The television in the lounge was connected to an extension cord (Police Exhibit 121), which ran through the front hall and into the master bedroom,[1517] where the cord lay on the floor at the foot of the bed.[1518] The television switch was 'on',[1519] but the extension cord had been disconnected in the hallway.[1520] The switch to the power point in the master bedroom, into which it is believed the cord may have been plugged, was in the 'off' position[1521] and what was described as a minute blood stain (Police Exhibit 152A) was located on this switch.[1522] However, upon analysis no blood was detected.[1523] Whether the stain was analysed and found not to be blood, or alternatively, the sample was too small to obtain a positive indication for blood, is unknown.

639. A 'child's plastic carrot' shown in crime scene photographs lying next to the extension cord[1524] between the hallway and the master bedroom provides a further example of crime scene contamination. This item was listed in the inventory as being located somewhere in the master bedroom.[1525] At the first trial, Detective Sergeant JEFFRIES gave evidence that he had in fact placed this item in the location shown in the photograph as a pointer to draw attention to unconnected extension leads in the hallway.[1526] This is misleading when

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examining the crime scene photographs, as it was placed in a location through which the bodies were dragged. It is unknown where this item was originally located by Detective Sergeant JEFFRIES and is a further example of avoidable scene contamination on the part of the attending investigators.

640. Photographs of the master bedroom also generate contention. Some depict the extension cord lying over the bed, and plugged into a power point on the far wall beside the bed. Others depict the cord lying on the floor at the foot of the bed on top of women's clothing on the floor.[1527] The sequence of these photographs (those taken at night are believed to have been from Monday 22 June 1970, while those taken during the day are believed to have been from 23 June 1970)[1528] suggest that the extension cord was on the floor when the scene was discovered and was later draped across the bed and plugged into the power point in a reconstruction to indicate how police believed this would have been done by the CREWES. This example again demonstrates that a degree of scene contamination by police occurred at an early stage during the crime scene assessment and examination.

Rochelle's bedroom

641. In the front bedroom of the house Rochelle was found in her cot.[1529] Her bedding was in a very wet condition and was badly urine-stained which had soaked deeply into the cot mattress.[1530] The nature of the staining indicated that Rochelle had been left in a dirty condition for a considerable period of time *(see paragraphs 727-741 for information about Rochelle's condition when found)*.[1531] Inside the cot was a pair of pink pyjama pants,[1532] probably matching the pink pyjama top she was wearing,[1533] and one wet nappy.[1534] The blinds in her bedroom were closed.[1535]

Master bedroom

642. In the master bedroom the double bed was in 'made-up' condition,[1536] but was missing a brown bedspread.[1537] The couple's night attire was folded under the pillows.[1538] A single eiderdown was on the floor to the left of the bed.[1539] The blinds in this room were open.[1540]

643. It was later established that a brown bedspread, almost certainly that which came from the CREWES' bed, and other materials were used to wrap the CREWES' bodies, after their murders *(see paragraph 868)*.

644. A pile of woman's clothing was located on the floor in a corner of the master bedroom,[1541] consisting of a skirt, several cardigans, girdle, bra, a pair of stockings and a pair of brown shoes.[1542] A pair of men's trousers, a sports shirt and jersey was hanging over the top of the door to the master bedroom.[1543]

Spare bedrooms

645. Of the two spare bedrooms located at the rear of the house, one on the south east corner appeared to be used as a storage room and contained various items, such as furniture, tools and old papers. Also found within this room was a full box of 12 gauge shotgun cartridges.[1544] The other bedroom, while not as full, had items scattered over the floor, including a number of cardboard boxes and an ironing board set up in the centre of the room.

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Washhouse

646. Detective Sergeant JEFFRIES described finding 'two pairs',[1545] 'two sets'[1546] or 'two sets of two'[1547] soiled nappies in the washhouse area. These were located on top of the refrigerator, and while one was in a plastic bag the other had no form of covering.[1548] On the lid of the washing machine were: another soiled nappy, a soiled pair of plastic pants (believed to be a nappy cover) and a soiled pair of baby pants.[1549] On the floor of the washhouse, near the washing machine and refrigerator, was a bucket containing a solution of NapiSan.[1550] Harvey's Pioneer shotgun was also located in the washhouse, inside a canvas bag.[1551] There is no indication on the file as to whether this was loaded or not.

647. Rochelle was found wearing a nappy and plastic pants (believed to be a nappy cover). Her pyjama pants and a wet nappy were found in the cot *(see paragraph 641)*. It is possible that Rochelle removed her own pyjama pants, at some stage during the almost five day period she was left in the cot, a not uncommon practice for children of that age. However, it is also possible that the pyjama pants were left off the child when an unknown person changed her nappy, also leaving the dirty nappy in the cot. Rochelle's plastic nappy cover was fingerprinted, however, there was insufficient detail or no fingerprints developed[1552] to establish if someone other than Jeannette had touched this.

648. When Rochelle was found, the question was raised as to whether or not she had been cared for between the time of the murders and the scene being discovered. With no physical evidence indicating whether or not Rochelle had been fed, her nappies were thought to potentially hold some clue as to whether she had been cared for. However, when Rochelle was taken in to the care of Barbara WILLIS on Monday 22 June, WILLIS burnt the nappy Rochelle had been wearing as she did not feel that it was worth keeping and had a very offensive odour.[1553] This meant that the contents of the nappy could not be examined to determine how long the nappy had been on Rochelle, and potentially what Rochelle's last meal was.

649. Detective Sergeant JEFFRIES gave evidence at the second trial that he arranged with Detective ABBOTT to take samples from the two sets of nappies in the kitchen.[1554] However, handwritten amendments to the transcript indicate that the 'two sets of nappies' was supposed to be, or likely to be, referring to 'stains' and the following question was regarding blood stains in the kitchen.[1555] If the nappies located in the washroom, Rochelle's cot and/or on Rochelle were examined with a view to establishing her last meal, there does not appear to be documentation relating to this.

650. Barbara WILLIS described Rochelle's nappy as being made up of two nappies, one had been laid out in a triangle,[1556] the other was rectangular and used as the inner nappy,[1557] fitting between her legs.[1558] WILLIS commented that this would be a typical 'night' or 'sleeper' nappy,[1559] as the inner nappy allowed for extra absorption. This indicated that the nappy Rochelle was wearing when found on Monday 22 June was put on at night or at a time Rochelle was put down for a sleep.[1560] The nappy was fastened with one pin only,[1561] presumably through both nappies.

651. It appears that it was Jeannette's habit to pre-fold nappies when they were put away in the cupboard.[1562] WILLIS stated that the nappy she took off Rochelle was folded in the same way as these, although WILLIS is likely to be referring to the outer nappy only.[1563] These pre-folded nappies were not unique and this is likely to be the same method used by many others. Therefore, this does not indicate whether the nappy found on Rochelle was that put

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there by Jeannette on the evening of Wednesday 17 June, or by another person who may have changed her nappy since then. If Rochelle's nappy had been changed, this indicates someone who has experience with small children, as evidenced by the use of a second nappy for additional absorption and the singular pin holding the nappy together.

652. Crime scene photographs establish that the door to the hot water cupboard, where 25 cloth nappies were located,[1564] was open. It is possible that if Rochelle's nappy was changed, the clean nappy was sourced from this cupboard and the door left open by the person who changed the nappy. This then poses the question as to how this person sought out the nappies in this location, when there was a box of disposable nappy liners visible under the cot in Rochelle's room.[1565] Alternatively, it is just as likely that this cupboard was opened while someone at the house was looking for an item to use in the apparent attempt to wipe blood from the carpet *(see paragraph 620)*. It is unclear whether this door was examined for fingerprints. However, from documentation available it does not appear that any were found in this location.

653. Detective Sergeant JEFFRIES described 'two pairs' or 'two sets of two' soiled nappies on top of the refrigerator in the washhouse. From the first description it is unknown whether he is referring to a single nappy as being a 'pair', but the description of 'two sets of two' indicates that it is likely to be a 'sleeper' nappy, similar to that which Rochelle was wearing on Monday 22 June.

654. It is known that Harvey, Jeannette and Rochelle had been out of the house for approximately four hours on the afternoon of Wednesday 17 June. It is possible that the soiled nappy on top of the refrigerator contained within the plastic bag was from this time, and upon arriving home Jeannette put the bag in the washhouse to deal with at a later stage. It was noted by Edith May JUDGE (DOB unknown), a friend of Jeannette's who had cared for Rochelle on occasion, that she had never met a baby who consumed so much fluids.[1566] It is therefore possible that Rochelle was routinely put in 'sleeper nappies' by Jeannette, even during the day, as a result of her fluid intake. This would mean that the 'sleeper nappies' located in the washhouse may not have necessarily from times when Rochelle was sleeping. It does appear unusual however that Jeannette would leave a build up of three nappies in the washhouse area and possibly one in Rochelle's cot, when she had prepared a bucket of NapiSan to soak soiled nappies.

655. Also located on top of the refrigerator, in addition to the 'two sets of two' nappies, were two plastic bags containing apples.[1567] The presence of these apples makes it unlikely that Jeannette would place soiled nappies in the same location as fruit. However, it is clear that Jeannette was not a meticulous housekeeper and it cannot be assumed that she would adhere to expected practices.

656. Marie CREWE commented that Jeannette was not the type of mother to leave a dirty nappy in Rochelle's cot. However, it is possible that Jeannette changed Rochelle's nappy inside the cot and was interrupted or distracted, leaving the room and forgot to remove the nappy. This could be the case while Jeannette was preparing dinner and had to attend to something in the kitchen.

657. [redacted]

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[redacted]

658. This information indicates that instead of dirty nappies in the house being the result of an unknown person at the property caring for Rochelle, it may have simply been Jeannette's usual practice for nappies to be left about the house. Marie CREWE commented upon the likelihood of Jeannette leaving nappies in the cot, but did not comment about the situation with regard to the rest of the house. Marie had only visited the CREWES' home once for a short period of time since Rochelle's birth and, therefore, was unlikely to know the usual practice followed by Jeannette in relation to nappies. The CREWES had visited Marie's home a number of times with Rochelle, but it is thought that in her mother-in-law's home Jeannette would not want to appear to be untidy and would possibly have dealt with Rochelle's dirty nappies with greater urgency.

659. Inside the refrigerator in the washhouse were three bottles of milk, two dated Tuesday 16 June and one dated Monday 15 June 1970.[1570]

Property surrounding house

660. Harvey's three dogs were checked on by Lenard DEMLER and Owen PRIEST while they searched the CREWES' property on Monday 22 June.[1571] The dogs were kept in kennels approximately 70 to 80 yards (64 to 73 metres) behind the house.[1572] In DEMLER's statements, dated 24 June and 5 July 1970, he commented there was no sign of any food in or around the kennels, and the dogs did not have any water.[1573] In PRIEST's statement he claimed that there was water for the dogs.[1574] He went on to say that the water dishes were located outside the kennels and, as it had been raining, it was possible that the dishes had been filled by rain water.[1575] Both DEMLER and PRIEST said the dogs did not appear to be hungry[1576] or starved.[1577]

661. On 23 June 1970, Detective PARKES, Detective Constable Leslie HIGGINS and Constable MEURANT[1578] were briefed by the officer-in-charge of the crime scene, Detective Sergeant JEFFRIES, to carry out a search of the section surrounding the CREWES' house.[1579] As a result of discussions with Pathologist Doctor CAIRNS, they were advised to look for blunt instruments, a knife, or something similar which could have caused injuries to the victims.[1580] Nothing of relevance is recorded as having been located.

662. Under the supervision of Detective PARKES,[1581] Detective Constable HIGGINS and Constable MEURANT conducted a search of the garden beds within the house enclosure[1582] and a pattern search of the grass area surrounding the house.[1583]

663. On Wednesday 24 June 1970, Detective PARKES and Constable MEURANT searched: (i) under the house, (ii) water tanks, (iii) fowl house, (iv) wood shed, (v) hay barn, and (vi) hay shed.[1584] Detective Constable HIGGINS searched the tool shed and the shed under the tank stand.[1585]

664. During (then) Inspector PARKES' evidence at the RCOI he was asked if the material seen in crime scene photographs lying on the ground next to the wheelbarrow (Police Exhibit 30) had become a police exhibit.[1586] Inspector PARKES replied that this item, which he variously described as *"... a very tattered old oilskin ['all caps' removed]"*[1587] and an *"... oilskin coat ['all caps' removed]"*[1588] was not removed from the crime scene as a police exhibit because it had been

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burnt.[1589] This was the first time this item had been referred to in a judicial hearing. The material did not become a police exhibit and there is no documentation on the file relating to this item or its destruction.

665. As a result of further questioning, Inspector PARKES stated that this 'oilskin' was at the crime scene when police officers arrived on Monday 22 June 1970 and was not the property of police.[1590] Inspector PARKES stated that to his knowledge the item had not been inspected prior to its destruction, but said it may have been.[1591] However, he did comment that he had looked at the item when they started the search[1592] and described that the 'coat' was in such a condition that it would give no shelter against the elements.[1593] He stated that he did not see any blood stains on it[1594] and determined it was definitely a coat as *"... it had sleeves on it."*[1595] However, Inspector PARKES did state that he did not hold the item up and examine it closely.[1596]

666. Inspector PARKES said that on either Tuesday 23 June or Wednesday 24 June 1970[1597] *"... it was burnt while we were having a lunchbreak [sic] it somehow caught fire and we ret [sic, returned] to find it was burnt ['all caps' removed]."*[1598] He explained: *"I can nly [sic] surmise that somebody threw a [cigarette] but [sic] or something on to it ['all caps' removed]."*[1599] Inspector PARKES stated that the item was burnt at the site where it is shown in crime scene photographs and confirmed that after the fire the remaining ashes were searched, as was the area of ground where the material had been.[1600] When asked if the fire had left marks on the ground, Inspector PARKES indicated that he presumed so.[1601]

667. Inspector PARKES stated that he learnt of the item being burnt from Detective Sergeant JEFFRIES[1602] and understood that enquiries were made in to the matter, although stated that he did not make any enquiries himself and did not know who did.[1603] He stated that of the police officers on duty that day (when the material was burnt) two or three smoked, but he was not one of them.[1604]

668. It appears, from a sketch of the pattern search shown on (then) Detective PARKES' Police Jobsheet dated Tuesday 23 June 1970, that Detective Constable HIGGINS was likely to have been responsible for examining the piece of material and bringing this to the attention of Detective PARKES, who was Detective Constable HIGGINS' supervisor.[1605] However, there is some confusion when comparing Detective PARKES' sketch with crime scene photographs, as the sketch appears to be missing one outside lane in the vicinity where the wheelbarrow and material were located.

669. (Then) Sergeant Leslie HIGGINS was questioned about the material at the RCOI and stated that he saw this on either Monday 22 June or Tuesday 23 June 1970.[1606] He stated that while conducting a pattern search of the area he picked up and examined it.[1607] Sergeant HIGGINS disagreed with (then) Inspector PARKES' assertion that the item was a coat: *"My recollection of it it was a piece of canvas, I can recall that by ref [sic] to my childhood, we covered the wood in a w.barrow [sic] with a piece of canvas ['all caps' removed]."*[1608] He described the item as: *"Prac [sic, practically] square, tatty, torn, faded, not part [sic, particularly] clean ['all caps' removed]"*, and said it was *"almost white. As if it had been in the weather. Cert [sic, certainly] faun [sic], I wld [sic] say, faun [sic] to white ['all caps' removed]."*[1609] Sergeant HIGGINS stated that when he was at the crime scene on 23 June, the material was still there.[1610] However, he also stated that he did not return the following day,[1611] Detective PARKES' Police Jobsheet from 24 June 1970 conflicts with Sergeant HIGGINS' evidence at the RCOI. Detective PARKES' Jobsheet states that on Wednesday 24 June 1970: *"The tool shed and shed under the tank stand were searched by*

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Constable HIGGINS with negative result."[1612]

670. Sergeant HIGGINS recalled a discussion, possibly between Detective Inspector HUTTON, Detective Sergeant JEFFRIES and Detective ABBOTT, about the material sometime before he picked it up.[1613] Sergeant HIGGINS stated: *"Icant [sic] recall what was said, but I know they xd [sic, examined] that article. I can recall the outcome of the disc [sic, discussion] was it had no material application to the investigation ['all caps' removed]."*[1614] As a result of this Sergeant HIGGINS stated that he picked up the material and satisfied himself as to what it was.[1615]

671. Sergeant HIGGINS stated that he was aware this item had been burnt[1616] and, although it was 'strictly hearsay',[1617] he had been told recently[1618] that this was a result of Detective ABBOTT flicking a cigarette butt.[1619] Sergeant HIGGINS stated that he never saw the material burning or any ashes which resulted.[1620]

672. (Then) Senior Sergeant MEURANT stated that he did not recall seeing the item at the crime scene, nor did he recall an incident where something was burnt at the scene in the days he was there.[1621] He added: *"... its [sic] reasonable to assume that had an item at the scene of a homicide caught fire it wd [sic] have caused some excitement and I wd [sic] have rem [sic] it but no I cant [sic] rem [sic] ['all caps' removed]."*[1622]

673. In 1970 Detective ABBOTT was officer-in-charge of exhibits, and in the initial days of the enquiry he was situated inside the CREWES' house compiling a crime scene inventory with Detective Sergeant JEFFRIES.[1623]

674. Detective ABBOTT described the material in question as *"... a piece of very weathered taupolin [sic] or canvas ['all caps' removed]",*[1624] he stated: *"It was old. It was tatty. It had holes in it. There was no sign of any blood stains or anything else that wd [sic] made [sic] me think that it wasi [sic] nv [sic, involved] in the enqu [sic] ['all caps' removed]."*[1625] Detective ABBOTT confirmed that he examined the item, probably at the same time he examined the wheelbarrow.[1626] He stated that he did not seek any confirmation of his opinion that this item had no bearing on the enquiry, from DSIR Scientists Doctor NELSON or Rory SHANAHAN,[1627] both of whom were in attendance at the crime scene on Tuesday 23 June 1970.[1628]

675. In respect of the act of burning, Detective ABBOTT stated:

> *"I had been either walkig [sic] in the bak [sic] door of the house or in the vicinity of the bk [sic] dr [sic] of the house when my cig [sic] had almost finished. Without thinking and with the dr [sic] opened I through [sic] it outside. I walked back into the lounge and thought that it had crossed my mind that perhaps I shd [sic] not have done that as we had a recepticle [sic] for placing cig [sic] butts in the room. Now Im [sic] not quite sure the exact time when this all tk [sic] place but some good time later perhaps an hour or 2 hours I went outside and saw on the lawn some charred earth. I wondered what it had been and then it dawned on me to my horror that it cd [sic] easily have been my cig [sic] butt that had burnt this canvass [sic]. I cdnt [sic] be sure that it was my cig [sic] butt because I didnt [sic] se [sic] it land on the canvass [sic] and presumed that it was my cig [sic] butt.['all caps' removed]"*[1629]

676. Detective ABBOTT stated that it was clearly visible that the piece of grass where the material had been was scorched.[1630] He did not see any material remaining on the ground in this area and presumed it had all burnt.[1631] He indicated that *"... there was probably ash"* left.[1632] When asked why he did not get Constable Barry STEVENS, Police Photographer, to photograph the ashes Detective ABBOTT stated: *"I was really hoping noone [sic] may have noticed the canvas there and I was a little emb [sic, embarrassed] asto [sic] what had happ [sic] ['all caps' removed]."*[1633]

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Detective ABBOTT was unsure which day this item was burnt and was not sure if this occurred while he was present or away from the house, i.e. having lunch.[1634]

677. Detective ABBOTT informed the RCOI that he had told Detective Sergeant JEFFRIES about the piece of canvas being burnt and that he himself had possibly been responsible for this.[1635] Detective ABBOTT stated that he was not present at any further discussion about what happened to this item and the only time he remembered the item 'coming up' again was a few days prior to him giving evidence at the RCOI.[1636]

678. Detective Sergeant JEFFRIES was not questioned about the material at the RCOI. While he did give evidence at the hearing, this was prior to the matter coming to attention during (then) Inspector PARKES' evidence. It is unknown why, as officer-in-charge of the crime scene, Detective Sergeant JEFFRIES was not re-called to give evidence on this matter. It is noted that in 1980, at the time of the RCOI, Detective Sergeant JEFFRIES resided in Hastings,[1637] and it is therefore possible that he was not available to be recalled. Nevertheless, Detective Sergeant JEFFRIES was responsible for the crime scene and for the police officers working within the crime scene in the days in question. Evidence was also given by Inspector PARKES and Detective ABBOTT that Detective Sergeant JEFFRIES was aware of this material's destruction. Furthermore, Inspector PARKES stated that Detective Sergeant JEFFRIES was, in 1980, a smoker, although could not be sure whether he was a smoker in 1970.[1638] Under the circumstances it would have been prudent to question Detective Sergeant JEFFRIES about this material and what happened to it.

679. On 13 February 2014, Detective Superintendent LOVELOCK spoke to retired Detective Sergeant JEFFRIES and asked him about the material that had allegedly been destroyed.[1639] JEFFRIES stated that he did recall a ‘canvas cloth’ which he believed was a ‘tarpaulin’ or an ‘oilskin’.[1640] JEFFRIES stated that he understood this item may have been burnt as a result of a discarded cigarette butt, but could not recall seeing any ash or the remnants of this item.[1641] He commented that he believed this item did not have any bearing on the investigation, but this position was not supported by any specific evidence.[1642]

680. The explanation that a discarded cigarette butt set fire to, and totally incinerated, the piece of material located on the lawn is difficult to accept and lacks validity. This item should have been preserved and taken as an exhibit. The failure by police to record the presence of this item in the crime scene, protect it and to document its apparent destruction is inconsistent with expected procedures in 1970.

681. Detective Constable HIGGINS did not complete a Police Jobsheet of his pattern search on Tuesday 23 June 1970. Detective PARKES' Jobsheet relating to the search of the area surrounding the house on 23 June[1643] did not make note of any items of interest located and did not mention either the wheelbarrow or the accompanying material.

682. Crime scene photographs were taken on Tuesday 23 June 1970[1644] depicting the material in position next to the wheelbarrow.[1645] This item was also noted to be present by Detective PARKES, Detective Constable HIGGINS and Detective ABBOTT at about the time of the pattern search on 23 June. Detective Constable HIGGINS commented that the material was there when he left the scene on 23 June, but it is unknown what time on 23 June this was. Detective Sergeant JEFFRIES' Police Jobsheet dated 23 June indicates that Detective PARKES, Detective Constable HIGGINS and Constable MEURANT arrived at the property at 8.00am on 23 June to conduct a pattern search which was completed at about 5.00pm.[1646] However, a Jobsheet by Detective Constable HIGGINS on 23 June shows that at 2.30pm that day he was

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conducting enquiries in Morrison Road, Pukekawa.[1647] A staff log indicates that Detective Constable HIGGINS worked from 7.00am to 11.00pm on 23 June.[1648] At this time it is not possible to establish when Detective Constable HIGGINS left the crime scene that day.

683. The Police Exhibit Register indicates that the wheelbarrow (Police Exhibit 30) and a control sample of rust scale from the wheelbarrow (Police Exhibit 31) were entered as exhibits at 2.30pm on Tuesday 23 June 1970.[1649] It is almost certain that had the material been in existence at this point in time it too would have been taken as a police exhibit. This item would be expected to feature in the police exhibits register at position 29 or 32, which it does not. However, this does not necessarily mean that the item had been destroyed by this time as it is unknown when the exhibits register was filled out.

684. An aerial photograph of the house section taken on Wednesday 24 June 1970[1650] depicts the wheelbarrow, which had been moved since the photographs taken the previous day. In this aerial photograph the material does not appear to be present.[1651] The search log for 24 June indicates that a helicopter was in use from 10.55am to 1.30pm and then again from 2.30pm to 4.00pm.[1652] It cannot be established at what time the aerial photograph in question was taken.

685. Based on the information available it is possible that the material was, one way or another, removed from the crime scene between about 2.30pm on Tuesday 23 June 1970 (when Detective Constable HIGGINS left the property) and 4.00pm on Wednesday 24 June 1970 (the latest time the aerial photograph could have been taken). It is unknown whether this material was foreign to the scene, i.e. brought by the offender/s, or had been sourced from somewhere on the CREWES' property.

686. Detective Inspector HUTTON, as the officer-in-charge of the investigation, was present at the crime scene in the initial days. At the RCOI, he stated that he did not recall whether he had personally examined this material[1653] and had not noticed an area of scorched grass where the material was allegedly burnt.[1654] When asked if he had any recollection of the item being burnt, retired Detective Inspector HUTTON replied: *"Not until 2 months ago, no ['all caps' removed]."*[1655]

687. It was noted that Assistant Commissioner WALTON arrived in Pukekawa at 11.30am on Wednesday 24 June 1970.[1656] Although it is not documented, it is likely that he attended the crime scene on this day. At the RCOI, (then) Commissioner WALTON stated that while at the crime scene his attention had not been drawn to this item, nor did he recall observing it or any ash/singed area near the wheelbarrow.[1657]

688. Other than the police officers engaged in the search at the CREWES' house on Tuesday 23 June and Wednesday 24 June 1970, several others were present at some point during this period, but were not questioned at the RCOI about their knowledge of the item or its destruction.

689. Detective Sergeant DEDMAN and Constable STEVENS attended the crime scene on Tuesday 23 June 1970.[1658] Although Detective Sergeant DEDMAN prepared a statement for the RCOI,[1659] it does not appear that he was called to give evidence and was therefore not asked about the material. During (then) Sergeant STEVENS' evidence he talked the RCOI through a series of photographs taken at the scene. Sergeant STEVENS stated that he did not know what the object lying to the left of the wheelbarrow (the material) was[1660] but, as (then) Inspector PARKES had not yet given evidence he was not asked if he knew what happened to the object. Sergeant STEVENS was not re-called to give further evidence on the matter.

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690. Doctor NELSON[1661] and Rory SHANAHAN[1662] arrived at the crime scene on Tuesday 23 June 1970 to examine the scene and take samples of blood from the house.[1663] At the RCOI, Doctor NELSON was asked whether the DSIR received any ashes from the burnt material for analysis.[1664] He replied that there was nothing in their records in respect of this.[1665] SHANAHAN stated that he did not recall seeing the material when he completed an examination of the wheelbarrow, and did not recall seeing any ashes or a burnt area of grass in the vicinity of the wheelbarrow.[1666]

691. It is noted that Detective Sergeant HUGHES accompanied Lenard DEMLER inside the CREWES' house on Tuesday 23 June 1970 to uplift clothing for Rochelle.[1667] At this time DEMLER was shown around the house and asked to identify if any items were missing.[1668] Neither DEMLER nor Detective Sergeant HUGHES was asked if they had seen the material or evidence of a fire at this location.

692. On Wednesday 24 June 1970, Brian SLY and his assistant Brian SHANAHAN (DOB unknown) were also present at the crime scene.[1669] Ronald STABLER, who inspected the dryer, was also present.[1670] These people were not asked if they had seen the material or new of a fire at this location.

693. On the evenings of Tuesday 23 June and Wednesday 24 June 1970, when Detective Sergeant JEFFRIES had finished at the crime scene, he locked the house and the scene was then under the control of a uniformed constable who remained on guard during the night.[1671] The identity of these night guards is unknown. This person/people were not spoken to in relation to the burnt material.

694. At the RCOI, Defence Counsel Kevin RYAN stated that he had been told the material was a piece of tarpaulin with no relevance to the investigation.[1672] Crown Prosecutor David MORRIS stated that he had no memory of the item[1673] and was unaware that it had been burnt.[1674]

695. Descriptions of this item vary between an oilskin coat,[1675] a piece of canvas[1676] or tarpaulin.[1677] The RCOI reported that *"the true nature of the material on the ground is not clearly established."*[1678] The report also commented on the likelihood of the scenario put forward by police officers at the scene that day. The RCOI report stated:

> *"We heard a good deal about the weather at about this time. Lying outside, the material must have been damp. We do not believe that unaided a cigarette butt could have caused a fire which completely consumed the material including a long ragged tendril lying out to one side on its own."*[1679]

696. It is clear that the material was presumed to have been burnt by a cigarette butt. However, nobody stated that they saw this material burning and there are conflicting accounts as to what remained of this item after it was burnt. It is quite possible that this material was destroyed or removed from the crime scene by means other than being burnt. The RCOI report stated:

> *"Other evidence suggests the murderer returned to the scene - e.g., the cleaning up inside the house, and the sightings by [Bruce] RODDICK and the McCONACHIES [Queenie and Maurice McCONACHIE]. We believe that some person with an interest in the material, rather than the Police, was responsible for its destruction or removal."*[1680]

697. At the early stage in the enquiry when the material was said to have been destroyed, this

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item could not have been ruled as being uninvolved in the murders. Police believed that the wheelbarrow had been used during the removal of the body, or bodies, from the house. Therefore, it is a distinct possibility that this material, found alongside the wheelbarrow, may have had some connection to the murders or the offender/s.

698. (Then) Inspector PARKES claimed that he examined the material and there was no sign of blood stains and Detective ABBOTT said that there was no blood on the material which would lead him to believe that it was involved with the murders. The reliability of these statements is questionable as Inspector PARKES admitted that he had not closely inspected the item and Detective ABBOTT, as the person allegedly responsible for its destruction, may have wanted to diminish the significance of this material.

699. Regardless of the method of destruction or loss of this item, this material which should have become a police exhibit in the homicide enquiry was compromised by police. The fact that this occurred whilst in an area designated as part of the crime scene is a further example of poor police practices on the part of the attending investigators. The RCOI concluded on the matter: *"The Police failed to protect properly an important exhibit in their possession, namely material found near the wheelbarrow."*[1681]

700. Whether it was the cause of the destruction of the material or not, it is clear that a police officer/s were smoking within the confines of the crime scene in the initial days of the investigation. At the RCOI, Detective ABBOTT explained: *"... we had a recepticle [sic] for placing cig [sic] butts in the room"*[1682] indicating that there was some type of container inside the house where they had been disposing of their cigarette butts. Apart from allegedly destroying an item of interest, the reckless disposal of a cigarette butt would have further contaminated the crime scene, as would the disposal of cigarette butts in the house.

701. The absence of any documentation explaining, firstly, the existence, and secondly, the loss, of this material is suspect. Detective ABBOTT's comments regarding his hope that no one had noticed the canvas may provide some indication as to why this is the case. However, Detective ABBOTT stated that he brought the matter to the attention of his supervisor Detective Sergeant JEFFRIES. There was no evidence given before the RCOI as to whether Detective Sergeant JEFFRIES took this matter further - such as reporting it to the officer-in-charge of the investigation, Detective Inspector HUTTON.

702. Further compromising the integrity of the crime scene, the material can be seen in photographs lying on the grass next to,[1683] and sometimes under,[1684] the wheelbarrow.

703. A further example of scene contamination was brought to the Review Team's attention when retired Inspector PARKES was spoken to by Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM on 23 January 2014. PARKES stated that he recalled finding 'bits and pieces' of discarded fish and chips on the lawn where a pattern search was being conducted, which had been 'thrown' around by police officers who had been at the crime scene the night before.[1685] In explanation, PARKES stated that, initially, the crime scene had been treated as a murder/suicide scene and indicated that correct procedures on the first night (Monday 22 June 1970) had not been followed.[1686]

704. On 17 August 1970, after Jeannette's body had been located on 16 August, Detective GEE located a piece of copper wire (Police Exhibit 272) near the fence line in the front paddock of the CREWES' property.[1687] It was initially thought that this may have been left at the scene by the offender/s, after wrapping Jeannette's body with wire in the front paddock of the

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property.[1688] This piece of wire was compared with the copper wire from the bodies of Harvey and Jeannette *(see paragraphs 1175, 1177)*, but it was found that the nickel content in Police Exhibit 272 differed sufficiently to that on the bodies suggesting that this was from a different source.[1689]

705. On 18 August 1970, as a result of Jeannette's cause of death being identified as a single .22 bullet to the head (*see paragraph 859)*, Detective Sergeant JEFFRIES, Detective Constable HIGGINS, Constable MEURANT and Detective Kevin GEE again searched the section surrounding the house.[1690] At this time the group were looking for: (i) lengths of wire, (ii) bullet lead, and (iii) cartridge cases.[1691] A Police Jobsheet by Detective Sergeant JEFFRIES commented that *"all gardens were cleared and the earth sifted and examined."*[1692] However, in evidence at the first trial, Detective Sergeant JEFFRIES said that a search was only conducted from the back door to the end of the front bedroom (across the north and east sides of the house).[1693] No bullet lead or cartridge cases were located.

706. Detective Sergeant JEFFRIES told the RCOI that at a Police Conference on 26 October 1970 (no conference notes available) regarding the 'JOHNSTON Theory' *(see paragraph 606)* a discussion about ejection distances and the rear outside light being on took place.[1694] During the conference Detective Sergeant JEFFRIES advised Detective Inspector HUTTON that the garden in the house section along the fence from the back gate had not been sieve searched.[1695] As a result of this Detective Inspector HUTTON instructed Detective Sergeant CHARLES and (then) Detective Sergeant PARKES to go to the CREWES' house and carry out a further search of this perimeter garden.[1696] While doing so, on 27 October 1970, Detective Sergeant CHARLES located a .22 cartridge case in the soil approximately six feet (1.8 metres) along from the end of the garden bed.[1697] This cartridge case was later labelled Police Exhibit 350 and was found to have an identical firing pin impression to that made by Arthur THOMAS' rifle (Police Exhibit 317).[1698]

707. On 23 January 2014, retired Inspector PARKES was spoken to by Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM.[1699] At this time, PARKES stated that he had in fact been the one who informed Detective Inspector HUTTON that the garden bed opposite the kitchen louvre windows had not been properly searched.[1700] PARKES stated that he brought this to his attention during a discussion regarding the location where a cartridge case/s could have ended up.[1701] PARKES stated that although he had not been involved in the second search (on 18 August 1970) he had noted that after this search this garden contained weeds, which had not been dug over.[1702]

708. The sequence of events leading to the discovery of Police Exhibit 350 does allow for some scepticism surrounding its credibility. Had a thorough search been completed on the first occasion (23 June 1970), and Police Exhibit 350 had been in the CREWES' garden at this time, it is expected that this would have been located. However, it is noted that the three searches were quite distinct from one another, in that the stage of the investigation determined why the search was taking place and what was being sought. (A full analysis of this topic has not been completed as part of this work and is dealt with in detail in the review document.)

709. The three searches of the CREWES' garden (on 23 June, 18 August and 27 October 1970), which eventually resulted in the finding of Police Exhibit 350, have been seriously criticised. However, it is important to recognised that on 23 June 1970 police staff were told to look for blunt instruments, a knife or something similar; on 18 August 1970 police staff were searching for lengths of wire, bullet lead and cartridge cases, although on this occasion the

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garden bed opposite the kitchen window (where Police Exhibit 350 was later found) was not searched.

710. Police Exhibit 350 was found seven days after Arthur THOMAS' rifle had been collected by police for the second time (on 20 October 1970), and it was a finding of the RCOI that this cartridge case had in fact been 'planted' by police, namely Detective Inspector HUTTON and Detective JOHNSTON.[1703] In response to this (in 1981), (then) Commissioner WALTON requested an opinion from the Solicitor-General Paul NEAZOR as to whether any prosecution should be brought against (then) retired Detective Inspector HUTTON[1704] (at this time Detective JOHNSTON was deceased).

711. NEAZOR noted that the RCOI report essentially alleged:

> *"(a) expressly that the shell case exhibit 350 was planted in the Crewe garden by Det. Inspector Hutton and Det. Johnston;*
>
> *(b) expressly that an exhibit cartridge case (343) was substituted by another by Police officers to the knowledge of Mr Hutton.*
>
> *(c) inferentially, that at some stage or stages perjured evidence was given by Police officers, including Mr Hutton."*[1705]

712. These offences were considered against subsection 113 of the Crimes Act (fabricating evidence with intent to mislead a tribunal holding judicial proceedings), section 115 of the Crimes Act (conspiring to prosecute for an offence knowing the accused to be innocent), subsection 116 and 117(d) (conspiring or wilfully attempting to obstruct, prevent, pervert or defeat the course of justice),[1706] subsection 108 and 109 (perjury), and section 110 (false oath - before the Commission of Inquiry).[1707]

713. In respect of the three allegations NEAZOR concluded: *"My opinion is that on the evidence available there is no occasion for prosecuting Mr Hutton ..."*[1708] This conclusion has not satisfied many outspoken critics of police who, based on the report of the RCOI, believe that Detective Inspector HUTTON should have been prosecuted.

Forensics

714. Detective Sergeant Mervyn DEDMAN, officer-in-charge of the Fingerprint and Photographic Sections at Auckland, examined the crime scene for fingerprints.[1709] Those belonging to Jeannette were identified through the use of elimination prints taken at the time of a burglary at the property in 1967 *(see paragraph 2567)*,[1710] and were found throughout the house.[1711] Fingerprints which were believed to be Harvey's were located within the house.[1712] However, as police did not have his fingerprints on file, these were identified by prints taken from various locations inside the house.[1713] Seventeen fingerprints, not attributed to either Harvey or Jeannette, remain unidentified.[1714] The whereabouts of these fingerprint lifts (either physical or photographic record) is unknown. Whether these items have been destroyed or discarded over the years is similarly unknown.

715. Exhibits were taken from the CREWES' house and immediate scene. These exhibits included 36 blood samples which were sent to Doctor STAVELEY for analysis and blood grouping.[1715] Every blood stain from the lounge was sampled for analysis, but no further blood groups were detected.[1716] This indicates that the offender/s may not have received a significant injury (causing them to bleed) in the process of carrying out the murders.

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New information

Allegation that 'fresh' milk was found in the CREWES' kitchen

716. In his book, *All the Commissioner's Men,* Chris BIRT alleged that 'fresh' milk was found in the CREWES' house when the crime scene was discovered on Monday 22 June 1970.[1717] BIRT claimed that this relevant information was withheld from Arthur THOMAS' defence counsel *"... who remained ignorant of the existence of the fresh milk ..."*[1718] during the two trials, and said that this information was again withheld from the RCOI.[1719]

717. The assertion that 'fresh' milk was found in the kitchen was based on a Police Jobsheet by Detective Sergeant CHARLES. This documented Doctor FOX's understanding from Detective Inspector HUTTON that the partially full milk bottle found on the kitchen bench in the CREWES' house was not sour.[1720] Detective Sergeant CHARLES recorded that Doctor FOX did not think that an opened bottle of milk could have lasted for five days without going sour[1721] and, as a result, undertook an experiment to confirm this.[1722]

718. Doctor FOX concluded, and BIRT reported, that for there to be 'fresh' milk in the house when the crime scene was discovered, it would have had to be fresh no more than three days earlier, Saturday 20 June 1970.[1723] BIRT further stated that it was clear to him this 'fresh' bottle of milk could not have been part of the consignment delivered on the morning of Wednesday 17 June 1970.[1724]

719. The Police Jobsheet by Detective Sergeant CHARLES does indicate that it was conveyed to Doctor FOX that the partially full milk bottle was not sour. However, it is not documented that Detective Inspector HUTTON, or anyone else for that matter, had ever referred to this bottle as 'not sour' or 'fresh'. The two likely options are that Doctor FOX was either told this in error, or had misinterpreted what he had been told.

720. The evidence of Owen PRIEST, one of the first people through the crime scene, is clear - this milk was not 'fresh'. In a statement dated 26 June 1970, PRIEST stated: *"I picked up a bottle of milk and said 'that's really sour'."*[1725] Although this extract does not identify the milk bottle as the partially full bottle on the kitchen bench, PRIEST's evidence from the first and second trial, as well as the RCOI confirmed that this was the bottle in question.

721. At the deposition hearing PRIEST was recorded as saying: *"There was some milk in the kitchen, in a bottle. I picked it up and had a look at it. The milk was sour, very sour."*[1726] At the first trial PRIEST stated that he picked up[1727] the half bottle of milk[1728] and *"it was solidified"*.[1729] Again at the second trial, PRIEST stated that the half bottle of milk was sour[1730] and at the RCOI described this as a *"... half bottle of milk which had gone sour."*[1731]

722. The file does not contain any other reference, apart from Detective Sergeant CHARLES' Police Jobsheet, to milk in the kitchen being fresh. The only other milk on the kitchen bench was in two unopened bottles, with bottle tops dated Wednesday 17 June. It is known that the opened milk bottle in question had a bottle top dated Monday 15 June attached.[1732]

723. Although BIRT based his assertion on a document held within the homicide investigation file, this was not balanced against other material on the file which strongly suggests the correct position is that there was no 'fresh' milk found in the kitchen.

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Medical opinion regarding Rochelle CREWE's condition

Events after Rochelle was found

724. After Rochelle was discovered in the home alone on Monday 22 June 1970, four independent doctors were asked to make an assessment of her condition to determine the period for which she had gone without food or fluid *(see appendix 7)*. The purpose of this was three-fold: (i) to determine the day on which her parents may have been murdered, (ii) to determine whether Rochelle had been cared for by someone between the time of her parents' murders and the crime scene being discovered, and (iii) to determine whether Rochelle could have gotten out of, and back into, her cot unaided.

725. Doctor FOX, Children's Physician to the Auckland Hospital Board, Doctor LUDBROOK of the Crippled Children's Society, and Doctor CAUGHEY, Consulting Children's Physician, all examined Rochelle between Tuesday 23 June and 1 July 1970. Doctor FOX was the first doctor to examine Rochelle and the only one who examined her on more than one occasion. Doctors LUDBROOK and CAUGHEY had access to the report completed by Doctor FOX. A fourth professional, Doctor Robert ELLIOTT, Professor of Paediatrics at the University of Auckland, did not examine Rochelle, but provided an opinion based on the report compiled by Doctor FOX and other information from the police investigation file.

726. The following paragraphs provide details of Rochelle's condition when she was found, and observations by family, neighbours and medical practitioners. Assessments made and opinions given as to the likely time when Rochelle last consumed food or fluid prior to her discovery are also discussed.

727. When Lenard DEMLER approached the CREWES' house at approximately 1.00pm on Monday 22 June 1970,[1733] he said he heard Rochelle making noises which he described as 'calling out'[1734] and 'chattering'.[1735] DEMLER stated that when he entered her bedroom, Rochelle was lying down in the cot and was very dirty,[1736] but was not crying or upset.[1737] He stated that her cot smelt badly of urine and Rochelle had excreted all through her pyjamas.[1738] At the second trial, DEMLER observed that Rochelle was usually a 'very fat' child, but on this occasion was quite thin and had sunken eyes.[1739]

728. When Owen PRIEST later accompanied DEMLER to the scene, at about 1.45pm on Monday 22 June 1970,[1740] PRIEST described hearing Rochelle 'crying'[1741] and 'whimpering',[1742] which he said stopped as soon as the pair entered her bedroom.[1743] PRIEST stated that he noticed Rochelle's eyes were sunken[1744] and commented that she did not appear to be greatly distressed.[1745] PRIEST, a father of four children, did not think that Rochelle's condition was such that she needed to see a doctor, adding that she did not look hungry.[1746] DEMLER wrapped Rochelle in a blanket[1747] and took her in his car to the home of Anthony George WILLIS (DOB unknown) and Barbara WILLIS, where she was handed to Barbara.[1748] The WILLIS family were friends of DEMLER's.

729. Barbara WILLIS said she took Rochelle inside her home and undressed and bathed her.[1749] She described Rochelle wearing a pyjama top and singlet with two nappies and plastic pants[1750] (believed to be a nappy cover). WILLIS, who had three children of her own,[1751] stated that the nappies were soiled to such an extent that it was obvious to her the nappies had not been changed for a few days.[1752] She described that they were very wet and contained a large amount of stool which was very dark and dry.[1753] WILLIS burnt the nappies[1754] as she did not feel that she could have cleaned them.[1755]

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730. WILLIS said Rochelle was cold and shaking, as if she was in shock.[1756] She noticed that Rochelle was weak as she could not, or would not, stand up,[1757] but managed to cling to WILLIS.[1758] WILLIS stated that when she first saw Rochelle she was drawn in the face,[1759] her eyes were sunken,[1760] had dark circles under them[1761] and the whites of her eyes were bloodshot.[1762] WILLIS described a rash on Rochelle's bottom which had blistered in places.[1763]

731. WILLIS telephoned Doctor John LIGHTBODY[1764] who arranged for the District Nurse, Nancy CRAWFORD, to deliver some cream for the rash.[1765] WILLIS commented that apart from the rash she did not consider it necessary that Rochelle receive medical attention,[1766] commenting that she seemed more emotionally in need of help.[1767]

732. Rochelle was fed a lightly boiled egg, bread and butter and some peaches with ice cream[1768] and five or six ounces (approximately 148 millilitres) of milk[1769]. WILLIS stated that Rochelle was very hungry, eating most of the food,[1770] and requested more milk.[1771] Rochelle vomited after eating.[1772]

733. Doctor LUDBROOK commented, in his report dated 2 July 1970, that the food given to Rochelle was unsuitable after a long period of starvation, hence why she vomited.[1773]

734. At the first and second trials, WILLIS stated that she did not think Rochelle had anything further to eat[1774] or drink[1775] that evening. However, Doctor FOX noted in his interim report, dated 26 June 1970, that on Tuesday 23 June 1970 WILLIS reported to him that Rochelle had been given about 28 ounces (approximately 828 millilitres, or three-and-a-half cups) of milk from the time of her arrival at WILLIS' home until the morning.[1776] It is likely that WILLIS' account to Doctor FOX on 23 June is more accurate than her memory of this at trial, months and then years later.

735. WILLIS stated that Rochelle had at least one bowel movement on the evening of Monday 22 June 1970, and may have had another but she could not be sure.[1777] WILLIS said that she also changed Rochelle's wet nappy once during the night.[1778]

736. WILLIS' memory of Rochelle's bowl movements was noted in a Police Jobsheet dated 2 October 1970 and was consistent with the evidence she gave at the deposition hearing, first trial and second trial. However, it is noted that Nurse CRAWFORD stated that when she visited Rochelle on Tuesday 23 June 1970 WILLIS advised her that Rochelle had two bowel movements during the night.[1779]

737. Although this information was only provided to police by Nurse CRAWFORD on 1 October 1970, it is apparent that she made note of this information. Nurse CRAWFORD stated that she found this surprising, if in fact Rochelle had not been fed during the period she was left in the house.[1780] It is likely that WILLIS' account to Nurse CRAWFORD on Tuesday 23 June 1970 is the most accurate.

738. Nurse CRAWFORD arrived at the WILLIS home at about 4.30pm on Monday 22 June 1970 with cream for Rochelle's nappy rash.[1781] By this time Rochelle had been washed and her clothing changed.[1782] Nurse CRAWFORD examined Rochelle briefly and noted the rash on her buttocks[1783] which was 'very badly scalded'[1784] and also made note of blistering.[1785] Nurse CRAWFORD concluded that Rochelle's nappies had not been changed for a few days.[1786] She stated that there were no other marks on Rochelle's body.[1787]

739. Nurse CRAWFORD described Rochelle as hollow eyed in appearance[1788] which, she said, could have been a result of Rochelle's dehydrated state.[1789] She observed that Rochelle had

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the appearance of having lost weight[1790] and her body showed signs of not having sufficient fluid for some time.[1791] This was evidenced by the tissue on her legs being particularly soft.[1792] Nurse CRAWFORD noted that Rochelle could not walk and fell over when she tried to do so.[1793] Rochelle appeared to Nurse CRAWFORD to be very tense and upset[1794] when examined, and she clung to WILLIS.[1795]

740. Nurse CRAWFORD did not consider that Rochelle was in need of medical treatment,[1796] other than the ointment Doctor LIGHTBODY had prescribed.[1797] She did, however, recommend that WILLIS give Rochelle fluids with glucose for at least the next 12 hours.[1798]

741. Nurse CRAWFORD stated that Rochelle was in much better condition than she would have expected had she not been fed for five or six days.[1799] She did, however, qualify this by stating that she did not have any experience with abandoned children,[1800] nor had she seen Rochelle prior to this time,[1801] and could therefore not give an opinion as to how long Rochelle had potentially been without food or fluid.[1802]

Opinion of Doctor FOX

742. Doctor FOX first examined Rochelle at 1.45pm on Tuesday 23 June 1970 (about 24 hours after she had been removed from the house).[1803] At this time he spoke to Barbara WILLIS who described Rochelle's state the previous day and detailed what Rochelle had consumed since being in her care.[1804] Doctor FOX filed an interim report on Rochelle's condition to police on 26 June 1970.[1805]

743. Doctor FOX noted that at the time of his examination Rochelle weighed twenty-seven pounds, five ounces[1806] (approximately 12.4 kilograms). Detective Sergeant CHARLES' Police Jobsheet of the examination recorded that this was her weight without nappies.[1807] Doctor FOX stated: *"The tone of her [Rochelle's] skin and muscles suggested that she may have recently lost one to two pounds [approximately 454 - 907 grams] in weight."*[1808]

744. Rochelle's Plunket book indicates that when she was seen on 11 June 1970 (12 days prior to 23 June) her weight was 30 pounds (13.6 kilograms). This was confirmed by the Plunket Nurse, Aileen WHITEMAN, who stated that Rochelle, at that time, was above average weight for her age.[1809]

745. On 2 October 1970, Detective PARKES made a comparison of the scales used to weigh Rochelle by Nurse WHITEMAN on 11 June and those used by Doctor FOX on Tuesday 23 June 1970.[1810] Detective PARKES stated that there was a difference of one ounce (approximately 28 grams) between the two,[1811] although he did not specify which recorded the higher and lower weights.

746. Rochelle's weight recorded the week prior to the death of her parents, and her being left alone in the home, indicates that she lost between at least two pounds ten ounces (approximately 1.2 kilograms) and two pounds twelve ounces (approximately 1.2 kilograms). However, this does not allow for weight gain between 11 June and Wednesday 17 June 1970, or for weight gain in the period (almost 24 hours) after she was discovered, during which time she received food and fluid.

747. Doctor LUDBROOK commented in his report dated 2 July 1970, that when weighed by Doctor FOX, Rochelle's weight may well have been less than twenty-seven pounds, five ounces[1812] (approximately 12.4 kilograms). This is because Rochelle had been given *"... a considerable amount of fluid which would have at least in part replenished fluid lost during the 4 1/2*

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days of starvation."[1813]

748. Doctor CAUGHEY stated in his report, dated 1 July 1970, that based on Rochelle's recorded weight on 23 June, and an assumed weight gain from the reintroduction of food and fluids of one to one-and-a-half pounds (approximately 454 - 680 grams), *"a reasonable estimate of her lowest weight at the time she was discovered is 26 lbs [approximately 11.8 kilograms]."*[1814] Thus, her loss of tissue and fluid would be four to four-and-a-half pounds[1815] (approximately 1.8 - 2 kilograms). Doctor CAUGHEY calculated that this equated to a loss of 13 percent to 15 percent of Rochelle's body weight.[1816] However, he considered that weight loss would be less under cold atmospheric conditions, such as those at Pukekawa in June.[1817]

749. When spoken to by police on 30 September 1970, Nurse WHITEMAN stated that Rochelle would have been wearing a nappy at the time she was weighed and a deduction would have been made for this.[1818] At the deposition hearing she stated that this allowance would have been four ounces[1819] (approximately 113 grams). When Nurse WHITEMAN examined Rochelle on 11 June, she found Rochelle to be healthy and well looked after.[1820]

750. Doctor FOX made two key observations about Rochelle's reported condition on the afternoon of Monday 22 June 1970:

> *"The details of the child's intake of food and liquids given by Mrs. Willis and the fact that the child had not been regarded as ill suggested that Rochelle had been without normal care for a maximum of seventy-two hours, the more likely period being forty-eight hours."*[1821]
>
> *"The description of the contents of the napkins and the napkin rash were consistent with the child being left unchanged for forty-eight hours and possibly seventy-two hours."*[1822]

751. On the basis of these findings, Doctor FOX concluded that Rochelle had been unattended and without food or fluid from either: 2.00pm on Friday 19 June 1970; or 2.00pm on Saturday 20 June 1970.[1823] However, he did state: *"The latter date, 20th June, 1970 is the more likely."*[1824]

752. Detective Sergeant CHARLES' Police Jobsheet, dated 23 June 1970, noted Doctor FOX's comment that a child of Rochelle's age could possibly survive for five days without food or water, but he would have expected to see signs of dehydration which were not apparent.[1825]

753. On 25 June 1970, after learning of Harvey and Jeannette's disappearance, Nurse WHITEMAN visited the home of Barbara WILLIS to see Rochelle.[1826] On this day she did not examine Rochelle[1827] but noted that she was withdrawn.[1828] Nurse WHITEMAN stated that Rochelle's appetite was improving and she was able to walk again,[1829] although was noticeably unsteady on her feet.[1830]

754. Doctor FOX carried out a second examination of Rochelle at about 11.00am on 26 June 1970.[1831] He noted at this time the nappy rash had almost completely healed and Rochelle's weight had increased by 12 ounces (approximately 340 grams), to 28 pounds, one ounce[1832] (approximately 12.7 kilograms). He commented: *"Her general muscle tone was comparable with that at the first examination and this may well be normal for Rochelle."*[1833]

755. Doctor FOX stated that after his second examination he remained of the opinion that *"... Rochelle had been unattended for approximately forty-eight hours with a maximum of seventy-two hours prior to 1430 hours on Monday, 22nd June, 1970."*[1834]

756. Detective ROBERTS' Police Jobsheet of this second examination noted: *"Dr. FOX told me that in advance of his report he could say that he was more than ever certain that the child had certainly*

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not gone without liquid for more than 48 hours."[1835] This differs slightly from the conclusion presented in Doctor FOX's report to police where he gives a range between 48 and 72 hours. More weight is placed on the opinion given in Doctor FOX's report as this is what he was prepared to formally commit to.

757. Doctor FOX stated that Rochelle *"... probably spent a great deal of the time sleeping and thus conserving her resources of fluid and calories."*[1836] He also noted that the cold temperatures of June would also reduce fluid loss by perspiration and that her condition prior to being left unattended could withstand a *"... substantial period of deprivation of energy intake in food."*[1837]

758. Doctor FOX cited the difficulties in trying to assess the likely survival period, in an otherwise well child of Rochelle's age, who had been deprived of both food and fluid, explaining that there was an absence of previous experience of similar cases and informative literature on the subject.[1838] Doctor FOX observed: *"A child such as Rochelle, living under the same conditions outlined above might survive six days, but she would be seriously ill at the end of that time."*[1839]

759. Doctor FOX examined Rochelle for a third time on 16 July 1970.[1840] He reported that apart from a slight cold Rochelle's condition was good.[1841] On this occasion her weight was recorded as thirty pounds, eight ounces[1842] (approximately 13.8 kilograms). Doctor FOX again reiterated his belief, to Detective PARKES, that *"... Rochelle could have lived for 5 days without being fed but he would have expected her to be in much poorer condition than she was."*[1843]

760. Doctor FOX gave evidence at the deposition hearing,[1844] the first trial[1845] and the second trial[1846] about his examinations and assessment of Rochelle. He explained that in order to establish how long Rochelle had been without food and fluid he referred to literature regarding the normal requirements of food and fluid, and losses thereof, in a child.[1847] Doctor FOX cited 'Nelsons Textbook of Paediatrics'[1848] and a book by 'Harris'.[1849] He stated that from these texts he was able to make certain calculations about expected weight loss over a period of time.[1850] Doctor FOX explained that an average child of Rochelle's age, under normal circumstances, would lose about 84 millilitres of fluid per day in urine, perspiration and (bowel) motions.[1851]

Opinion of Doctor LUDBROOK

761. Doctor LUDBROOK was seen by police on 30 June 1970.[1852] A Police Jobsheet by Sergeant B. KEMP recorded that based on the information provided, Doctor LUDBROOK *"... was of the opinion that a child in good physical condition could live at this time of year for five days without food or water."*[1853] Doctor LUDBROOK explained that the cooler weather conditions would cause a drop in body temperature which, in turn, *"... tends to slow everything down."*[1854]

762. Doctor LUDBROOK stated that the only way to be really sure of how long Rochelle had been without food and fluid, was to have examined her immediately after she had been found in order to determine the degree of dehydration.[1855] Regarding Rochelle's nappy rash, Doctor LUDBROOK stated that the ammonia in urine would cause the skin beneath a nappy to peel after 24 hours.[1856] He assessed that the nappy rash would not get much worse after the 24 hour period *"... owing to the fact that the baby had not consumed any liquids and so would not urinate very often."*[1857]

763. On 1 July 1970 Doctor LUDBROOK examined Rochelle and completed a report of his assessment on 2 July 1970.[1858] His report stated: *"My opinion is that a well-nourished, healthy child could withstand starvation for at least 10 days in cool weather."*[1859] Doctor LUDBROOK

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stated that there were reports of starvation for much longer periods which did not result in serious damage to the subject's health.[1860] However, he did not cite his sources or the case studies upon which he based his assertion. Doctor LUDBROOK noted: *"A child resting in its cot will lose only a limited amount of body fluid, and will rapidly respond to administration of water and glucose ..."*[1861]

764. Doctor LUDBROOK was not called to give evidence of his examination and assessment of Rochelle's condition at any judicial hearings.

Opinion of Doctor CAUGHEY

765. Doctor CAUGHEY was seen by police on 30 June 1970.[1862] He was asked to provide an opinion as to whether it was possible for Rochelle to have survived for five days without food and fluid.[1863] Doctor CAUGHEY stated that in his opinion *"... the baby could live for the five days with out any food and water."*[1864] Doctor CAUGHEY stated that the only way to be certain of this would be to have taken a number of tests at the time Rochelle was found.[1865] It is not recorded on Sergeant KEMP's Police Jobsheet whether Doctor CAUGHEY indicated the type of tests he would have carried out.

766. Doctor CAUGHEY examined Rochelle on 1 July 1970 and produced a report of his assessment on 2 July 1970.[1866] He noted, physically, it appeared that Rochelle had completely recovered from the 'moderately severe dehydration' and weight loss.[1867] Doctor CAUGHEY stated that in his opinion, *"... a child who was obviously in such good health and nutrition prior to this disaster was perfectly able to withstand a period of starvation of food and fluids in the absence of ill health or extreme heat for a period of at least 7 days."*[1868] He added that although he could not say Rochelle had not been fed between Wednesday 17 June and Monday 22 June 1970: *"I would say without hesitation that she could survive this period without food or fluids."*[1869]

767. While giving evidence at the second trial, Doctor CAUGHEY stated that, in his opinion, Rochelle could have withstood a period of four to five days, or even longer, without any fluid.[1870]

768. Doctor CAUGHEY stated that, in his opinion, the condition of Rochelle's nappy rash when she was found did not provide any indication as to how long her nappies had gone without being changed.[1871]

769. Detective PARKES' Police Jobsheet noted that he found Doctor CAUGHEY to be much more approachable that Doctor LUDBROOK.[1872] It was also noted that the reasons Doctor CAUGHEY gave for his findings were much more practical than those given by Doctor LUDBROOK.[1873] Detective PARKES reported that Doctor CAUGHEY would not shift from the opinions expressed in his report dated 2 July 1970: *"He said in his opinion there are no grays, only clear black and whites in this case."*[1874]

770. Doctor CAUGHEY made his assessment of Rochelle based on her apparent loss of body weight, which could then be equated to a level of dehydration. In his report dated 2 July 1970[1875] and during his evidence at the second trial,[1876] Doctor CAUGHEY estimated that Rochelle had lost somewhere in the range of four-and-a-half pounds (approximately 2 kilograms). At the second trial, Doctor CAUGHEY stated that based on this estimation Rochelle may have lost 14.75 percent of her body weight during the period she was without her parents, which equated to 14.75 percent dehydration - which was in the moderate range.[1877] Doctor CAUGHEY explained that a child who is slightly dehydrated loses 8

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percent to 12 percent of their body weight.[1878] A child who is moderately dehydrated loses 12 percent to 16 percent in body weight and a severely dehydrated child, who would require hospitalisation, loses 16 percent to 20 percent of their body weight.[1879]

771. In his report dated 2 July 1970, Doctor CAUGHEY stated that the loss of four-and-a-half pounds indicated a 13 percent to 15 percent loss of body weight.[1880] While this differs from the figure of 14.75 percent he quoted while giving evidence at the second trial, this fits within the range of 13 percent to 15 percent Doctor CAUGHEY initially reported. On 1 October 1970, Detective PARKES recorded that Doctor CAUGHEY believed Rochelle would have been suffering from about 10 percent dehydration.[1881] This is significantly lower, and according to the dehydration figures Doctor CAUGHEY quoted during his evidence at the second trial, would put Rochelle in the slightly dehydrated range. This would almost certainly affect the final conclusion of the period Rochelle had been without food or fluid.

772. Detective PARKES' Jobsheet also recorded that Doctor CAUGHEY commented he would have expected death to occur at about 15 percent dehydration.[1882] This conflicts with Doctor CAUGHEY's report (dated 2 July 1970) where he stated: *"A loss of up to 15% body weight, particularly when occurring under conditions of starvation rather than of ill health is perfectly compatible with life"*,[1883] and Doctor CAUGHEY's evidence (in 1973) that a severely dehydrated child would require hospitalisation due to a loss of 16 percent to 20 percent of their body weight, when death would occur.[1884]

773. Considering Doctor CAUGHEY gave evidence at the second trial consistent with the contents of his report prepared in 1970, it is quite possible that Detective PARKES was mistaken in his recollection or recording of the conversation or that Doctor CAUGHEY had revised his calculations prior to submitting his official report.

774. At the second trial, Doctor CAUGHEY stated that there was another method by which an assessment of the period which Rochelle had been without food/fluid could be made.[1885] He said that in medical literature from the 1940s by 'Cambell',[xxi] 'Darrow', 'Butler' and 'Nathan', losses that children suffer in states of total starvation, which he believed to be the case with Rochelle, were calculated.[1886] Doctor CAUGHEY stated:*"... when a child is starved the kidneys shut down and reduce fluid loss to a minimum ..."*[1887] He estimated loss of urine in a child of Rochelle's weight was 75 to 100 millilitres a day.[1888] Loss of fluid by way of normal perspiration and evaporation in Rochelle could be estimated at 275 millilitres,[1889] and loss due to stool (bowel motions) would have been about 25 to 30 millilitres per day.[1890] This would mean that the total loss, not considering caloric loss (as calories were not being burnt other than the basic loss) would be about 400 millilitres a day and, as one millilitre weighs approximately one gram, this is 400 grams (just under one pound).[1891]

775. Doctor CAUGHEY pointed out that the starvation period for Rochelle would not be considered as beginning on the evening of Wednesday 17 June 1970 as, presumably, Rochelle was fed as normal on the Wednesday evening.[1892] Thus, she would have been in a normal state on the morning of Thursday 18 June 1970, ready for breakfast.[1893] Therefore, Doctor CAUGHEY stated the period of starvation would be a total of four and one quarter days, which translates to somewhere around four and a quarter pounds (approximately 1.9 kilograms) weight loss.[1894]

776. Doctor CAUGHEY stated that while it was possible Rochelle had received some fluid over

[xxi] As is written in the trial transcript.

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that period, he was of the opinion that *"... her clinical state was consistent with her not having been fed."*[1895]

777. Of note, Detective PARKES stated in his Police Jobsheet dated 2 October 1970: *"Although Dr CAUGHEY was quite set in his opinion, I feel considerable doubt could be placed on his findings as he appears likely to qualify his opinions under cross-examination."*[1896]

Opinion of Professor ELLIOTT

778. Professor ELLIOTT read the report compiled by Doctor FOX of his assessment, spoke with Detective Inspector HUTTON, and viewed the CREWES' house in order to give his opinion.[1897] He did not examine Rochelle.

779. Professor ELLIOTT's report, dated 30 September 1970, stated: *"... I am of the opinion that she [Rochelle] was without intake for a period of less than 48 hours before 13.30 hrs. on the 22nd June."*[1898]

780. Professor ELLIOTT's report stated: *"There is little doubt that Rochelle could have survived **with** [bold added] food or fluid intake for approximately five days ..."*[1899] However, when taken in the context of this report, and the complete sentence concluding: *"... as I have personal knowledge of even younger children surviving for greater periods under similar circumstances"*, it appears that the Professor actually meant: *"There is little doubt that Rochelle could have survived **without** [bold added] food or fluid ..."*[1900]

781. Professor ELLIOTT assessed that tissue solids lost during five days without food or fluid would have been approximately one pound, 14 ounces[1901] (approximately 850 grams). He further calculated that fluid losses from insensible sweating, minimum urine loss and minimum faecal water loss, would have been at least three pounds, two ounces[1902] (approximately 1.4 kilograms). Professor ELLIOTT stated that these losses would represent approximately 10 percent of Rochelle's total body weight and *"... is known to be consistent with an extremely ill child - ill to the degree where spontaneous activity such as sitting and clinging would have been impossible."*[1903]

782. Professor ELLIOTT reported that these minimum losses were in fact exceeded, *"... the cot mattress, bedding and napkins were soaked with fluid, and large amounts of faecal material were noted."*[1904] No estimates appear to have been made as to the quantity of urine which had been present in the bedding and mattress in Rochelle's cot. Professor ELLIOTT commented upon the 'large amounts' of faecal material that was present, but this could only be sourced from information provided to police by Barbara WILLIS. WILLIS was the only person to have seen the contents of Rochelle's nappy and commented that it contained a large amount of stool. However, this is subjective and it does not appear that the quantity involved was ever clarified. Again, it is unknown what part this information played in Professor ELLIOTT's assessment of Rochelle's condition.

783. Professor ELLIOTT's report stated that Rochelle weighed 30 pounds (13.6 kilograms) *"... approximately two weeks before the time it is thought her parents were killed."*[1905] He commented that the maximum weight for Rochelle at 1.30pm on Monday 22 June 1970 would have been 25 pounds (11.3 kilograms) if no food or fluid had been consumed for about five days.[1906]

784. In fact, Rochelle's Plunket book indicates that her weight was 30 pounds on 11 June 1970, six days before her parent's murders, not two weeks. It is unknown whether this incorrect information was a factor in Professor ELLIOTT's assessment regarding the period in which Rochelle was without food or fluid.

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785. Professor ELLIOTT also reported that when weighed on Tuesday 23 June 1970, Rochelle was twenty-seven pounds and five ounces[1907] (approximately 12.4 kilograms). He commented: *"If this 'weight gain' had been due to retention of fluid (54 oz. [approximately 1.6 litres] were given) again, a state of at least 8% dehydration would have existed. This is again inconsistent with the child's stated activity on the 22nd June."*[1908]

786. Professor ELLIOTT quoted 54 ounces (approximately 1.6 litres) of fluid was given to Rochelle, although the time period to which this corresponds is not indicated. Fifty four ounces of fluid is different to the 28 ounces (approximately 828 millilitres) noted by Doctor FOX in his report which was said to be the amount of fluid Rochelle had consumed, although not all had been retained, between about 2.30pm on Monday 22 June 1970 and the morning of Tuesday 23 June 1970.

787. Professor ELLIOTT stated that Rochelle passed a 'large quantity' of urine between 6.30pm and 10.00pm, after receiving only about 23 ounces (approximately 652 grams) of fluid.[1909] He assessed that this quantity of urine was unlikely to have been passed if serious dehydration existed at 1.30pm.[1910] On this basis he stated that *"... it seems likely that the child was less than 48 hours without fluid."*[1911] Rochelle's weight gain between Doctor FOX's examination of her on Tuesday 23 June 1970 and 16 July 1970, together with his observation of apparent tissue loss *"... suggests that the child's food intake may have been inadequate for a period exceeding 48 hours before 13.30 hrs. 22nd June."*[1912]

Was Rochelle CREWE fed between the time of her parents' murders and the crime scene being discovered?

788. Of the four doctors who made an assessment of the time Rochelle was without food or fluid, Doctor FOX and Professor ELLIOTT both stated that a child such as Rochelle could possibly have survived for five days and Doctor FOX even said that a child may survive for a period of six days. However, both were of the opinion that Rochelle had been without food or fluid for a shorter period. Doctor FOX concluded that this period was between 48 hours and a maximum of 72 hours, but that he favoured 48 hours. Professor ELLIOTT concluded that Rochelle had been without food or fluid for about 48 hours.

789. Based upon these assessments it is possible that Rochelle was given food or fluid between 2.30pm on Friday 19 June and 2.30pm on Saturday 20 June 1970. It is noted that this time period coincides with the sighting of a child outside the CREWES' house by Queenie McCONACHIE at 1.40pm on Saturday 20 June 1970 *(see paragraph 377).*

790. Doctors LUDBROOK and CAUGHEY, on the other hand, differed from this opinion. Doctor LUDBROOK stated that a child such as Rochelle could have survived for a period of 10 days without food or fluid and Doctor CAUGHEY stated that this could have been seven days. There is a significant difference in expert opinion.

791. It is noted that in 1970 there was an apparent lack of literature on the topic of child starvation, relating specifically to children who, prior to the period of starvation, had been in a normal condition. Furthermore, Rochelle's Plunket book indicates that she weighed 30 pounds (about 13.6 kilograms) prior to her parents' deaths, which was above the average weight of 25 pounds (about 11.4 kilograms) for children of her age.

792. Doctor FOX noted, in his report dated 26 June 1970, that he continued to search for relevant literature, but stated that none had yet been found pertaining to the survival period of a 'well' child of Rochelle's age without food or fluids.[1913] He noted that this situation had not

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previously been encountered in an otherwise normal child.[1914] It was noted on 16 July 1970 that, in collaboration with Doctor CAIRNS, Doctor FOX was writing to pathological and other experts in the USA and the United Kingdom for any record of similar cases.[1915] It does not appear that Doctor FOX found any literature which he considered relevant.

793. Doctor LUDBROOK stated that he had undertaken considerable research at the medical library prior to submitting his report to police.[1916] He stated that most of his reference material was contained in books on physiology and quoted, as an example, *"... experiments carried out on a dog which lived for 40 days without food or water ..."*[1917] Detective PARKES' Police Jobsheet, dated 2 October 1970, stated that in fact all tests to which Doctor LUDBROOK made reference had related to animals, *"... but the human is an animal and he [Doctor LUDBROOK] would consider that there would be consistency throughout."*[1918]

794. Without any specific knowledge of how the human condition, and more specifically that of an 18-month-old child, would respond to a period without food or fluid, it is difficult to assess the reliability of Doctor LUDBROOK's findings. While Doctor FOX was unable to find any relevant medical literature on this topic, and therefore made his assessment on expected weight loss, Doctor LUDBROOK researched and made reference to case studies involving animals. It is not explained by Doctor LUDBROOK how the two - a child and a dog - would compare in this respect. Nevertheless, this factor makes it difficult to accept that Doctor LUDBROOK's findings are based on sound research.

795. Professor ELLIOTT, on the other hand, stated that he had *"... personal knowledge of even younger children surviving for greater periods under similar circumstances."*[1919] These examples were not traversed in his report on Rochelle's condition and, as he was never called to give evidence in court, Professor ELLIOTT did not explain the circumstances and similarities between Rochelle's condition and the case/s to which he referred.

796. It is noted that Detective PARKES' Police Jobsheet dated 1 October 1970, which detailed the basis behind Doctor LUDBROOK's research, may have been trying to portray him in an unfavourable light. During the discussion with Doctor LUDBROOK, Detective PARKES was trying to persuade him to modify his findings so as to agree with Doctor FOX's findings.[1920] Doctor LUDBROOK evidently would not agree to this and Detective PARKES concluded his Jobsheet: *"I consider he would be a very stubborn witness for the defence. The only possible points for discrediting him lie in the fact that he quotes no personal experience in dealing with this sort of child and his reference material relates to animals rather than humans."*[1921]

797. Detective Sergeant CHARLES' Police Jobsheet, dated 25 September 1970, noted that the professional opinions of Doctor LUDBROOK and Doctor CAUGHEY *"... could hinder the prosecution."*[1922] This comment indicates that, at this time, police were advancing the theory that Rochelle had in fact been fed between the time of her parents' murders and the crime scene being discovered. Also of note, Detective Sergeant CHARLES' Jobsheet goes on to say: *"The Crown Prosecutor, Mr. MORRIS asks that these two Doctors be approached again and informed of Dr. FOX's evidence, and opinions. This is with a view to them perhaps agreeing wholely [sic] or partially with the latter Doctor's opinion."*[1923]

798. This was done, as per Detective PARKES' Police Jobsheet dated 2 October 1970.[1924] Detective PARKES noted that he found Doctor LUDBROOK to be 'very set in his ways', *"he said he had given the matter a lot of thought and was not prepared to deviate from his report in any way."*[1925] Detective PARKES reported that he could not persuade Doctor LUDBROOK to agree with Doctor FOX's findings, as set out in his report dated 26 June 1970.[1926]

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799. A report, dated 11 October 1977, from Assistant Commissioner THOMPSON to Commissioner Ken BURNSIDE, reported that when Detective Inspector HUTTON was spoken to, he said: *"... everyone thought that Professor Elliott would have been a good witness as he was just back from Australia. However, when seen it turned out that he was just a novice."*[1927]

800. In the absence of reference material, Doctor FOX appears to have carried out his own experiments in order to assist in his assessment. Doctor FOX made a request to Detective Sergeant CHARLES to find out the temperatures in Pukekawa over the period from Wednesday 17 June to Monday 22 June 1970 so that he could reach an accurate opinion concerning whether or not Rochelle had been fed.[1928]

801. Documentation on the file provides the temperatures recorded at Te Kauwhata, the nearest recording station to Pukekawa, between 17 June and 22 June 1970.[1929] The minimum and maximum temperatures for these days were as follows:

- Wednesday 17 June 1970 - minimum 48.1 degrees Fahrenheit (8.9 degrees Celsius), maximum 58.7 degrees Fahrenheit (14.8 degrees Celsius).[1930]
- Thursday 18 June 1970 - minimum 49.3 degrees Fahrenheit (9.6 degrees Celsius), maximum 59.8 degrees Fahrenheit (15.4 degrees Celsius).[1931]
- Friday 19 June - minimum 46.6 degrees Fahrenheit (8.1 degrees Celsius), maximum 59.6 degrees Fahrenheit (15.3 degrees Celsius).[1932]
- Saturday 20 June 1970 - minimum 43 degrees Fahrenheit (6.1 degrees Celsius), maximum 54.7 degrees Fahrenheit (12.6 degrees Celsius).[1933]
- Sunday 21 June 1970 - minimum 33.3 degrees Fahrenheit (.7 degrees Celsius), maximum 56.2 degrees Fahrenheit (13.4 degrees Celsius).[1934]
- Monday 22 June 1970 - minimum 33.2 degrees Fahrenheit (.6 degrees Celsius), maximum 58.3 degrees Fahrenheit (14.6 degrees Celsius).[1935]

802. On 5 October 1970, Doctor FOX reported that he had undertaken an experiment to determine the period a nappy and pair of child's pyjama pants (such as that Rochelle had been found in) would remain wet.[1936] Each item was soaked with three ounces (90 milligrams) of water and placed on thick cloth in temperatures between 58 and 67 degrees Fahrenheit[1937] (between approximately 14 and 19 degrees Celsius). Doctor FOX reported that after approximately two days and seventeen hours, the pants were 'dry' and the napkin was 'almost dry' on top and slightly damp underneath.[1938]

803. The various qualifications held by each doctor do not assist in determining whether one opinion/s is more reliable than others. In 1970 all doctors held a Bachelor of Medicine and Bachelor of Surgery (MB ChB or MBBS).[1939] Doctor LUDRBOOK was a Fellow of the Royal College of Physicians (FRCP),[1940] while Doctors FOX and CAUGHEY were Members (MRCP).[1941] Doctors LUDBROOK and CAUGHEY were Fellows of the Royal Australasian College of Physicians (FRACP),[1942] and Doctors FOX and ELLIOTT were Members of the Royal Australasian College of Physicians (MRACP).[1943] Doctor FOX was also a Fellow of the Royal College of Physicians, Edinburgh (FRCPE).[1944]

804. During Doctor LUDBROOK's examination of Rochelle, Detective ROBERTS made note that Doctor LUDBROOK *"... completely discounted Dr. FOX's opinion and was in fact rather scathing about it."*[1945] Detective ROBERTS noted that while Doctor FOX was relatively modest about

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his degree of knowledge on the subject of dehydration and malnutrition, Doctor LUDBROOK told him, at some length, about the amount of research he had conducted on the matter.[1946] Detective ROBERTS, who was present during Doctor CAUGHEY's examination of Rochelle on 1 July 1970, noted that Doctor CAUGHEY's criticism of Doctor FOX was not so extreme.[1947]

805. It is unclear whether Doctor FOX and Doctor LUDBROOK's attitudes towards this subject were an indication of their level of experience with such matters.

New information

806. Nil

Further enquiries - opinion of Professor JENNY (2013)

807. In September 2012, the Review Team formally engaged Professor Carole JENNY, MD, MBA, FAAP, a Professor of Paediatrics at the Warren Alpert Medical School of Brown University, Rhode Island, USA, to provide an expert opinion relating to Rochelle's health at the time she was found.[1948] Professor JENNY was supplied with a number of documents, which included observations of Rochelle after she was discovered on Monday 22 June 1970 and expert medical opinions sought during the course of the original investigation.[1949] She was asked to comment on the following:

> *"(1) Is it possible for a child of Rochelle's age to have survived if left unattended until 1:00pm, Monday, 22 June 1970, when she was found by her grandfather in her cot?*
>
> *(2) If so, what is the level if this possibility:*
>
> *(i) a remote possibility?*
>
> *(ii) a reasonable possibility?*
>
> *(iii) a likelihood?*
>
> *(iv) other definition?*
>
> *(3) Is Rochelle's physical and emotional state when found consistent with your identified level of possibility (if one exists)?"* [1950]

808. On 12 February 2013, after examining the relevant material, Professor JENNY submitted her final report. She identified that there were three separate issues to consider when assessing Rochelle's physical health at the time she was found, those being starvation, dehydration and psychological stress.[1951] Professor JENNY noted that *"prior to June 17, 1970, Rochelle was a very healthy and well cared for child"* and commented that *"on a standard World Health Organization growth charts [sic], her weight-for-length ratio was above the 95th percentile. Since she was healthy and not underweight, she would be able to tolerate deprivation better than a frail child."* [1952]

809. Professor JENNY noted that, even today, there is very little literature available on the response of children to starvation, as most studies of this topic relate to starvation and malnutrition in developing countries[1953] and are therefore not relevant. However, Professor JENNY did reference a study published (in 1994) in the *Western Journal of Medicine,* of a group of 87 American pioneers who ran out of food in the winter of 1846-1847.[1954] She noted: *"Very young children and older men were found to be the most vulnerable to starvation. They experienced a much higher death rate."*[1955]

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810. This is the only case study to which Professor JENNY referred in her report and is perhaps indicative of the lack of literature available regarding the effect of starvation on children in developed countries. While the findings of this case study certainly remain relevant today, 166 years on, there are more recent examples of a small child going without food for days in circumstances more similar to that which Rochelle endured.[1956] The fact that none were referred to by Professor JENNY, however, is possibly suggestive of their relevance in assessing Rochelle's condition.

811. Professor JENNY said *"the length of time one can stand total starvation depends on initial mass of body protein and fat"* and noted that the response to acute starvation in a previously well fed individual differs markedly to that of a malnourished individual.[1957] In addition, she stated that *"Rochelle most likely reacted to her lack of food by being very still and not expending energy."*[1958]

812. Professor JENNY stated that human adult starvation studies found metabolic acidosis developed after two to three days of starvation.[1959] The US National Library of Medicine explains *"metabolic acidosis is a condition in which there is too much acid in the body fluids."*[1960] Professor JENNY said that if Rochelle had not been fed she should have experienced the ketoacidosis of starvation - which occurs due to a decrease in food intake and therefore a decrease in insulin secretion.[1961] She also stated that starvation usually causes a decrease in stress hormones (such as catecholamines and cortisol), growth hormone and glucagon, and said that hyperketonemia (the presence of elevated concentrations of ketone bodies in the blood)[1962] would develop after one day of starvation in children.[1963] Professor JENNY cited the absence of laboratory data on Rochelle's condition.[1964] Presumably, had these changes in her condition occurred, this could have been detected if the appropriate tests were completed when Rochelle was found.

813. Professor JENNY explained that clinical signs of metabolic acidosis are non-specific, but generally vomiting, nausea, poor perfusion (blood flow to the organs)[1965] and respiratory distress occur.[1966] She specifically noted that a toddler with metabolic acidosis would present with an increased respiratory rate *"... as their bodies compensate for the excess acid in their blood by releasing increased amounts of CO_2 [carbon dioxide] from their lungs."*[1967]

814. It is noted that Rochelle was said by Barbara WILLIS to have vomited on the evening of Monday 22 June 1970.[1968] However, this was after consuming foods which Doctor LUDBROOK later described as unsuitable after a period without food.[1969] Furthermore, Professor JENNY noted: *"... the most frequent complication of refeeding after short term starvation is that the person eats too much when food becomes available and is uncomfortable or vomits."*[1970]

815. A further indicator of starvation in children was noted by Professor JENNY who stated that *"... children who are in a state of starvation are exhaling ketones in their breath. This gives their breath a peculiar sweet smell."*[1971] She commented that there were no accounts of Rochelle observed as having unusual smelling breath.[1972]

816. Professor JENNY concluded: *"In summary, in the Crewe case, the available evidence shows that the child could have survived for five days without being fed, but I would have anticipated that the people caring for her would have noted the increased rate of breathing associated with metabolic acidosis."*[1973]

817. Professor JENNY said the majority of literature available regarding dehydration in infants and children related to dehydration as a result of vomiting and/or diarrhoea, rather than dehydration due to a lack of access to water.[1974] She stated that this difference could affect the interpretation of signs and symptoms.[1975] She said the 'gold standard' of calculating the

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degree of dehydration in a child was the percent decrease in body weight, but that baseline hydrated weights were rarely available.[1976]

818. Professor JENNY noted in her report that Rochelle's recorded weight from 'two weeks earlier' (11 June 1970) was taken on different scales to that used to weigh her on Tuesday 23 June 1970 by Doctor FOX.[1977] She commented that *"... wide variations in individual scales are not unusual"*, perhaps indicating that these weights were not totally reliable.[1978] Unbeknown to Professor JENNY, this matter was addressed at the first trial by (then) Detective Sergeant PARKES. Detective Sergeant PARKES stated that he had in fact made a comparison of the scales in the Plunket rooms (where Rochelle was weighed on 11 June 1970) and at Doctor FOX's office.[1979] He found that the weight was almost identical, with a difference of only one ounce (approximately 28 grams).[1980]

819. Professor JENNY reported that several scales had been developed to assess degrees of dehydration, all of which included some common signs and symptoms, although studies differed on which of these elements were the most predictive.[1981] Common signs and symptoms are:

- *"General appearance. Does this child appear normal? Is the child thirsty, restless, or irritable? Is the child drowsy, limp, cold, sweaty, or comatose?*
- *Eyes. Dehydrated children's eyes appear slightly sunken or very sunken.*
- *Tear production. If a child is producing tears normally, the chance of significant dehydration is low.*
- *Mucus membranes. The mouth is normally moist. With worsening dehydration the mucous membranes become sticky and then dry.*
- *Heart rate. If a child is seriously dehydrated and their blood volume is decreased, the heart rate increases.*
- *Respiration. With dehydration, the respiratory rate and depth increased.*
- *Skin turgor. Skin turgor is assessed by pinching the abdominal skin lateral to the umbilicus between two fingers. Normally, the skin immediately recoils to its original state. As dehydration increases, the skin takes longer to return to normal or actually stays tented. Decreased skin turgor is seen when dehydration is ≥ 4% of body weight.*
- *Capillary refill time. The child's finger tip is held at the level of the heart and squeezed to push the blood out the capillaries. The finger tip turns white for a few seconds. Within two seconds the blood should return to the finger tip and the color [sic] should turn back to red. If it takes longer then two seconds for color [sic] to return, the capillary refill is delayed. This is a sign of poor peripheral perfusion."*[1982]

820. Professor JENNY noted that *"many of the signs of dehydration are subjective, and different people interpret the signs inaccurately."*[1983] She cited one study which identified that physicians' clinical estimation of degree of dehydration in children was only accurate 33 percent of the time.[1984] Furthermore, she stated that studies showed the signs and symptoms (noted above) were more accurate in distinguishing a mildly or moderately dehydrated child from a non-dehydrated child, and were less reliable in distinguishing between a moderately or severely dehydrated child.[1985]

821. Professor JENNY indicated that when estimating dehydration as a percentage of body

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weight, mild dehydration is a 3 percent to 5 percent loss of body weight, moderate dehydration is 6 percent to 9 percent loss and severe dehydration is greater than or equal to 10 percent loss.[1986] It is noted that these parameters differ to those quoted by Doctor CAUGHEY in 1973. Doctor CAUGHEY indicated that slight dehydration was an 8 percent to 12 percent loss of body weight, moderate dehydration was 12 percent to 16 percent loss and severe dehydration, which would require hospitalisation, was 16 percent to 20 percent loss.[1987] The reason for the significant discrepancy between the figures quoted by Professor JENNY and Doctor CAUGHEY is unknown. Professor JENNY's descriptions are likely to be more reliable, given the advances during the last 40 years in knowledge of the effects of dehydration.

822. Professor JENNY explained that a child suffering mild dehydration may not be exhibiting clinical signs of dehydration.[1988] A child with moderate dehydration may present with tachycardia (rapid heartbeat), decreased blood pressure upon standing, decreased skin turgor, dry mucous membranes, irritability, delayed capillary refill and deep respirations would be present.[1989] Urine output would decrease and tearing (when crying) would decrease.[1990] With severe dehydration children present in 'near-shock' with hypotension, decreased peripheral perfusion, capillary refill at more than three seconds, cool and mottled extremities, lethargy, deep respirations and an increased respiratory rate.[1991]

823. Professor JENNY noted that several of the symptoms used to estimate the degree of dehydration were not commented upon by the doctors who examined Rochelle or other observers, including: mucous membranes, heart rate, respiration, skin turgor and capillary refill.[1992]

824. The fact that Doctor FOX, Doctor LUDBROOK, Doctor CAUGHEY and Professor ELLIOTT did not comment upon the presence or absence of these symptoms in Rochelle, or upon the fact that this information regarding her condition was not available to them, perhaps indicates that these were not standard measures of dehydration in 1970. This being the case may further support the suggestion that the clinical assessment of degree of dehydration has changed over the past 40 years. Conversely, it is possible that the symptoms to determine dehydration were similar, but simply not commented upon by the doctors due to the absence of this information.

825. It is important to note that although there is no comment on the file regarding Rochelle exhibiting a number of symptoms now associated with dehydration, this does not mean that these symptoms were not exhibited. Police officers interviewing those who had come in to contact with Rochelle in the hours after she was found would not have known to ask about these signs. Similarly, if Rochelle had shown symptoms (as described above), witnesses may not have realised that this was important to mention or may have simply misinterpreted them - as Professor JENNY noted is commonly the case, even with qualified physicians.[1993]

826. Given the descriptions of Rochelle's overall condition, Professor JENNY estimated that her dehydration was in the moderate range, from 6 percent to 10 percent.[1994] It is noted that this is less than Doctor CAUGHEY's estimate at the second trial of 14.75 percent,[1995] but is comparable with Professor ELLIOTT's opinion of 'approximately 10 percent'.[1996]

827. Professor JENNY stated that laboratory analysis is 'very helpful' in determining the extent of dehydration, including levels of sodium, chloride, bicarbonate and urea within the blood.[1997] She noted that, in Rochelle's case, this information was unavailable.[1998] Professor JENNY also commented that there was no evidence Rochelle had lost fluid from vomiting or diarrhoea

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(before she was found) which indicated her losses would most likely have been loss of water alone.[1999] She stated: *"... typical signs of dehydration are less pronounced when only water is lost."*[2000]

828. With the absence of laboratory data, and limited descriptions of Rochelle's condition available, Professor JENNY stated that one fact stood out to her: *"The investigators described her cot mattress and bedding as very wet. A diaper found in her cot was also described as wet. When children are deprived of fluid, their urine output quickly decreases to almost nothing."*[2001] She stated that, had Rochelle been completely deprived of food and fluid for almost five days, it would be impossible for the cot mattress and blankets to be soaked in urine to the extent described.[2002] Professor JENNY stated: *"This fact combined with the fact that no one noted the child to be breathing deep or fast leads me to conclude that the child was given food and/or drink between the time her parents died and the time she was found by her grandfather."*[2003]

829. In respect of Rochelle's psychological and emotional state when found, Professor JENNY acknowledged that a child such as Rochelle, who had been well cared for by her parents, would find their sudden withdrawal very distressing.[2004] She stated that Rochelle's *"... passivity and inactivity is consistent with adaptation to her circumstances"* and her psychological state at the time of being found was consistent with the shock and abandonment she had experienced.[2005]

830. In response to the questions posed to her by the Review Team, Professor JENNY stated that it was possible for a child of Rochelle's age to have survived unattended for the period of time between her parents' murders and Rochelle being discovered.[2006] However, she stated that she would have expected Rochelle's state to have been 'quite different' when found.[2007] She added that Rochelle's condition was *"... clinically incompatible with complete starvation and lack of fluid for five days"* and said she was 'certain' Rochelle had been provided food and/or fluid between the time her parents were murdered and when she was found.[2008]

831. Unlike the medical experts who provided opinions in 1970, Professor JENNY has vast experience working with abused and neglected children, having done so since 1983.[2009] This makes Professor JENNY's findings more credible than those of the medical experts in 1970 - none of whom had ever previously encountered a situation such as Rochelle's.

832. Further correspondence from Professor JENNY, dated 9 May 2013, described the expected condition of Rochelle, had she not consumed food or fluid for almost five days.[2010] Professor JENNY stated that Rochelle would be lethargic, have a peculiar odour to her breath, a profoundly dry mouth and parched, cracked lips.[2011] Her bed and bedding would be urine stained and smelly, but would be dry, not wet.[2012] She would be breathing deeply and rapidly, her pulse would be rapid and thready, when she cried no tears would be produced and her skin would feel doughy and odd.[2013]

833. It may be that several of the symptoms of dehydration mentioned by Professor JENNY were in fact noted by witnesses who had contact with Rochelle. Doctor FOX noted in his report that Barbara WILLIS indicated Rochelle *"... seemed ravenous and repeatedly indicated her desire for more milk ..."*[2014] WILLIS noted that Rochelle was cold,[2015] weak[2016] and *"... could not stand up or did not want to."*[2017] WILLIS,[2018] Owen PRIEST,[2019] and Lenard DEMLER[2020] all noted Rochelle's eyes were sunken, and in a statement dated 29 September 1970, PRIEST said: *"I couldn't say now whether there were any tears on her face, but I don't think there were."*[2021]

834. Professor JENNY stated: *"The unusual tenting or doughy feeling of the skin was not noted."*[2022]

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However, Doctor FOX did comment upon the 'tone' of Rochelle's skin and muscles, which suggested to him that she may have recently lost weight.[2023] Without further clarification from Doctor FOX as to the 'tone' of her skin it is unknown whether this is similar or differs from 'tenting' or 'doughy' skin described by Professor JENNY.

835. WILLIS was spoken to by Detective Senior Sergeant LENDRUM and Detective Charlotte MARTIN on 4 July 2013;[2024] however she was unable to shed any further light on Rochelle's condition, when she was first cared for by WILLIS.

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3. EVIDENCE THAT INDICATES THE DATE AND TIME OF THE MURDERS OF HARVEY AND JEANNETTE CREWE

Key findings

836. The CREWES were allegedly last seen alive by Beverley BATKIN between 3.30pm and 4.30pm on Wednesday 17 June 1970, driving through Tuakau towards Pukekawa. Prior to this, between about 12.30pm and about 2.30pm, Harvey, Jeannette and Rochelle had been seen by several people at a stock clearance sale at John LOCKHART's farm at Puketutu Road, Bombay. Alexander IRVINE reported seeing the CREWES' car at about 5.10pm, parked on Highway 22, approximately two kilometres south of the CREWES' house. It was presumed that Harvey was shifting sheep in a nearby paddock at this time.

837. Numerous telephone calls to the CREWES' house between 1.00pm on Thursday 18 June 1970 and 1.00pm on Monday 22 June 1970 went unanswered.

838. The CREWES did not collect their mail, or deliveries of bread and milk, from their delivery box after Wednesday 17 June 1970. This means that deliveries made on Thursday 18 June, Friday 19 June and Saturday 20 June (collectively Police Exhibit 48) remained in the box until Monday 22 June 1970.

839. The remains of a meal, consisting of flounder, potatoes and peas, and dirty dishes used in the preparation of this meal were present in the kitchen and on the dining table of the CREWES' house. It is likely that this meal was the CREWES' dinner on the evening of 17 June - the day they were last seen alive.

840. The CREWES usual dinner time was not able to be established, however information provided to police by friends and family indicate that it was likely Harvey and Jeannette sat down for dinner between 6.30pm and 8.30pm on 17 June.

841. It was the CREWES' usual routine to sit in the lounge and have a hot drink before doing the dishes. Items found in the kitchen when the crime scene was discovered indicate that the CREWES had had a cup of tea, possibly after their evening meal. Marie CREWE indicated that the CREWES may do the dinner dishes between one hour and one and a quarter hours after eating.

842. An analysis of all available information indicates that it is almost certain the CREWES time of death was between 7.00pm and 9.30pm on Wednesday 17 June 1970.

843. Julie PRIEST told police, although not until 20 August 1970, that she had heard three shots one evening around the time the CREWES were murdered. PRIEST stated that these shots would not have been before 8.30pm that evening, and her husband, Owen PRIEST (who did not hear the shots), said that they would have occurred before 11.00pm when he went to bed. Analysis of information contained within the file has now established that the night Julie PRIEST allegedly heard these shots was likely to have been Wednesday 17 June. However, there is no evidence that there were three shots, as PRIEST stated she heard, fired at the crime scene. It is possible that the shots allegedly heard by PRIEST were those which killed the CREWES.

844. The Crown case put before the juries of both trials asserted that the murders occurred on the evening of Wednesday 17 June 1970.[2025] A more definitive time was difficult to establish due

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to the circumstances of the murders. Evidence was presented at the RCOI in an effort to determine if adequate enquiries had been made by police regarding the time of death of Harvey and Jeannette.[2026] The Commissioners concluded: *"We are satisfied with the investigation of the Police into the question of the timing of the murders"*.[2027]

845. Detective Inspector HUTTON gave evidence at the first trial that it was his opinion the CREWES were murdered after television had finished for the night[2028] and the CREWES were seated in front of the fire.[2029] This is likely to have been a hypothesis developed because of the positioning of furniture in the lounge. In 1970 the 'close down' time for television was 11.00pm.[2030]

846. In David YALLOP's book, *Beyond Reasonable Doubt*, published in 1978, it is alleged that in an interview Crown Prosecutor David MORRIS said it was his belief the CREWES were killed earlier in the evening between 8.30pm and 8.45pm, rather than after television had finished.[2031] The basis for his opinion is unknown, as MORRIS later claimed at the RCOI not to have known of the existence of information regarding shots heard, provided to police by Julie PRIEST[2032] *(see paragraph 903)*.

The CREWES' movements

847. Harvey and Jeannette's final known interaction with others was between 12.30pm and about 2.30pm on Wednesday 17 June 1970 when they attended a stock clearance sale at the farm of John LOCKHART in Bombay *(see paragraph 86)*. It is unknown what time the CREWES left LOCKHART's farm.

848. Beverley BATKIN claimed that she had seen the CREWES drive past her home in Buckland Road, Tuakau, between 3.30pm and 4.30pm, travelling in the direction of Pukekawa[2033] *(see paragraph 91)*. After this time there were two sightings of the CREWES' vehicle parked on Highway 22 near their property - one by Craig FULTON at about 4.45pm[2034] *(see paragraph 97)* and one by Alexander IRVINE at about 5.10pm[2035] *(see paragraph 99)*. Neither saw Harvey or Jeannette, but IRVINE presumed that Harvey was shifting sheep in the paddock.[2036]

849. Ronald James WRIGHT (DOB [redacted]), Transport Foreman for Tuakau Transport Limited, stated that he had telephoned the CREWES' house half a dozen times between 1.00pm and 3.00pm on Thursday 18 June 1970, but received no answer.[2037]

850. Lynnette Jean RAMSEY (DOB [redacted]), a Pukekawa resident, telephoned the CREWES' house on Thursday 18 June 1970 at 3.00pm to ask if Jeannette wanted to go to the Plunket meeting.[2038] The telephone call was not answered.[2039]

851. Joseph MOORE telephoned the CREWES' house a number of times between Friday 19 June 1970 and Sunday 21 June 1970.[2040] These calls were not answered.[2041] MOORE again telephoned at 6.55am on Monday 22 June 1970, and received no answer,[2042] at which time he telephoned Lenard DEMLER to ask if the CREWES were away.[2043] DEMLER stated that as far as he knew they were home.[2044] MOORE asked if their telephone was out of order, to which DEMLER replied that he did not know.[2045] MOORE told DEMLER that he was going past the CREWES' house that day and he might call in.[2046]

852. MOORE, together with John DAGG, then visited the CREWES' property between 9.00am and 9.30am on Monday 22 June 1970 where DAGG knocked on the back door of the house.[2047] There was no answer.[2048] DAGG did not hear any movement inside the house[2049] and did not notice if the key was in the lock, as it was when the crime scene was discovered later that day.[2050]

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853. Ronald WRIGHT again telephoned the CREWES several times between 12.35pm and 1.00pm on Monday 22 June 1970, and received no answer.[2051] WRIGHT stated that he knew Harvey would want to get his sheep away (they were due to be collected by Tuakau Transport and taken to Westfield Freezing Company) so he then telephoned Lenard DEMLER and asked if he would go up and tell Harvey to get his sheep ready for the truck.[2052] DEMLER subsequently discovered the crime scene at about 1.00pm that day.[2053]

854. DEMLER gave evidence at the deposition hearing in 1970[2054] and the second trial in 1973[2055] that he was at the CREWES' farm on Wednesday 17 June 1970 and possibly Thursday 18 June 1970. This is believed to be incorrect and is likely the result of confusion by those putting questions to him, and confusion by DEMLER himself when giving evidence *(see paragraphs 2180-2185).*

855. Between Thursday 18 June 1970 and Sunday 21 June 1970 there were reported sightings of an unidentified woman *(see paragraph 149)*, a child *(see paragraph 377)* and movements of a vehicle of similar description to the CREWES' *(see paragraphs 149, 377, 449, 454, 464)*. However, none of these sightings are able to be attributed to the CREWES.

856. It appears from Alexander IRVINE's sighting that Harvey and Jeannette were still alive at 5.10pm. After this time Harvey would have returned home. The CREWES did not clear their delivery box on the morning of Thursday 18 June, after the delivery at about 9.30am, and subsequent attempts to contact them by telephone and in person were unsuccessful.

857. There is no indication on the file as to whether the CREWES' telephone was part of a 'party line'.[xxii] If this was the case it would mean that other households, potentially including DEMLER's, would know when the CREWES were receiving a telephone call and that these were left unanswered. However, the absence of comment in the file about this infers that this was not the case. It is known that telephone records were obtained of toll calls made from the CREWES' telephone in the months preceding their deaths. At the time of these enquiries it is likely that the existence of a party line at the CREWES' home would have been discovered and noted.

The CREWES' bodies

858. On 16 August 1970,[2056] white-baiters (Joseph ADAMS and John Henry GERBOWITZ (DOB [redacted]))[2057] located Jeannette's body floating in the Waikato River, approximately six miles (9.7 kilometres) west of the Tuakau Bridge. Jeannette's body was fully clothed[2058] and had been wrapped in a green blanket (Police Exhibit 245)[2059] and a 'cotton cover' (Police Exhibit 246).[2060] When her body was found, these coverings were wrapped around her legs[2061] and secured by copper wire (Police Exhibit 237) wrapped around her body[2062] *(see paragraph 1175).*

859. Pathologist Doctor CAIRNS established the cause of death to be a single .22[2063] shot to the head.[2064] The entry point was identified as being above the ear on the right side of the skull.[2065] Doctor CAIRNS stated that the direction in which the bullet travelled was 'almost parallel'.[2066] There was no exit wound, as the bullet (Police Exhibit 234) had become lodged in Jeannette's head near her left ear.[2067] Fourteen[2068] other particles (Police Exhibit 257) of the bullet were located near the entry wound and where the bullet became lodged in the skull.[2069] Doctor CAIRNS stated that at the time of the shot, the firearm would have been 'very close' to Jeannette's head as he observed a blackened area on the bone around the point of entry.[2070]

[xxii] A single telephone line used for multiple houses, with separate receivers in each home.

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Doctor CAIRNS stated that it was possible Jeannette had been shot from behind, while seated.[2071] However, he said it was more likely she had been shot while lying on the floor, with the left side of her face to the floor.[2072]

860. Doctor CAIRNS noted an injury to the soft tissue around Jeannette's right eye and nose, and that her nose was fractured.[2073] He concluded that these injuries were probably caused prior to her death.[2074] He said that there were also multiple fractures around her skull, which had been caused by the bullet passing through the skull.[2075] A bruise was located on the left side of her skull, between the ear and eye.[2076] Doctor CAIRNS commented that this was possibly caused when she had fallen.[2077] 'Bad bruising' was also present on the left armpit,[2078] which Doctor CAIRNS stated could have been caused by a fall, or her arm being caught on a couch or chair.[2079]

861. Doctor CAIRNS theorised that the injuries to Jeannette's nose and around her right eye were the result of a blow to the face with a blunt instrument[2080] - possibly the butt of the firearm.[2081] He stated that this blow to the face could have knocked Jeannette to the ground and, while on the ground, she was shot in the head.[2082]

862. David LYE, the CREWES' Dentist,[2083] attended the post mortem examination and positively identified Jeannette from previous dental work.[2084] LYE gave evidence, at the deposition hearing[2085] and the first trial[2086] that six of Jeannette's lower front teeth were missing when he examined her body. He noted that her other teeth remained in position, but were 'reasonably loose'.[2087]

863. At the deposition hearing, LYE stated that the six missing teeth, and looseness of the remaining teeth, could have been the result of a blow to her face prior to death.[2088] He also said that Jeannette's teeth may have been knocked out while her body was in the river, and that the remaining teeth could have instead been loose due to the decomposition of the body.[2089]

864. However, at the first trial, LYE dismissed the possibility that the looseness of Jeannette's remaining teeth could have been cause by a single blow to the face, and instead stated that it was his opinion that the condition of these teeth was due to decomposition of the membrane.[2090] Furthermore, LYE contended that Jeannette's six missing lower teeth may have also fallen out as a result of decomposition.[2091]

865. On 16 September 1970,[2092] one month after Jeannette's body was found, Harvey's body was located in the Waikato River by Constable WYLLIE and Police Diver Constable H. MILLER.[2093] The body was caught among branches of a tree[2094] approximately three miles (4.8 kilometres) west of the Tuakau Bridge.[2095] Harvey's body was fully clothed[2096] and wrapped in pieces of a 'ripped blanket' (Police Exhibit 295).[2097] Galvanised wire was wound around his body *(see paragraph 1177)* which had been weighted with a vehicle axle *(see paragraphs 1297-1298).* A dark brown[2098] bedspread[2099] (Police Exhibit 294) was located snagged in the same tree in which the body had been caught, which had almost certainly been wrapped around Harvey's head.[2100]

866. Doctor CAIRNS established the cause of death had been a single .22[2101] bullet wound to the head.[2102] The bullet had entered Harvey's skull about three inches above the bottom, and to the rear, of his left ear.[2103] The bullet had travelled from left to right, in a forward and slightly downward direction and caused radiating fractures to his skull.[2104] Nine[2105] small fragments of bullet (Police Exhibit 289) were recovered from his brain and from the soft tissue adjacent to the exit wound in the skull.[2106] One of these fragments of bullet (the largest of the nine)

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was recovered from beneath the skin in front of the right ear.[2107] Doctor CAIRNS commented that either a fragment of bullet, or a fragment of bone, had caused an exit wound in the external ear.[2108] Doctor CAIRNS noted that there was blood suffused through tissue on Harvey's chest and the inner side of the right arm.[2109] However, he stated that it was difficult to determine whether this was bruising or had developed after death.[2110]

867. As a result of the evidence at the crime scene and his examination of Harvey's body, Doctor CAIRNS theorised that he had been shot from the direction of the door to the kitchen, while sitting in the armchair (Police Exhibit 114) facing the fire.[2111] He stated that Harvey would have then slumped to the right side and bled on the chair.[2112]

868. Two of the items which had been used to wrap the CREWES' bodies had come from their house. These items were identified by Marie CREWE, during her evidence at the trials, as Police Exhibit 246 (the 'cotton cover' from Jeannette's body which was a bedspread from the CREWES' double bed),[2113] and what is likely to be Police Exhibit 294 (the dark brown bedspread found with Harvey's body, which almost certainly came from the master bedroom of the CREWES' house).[2114]

869. The origin of the other two items (Police Exhibits 245 and 295) which had been wrapped around the bodies is unknown. As two bedspreads which had been used to wrap the bodies had been sourced from the CREWES' house, it is likely that Police Exhibits 245 and 295 also came from the house. However, it is also possible that these items had been sourced elsewhere by the offender/s.

870. Marie CREWE's evidence, from the deposition hearing and first and second trials, was very hard to follow and descriptions she gave varied. It is noted that at the first trial, Marie was shown an exhibit (referred to as Police Exhibit 243) which she identified as a single bedspread from the spare room of the CREWES' house.[2115] However, Police Exhibit 243 was actually the cardigan that was found on Jeannette's body when it was recovered. It is likely that David BARAGWANATH, counsel assisting Crown Prosecutor David MORRIS, was in error when quoting this police exhibit number.

871. Both bodies had been in the water for two and three months respectively. They were fully clothed and covered in other materials[2116] which protected them somewhat from deterioration due to decomposition, the elements and animals. Nonetheless, it appears that the bodies themselves provided little assistance in estimating a time of death.

872. The only documented comment Pathologist Doctor CAIRNS appeared to have made regarding the time of death was in a report dated 23 September 1970, in which he stated: *"... the appearances [of the bodies of Harvey and Jeannette] were consistent with death having taken place about June 17th."*[2117]

873. Stomach contents from both deceased were taken in order to establish the last meal consumed.[2118] Rory SHANAHAN examined the stomach contents and noted that the only visibly recognisable contents in both stomachs were whole green peas.[2119] He also analysed the fats contained within the stomachs and compared this with the remains of the flounder meals located in the CREWES' house.[2120] The fats in both stomach contents were the same as the fats found in the flounder meal and were distinguishable from the other samples of household fats.[2121] SHANAHAN concluded that the last meal Harvey and Jeannette consumed was the flounder meal located on the dining table inside the house.[2122] There was no mention of whether the stomach contents could have assisted in estimating the time of death.

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874. The analysis of stomach contents from the bodies of Harvey and Jeannette, along with evidence located at the crime scene, clearly indicates that their last meal consisted of flounder, potatoes and peas. This was likely to have been their dinner on Wednesday 17 June 1970.

875. When Thyrle PIRRETT visited the CREWES' home on the morning of Wednesday 17 June 1970, she noted that Jeannette was wearing a bluey shade tweed skirt, light blue long sleeved jersey with a pattern around the neck, and slippers.[2123] Harvey was wearing dark working trousers and a brown knitted pullover.[2124]

876. This is different to the clothing that was found on the bodies when they were discovered. Jeannette's body was found in a yellow/fawnish cardigan[2125] and a green tartan skirt.[2126] Harvey's body was found in blue trousers,[2127] a heavy woollen pullover of blue[2128] or greenish colour[2129] and a green check shirt.[2130]

877. The clothing that Harvey and Jeannette were seen wearing on the morning of Wednesday 17 June 1970, as described by PIRRETT, does not match that found on the bodies. However, this is not thought to indicate that they were killed on another day. It is known that Harvey and Jeannette took an outing to a stock sale on the afternoon of 17 June.[2131] When seen at the stock sale, Harvey was described wearing a light green[2132] or fawn oil skin raincoat,[2133] a light green slouch hat, a scarf or towel around his neck and work boots.[2134] This wet weather gear covered the clothing he had on underneath so it is not possible to establish what he was wearing at this time. Jeannette did not get out of the car and it is therefore unknown what clothing she was wearing.[2135]

878. The weather that day was wet and cold and it is possible the couple changed into warmer clothes before leaving the house, or had to change when they returned from the stock sale as their clothing may have been damp. PIRRETT described Jeannette wearing a bluey shade tweed skirt. A 'blue skirt' was located on the floor in the master bedroom among a pile of women's clothing, along with a number of cardigans and short sleeved jumpers.[2136] It is possible that some if the items of women's clothing found on the floor of the bedroom[2137] matched the clothing described by PIRRETT, but due to the limited descriptions in the crime scene inventory this cannot be confirmed.

879. In Harvey's case, it is possible that he changed out of the working clothes he was wearing that morning[2138] into nicer clothing which was later located hanging over the door to the master bedroom,[2139] and then back into working clothes upon his return before moving sheep.

880. Lenard DEMLER, who identified Jeannette's body, stated that she had been wearing the same skirt as when he went to their home on the evening of Tuesday 16 June 1970.[2140] However, it must be noted that Jeannette owned a number of tartan or check skirts[2141] and it is questioned whether DEMLER would have differentiated between them.

Indications from the crime scene

881. The primary indicator as to time of death appears to be the remains of a meal and dirty dishes on the dining table and in the kitchen of the CREWES' house, indicating that a meal had been consumed but not cleaned up. It is likely that this meal was Harvey and Jeannette's dinner. However, this assertion was challenged by Robert ADAMS-SMITH QC in his reports to Prime Minister Robert MULDOON.

882. ADAMS-SMITH QC contended that there was not enough evidence to suggest that the

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CREWES were murdered on the evening of Wednesday 17 June 1970.[2142] He further stated that the time of death could just as easily have been earlier on Wednesday afternoon or even the morning of Thursday 18 June.[2143] However, these assertions by ADAMS-SMITH QC were not based on all of the available evidence and his reasoning behind these suggestions is unsound *(see section 11 of this document).*

883. The CREWES received deliveries of bread, milk and the *New Zealand Herald* newspaper on weekdays. The last known clearance of the delivery box was on Wednesday, 17 June 1970. The delivery man, Emmett SHIRLEY, stated that the CREWES always cleared their deliveries, never leaving items inside until the following day.[2144] Among items identified inside the house was the milk delivery dated Wednesday 17 June[2145] and the *New Zealand Herald* dated, 17 June[2146] indicating that these had been collected on that day.

884. When Rochelle was found in her cot on Monday 22 June 1970 she was wearing pyjamas[2147] and what could be referred to as a 'night nappy'[2148] *(see paragraph 650).*

885. If these are the same clothes that she was wearing when put into her cot on Wednesday 17 June, this indicates that she was put to bed at night time rather than a sleep during the day when, in most cases, one would expect the child to be put down for a sleep in the clothes they had been wearing that day. This adds weight to the notion that the CREWES were murdered in the evening, after Rochelle had been put to bed.

886. There is no evidence to suggest that Rochelle had been in the lounge with her parents at the time they were killed.

The CREWES' typical behaviour

887. Harvey and Jeannette did not mix socially[2149] with others in the district and largely kept to themselves.[2150] It appears their closest friends were those with whom they had long associations, and who invariably lived outside of the district. The private state of their lives has resulted in some difficulty when trying to establish usual routines of their day to day life.

888. Harvey's mother, Marie CREWE, stayed with Harvey and Jeannette at their home on a number of occasions.[2151] However, her last visit was in December 1968.[2152] Marie commented that Harvey and Jeannette used to eat dinner 'terribly late' and Marie would get hungry waiting.[2153] She explained that Harvey was a hard worker and continued working late and Jeannette was happy to wait for him.[2154] She stated that they would eat dinner at around 8.00pm.[2155]

889. Carolyn CHITTY, the CREWES nearest neighbour, noted that they were late to bed and late risers.[2156] She stated that they usually had their main meal of the day at about 8.30pm,[2157] although it is not known how CHITTY knew of their usual routine.

890. A friend of Harvey's from Masterton, Anthony John EATON (DOB [redacted]), stated that he stayed with the CREWES for a few days in January 1968 and during this time they had their evening meal at about 8.30pm.[2158]

891. Conversely Jeannette's father, Lenard DEMLER, stated that he went to the CREWES house on Tuesday 16 June 1970 for dinner at about 6.30pm[2159] and they ate almost immediately.[2160] He commented that Jeannette liked him to go for dinner at about 6.00pm to 6.30pm as at this time Rochelle had been put to bed for the night.[2161] Jeannette apparently preferred Rochelle to be in bed when DEMLER arrived so that she would not become excited and not settle to sleep for the night.[2162]

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892. The accounts by relatives, a friend and a neighbour, of when the CREWES had dinner, clearly conflict. It should be noted that Marie CREWE had not visited the home for 18 months prior to their deaths and it is likely that after the birth of their daughter, the CREWES' daily routine changed somewhat. Therefore, it is possible that their meal times were not as late as they had been when Marie and Anthony EATON had been staying with them. It must also be recognised that Lenard DEMLER was a guest to the house for dinner, rather than an occupant, and it is therefore possible that the meal times during these visits differed from the CREWES' usual routine.

893. Marie CREWE stated that after dinner they would sit in front of the fireplace and have coffee.[2163] This was confirmed by Lenard DEMLER who stated that after they finished dinner, Jeannette would take the dishes and make cups of tea.[2164] DEMLER also commented that when he entered the house on Monday 22 June 1970 and saw the dishes still on the dining table, he thought that was unusual as they usually cleared the table after their meals.[2165] He stated that when he was there for dinner they moved into the lounge to watch television while they drank their tea.[2166]

894. On the occasions when Marie stayed with Harvey and Jeannette and they were watching television, Harvey would sit in an arm chair, Jeannette on a chair with wooden arms and Marie sat on the couch.[2167] However, Marie also commented that when she last visited, the CREWES did not have a television.[2168]

895. In statements dated 24 June 1970 and 5 July 1970, DEMLER said that on the night of Tuesday 16 June when they moved into the lounge to watch television, he sat in the low arm chair by the fire which was the one Harvey usually sat on.[2169] DEMLER stated that when he was at the house Harvey usually sat near him in a smaller chair, not one of the lounge chairs,[2170] and Jeannette would always sit, knitting, on one of the lounge chairs positioned at the end of the couch and nearest the television.[2171] However, while giving evidence at the deposition hearing, first trial, second trial and RCOI, DEMLER said that Jeannette used to sit on the couch.[2172] At the RCOI, DEMLER changed his previous evidence further, stating that on 16 June Harvey sat in the fireside armchair, which was later found to have blood stains on it.[2173]

896. These comments clearly demonstrate that while DEMLER was at the house, seating arrangements differed from that which would be usual for the CREWES as DEMLER notes that he would sit in what was usually Harvey's chair.

897. Marie and DEMLER both stated that the dishes would be done after the CREWES sat down for their cup of tea or coffee.[2174] Marie commented that the dishes were done at about 9.30pm to 9.45pm, and Harvey and Jeannette would then both have a bath and go to bed.[2175] DEMLER stated that when he was at the house on Tuesday 16 June, the television was switched off at about 9.30pm[2176] and Jeannette made another cup of tea which they had while talking[2177] until about 10.00pm when he left.[2178]

898. Based on statements from family and friends, it is possible that the CREWES had dinner between 6.30pm and 8.30pm. Evidence at the crime scene suggests that the CREWES had finished their meal.

899. The crime scene inventory identifies the following items on the kitchen bench: a tea pot containing tea,[2179] a tea leaf strainer containing stale tea leaves,[2180] two cups and saucers[2181] and a teaspoon.[2182] Considering the CREWES had finished their evening meal and appear to have been seated in the lounge when they were killed, it is likely that these items in the kitchen were from their habitual cup of tea after dinner and prior to doing the dishes.

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However, the possibility should also be noted that these items could have been from a cup of tea earlier in the evening, after returning home from their outing to the stock clearance sale.

900. The CREWES were killed before they had a chance to clear away the dinner dishes which, based on information provided by family, would take place at approximately 9.30pm if the meal was eaten at 8.30pm. Therefore, it could be deduced that if the CREWES had eaten between 6.30pm and 8.30pm, the dishes may have been cleared between 7.30pm and 9.30pm. Allowing for time to eat their dinner and prepare and drink a cup of tea, a likely time of death for Harvey and Jeannette would be between about 7.00pm and 9.30pm.

901. It is possible that the television and/or fire were going while the CREWES were sitting in the lounge, as was the case the previous evening.[2183] However, it is also possible that the television was not on at the time and the couch Jeannette was likely sitting on had been moved forward to maximise the heat coming from the fire.

902. The positioning of the armchairs reflects the descriptions by Lenard DEMLER as to how these would be arranged if two people were sitting in them to get a good view of the television. Jeannette was likely sitting on the couch - due to the presence of her knitting.

Shots heard around the time of the murders

903. On 20 August 1970, Detective Sergeant CHARLES spoke to Julie PRIEST who stated that *"... around about the time that the CREWES went missing ..."* she heard three shots in quick succession 'from the direction' of the CREWES' farm.[2184] PRIEST stated that in her opinion the shots were too quick to be fired by a single shot weapon, but said she did not have sufficient experience with firearms to be able to say what calibre this firearm may have been.[2185]

904. Two bullets killed the CREWES and there was no physical evidence that there had in fact been a third shot fired at the property. However, it is possible that a third shot was discharged that night, although if so, its projectile was never located. The dwelling was searched thoroughly for bullet holes, bullets, lead and cartridge cases with none located.[2186] Had there been a third shot, this would have had to occur after Harvey was shot as he almost certainly would have risen from his position in the chair at the sound of a gunshot near the house - but this was not the case.

905. It is also possible that PRIEST was mistaken in the number of shots she heard. It was established that shooting at night in the district was not uncommon due to hunters shooting possums and rabbits, and therefore PRIEST did not pay particular attention to these.

906. Julie PRIEST and her husband Owen PRIEST resided on Highway 22, Pukekawa, approximately 575 metres north (as the crow flies) of the CREWES' property. Julie explained that on a Tuesday evening in mid-June she and Owen had gone to a ball[2187] organised by the Northern Roller Mills at Trillos in Auckland[2188] and returned home late.[2189] Because of this, she retired to bed earlier than usual one night that week (after Tuesday night), but this would not have been before 8.30pm.[2190] Julie said she had been lying in bed alone, before Owen went to bed, when she heard the shots.[2191]

907. The ball was confirmed by Thyrle PIRRETT as being on Tuesday 16 June 1970. In 1970, PIRRETT stated that she had also attended this ball and had seen the PRIESTS there.[2192]

908. Julie could not positively say which night she heard these shots, but said that the evening after the ball, Wednesday 17 June, was one of those when she went to bed early.[2193] She commented that when thinking back on it, this would be the most likely evening that she

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heard the shots.[2194]

909. Julie had been spoken to by police previously, on 23 June 1970[2195] and 26 June 1970,[2196] but failed to mention the shots she heard. The PRIESTS' home was a few hundred metres from the homicide investigation headquarters[2197] set up in the vacant CHITTY cottage, and Owen was a key witness in the initial days of the investigation.[2198] Julie would have therefore been in frequent contact with police[2199] and had numerous opportunities to disclose this information.

910. Julie stated that she did not inform police of hearing these shots earlier, as she believed that a firearm was not involved in the murders.[2200] However, upon learning from the newspapers that a firearm was in fact involved, she decided to mention this to police.[2201] It is likely that the reasons given by Julie for not disclosing this information to police are legitimate, as police did not initially believe a firearm had been used in the murders and it is likely that this information was conveyed to Pukekawa residents close to the investigation. Nevertheless, it would have been beneficial for investigators to learn about the gun shots earlier. Until Jeannette's body was found on 16 August 1970, there had been no evidence of the involvement of a firearm in the murders. Prior to this discovery police believed that the cause of death was attributed to a bladed weapon or blunt instrument.[2202]

911. Julie claimed that she told Owen about the shots not long after the police started enquiries.[2203] Owen apparently did not think it worth informing police either. He stated that from his own observations of the crime scene (when he went there with Lenard DEMLER on Monday 22 June 1970, and went through the house with police on 26 June 1970)[2204] and what he had read in the newspaper, he considered that a firearm was not involved[2205] and, therefore, may not have encouraged Julie to inform police.

912. When spoken to by Detective Sergeant CHARLES in August 1970, Owen confirmed that Julie had mentioned hearing the shots some time ago and not long after the CREWES went missing.[2206] However, at the RCOI Owen stated that on the evening in question Julie mentioned she had just heard shots when he went to bed that evening, although there was no number mentioned.[2207] Owen stated that he went to bed that night 'after television finished' at about 11.00pm.[2208]

913. At a Police Conference on 20 August 1970, Detective Sergeant CHARLES relayed the information provided by Julie[2209] and it was noted that a test was to be carried out to establish if shots at the CREWES' house could be heard from the PRIESTS' house.[2210] Enquiries were also to be made regarding the weather conditions that night[2211] to ascertain if this would have had an impact on the ability to hear shots.

914. Reports from the Meteorological Service indicate that between 6.00pm and 12.00 midnight on Wednesday 17 June 1970 in Auckland City (the nearest recording station to Pukekawa) there was an unstable north-westerly airflow.[2212] This wind direction would not assist in sound travelling from the CREWES' property to the PRIESTS' house.

915. On 22 September 1970, Detective Inspector HUTTON and Detective Sergeant James TOOTILL, officer-in-charge of enquiries, went to Pukekawa to carry out this test. Detective Inspector HUTTON positioned himself near the PRIESTS' residence and Detective Sergeant TOOTILL fired two shots near the back steps of the CREWES' house[2213] using a Gevarm rifle.[2214] Detective Inspector HUTTON stated that he was not able to hear the shots from his position.[2215] He noted that the weather on this day was reasonably moderate,[2216] with a very light wind[2217] blowing from the direction of the CREWES' house towards the PRIESTS'

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house.[2218] Detective Sergeant TOOTILL recorded that the cartridge cases from this test were retained by police.[2219]

916. Julie was not called by the Crown to give evidence at either of the trials. At the RCOI, Detective Inspector HUTTON indicated that he did not place much reliance on Julie's information, partly due to her coming forward at such a late stage.[2220] Detective Inspector HUTTON further stated that his discussion with Detective Sergeant CHARLES led him to believe that Julie was still vague as to when this had happened.[2221]

917. It does not appear the CREWES' closest neighbours, Ronald and Carolyn CHITTY, were asked if they heard any shots on the evening of Wednesday 17 June 1970. However, Lenard DEMLER stated that he had not heard any between Wednesday 17 June and Monday 22 June.[2222] Detective Inspector HUTTON commented that Pukekawa was a rabbit shooting district and one would expect to hear shots being fired.[2223] Owen and Julie PRIEST agreed stating that it was not uncommon to hear shots fired at night time because of possum[2224] and rabbit[2225] hunters in the area. This being the case it seems likely that shots could be fired around the district without residents taking particular notice.

918. While undertaking research for his book, David YALLOP spoke to Owen and Julie, and learned of Julie hearing the shots around the time of the murders. In an open letter to Prime Minister Robert MULDOON, YALLOP stated: *"On the night of 17 June, 1970, Mrs Julie Priest retired to bed early, at about 8 p.m .... Between 8.15 p.m. and 8.45 p.m. Mrs Priest heard three shots. She was sure at the time and is sure today that those shots came from the Crewe farm."*[2226] This information subsequently appeared in media reporting alleging that the shots were heard between 8.15pm and 8.45pm.[2227]

919. On 13 December 1978, Julie made a statement to (then) Detective Inspector CHARLES regarding what she was quoted as saying by YALLOP.[2228] Julie claimed she told YALLOP that she was never sure of the time or direction of the shots, but did say that it could have been the night in question.[2229] Julie denied telling YALLOP anything about the time she heard the shots because *"... I do not know"*.[2230] Julie confirmed that she cannot recall whether she had gone to sleep, was reading, or dozing when she heard the shots.[2231]

920. The PRIESTS were unhappy with the way they were misquoted in YALLOP's book and Julie wrote to Prime Minister MULDOON regarding this.[2232] The Prime Minister inferred that a lawyer appointed by him would be in contact.[2233] There is no further record on the file relating to this. However, a newspaper article dated 14 March 1979 contained a letter from an unnamed Wellington lawyer who claimed to have been asked to independently check statements attributed to Julie by YALLOP.[2234] The lawyer goes on to say that he examined the taped record of that conversation and is entirely satisfied that the statements are correctly summarised from that interview, except that the time stated by Julie was actually 8.00pm to 9.00pm.[2235] However, the PRIESTS claim that YALLOP turned the tape recorder on and off during the interview.[2236] At the RCOI, Julie again claimed that the times quoted in YALLOP's book were incorrect.[2237]

921. At the RCOI, Julie and Owen were questioned about the shots in an attempt to ascertain exactly when they had been heard. It was established that as Owen and Julie were going out (to the ball), Julie's parents had come to stay and look after their children.[2238] It was suggested to Julie that her parents had stayed with them from Tuesday 16 June to Friday 19 June 1970, to which she agreed and commented that she thought they had gone home on Friday afternoon.[2239]

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922. Julie confirmed that one evening that week, after the ball on Tuesday she had retired to bed earlier than usual and indicated that this was while her parents were still with them.[2240] This therefore had to have been on either Wednesday 17 June or Thursday 18 June.[2241] Owen's evidence at this time was confused and dates and days quoted do not correlate.[2242]

923. Coincidently, in June 1970 police made enquiries in to the presence of Julie's mother, Muriel CRONIN, at the PRIESTS' home regarding an unrelated matter. It was established that CRONIN had been at the PRIESTS' home that week and returned home on Thursday 18 June.[2243] It is assessed that this version of events, attained 10 days after the event in question, is likely to be accurate as opposed to the conflicting account given by Julie some 10 years later. Therefore, it appears that Julie was in error when stating that her mother returned home on Friday 19 June.

924. Considering the ball was in fact on Tuesday 16 June and Julie's mother actually returned home on Thursday 18 June, this reasoning would suggest that Wednesday 17 June would be the only night when she could have gone to bed early as described.

925. At the RCOI, Owen confirmed that Julie had gone to bed earlier than him one evening at this time and stated that he thought this would have been about 8.00pm but did not think it would be any earlier than that.[2244] Owen thought he went to bed that night at about 11.00pm.[2245] Julie stated that her usual bed time was about 9.30pm.[2246]

926. At the RCOI, Julie stated that when she had been lying in bed she heard the shots come from the direction of the CREWES' property.[2247] She stated that she was not able to say what time she heard these shots and did not know what time she went to bed that evening.[2248] At this time Julie was not able to say whether her husband was in bed with her at the time,[2249] although in 1970 Julie stated that it was before Owen had come to bed.[2250]

927. Unfortunately the hearing transcript omits Julie describing what she had heard that night.[2251] Julie was asked whether the sound she heard may have been a car backfiring and she replied that the sound had been the discharge of a rifle.[2252]

928. On 16 July 1980, Julie participated in a test-firing to establish whether shots could be heard from the CREWES' property while she was in her bedroom.[2253] There was no wind on the evening when the current (in 1980) occupant of the CREWES' house fired two shots.[2254] Julie stated she heard the two shots *"... as clear as a bell ['all caps' removed]."*[2255] This appears to have been an unofficial test conducted by the PRIESTS and neighbours, Ian and Peggy SPRATT in the presence of Julie PRIEST's solicitor 'Mr SORRELL',[2256] the details of which are unknown.

929. Julie confirmed that although she was not completely certain of the date on which she heard the shots when she spoke to police in 1970, at the time of the RCOI she was certain.[2257] However, she commented that she has never known the time of the shots.[2258] She was also not sure of the direction of the shots, but stated that it could have been from the CREWES' farm.[2259]

930. Based upon all of the information available it is likely that the shots heard by Julie were on the evening of Wednesday 17 June 1970. Julie stated that the shots would not have been before 8.30pm.[2260] Therefore, if the shots heard by Julie were the same shots that killed the CREWES this would indicate that the time of death was not prior to 8.30pm. When considering this along with the evidence as to the meal that was eaten, but not cleaned up, by the CREWES, it is possible that the time of death was between 8.30pm and 9.30pm.

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Alleged second test firing by police

931. Owen and Julie PRIEST alleged, in 1978[2261] and again at the RCOI in 1980,[2262] that there was a further test-firing in 1970 by Detective Inspector HUTTON and Detective JOHNSTON at the CREWES' property (in addition to that undertaken by Detective Inspector HUTTON and Detective Sergeant TOOTILL on 22 September 1970). The PRIESTS said they had heard two shots coming from the direction of the CREWES' property, while they were outside the fowl house on their property.[2263] This fowl house was described by Owen as being between 80[2264] and 180 yards[2265] (73 - 165 metres) closer to the CREWES' property than the bedroom from which Julie allegedly heard the shots on the evening of Wednesday 17 June 1970. The fowl house was approximately 465 metres ('as the crow flies') from the CREWES' house.

932. Julie told the RCOI that after they heard the shots on this occasion she and Owen walked into the middle of Highway 22 and looked in the direction of the CREWES' house.[2266] Owen and Julie said they saw two people,[2267] who Owen described as men,[2268] near the back porch of the house.[2269] Owen stated that he saw one of the men on the back porch and the other on the path area nearby.[2270] Neither of the PRIESTS recognised the men and they could not see either carrying a firearm.[2271]

933. In 1978, Owen told (then) Detective Inspector CHARLES that after hearing the shots he and Julie went and had lunch and, sometime later, on their way back to the fowl house, they saw Detective Inspector HUTTON and Detective JOHNSTON drive along Highway 22.[2272] However, at the RCOI, both Owen and Julie stated that after hearing the shots, and seeing two people at the CREWES' property, they continued working at the fowl house before walking along Highway 22 towards their home.[2273] As they were walking, Owen and Julie stated that Detective Inspector HUTTON pulled up alongside them with another person in the car.[2274] Julie stated the second person was Detective JOHNSTON.[2275] However, Owen said he was not 100 percent sure this person was Detective JOHNSTON.[2276]

934. It is inferred by Owen's description (in 1978), of him and Julie walking back to the fowl house after lunch, that the PRIESTS may have returned to their home for lunch. Had this been so, this means that while walking south along Highway 22 - back to the fowl house - they had seen the car coming towards them from the direction of the CREWES' property. Alternatively, had the PRIESTS been walking north along Highway 22 - back to their home from the fowl house - as described by Owen and Julie at the RCOI, the car would have come from behind them from the direction of the CREWES' property.

935. Both PRIESTS stated, at the RCOI, that after greetings were exchanged, Owen said to Detective Inspector HUTTON that he (Detective Inspector HUTTON) had just fired two shots at the CREWES' house.[2277] Owen said Detective Inspector HUTTON replied: *"... how do you know ...['all caps' removed]."*[2278] Owen told Detective Inspector HUTTON that they had heard the shots.[2279] There was no further conversation relating to the shots,[2280] but Owen said he took Detective Inspector HUTTON's lack of denial of firing shots[2281] at the CREWES' house to be confirmation that this had happened.[2282]

936. At the RCOI, the PRIESTS were questioned in an attempt to establish when these shots were allegedly fired. The evidence is vague and often varied. As a result, the only definite conclusion which could be drawn is that the date of this event cannot be positively established.

937. The PRIESTS both stated that they did not know the date on which this occurred.[2283] It was established that at some time around this period Owen had been in Thames Hospital for a

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number of days.[2284] This was used as a reference point to try and narrow down the dates. Julie agreed, when asked by Kevin RYAN, counsel for Arthur THOMAS at the RCOI, that Owen had probably been in hospital between 8 September and 30 September 1970[2285] and stated that the shots they heard occurred after his release from hospital.[2286] However, Julie also stated that she did not know if she had heard these shots in October 1970, or even if they had occurred prior to Arthur THOMAS' arrest (on 11 November 1970).[2287]

938. Owen, on the other hand, stated that he had been in hospital for a period of about 10 days, shortly after their wedding anniversary (on 29 September).[2288] Owen estimated the shots occurred prior to 27 October 1970 and, making a guess, stated that it may have been early[2289] or mid[2290] October 1970. However, Owen said that he did not know how he could fix this date.[2291] During questioning, Peter WILLIAMS QC, counsel for Arthur THOMAS at the RCOI, indicated that hospital records indicated Owen had been discharged from hospital on 30 September 1970.[2292] Owen stated that he had the impression the shots occurred not long after his hospital stay and, therefore, agreed it was probable that the shots were between 30 September and 27 October 1970.[2293] However, Owen also stated that the shots could have occurred before he went to hospital and commented that he found dates difficult to remember.[2294] Like Julie, Owen could not say whether these shots had in fact occurred prior to, or after, Arthur THOMAS' arrest.[2295]

939. Retired Detective Inspector HUTTON gave evidence at the RCOI that two days prior to the PRIESTS giving evidence they had telephoned him and asked for his assistance in fixing the date the shots were allegedly fired.[2296] During this conversation the PRIESTS (Julie was speaking to Detective Inspector HUTTON on the telephone, while Owen was listening nearby) asked him if this happened just after Harvey's body had been located.[2297] Detective Inspector HUTTON told them that he did not recall the date when they had met on the side of the road.[2298] Owen had indicated that they would settle on the day two days prior to Harvey's body been found (14 September 1970).[2299] However, when Detective Inspector HUTTON informed them that this was around 16 September or 17 September 1970, Julie said she thought Owen was in hospital at that time.[2300]

940. As to the time of day these shot were heard, Julie stated, at the RCOI, that this was in the middle of the afternoon.[2301] Owen agreed, stating that it would have been between 2.00pm and 2.30pm,[2302] and later said it would have been between 2.30pm and 3.00pm.[2303] However, on 13 December 1978, Owen told (then) Detective Inspector CHARLES that he had heard these shots sometime before lunch.[2304]

941. This event was reported in David YALLOP's book, *Beyond Reasonable Doubt*.[2305] However, the two police officers involved were named as Detective Inspector HUTTON and Detective Sergeant CHARLES, which conflicts with what the PRIESTS told police in 1978 and their evidence at the RCOI. While speaking to (then) Detective Inspector CHARLES in 1978, Owen drew attention to the fact that YALLOP reported that the fowl house was near the bedroom from which Julie stated that she heard the shots at the time of the murders[2306] - which was incorrect.

942. At the RCOI, retired Detective Inspector HUTTON denied that he and Detective JOHNSTON (or he and Detective CHARLES) fired any shots at Pukekawa as alleged by the PRIESTS.[2307] However, he recalled one particular day, during the homicide investigation, that he and Detective JOHNSTON were in the Pukekawa area.[2308] He said that while driving from the direction of Glen Murray (south of the PRIESTS' property) he stopped and spoke to Owen and Julie on the side of Highway 22.[2309] HUTTON stated that he did not recall where he had

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been prior to seeing the PRIESTS, but that he could have been at the CREWES' property.[2310]

943. HUTTON stated that he recalled Owen asking if he had fired shots at the CREWES' property some time before, but said Detective JOHNSTON replied with words to the effect: *"... no we havent [sic] fired any shots, what do you mean ...['all caps' removed]."*[2311] HUTTON said Owen then told them that he and Julie had heard a couple of shots and they had thought this may have been HUTTON and Detective JOHNSTON.[2312] HUTTON stated that he could not place the date when this occurred.[2313]

944. Peter WILLIAMS QC put it to HUTTON that the occurrence described by the PRIESTS was how Police Exhibit 350 (a cartridge case fired from Arthur THOMAS' rifle) came to be in the CREWES' garden.[2314] HUTTON replied: *"I cdnt [sic] agree with that."*[2315] Nevertheless, the RCOI concluded that it was on the occasion described by the PRIESTS that Detective Inspector HUTTON and Detective JOHNSTON planted Police Exhibit 350 in the CREWES' garden.[2316]

945. On 19 August 2012, a newspaper article claimed that author Chris BIRT had identified a day when Detective Inspector HUTTON and Detective JOHNSTON were in the Pukekawa area together, and inferred that this was when Police Exhibit 350 was allegedly planted.[2317] BIRT stated that a Police Jobsheet detailing an interview with Lenard DEMLER was 'the smoking gun' because: *"It puts Hutton and Johnston together in the locality on the day two neighbours heard shots being fired at the scene and saw two men on the porch, just five metres from the garden where the cartridge case was found."*[2318]

946. The Police Jobsheet referred to by BIRT is almost certainly that by Detective JOHNSTON regarding events on 22 October 1970.[2319] This Jobsheet documented that Detective JOHNSTON *"... in the company of Det. Insp. HUTTON"* visited Lenard DEMLER at 3.00pm at his home - on Highway 22, Pukekawa.[2320] There is also another Jobsheet by Detective JOHNSTON for 22 October 1970 on the file. This document recorded that Detective JOHNSTON *"... in company of Det. Insp. HUTTON"* visited Arthur THOMAS at 10.15am at his home - on Mercer Ferry Road, Pukekawa.[2321]

947. It is possible that 22 October 1970 was the day on which Detective Inspector HUTTON, in the company of Detective JOHNSTON, recalled having a conversation with Owen and Julie PRIEST on the side of Highway 22. It is also possible that 22 October 1970 was the day the PRIESTS allegedly heard shots from the direction of the CREWES' house.

New information

948. Nil

Further enquiries - opinion of Doctor MORROW (2013)

949. In June 2013, Doctor Paul MORROW, Forensic Pathologist, National Forensic Pathology Service, New Zealand, was approached by the Review Team. He reviewed information regarding the crime scene, pathological reports and evidence given by Pathologist Doctor CAIRNS, and photographs of the crime scene and autopsies.[2322] He also examined a piece of skin (Police Exhibit 235) taken from Jeannette's body which contained the bullet entry hole, the teeth (Police Exhibit 255) which had been removed from Jeannette's body by Doctor CAIRNS, and the teeth (Police Exhibit 416) which had been removed from Harvey's body by Doctor CAIRNS.[2323]

950. Doctor MORROW was asked to provide an opinion as to how Jeannette lost her six lower

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teeth *(see paragraph 862)*, and to comment on how long Harvey may have remained in the armchair (Police Exhibit 114) after being fatally shot.[2324]

951. Doctor MORROW stated that, in his opinion, Jeannette's six lower teeth were lost due to loosening during decomposition while her body was in the Waikato River.[2325] He stated that there was no evidence from the written or photographic material that Jeannette sustained a trauma to her mouth to account for the loss of these teeth.[2326]

952. Doctor MORROW stated, regarding the length of time Harvey may have remained in the chair after being shot, that he did not believe it was possible to give an accurate assessment of this, based on the forensic pathological evidence.[2327] Doctor MORROW cited Doctor CAIRNS testimony, which stated that although the gunshot would have rendered Harvey unconscious, this was not necessarily immediately fatal, and Harvey could have continued to breath and 'actively bleed' for some minutes.[2328] Doctor MORROW stated that there would have been three sources of bleeding from Harvey's body: (i) the entrance wound, (ii) the exit wound (from the ear), and (iii) the mouth and nose.[2329] He stated that is was most likely that the major source of bleeding would have been from Harvey's mouth and nose - which would be associated with 'basilar skull fractures'.[2330] Doctor MORROW stated that, even after death, blood could have continued to drain from the wounds until it coagulated.[2331]

953. Doctor MORROW said that, in his experience, the length of survival from similar gunshot wounds to that received by Harvey is unpredictable.[2332] However, he stated that it was probable Harvey remained in the chair for some period of time - up to hours - and it was possible that Harvey's body had remained in the chair during much of the attempt to clean up and the crime scene.[2333]

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4. IS POLICE EXHIBIT 317 THE MURDER WEAPON?

Key findings

954. In 1970, DSIR Scientist Doctor NELSON could not exclude Arthur THOMAS' rifle (Police Exhibit 317) as being the murder weapon. Police Exhibit 317 was again examined, in 1972, by George PRICE, Principal Scientific Officer, Head of Ballistics Section, Home Office Forensic Science Laboratory, United Kingdom, who stated that this rifle 'could well have' fired the fatal bullets. Defence expert Randolph MURRAY agreed, saying (in 1972) that Police Exhibit 317 could have fired the fatal bullets. At the RCOI in 1980, Peter PRESCOTT, Principal Scientific Officer, Head of Ballistics Section, Home Office Forensic Science Laboratory, United Kingdom, examined Police Exhibit 317 and concluded that it was 'highly probable' this firearm was the murder weapon. In 2013, Sharon FOWLER, Senior Forensic Scientist, National Ballistics Intelligence Service, Greater Manchester Police, United Kingdom, stated that this matter could not be advanced any further without a physical examination of Police Exhibit 317 (last known to be in the possession of THOMAS). In 2014, Kevan WALSH, Case Manager, Physical Evidence, ESR, stated that there was 'strong support' for the proposition that Police Exhibit 317 had fired the fatal bullets.

955. The 'EYRE rifle' (Police Reference Number C3B) was initially unable to be excluded as the murder weapon by Doctor NELSON at the time of his examination in 1970. However, at the RCOI in 1980 PRESCOTT determined that C3B only had five lands and grooves, not six, and therefore should have been eliminated as the murder weapon 10 years earlier. Furthermore, it has been confirmed by Robert NGAMOKI, officer-in-charge of the Police Armoury (2006), Din COLLINGS, gunsmith from Collings and Bradey Gunsmiths (2006), and FOWLER (2013) that the barrel presently on this firearm is almost certainly the barrel originally attached at the time of manufacturer, and this had not been replaced or altered since the time of the murders. Therefore, C3B is not, and could not possibly have been, the firearm that fired the fatal shots which killed Harvey and Jeannette.

956. Police Exhibit 317 is the only firearm (of 64 tested) which has not been excluded as the murder weapon.

Note:

957. Helical grooves known as 'rifling' are cut into the bore of a firearm barrel during production to increase the accuracy of the firearm.[2334] When a bullet is fired, these grooves cause the bullet to spin as it is ejected, which, in turn, scrapes the bullet along the grooves.[2335] As a result, the bullet bears the negative impressions of the grooves in the barrel.[2336] These marks are described as 'lands' and 'grooves'.[2337] The comparison of bullets is undertaken by examining first the number and direction of lands and grooves, and secondly the individual characteristics (markings) transferred from the barrel of the firearm on to the surface of the bullet.

958. There are differences in terminology used in evidence given by DSIR Scientist Doctor NELSON and Home Office Forensic Science Laboratory Scientists George PRICE (now deceased) and Peter PRESCOTT (now deceased). Doctor NELSON, who undertook training in the United States, used different terminology to that of PRICE and PRESCOTT, who both trained in the United Kingdom. These differences were best described by Robert SMELLIE QC, counsel appearing for the DSIR and the Justice Department before the RCOI:

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SENSITIVE

> *"Dr. NELSON uses the words 'land markings' to refer to the grooves impressed into the bullet by the lands in the rifle. The lands in the rifle being of course the portions of the interior of the barrel which are projecting, they having been left projecting after the grooves are cut or forced into the interior circumference of the barrel. Thus for Dr. NELSON in the barrel the land is a projection, on the bullet land markings made by the land from the barrel are an impression in the bullet.*
>
> *Mr. PRESCOTT, on the other hand, uses the word 'land' in relation to the rifle barrel in exactly the same way as Dr. NELSON does, but so far as the bullet is concerned, he uses the word 'land' to refer to the raised portion rather than the impressions, and rather than calling the impressions land markings, he calls them the grooves."*[2338]

959. This explanation of the differences in terminology was supported by Ian McDONALD, Director, Chemistry Division, DSIR, who had consulted several books for confirmation.[2339]

960. Once again, Doctor NELSON and PRESCOTT used the word 'scoring' differently. SMELLIE QC noted that to Doctor NELSON 'scoring' described *"... fine longitudinal markings or striations, which are normally present in the land markings on a fired bullet."*[2340] PRESCOTT, on the other hand, told Doctor NELSON that he would not use the expression 'scoring' in such a way and would restrict 'scoring' to describe a *"... gross marking, which to him would indicate an abnormality in the rifle barrel."*[2341]

961. There are also different categories of markings left on fired bullets, which are used to include or exclude a particular weapon. Sharon FOWLER, Senior Forensic Scientist, National Ballistics Intelligence Service, Greater Manchester Police, United Kingdom, described these as: class characteristic markings, which result from *"... general features that may be common to a make or model or weapon ..."*; and individual characteristic markings, which are*"... highly individual aspects of the specific weapon ..."*[2342]

Collection and testing of firearms

962. When Jeannette's body was recovered from the Waikato River on 16 August 1970, the cause of death was identified as a bullet wound to the head.[2343] Fifteen fragments[2344] of the bullet (Police Exhibits 234 and 257) were recovered from her head[2345] and identified as originating from a .22 bullet.[2346] The largest portion of this bullet (Police Exhibit 234) was found to contain a number '8' on the base.[2347]

963. Doctor NELSON observed that the bullet had 'mushroomed' on impact, but still exhibited four good clear land marks and most of a fifth.[2348] Doctor NELSON described: *"These 5 land marks indicated quite clearly to me that this bullet had been fired from a weapon with six fairly broad right hand twist lands."*[2349]

964. As a result, police collected .22 firearms for testing to try and identify the weapon which had fired the fatal bullet. The criteria for seizure of firearms were:

- residents of Pukekawa within a five mile (approximately eight kilometres) radius of the CREWES' property
- relatives of Harvey and Jeannette
- friends and acquaintances of Harvey and Jeannette
- others who had come to the attention of the homicide enquiry.[2350]

965. Police have been criticised for the collection criteria employed when seeking .22 firearms for testing. This criticism is particularly directed to the fact that a number of Pukekawa residents

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offered their firearms to police, but these were not collected or tested. Untested firearms have been identified as belonging to:

- Grant Richard THOMAS[xxiii] (DOB unknown) of Mercer Ferry Road[2351]
- David John Francis PAYNE (DOB unknown) of Hunters Road[2352]
- David Lindsay MONTGOMERY (DOB unknown) of Hunters Road[2353]
- Brian Frederick MURRAY (DOB unknown) of Mercer Ferry Road[2354]
- Edward Albert SMITH (DOB unknown) of Mercer Ferry Road[2355]
- Laurence Francis McGUIRE (DOB [redacted]) of Mile Bush Road.[2356]

966. However, it is important to note that all of these people, with the exception of McGUIRE, resided outside the five mile radius used to prioritise collection. In the case of McGUIRE, the majority of Mile Bush Road does fall within the five mile radius, but not all of it. In 1970, houses in the Pukekawa area were not allocated street numbers, thus it is unknown on which section of the road McGUIRE lived, and whether his rifle should have been collected, in keeping with the collection criteria.

967. The RCOI was not critical of the failure by police to collect firearms from a wider area and recognised the impossibility of identifying and testing every similar weapon.[2357]

968. On 17 August 1970, as a result of information pertaining to Arthur THOMAS' previous association with Jeannette, Detective Sergeant CHARLES visited his farm and took possession of THOMAS' .22 Browning pump-action repeating rifle (serial number 86942) from Vivien THOMAS.[2358] The rifle was given the Police Reference Number C10A[2359] and was later to be known as Police Exhibit 317.

969. On 18 August 1970, 21 firearms collected by police were test-fired by Doctor NELSON at the Boystown rifle range, Nelson Street, Auckland City.[2360] Also present were: Detective Inspector HUTTON,[2361] Detective Sergeant CHARLES,[2362] Detective PARKES,[2363] Rory SHANAHAN and two unnamed technicians from the DSIR.[2364] Each firearm, after being cleaned, was fired by Doctor NELSON three times.[2365] The bullets and cartridge cases were retained and the bullets were examined by Doctor NELSON.

970. By the following day, 19 August 1970, Doctor NELSON had eliminated all but two of the twenty-one test-fired firearms.[2366] Those which could not be excluded were Police Exhibit 317 (THOMAS' rifle)[2367] and that with the Police Reference Number C3B,[2368] a .22 Remington p-mp action rifle (serial number 786596) taken from the EYRE family, Highway 22, Pukekawa.

971. C3B was in fact owned by Pukekawa farmer Jack Britten BREWSTER (DOB unknown, now deceased), of Highway 22, Pukekawa. However, it had been in the EYRE family's possession for between one and three years,[2369] including on Wednesday 17 June 1970. Members of the EYRE family include: Annesley, Margaret, Ross and John Michael EYRE (DOB [redacted]).

972. Another batch of 27 firearms was similarly test-fired by Doctor NELSON on 26 August 1970.[2370] Doctor NELSON excluded all of these firearms as having fired the fatal bullet.

973. When Harvey CREWE's body was recovered from the Waikato River on 16 September 1970, the cause of death was again found to be a bullet wound to the head.[2371] Nine bullet fragments[2372] (Police Exhibit 289) were recovered from his head, which originated from a .22

[xxiii] Grant THOMAS was a cousin of Arthur THOMAS.

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bullet.[2373] The largest portion of this bullet was found to contain the remnants of a number '8' on the base.[2374]

974. This bullet was found to be significantly more damaged compared with the bullet from Jeannette's body and, subsequently, contained only one good land marking.[2375] Doctor NELSON's examination of Harvey's bullet established that: *"The width of the one good land mark was consistent with the land markings on the bullet from Jeanette [sic] Crewe and therefore I concluded this bullet could have been fired from the same weapon ..."*[2376]

975. Additional .22 firearms collected by police were tested by Doctor NELSON under the same conditions as previous test-firings. Fifteen were tested on 6 October 1970[2377] and on 14 October 1970 one further firearm was tested.[2378] In total 64 firearms were tested[xxiv][2379] between 18 August 1970 and 14 October 1970 with only two unable to be excluded, these being Police Exhibit 317 and C3B.

976. In view of Doctor NELSON's findings (that all but two firearms could be excluded as the murder weapon), the firearms which had been collected for testing were returned to their owners, with the exception of Police Exhibit 317 and C3B.[2380] Detective Sergeant CHARLES reported that Detective Inspector HUTTON had instructed that these two firearms remain in police custody for a further period.[2381]

977. Arthur THOMAS was interviewed on 7 September 1970 by Detective Sergeant SEAMAN and Detective PARKES at the Tuakau Police Station.[2382] During the interview, in an apparent attempt to elicit a confession, THOMAS was told that his rifle was the one that had fired the bullets which killed Harvey and Jeannette.[2383] THOMAS was noted by Detective PARKES to appear 'quite astounded' and could not provide an explanation as to how this could be so.[2384] THOMAS volunteered to undergo any necessary tests to eliminate him from suspicion, and offered to allow police to search his property for any evidence.[2385] Since THOMAS was 'quite open in his manner' Detective PARKES noted in his Police Jobsheet that at that time he and Detective Sergeant SEAMAN believed THOMAS was not involved in the murders.[2386] As a result of this interview, Detective Sergeant CHARLES was instructed by Detective Inspector HUTTON to return THOMAS' rifle.[2387]

978. On 8 September 1970, Detective Sergeant CHARLES returned Police Exhibit 317 to Vivien THOMAS.[2388] The same day, Detective Sergeant CHARLES returned C3B to the EYRE family.[2389]

979. It is noted that after Doctor NELSON's finding (on 19 August 1970) that Police Exhibit 317 could have been the murder weapon, Arthur THOMAS was not interviewed by police until 7 September 1970, 19 days later. This is indicative of the investigation team's belief at the time that Lenard DEMLER was the offender. Detective PARKES did speak to THOMAS on 19 August 1970, two days after his rifle was seized and the same day that the preliminary results of Doctor NELSON's examination were conveyed to police.[2390] Detective PARKES noted in a Police Jobsheet that on this occasion he showed THOMAS a card which had been attached to the brush, comb and mirror set (Police Exhibit 347) located in the CREWES' home, which THOMAS had given Jeannette eight years prior *(see paragraph 2820)*.[2391] There is no indication that THOMAS' rifle was mentioned on this occasion.

[xxiv] The majority of the 64 firearms tested are known to have been rifles. However, Detective PARKES indicated, at a Police Conference on 28 August 1970, that by this time one .22 pistol had been test-fired. [redacted] Information available on the file does not indicate which firearm was the pistol test-fired, or the owner of this firearm.

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980. There is no record of any members of the EYRE family being spoken to by police about the possibility of C3B being the murder weapon.

981. It is difficult to reconcile why Police Exhibit 317 and C3B were returned to the respective families when there had been no development in the scientific analysis of the firearms. When the firearms were returned on 8 September 1970, neither had been excluded as being the murder weapon and therefore should have been treated as the potential murder weapon.

982. (Then) Detective Sergeant KEITH was asked, in a 1977 interview by Assistant Commissioner THOMPSON and (then) Detective Chief Inspector BAKER, why THOMAS' rifle (Police Exhibit 317) was returned.[2392] Detective Sergeant KEITH stated: *"I think that we were a bit premature in returning the rifles but you know what farmers are [like]. They like to have a rifle handy."*[2393]

983. THOMAS' rifle was taken back in to the possession of police on 20 October 1970 and,[2394] after THOMAS' arrest for the murders on 11 November 1970,[2395] formed a key part of the prosecution case against him.

984. The RCOI report stated that it was after Police Exhibit 317 was collected by police for a second time (on 20 October 1970), that police had the opportunity to plant Police Exhibit 350 - which had been fired from Police Exhibit 317.[2396]

Provenance of Police Exhibit 317

985. THOMAS' rifle (Police Exhibit 317) was registered on 11 March 1954.[2397] The firearm had been bought for him by his father, Allan Glyndwr THOMAS (DOB unknown, now deceased).[2398] Arthur THOMAS was the primary user of the rifle, although visitors to the farm (mainly family members) would also use it.

986. It is clear that THOMAS' rifle was not kept in one location on his Mercer Ferry Road farm. However, it does appear that the bedroom occupied by Peter THOMAS (Arthur THOMAS' cousin) was one such place where all three occupants (Arthur, Vivien and Peter) said the rifle was sometimes kept.[2399]

987. When questioned about where his rifle was kept, Arthur THOMAS first stated, during an interview on 7 September 1970, that his rifle was kept in a cupboard in his house.[2400] The location of this cupboard and the whereabouts of his rifle on Wednesday 17 June 1970 were not specifically noted.

988. On 25 October 1970, THOMAS said his rifle was definitely kept in the house during that period (including Wednesday 17 June 1970), but that it could have been either behind the door in Peter THOMAS' bedroom, in the scullery or the washhouse.[2401]

989. At the first trial Arthur THOMAS maintained that his rifle was, at times, kept in Peter THOMAS' bedroom.[2402] In contrast to his previous interviews, THOMAS stated that in addition to the house, the rifle had been kept on the farm as well: *"... it was down in the cowshed on and off, in his [Peter THOMAS'] bedroom, the scullery and washhouse on and off."*[2403]

990. This matter was not pressed at the second trial when Arthur THOMAS stated that he did not know where his rifle had been on the night of Wednesday 17 June 1970.[2404]

991. The lack of a 'home' for THOMAS' rifle at his farm means that none of the three occupants of the house actually knew where the rifle would have been on the evening of Wednesday 17 June 1970. As a result, none would have noticed if it was not in its rightful place during the

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time the murders were almost certainly committed.

992. Peter THOMAS maintained that the rifle (Police Exhibit 317) was kept behind the door[2405] in his bedroom at the THOMAS house.[2406] Peter said that on the evening of Wednesday 17 June 1970 he had slept in this room, but did not know if the rifle was there or not that night as he did not look.[2407] Peter stated that other than seeing the rifle in his bedroom, he saw it in the washhouse[2408] after it had been returned by police (on 8 September 1970).[2409]

993. When Vivien THOMAS handed the rifle to Detective Sergeant CHARLES on Wednesday 17 August 1970, she stated that the rifle was kept in the kitchen or in the spare bedroom.[2410] Detective Sergeant CHARLES noted that on this day the rifle had been leaning up against a wall in the kitchen.[2411] There is no reference as to whether or not the firearm was loaded, and if so, the number of cartridges in the magazine.

994. Later, in a statement on 25 October 1970, Vivien said she did not know where the rifle had been on the evening of Wednesday 17 June 1970, but that it was sometimes kept in the kitchen, cow shed, washhouse or spare bedroom.[2412] She explained that the rifle was moved around a lot and was not kept in the same place.[2413]

995. Arthur THOMAS told police he had used his rifle about two weeks[2414] after the CREWES disappeared to shoot cow number four,[2415] which had not recovered from calving. However, this was later said to have occurred on 23 June 1970,[2416] six days after the CREWES were murdered. THOMAS did not remember from where he had retrieved his rifle on this occasion.[2417] Since that time, THOMAS had lent his rifle to his brother to go shooting[2418] *(see paragraphs 999-1001)* and had himself shot a dog on his farm in about September.[2419]

996. At the first trial, George Patrick Field VESEY, known as 'Pat', (DOB [redacted]), Vivien THOMAS' uncle, stated that he was last at the THOMAS farm at Queen's Birthday weekend (30 May to 1 June 1970) with his family.[2420] During that weekend VESEY said he had used Arthur THOMAS' rifle to shoot at a 44 gallon drum on the property.[2421] VESEY also stated that virtually every time he and his family visited the farm, VESEY's teenage sons, one of whom is Neil VESEY (DOB unknown),[2422] would use THOMAS' rifle in this manner.[2423] However, VESEY was not clear as to whether this occurred on their last visit.

997. There is little commentary regarding specific occasions, prior to the shooting of cow number four, when THOMAS' rifle had been used. However, THOMAS stated that he had been out 'about that time' (meaning Wednesday 17 June 1970) rabbit or possum shooting alone with the rifle.[2424] Detective Inspector HUTTON noted that THOMAS could not remember what particular night this was or how many rabbits or possums he had shot.[2425] This is relevant as it gave THOMAS a legitimate reason to take his rifle out at night, alone, around the time that the CREWES were murdered. There is no evidence on the file that this matter was thoroughly addressed while questioning THOMAS, or that Arthur THOMAS' assertions were corroborated by Vivien THOMAS. However, it is acknowledged that this questioning took place four months after the event, meaning that Arthur THOMAS' memory may not have been completely reliable.

998. On 16 August 2013, THOMAS was asked by Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM about using his rifle to go shooting during the week of the CREWES' murders. THOMAS stated that this was 'quite likely' and said he would have been shooting on his farm.[2426]

999. THOMAS told police that he had loaned his rifle to his brothers, Lloyd THOMAS and

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Desmond THOMAS,[2427] who used the rifle to go shooting on the Pukekawa farm at about the end of June or early July 1970.[2428]

1000. This information was contained in Detective PARKES' Police Jobsheet dated 8 September 1970. However, the evidence Detective PARKES gave at trial conflicts with this Jobsheet. At the first trial Detective PARKES stated that THOMAS had said Lloyd and Desmond borrowed his rifle 'about a month prior to June',[2429] meaning May 1970. Then at the second trial he instead said the rifle had been borrowed about a month prior to the interview,[2430] meaning August 1970.

1001. When spoken to on 14 October 1970, Lloyd THOMAS stated that he had not been to the Pukekawa farm in over 12 months and had not been shooting there since the family moved to Matakana in 1966.[2431] It appears that Arthur THOMAS may have been mistaken about Lloyd using the rifle as Desmond THOMAS stated, on 22 October 1970, that he and his associate Ellis Joseph PENNEY (DOB unknown) had borrowed the rifle in about July,[2432] but did not remember whether they had actually used it or not.[2433] It was noted in the Police Jobsheet completed by (then) Detective Sergeant PARKES of this interview that Desmond was not certain of this date.[2434] Desmond stated that they may have fired three or four rounds from the firearm but, as they were not given permission to go on to a neighbouring farm, did not end up going shooting.[2435] Desmond's assertion that he had borrowed Arthur THOMAS' rifle in about July 1970 was confirmed by PENNEY.[2436]

1002. Peter THOMAS maintained that he had never used or borrowed Arthur THOMAS' rifle,[2437] but had picked it up and looked at it.[2438] This is in contrast to Vivien THOMAS' assertion that Peter had used the rifle on the farm.[2439] However, it is possible that Vivien had seen Peter with the rifle owned by Peter's father, Clarence Meredith THOMAS (DOB unknown), which Peter had kept at the Mercer Ferry Road farm[2440] for about a week[2441] prior to June 1970.[2442]

1003. When confronted, on 7 September 1970, with the accusation that his rifle had fired the shots that killed the CREWES, Arthur THOMAS could not provide an explanation as to how this could be so.[2443]

1004. THOMAS was later spoken to by Detective Inspector HUTTON on 25 October 1970, at which time THOMAS suggested that someone could have gone on to his farm and taken the items which had (by 25 October) been linked to the murders, such as the axle and wire, but that he could not see someone taking his rifle (Police Exhibit 317) from his house and then returning it.[2444] THOMAS further explained that, had he killed the CREWES, he would not have used his own rifle as he was aware that it was possible to identify the rifle from which a particular bullet had been fired.[2445]

1005. During THOMAS' last interview on 11 November 1970, and throughout the trials, he maintained that he had been framed;[2446] that someone had gone to his property and taken his rifle, the axle and wire.

1006. THOMAS' assertion that someone had gone on to his farm, taken the rifle and then replaced the rifle after using it to murder the CREWES in an attempt to frame him is somewhat impractical. If the offender/s had the intention of framing THOMAS for the murders, a far more effective method would be to leave the bodies and the cartridge cases at the crime scene, which would make establishing the cause of death and identifying the murder weapon much easier.

1007. An alternative scenario could be that the offender/s did not want to directly frame THOMAS

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for the murders. However, in the event the bodies were located, thus leading police to the murder weapon, the offender/s did not want to be linked to the murders and used THOMAS' rifle to draw attention away from their involvement.

1008. It is highly likely that the offender/s removed the bodies from the crime scene in an attempt to avoid the murders being linked to them. If THOMAS was the offender, his assertion that he knew bullets could be traced back to the firearm in question may be an indicator as to why the bodies were removed from the crime scene and dumped in the Waikato River.

Scientific examination

1009. At the deposition hearing, and the first and second trials, Doctor NELSON's evidence was that, of the 64 firearms tested, he was able to exclude all but two as being the murder weapon, those being Police Exhibit 317 (THOMAS' rifle) and C3B (the rifle taken from the EYRE family).[2447] Doctor NELSON's evidence was clear; the fatal bullets may have been fired from Police Exhibit 317, C3B, or another weapon altogether which had not been identified.[2448]

1010. As there were two rifles (Police Exhibit 317 and C3B) which could not be excluded as the murder weapon, Police Exhibit 350 (the cartridge case found in the CREWES' garden on 27 October 1970) played a key role by providing a link between THOMAS' rifle and the CREWES' property. Analysis by Rory SHANAHAN of the DSIR identified, by way of the extractor marking, firing pin impression and breech block markings, that Police Exhibit 350 was 'identical' with cartridge cases that had been produced as a result of test firing of Police Exhibit 317.[2449] Establishing that Police Exhibit 350 had been fired from Police Exhibit 317 had the effect of discounting C3B as the murder weapon.

1011. THOMAS' defence counsel did not call an 'expert' witness to challenge Doctor NELSON's findings but, after the first trial, arranged for the relevant exhibits to be examined by an overseas expert. In a letter to The Home Office Secretary, United Kingdom, on 22 May 1972, Minister of Justice Roy JACK asked whether exhibits from the CREWE homicide investigation could be examined and reported on by the Home Office Forensic Unit.[2450] The Minister of Justice stated that this was due to the Arthur Thomas Retrial Committee Inc. urging him to obtain overseas expert examination of THOMAS' rifle and the fragments of bullet from the deceased *"... in the hope that it can be affirmatively established that the fragments and the rifle were not connected."*[2451]

1012. Subsequently, on 26 June 1972, a number of exhibits were collated to be sent for scientific examination in the United Kingdom.[2452] These were:

- Police Exhibit 317 - THOMAS' rifle[2453] taken in to the possession of police on 20 October 1970[2454]
- Police Exhibits 234 and 257 - bullet fragments from Jeannette's body[2455] recovered on 16 August 1970[2456]
- Police Exhibit 289 - bullet fragments from Harvey's body[2457] recovered on 16 September 1970[2458]
- Police Exhibit 350 - cartridge case located in the garden at the CREWES' property[2459] on 27 October 1970[2460]
- Exhibits C1 - 14[2461] cartridge cases test-fired by Rory SHANAHAN[2462] on 29 October 1970[2463]

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- Bullet 'F' - test-fired from Police Exhibit 317 by Doctor NELSON[2464] on 18 August 1970.[2465]

1013. On 2 August 1972, George PRICE, Principal Scientific Officer, Head of Ballistics Section, Home Office Forensic Science Laboratory, Nottingham, United Kingdom, reported upon his examination of these exhibits.[2466] PRICE stated that although he was unable to conclusively establish whether Police Exhibit 234 (Jeannette's bullet) had been fired from Police Exhibit 317, *"... the limited individual bore characteristics it shows indicate that it could well have been fired in this rifle."*[2467] He further explained that due to the condition of the bullet (Police Exhibit 289) removed from Harvey's head, he was unable to establish whether or not it had been fired from Police Exhibit 317.[2468] However, he stated: *"The groove shown on this bullet is consistent in width with the grooves reproduced on the bullet (f) and bullets I have fired in the rifle (exhibit 317)."*[2469]

1014. While the exhibits were with the Home Office they were also inspected by Randolph Stuart MURRAY (DOB unknown), nominated defence representative and the Director of Churchill Atkin Grant & Lang Limited gun makers of England.[2470] In a report dated 1 August 1972, MURRAY stated that after his examination he concluded that *"the fragment [Police Exhibit 234, from Jeannette's head] was large enough to determine that it had characteristics of rifling marks which indicate that it could have been shot from rifle No. 86942 [Police Exhibit 317] ..."*[2471] In regards to Harvey's bullet, MURRAY stated that *"although it could not positively be identifiedas [sic] having come from any precise weapon ..."*, markings on the bullet indicated that it had been fired in a rifle with characteristics similar to weapons made by Fabrique Nationale Herstal S.A.[2472] (the manufacturer of Police Exhibit 317).[2473]

1015. Although George PRICE's report was presented as an exhibit at the second trial, he was not called to give evidence and his examination and findings were not detailed in evidence.[2474] MURRAY's report was not presented as evidence until the RCOI in 1980.

1016. It was also not until the RCOI that Doctor NELSON's examination and findings pertaining to Police Exhibit 317 would be challenged.

1017. In a statement to the RCOI, Doctor NELSON explained that in order to try and identify the murder weapon he compared the land markings on test-fired bullets with the land markings on Police Exhibit 234 (Jeannette's bullet).[2475] He said that upon examination, *"five of the total of 64 rifles tested by me had closely similar rifling characteristics to the bullet from Jeanette [sic], namely six broad right hand twist lands."*[2476] These five firearms were:[2477]

- C3B - Remington pump-action rifle,[2478] registered to Jack BREWSTER but in the possession of the EYRES, Highway 22, Pukekawa[2479]
- C6B - Gevarm semi-automatic firearm, owned by D. ALEXANDER (DOB unknown), Highway 22, Pukekawa[2480]
- C10A - (Police Exhibit 317) Browning pump-action rifle,[2481] registered to Arthur THOMAS, Mercer Ferry Road, Pukekawa[2482]
- P22B - BRNO magazine loaded firearm,[2483] owned by Leonard Rex SCOTT (DOB unknown), Matira Road Extension, Matira (approximately 46 kilometres south of Pukekawa)[2484]
- F3B - Browning pump-action rifle,[2485] registered to Arthur Donald EGLINTON (DOB unknown), Ngaturi, Pahiatua (approximately 500 kilometres south of Pukekawa).[2486]

1018. SCOTT's firearm was collected by police for testing as he was nominated by Derrick George

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BOOTH (DOB [redacted]), a former boyfriend of Jeannette's sister, Heather SOUTER, as someone who could possibly have a grudge against the DEMLER family.[2487] SCOTT was a former boyfriend of SOUTER[2488] (during 1961 to 1963)[2489] who she stopped seeing to go out with BOOTH.[2490] SCOTT stated that he did not know Jeannette very well and had not met Harvey.[2491]

1019. A Police Jobsheet by Constable J. WINNARD noted that EGLINTON only knew Harvey through previously living in the same district (Pahiatua).[2492] Constable WINNARD stated: *"He [EGLINTON] was never a personal friend of [Harvey] Crewe's and he never associated with him."*[2493] Information was received by police from William Robert Richmond SUISTED (DOB unknown), a family friend of the (Pahiatua) CREWE family.[2494] SUISTED told police that he remembered being told that Harvey had broken up a brawl (possibly in Wellington) about four years prior and thought that one of the men involved may have threatened to 'get' Harvey.[2495] SUISTED stated that he thought a relative of his, EGLINTON, had told him about this incident.[2496] Constable WINNARD noted that EGLINTON was positive he knew nothing about the alleged incident in Wellington involving Harvey.[2497] It is unclear why EGLINTON's rifle was taken for testing.

1020. After a detailed comparative examination of the widths and sizes of the land marks of these five firearms, Doctor NELSON determined that three had not fired Police Exhibit 234 (the bullet that killed Jeannette) and were excluded.[2498] Those excluded were: C6B, P22B and F3B.

1021. Doctor NELSON said that he was unable to exclude both C10A (Police Exhibit 317) and C3B as being the murder weapon.[2499] He went on to describe that: *"The particular bullet from Jeanette [sic] Crewe had been damaged and contained insufficient individual marks for me to take my opinion any further, and to exclude either or both of the Thomas and Eyre rifles."*[2500]

1022. Chairman of the RCOI, the Honourable Robert TAYLOR, a retired Judge of the Supreme Court of New South Wales, Australia,[2501] said that Doctor NELSON: *"... should never have said that he could not exclude the rifles [Police Exhibit 317 and C3B] because that says, by inference before a jury, that it could have come from two rifles that fired the bullet. In my opinion it was a dishonest report ['all caps' removed]."*[2502]

1023. [redacted]

1024. At one point, Justice TAYLOR commented to Doctor NELSON: *"... you did not have the honesty to say this bullet did not come from the rifle [Police Exhibit 317], did you."*[2503] In continued questioning, Justice TAYLOR attempted to get Doctor NELSON to agree that as he had not been able to positively identify Police Exhibit 234 as having been fired from Police Exhibit 317 then he should give the benefit of the doubt to the accused (Arthur THOMAS).[2504] [redacted]

1025. The RCOI was also very critical of the method employed by Doctor NELSON when comparing test-fired bullets with Police Exhibit 234 in the comparison microscope.[2505] Justice TAYLOR, specifically, was unimpressed that Doctor NELSON did not compare

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measurements of the width of lands on the bullets[2506] and did not accept Doctor NELSON's explanation that his visual examination through the comparison microscope was the accepted technique used throughout the world.[2507]

1026. Doctor NELSON's evidence before the RCOI went in to further detail about his examinations of test-fired bullets than had been traversed in previous hearings. For the first time, Doctor NELSON's notes of his examination were entered into evidence (RCOI Exhibit 200). Doctor NELSON stated that his examination of test-fired bullets from Police Exhibit 317, on 18 August 1970, identified that there was a 'heavy score mark' apparent, which was not visible on Police Exhibit 234 (bullet fragment from Jeannette's body).[2508] Because of this, Doctor NELSON's corresponding notes read: *"Rifling class identical but no match seen."*[2509] This means that the test-fired bullet from Police Exhibit 317 had the same number of lands and grooves and the same direction twist as Police Exhibit 234. However, Doctor NELSON explained: *"No match seen' means I did not find sufficient individual markings in agreement to form a judgment that Jeanette's [sic] bullet had definitely come from the Thomas rifle."*[2510]

1027. Doctor NELSON was severely criticised by the RCOI for not including the comment 'no match seen' from his notes made at the time of his examination while giving evidence at the trials.[2511] The RCOI report concluded that Doctor NELSON's earlier evidence *"... was so incomplete in the light of all these matters that it presented to the jury a false picture of his examination and findings and which of itself could have resulted in a miscarriage of justice."*[2512] Doctor NELSON argued that the RCOI was misinterpreting his notes made at the time.[2513] He further explained that he had in fact matched the lands of the test-fired bullet from Police Exhibit 317 with Police Exhibit 234, but had been unable to match individual markings.[2514]

1028. The RCOI report states: *"... Dr Nelson's notes make it clear, and he and Mr Hutton should have realised, that it could not be stated affirmatively that the fatal bullets came from Mr Thomas's rifle."*[2515] It should be noted that Doctor NELSON never said the fatal bullets came from Arthur THOMAS' rifle (Police Exhibit 317) and the transcripts of evidence Doctor NELSON gave at all judicial hearings quite clearly show this.

1029. Justice TAYLOR asked why Doctor NELSON did not exclude Police Exhibit 317 on the basis of the individual markings. Doctor NELSON explained that four of the complete land marks on Police Exhibit 234 matched exactly with those on the test-fired bullet from Police Exhibit 317.[2516] However, Justice TAYLOR argued that if there was not enough information to match the fatal bullet with the test-fired bullet, then Police Exhibit 317 should have been rejected.[2517] Doctor NELSON's notes at the time of his examination also stated: *"ie if have possibility that scored land mark of T [test bullet] was missing mark of fatal [bullet] then cannot exclude."*[2518] This means that it was possible the observed score mark was contained on the missing land marking of the fatal bullet.

1030. [redacted]

1031. [redacted] At the preliminary hearing of the RCOI, Justice TAYLOR made clear that, as a result of the pardon, Arthur THOMAS did not do the acts

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which constituted the murders and that it could never be asserted that THOMAS committed the murders.[2519] Justice TAYLOR further stated: *"... in no sense is this Commission to inquire into any question of Thomas's responsibility for the death of these people or for the doing of the acts that brought about this crime."*[2520] [redacted]

1032. As a result of such statements made by the RCOI, the New Zealand Police Association Incorporated, the Police Officers Guild Incorporated, retired Detective Inspector HUTTON and Detective Sergeant JEFFRIES filed a motion for review in the High Court regarding, in part, judgments the RCOI had made about what evidence it would and would not hear.[2521] The motion also contended that the RCOI was *"... 'disqualified by bias' in that it has prejudged the issue relating to the propriety or impropriety of the Police conduct to such an extent that 'it is impossible for (it) now properly and fairly to inquire into and report upon' such matters."*[2522]

1033. The High Court concluded that Justice TAYLOR's comments suggested that his interpretation of the effect of the pardon was in error, and would seriously limit the ability of the RCOI to carry out its brief.[2523] The High Court declared *"... it would be wrong in law to exclude evidence otherwise relevant to any term of reference (a) upon the ground that it might tend to implicate Arthur Allan Thomas ..."*[2524] However, the High Court did not find that 'bias by predetermination' had been established[2525]

1034. During the RCOI hearing, police wished to call George PRICE to give evidence of his examination of Police Exhibit 317 and the fatal bullets in 1972. However, at the time (1980) a representative of the Secretary of Foreign Affairs (Legal) advised that PRICE had retired, was 'considerably deaf' and did not want anything further to do with the affair.[2526] Furthermore, the Home Office advised they could not compel PRICE to do so.[2527] They instead suggested that Peter PRESCOTT (PRICE's successor) could possibly come to New Zealand in his stead.[2528] As it transpired, PRESCOTT examined and commented upon information contained within the relevant firearm file held at their Nottingham laboratory.

1035. Both fatal bullets (Police Exhibits 234, 257 and 289) had been destroyed on 27 July 1973[2529] along with 132 other police exhibits, by (then) Detective Sergeant KEITH.[2530] This eliminated the possibility of further examinations/comparisons.

1036. PRESCOTT made a statement of his findings on 30 September 1980.[2531] This was as a result of his examination (in 1980) of bullets test-fired by PRICE from Police Exhibit 317[2532] and photographs taken of the exhibits on a periphery camera and comparison microscope in 1972.[2533] PRESCOTT reported that there was agreement between the rifling marks on Police Exhibit 234 (Jeannette's bullet), the bullet test-fired from Police Exhibit 317 by Doctor NELSON on 18 August 1970 (bullet 'F') and the bullet test-fired by PRICE in 1972 from Police Exhibit 317.[2534] He concluded: *"... because of the degree of agreement I have formed the opinion that it is highly probable that the rifle (317) fired the bullet (234)."*[2535]

1037. PRESCOTT also reported that although he had examined all bullets test-fired by PRICE from Police Exhibit 317, he found no evidence of scoring on any of them, but added: *"the absence of a score mark on the test-fired bullets does not affect my opinion ..."* about Police Exhibit 234[2536] coming from Police Exhibit 317. PRESCOTT travelled to New Zealand to give evidence before the RCOI and, upon completing further testing with Police Exhibit 317, stated that he

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did not find evidence of a score mark in any of the grooves of these bullets.[2537] However, he did say that upon his own examination of bullet 'F', he did note some evidence of a score mark on one of the grooves of this bullet.[2538]

1038. In discussion with Michael CREW, counsel assisting the RCOI, PRESCOTT reportedly said that as the distinctive mark (score mark) on bullet 'F' had not shown up on the other bullets test-fired from Police Exhibit 317, it must be a unique, non-recurring mark and therefore caused by gunpowder.[2539]

1039. It is relevant that while giving evidence at the RCOI, Doctor NELSON could not recall if he had examined the other two of the three test-fired bullets from Police Exhibit 317 to see if the same 'heavy scoring' appeared on all three.[2540] Doctor NELSON's notes do not reflect that he did examine more than one of the test-fired bullets from Police Exhibit 317,[2541] in contrast to his notes in relation to C3B which indicate that he examined all three of the test-fired bullets.[2542]

1040. While in New Zealand, PRESCOTT test-fired bullets from C3B and examined these, along with those he test-fired from Police Exhibit 317, through a comparison microscope with all other available bullets.[2543] This information was contained in the RCOI report and it is unknown whether 'all other bullets available' refers to the bullets from those two firearms specifically, or, all bullets available from the total number of firearms collected and tested by police. In any case, after this exercise PRESCOTT remained of the view that it was highly probable Police Exhibit 317 fired the fatal bullet Police Exhibit 234.[2544]

1041. In October 1980, Detective Chief Superintendent Brian WILKINSON asked PRESCOTT whether, if 64 more firearms were gathered, he would expect two more firearms could not be excluded.[2545] PRESCOTT's response was that *"... he would be very surprised if the bullet [Police Exhibit 234] had been fired in any rifle other than Exhibit 317."*[2546]

1042. The day after PRESCOTT's statement and a formal request from police that PRESCOTT give evidence of his findings were handed to the RCOI,[2547] the RCOI indicated that it wanted the test-fired bullets from Police Exhibit 317 urgently as it proposed to send them to Australia.[2548] It is presumed that this was for the purpose of scientific examination, but there is little more on the file about this matter.

1043. Newspaper articles indicate that Justice TAYLOR did take exhibits,[2549] said to be two cartridge cases fired from Police Exhibit 317 in 1972, to Sydney, Australia, where they were examined over three days by a Detective Sergeant in the New South Wales Forensics Laboratory.[2550] Media reporting suggested that Australian authorities were unhappy that the tests were carried out without official permission and refused the request for the police officer involved to travel to New Zealand to give evidence before the RCOI.[2551] However, one article suggested that requests for this work to be carried out had been negotiated between Prime Minister Robert MULDOON and Neville WRAN,[2552] Premier of New South Wales. The exhibits were reported to have been seized in Sydney on the instruction of Minister of Police (Australia), Bill CRABTREE, and were held in the Police Commissioner's safe.[2553]

1044. An examination of ballistic evidence in Australia, or an approach for such an examination, does not feature in the RCOI hearing or in its final report. Therefore, the findings of this alleged examination are unknown. [redacted]

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[redacted]

1045. On 18 April 2012, retired Inspector Robert McCARTHY told Detective Senior Sergeant LENDRUM that a number of years previously he had had contact with a police officer from the New South Wales Police Ballistics Section.[2554] McCARTHY stated that this man brought up the THOMAS case and said that while working in the Ballistics Section a Judge by the name of TAYLOR had approached them.[2555] He stated that Justice TAYLOR told them that the 'Kiwi cops' had 'duded' up a guy in New Zealand.[2556] McCARTHY said that Justice TAYLOR had asked them to look at some exhibits and confirm that the rifle in question had not fired the fatal shots.[2557] He understood that the Ballistics Section staff informed Justice TAYLOR that in their opinion *"... they were in no doubt that the gun had fired the shots. The Judge apparently told these Officers words to the affect [sic] of, 'We better keep shut about that then."*[2558] McCARTHY indicated that he believed the two police officers involved in this matter were [redacted] and [redacted].[2559]

1046. On 13 June 2012, Detective Inspector Philip JONES, New Zealand Police Liaison Officer, Sydney, Australia, obtained a statement from [redacted][2560] [redacted][2561] stated that in the early 1980s a person [redacted] understood to be Justice TAYLOR visited the Forensic Ballistics Unit and had a discussion with [redacted] about undertaking an examination of some ammunition components for a New Zealand case.[2562] [redacted] taking Justice TAYLOR into the comparison microscope room where [redacted] was introduced to Justice TAYLOR.[2563] [redacted] that this visit was in relation to the 'THOMAS shooting' but could not recall whether [redacted] any exhibits.[2564] [redacted] stated that [redacted] made enquiries with senior New South Wales Police and subsequently informed Justice TAYLOR tha [redacted] directed not to undertake an examination in relation to the case.[2565] [redacted] Justice TAYLOR left, still in possession of the exhibits.[2566]

1047. [redacted][2567] while in New Zealand, police officers raised the 'THOMAS shooting' [redacted].[2568] [redacted]: *"On one of these occasions I mentioned in the presence of a number of police officers that Judge Taylor attended the Forensic Ballistics Unit at Campbell Street in Sydney and requested an examination of some ammunition components relating to the Thomas shooting."*[2569] [redacted] stated that during this conversation [redacted] it very clear that no examination of exhibits had ever been undertaken by the New South Wales Police in relation to the case.[2570] [redacted] believed that some time later New Zealand Police contacted New South Wales Police and enquired about a ballistics examination on exhibits from the THOMAS case.[2571] [redacted] the New Zealand Police were advised that no examination had ever been conducted.[2572]

1048. [redacted] was also spoken to by Detective Inspector JONES on 13 June 2012.[2573] [redacted] stated that he had been visited by a Judge whom he believed to be from New Zealand.[2574] A request had allegedly been made of [redacted] to examine ballistics exhibits.[2575] In accordance with protocol [redacted] contacted the New South Wales Police Headquarters for authorisation to examine the exhibits.[2576] However, permission was

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declined and [redacted] said the exhibits were taken away by the Judge.[2577] [redacted] the matter did not proceed further.[2578] [redacted] could only recall this one occasion when [redacted] been involved with a New Zealand case, and did not recall the Ballistics Unit undertaking any work for foreign countries.[2579]

1049. Peter PRESCOTT's examination of the exhibits and his own test-firing produced another revelation; C3B (the rifle taken from the EYRE family) had only five lands with a right hand twist, not six as concluded by Doctor NELSON.[2580] This meant that it was not possible for C3B to have fired the fatal shots, and that Police Exhibit 317 was, therefore, the only tested firearm which could not be excluded as the murder weapon.

1050. After this development at the RCOI, Doctor NELSON was not called to give further evidence, and this matter was, therefore, not put to him to explain. However, Ian McDONALD, Doctor NELSON's supervisor, reported to Doctor Albert ELLIS, Director-General, DSIR, that Doctor NELSON frankly admitted his mistake in assigning six lands to C3B,[2581] although McDONALD did not give an explanation as to how this error may have occurred. Possibly shedding some light on this issue, PRESCOTT noted that the groove width on test-fired bullets from C3B was similar to the groove width on bullets fired from Police Exhibit 317,[2582] but the land width was 'quite different'.[2583] This would indicate that Doctor NELSON's error was in counting the number of lands and grooves on the test-fired bullets.

1051. It is clear that Doctor NELSON made a crucial error in his examination of C3B. Not surprisingly, PRESCOTT's finding was not only a blow to Doctor NELSON's professional reputation, but also cast doubt upon his other examinations and findings. Crucially, however, Doctor NELSON's finding in relation to Police Exhibit 317 (i.e. not being able to exclude it as the murder weapon) was supported by other scientists (George PRICE and PRESCOTT) and was not disputed.

1052. Doctor NELSON's error resulted in allegations of 'switching' and tampering with evidence. Peter WILLIAMS QC suggested, at the RCOI, that there may have been a 'switch' of C3B during the period between Doctor NELSON's and PRESCOTT's testing.[2584] One of the Commissioners for the RCOI, The Right Honourable John GORDON, a former member of the National Party and former Minister of Labour and State Services,[2585] also queried whether the barrel on this rifle (C3B) could have been changed,[2586] thus accounting for differences in the rifling characteristics between the test-fired bullets. However, at the RCOI PRESCOTT stated that his examination of the rifle concluded that there was no evidence to support this theory.[2587]

1053. In addressing the RCOI, Robert SMELLIE QC stated that as a result of this error being discovered, all remaining test-fired bullets from the other 62 firearms were examined.[2588] At that time, test bullets from 58 of these firearms were checked and no mistakes found, bullets from one more firearm were yet to be checked, and bullets from three of the firearms were unable to be located.[2589] The identity of these three firearms from which the bullets were missing is unknown.

1054. Doctor NELSON was the principal DSIR Scientist responsible for the examination of the fatal bullets and the test-fired bullets in firearms collected by police. He held a Master of Science in Chemistry (University of New Zealand), a Doctor of Criminology (University of California), and was a Fellow of the New Zealand Institute of Chemistry.[2590] Doctor NELSON stated that he had worked in the fields of forensic science and toxicology since 1940.[2591]

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However, it appears that Doctor NELSON was not as experienced as Peter PRESCOTT with regard to the scientific examination of bullets. Doctor NELSON himself stated that he would have examined dozens of bullets, compared with the hundreds that PRESCOTT would have dealt with.[2592]

1055. PRESCOTT, on the other hand, as a Forensic Scientist for 32 years, had been examining firearms for approximately 30 years.[2593] On this basis it appears that PRESCOTT was significantly more experienced than Doctor NELSON in the specialised field of firearms. Arguably, PRESCOTT's findings are therefore more reliable.

1056. Of the four experts who completed an examination of ballistic evidence and reported upon their findings, three (Doctor NELSON, George PRICE and Randolph MURRAY) concluded that although they were unable to conclusively establish that Police Exhibit 234 (Jeannette's bullet) had been fired from Police Exhibit 317, the characteristics of rifling marks indicated that it could have been. Had Doctor NELSON recognised, during his examination in 1970, his error regarding C3B, and that what he described as 'scoring' on the test-fired bullet from Police Exhibit 317 was in fact a unique, non-recurring mark (as identified by PRESCOTT), he may have come to a more definitive conclusion regarding Police Exhibit 317. PRESCOTT appeared to go further than the others, in saying that it was 'highly probable' Police Exhibit 234 was fired from Police Exhibit 317.

1057. Both Doctor NELSON and PRICE concluded that the land marking visible on Police Exhibit 289 (Harvey's bullet) was consistent in width with the land markings on Police Exhibit 234 (Jeannette's bullet) and bullets test-fired from Police Exhibit 317. PRESCOTT's report did not comment on Police Exhibit 289. As Police Exhibit 289 could add little to the identification of the murder weapon, it was not relied upon for comparison purposes with test-fired bullets.

1058. The RCOI report concluded on the matter:

> *"... it is not proved that the Thomas rifle fired the fatal bullets. Further, even if the Thomas rifle did fire them, there is no evidence putting the rifle in the hands of Arthur Allan Thomas at the time. We are satisfied there was opportunity for others to have used the Thomas rifle."*[2594]

Movements and storage of Police Exhibit 317

1059. When police seized Police Exhibit 317 from Vivien THOMAS on 17 August 1970, it was taken to the Otahuhu Police Station where it was labelled (C10A) and handed to Detective KEITH.[2595] Detective KEITH reported, on 5 May 1972, that all firearms collected were placed together in the Homicide Room at the station, which was locked whenever he or the typist, Diane BERRY (DOB unknown), were away from the room.[2596] Detective KEITH stated that he held the only key to the office, and this was always in his possession.[2597]

1060. An exhibit movement table, prepared for the RCOI by (then) Detective Senior Sergeant KEITH, indicated that after receiving Police Exhibit 317 (on 17 August 1970) it was placed in the CIB exhibit locker.[2598] However, it was established during the RCOI that there was actually no such 'CIB exhibit locker'.[2599] Detective Senior Sergeant KEITH told the RCOI that the 'CIB exhibit locker' actually referred to his personal locker in the CIB office.[2600] It is unknown if this is the same as the 'Homicide Room' also referred to by Detective Senior Sergeant KEITH.

1061. On 18 August 1970, Detective Inspector HUTTON, Detective Sergeant CHARLES and Detective PARKES took Police Exhibit 317,[2601] along with 20 other firearms,[2602] to Boystown for testing.[2603] During this time the firearms were also variously in the possession of Doctor

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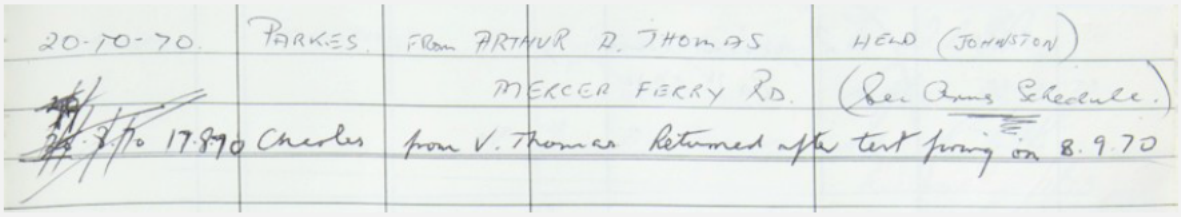
NELSON, Rory SHANAHAN[2604] and two unnamed technicians from the DSIR.[2605] After the testing was completed, Detective Inspector HUTTON, Detective Sergeant CHARLES and Detective PARKES returned the firearms to Otahuhu Police Station[2606] where they were secured in what was variously described as the CIB exhibit locker,[2607] or the Homicide Squad room.[2608]

1062. On 8 September 1970, Police Exhibit 317 was taken from the locker by Detective Sergeant CHARLES and returned to Vivien THOMAS.[2609]

1063. On 20 October 1970, Detective PARKES and Detective JOHNSTON again seized Police Exhibit 317 from Vivien THOMAS[2610] and handed it to Detective KEITH.[2611] Detective KEITH stated that after receiving the rifle for the second time he put it in a steel locker, which remained locked until 29 October 1970 when it was again test-fired by the DSIR.[2612] Detective KEITH stated that he held the only key to the locker and to the office in which the locker was located, and did not give Police Exhibit 317 to anyone else.[2613] He explained that Police Exhibit 317 was at some time moved to another locker in a neighbouring office which Detective KEITH shared with Detective Sergeant BUTTERWORTH (who was not involved in the CREWE homicide investigation).[2614] Once again, Detective KEITH held the only keys to the locker.[2615] He stated that this was where the rifle remained until the deposition hearing in December 1970.[2616]

1064. At the RCOI, (then) Detective Inspector PARKES said that after a Police Conference on 19 October 1970, Detective Inspector HUTTON instructed him to once again take possession of Police Exhibit 317 the following day.[2617] However, retired Detective Inspector HUTTON told the RCOI that Police Exhibit 317 had been seized of Detective JOHNSTON's own volition[2618] and he could not recall giving Detective PARKES the instructions in October 1970 to uplift the rifle.[2619]

1065. The entry in the Police Exhibit Register for Police Exhibit 317 raises questions of its whereabouts after being seized on 20 October 1970. The entry reads: *"317 .22 RIFLE: S/N 86942"*,[2620] then the following:



Reproduction of above:

20.10.70	PARKES	FROM ARTHUR A. THOMAS MERCER FERRY RD.	HELD (JOHNSTON) (See Arms Schedule.)
~~25.8.70~~ 17.8.70	CHARLES	from V. Thomas	Returned after test firing on 8.9.70

1066. Both entries, dated 20 October and 17 August 1970, were made in the exhibits register after Police Exhibit 317 was seized from Vivien THOMAS for the second time, when it officially became an exhibit (on 20 October 1970). This could account for why the date of the second entry (relating to the first seizure of this firearm) was entered incorrectly and had to be crossed out and corrected. Although the first seizure of this firearm was not documented in the exhibit register, it is noted that at this time this item was not an exhibit, nor were any of the other firearms collected by police. The collection of these firearms were instead entered into an 'Arms Schedule' were details of their seizure and testing were recorded.

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1067. The question arose at the RCOI as to the meaning of 'HELD (JOHNSTON)'. The same notation was also made alongside an entry for Police Exhibit 318 - a packet of .22 ICI ammunition taken from Arthur THOMAS' farm on 13 October 1970.[2621]

1068. This entry, 'HELD (JOHNSTON)' was examined in relation to the allegation of 'planting' of Police Exhibit 350, a cartridge case which had been fired from Police Exhibit 317, on the CREWE farm. Police Exhibit 350 was located on 27 October 1970, and it has been alleged that between this date and 20 October 1970 (when Police Exhibit 317 was seized from Vivien THOMAS for the second time) Police Exhibit 317 was fired thus producing a cartridge case which was then placed in the CREWES' garden. As the notation 'HELD (JOHNSTON)' has no accompanying date it was contended by Peter WILLIAMS QC at the RCOI that this entry could relate to the occasion when this alleged fabrication occurred.[2622]

1069. At the RCOI, Detective ABBOTT, who was the exhibits officer during the investigation, stated that this entry was in Detective JOHNSTON's handwriting.[2623] It is noted that the 'HELD (JOHNSTON)' entry appears to be in the same handwriting and by the same pen as the entry for 20 October 1970. This was also confirmed by a reference in (then) Detective Senior Sergeant KEITH's police notebook, dated 12 December 1980.[2624] Detective Senior Sergeant KEITH referred to seeing 'West', believed to be John WEST from the Document Examiners Office, New Zealand Police, regarding the 'HELD (JOHNSTON)' entry.[2625] Detective Senior Sergeant KEITH commented: *"Same pen as other entries"*, possibly indicating that this was the information relayed to him by WEST.[2626] By 1980, Detective JOHNSTON was deceased and therefore not able to clarify what this entry referred to.[2627]

1070. It is unknown who wrote the second entry for this firearm in the exhibit register (for the first seizure on 17 August 1970). It is noted that, to the untrained eye, this does not appear to have been written using the same pen as the first entry (for the second seizure on 20 October 1970).

1071. When questioned, Detective Senior Sergeant KEITH said he did not understand the meaning of HELD (JOHNSTON),[2628] but that Detective JOHNSTON could have written this in the register on 22 March 1973 when he took the rifle to the CREWES' property for testing.[2629] When questioned, retired Detective Inspector HUTTON commented that the column in which this entry was made was to show the movements of the exhibit, other than the date it was uplifted,[2630] meaning that this entry was likely from a date after 20 October 1970.

1072. Detective Chief Superintendent WILKINSON pointed out to the RCOI that (then) Deputy Commissioner WALTON, while Assistant Commissioner, had undertaken an enquiry in 1972 in to the allegation that Police Exhibit 350 was planted, and, at this time, inspected the entry for Police Exhibit 317 in the exhibit register.[2631] There is nothing in Assistant Commissioner WALTON's notes[2632] at the time of his enquiry to indicate 'HELD (JOHNSTON)' was in the Police Exhibit Register at this time.

1073. During his enquiry, Assistant Commissioner WALTON noted that the entry in the register for Police Exhibit 317 was made following the repossession of the rifle (on 20 October 1970).[2633] The second entry, relating to the initial seizure, was made later, and details of this had been recorded on a Police Jobsheet and in the 'schedule' at the time.[2634] It is likely that the entry '(See Arms Schedule)' refers to this. Assistant Commissioner WALTON made no mention of the entry 'Held (JOHNSTON)'. Since the purpose of his investigation was to establish whether Police Exhibit 350 had been planted, it is likely that he would have questioned those interviewed about this. Certainly, if Police Exhibit 317 had been in the

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possession of a police officer prior to the arrest of Arthur THOMAS, this would have needed to be addressed.

1074. Assistant Commissioner WALTON's notes of his interview with Detective JOHNSTON indicate that after Police Exhibit 317 was seized for the second time and handed to Detective KEITH, Detective JOHNSTON had not had the rifle in his possession on any other occasion.[2635] If 'HELD (JOHNSTON)' had been noted in the Police Exhibit Register at this stage it is almost certain Assistant Commissioner WALTON would have asked Detective JOHNSTON about this. Detective JOHNSTON also stated that he never had cartridge cases relating to the investigation in his possession for any reason.[2636] However, Assistant Commissioner WALTON's notes are unclear whether the cartridge cases described by Detective JOHSNTON refer to Police Exhibit 318, ammunition taken from Arthur THOMAS' farm, or any cartridge cases related to the CREWE homicide investigation. Again, if the relevant entry was in the Police Exhibit Register regarding Police Exhibit 318 at the time of this interview, Assistant Commissioner WALTON would have almost certainly asked Detective JOHNSTON about this.

1075. Furthermore, John HENRY QC submitted to the RCOI that it would be inconceivable that a police officer would make a record such as 'HELD (JOHNSTON)', when deliberately embarking on fabrication of evidence.[2637] Having said this, it is unlikely that the truth of this matter will ever be known as this was not put to Detective JOHNSTON before his death in 1978.

1076. In Pat BOOTH's book, *The Fate of Arthur Thomas: Trial by Ambush,* Arthur THOMAS was said to have claimed that when he was questioned by Detective Inspector HUTTON (on 25 October 1970), his rifle (Police Exhibit 317) was in the corner of the room with a packet of ammunition tied to the trigger, along with the brush set (Police Exhibit 347) and wire samples.[2638] This information was again relayed in Ian WISHART's book, *Arthur Allan Thomas: The Inside Story,* where THOMAS allegedly stated that this rifle (that had been in the room) looked 'similar' to his.[2639]

1077. Detective Inspector HUTTON's Police Jobsheet regarding the interview on this date stated that THOMAS was interviewed in Detective Inspector HUTTON's office at the Otahuhu Police Station, but does not acknowledge that Police Exhibit 317 was shown to, or was in the same room as, THOMAS.[2640] However, if THOMAS' claims are accurate, this would mean that Police Exhibit 317 was removed from the CIB locker, without Detective KEITH's knowledge, and without it being recorded in the Police Exhibit Register.

1078. It is possible that THOMAS' claim, that he saw his rifle while in Detective Inspector HUTTON's office at the Otahuhu Police Station on 25 October 1970, is correct. While there is no documentation supporting this, Detective Inspector HUTTON's Police Jobsheet of the interview did note that THOMAS was shown the axle (Police Exhibit 293), two stub axles (Police Exhibits 330 and 331) and other trailer parts[2641] as well as the brush set (Police Exhibit 347).[2642] Detective Inspector HUTTON's evidence from the first trial indicates that these exhibits were shown to THOMAS in a room adjoining his office.[2643] It is therefore reasonable to suggest that Detective Inspector HUTTON would have presented the other key physical exhibit to THOMAS, this being Police Exhibit 317.

1079. If this is in fact the case, it indicates the movement of Police Exhibit 317 was not recorded in the Police Exhibit Register, and that Police Exhibit 317 was possibly in Detective Inspector HUTTON's possession without the knowledge of Detective KEITH who 'held the only key to

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the locker' in which this exhibit was kept. Detective KEITH was at work on 25 October 1970, but his police notebook entry for this date indicates that he was in the Pukekawa area speaking with residents for the majority of the day including the time (10.10am to 1.50pm)[2644] that Arthur THOMAS was interviewed by Detective Inspector HUTTON.[2645] However, it is possible that Detective KEITH handed the rifle to Detective Inspector HUTTON prior to his first notebook entry at 8.00am on this date, or left the locker key where Detective Inspector HUTTON could access it.

1080. Alternatively, it is possible that although other key pieces of evidence were laid out before THOMAS on this day, his rifle was not as it was locked in Detective KEITH's locker and he was not present to hand it to Detective Inspector HUTTON.

1081. The prospect that police officers had Police Exhibit 317 in their possession after it had been seized for a second time, without this movement being properly recorded, added fuel to the allegation that Police Exhibit 350 was planted by police on the CREWES' property.

1082. On 29 October 1970, Detective Inspector HUTTON,[2646] Detective Sergeant CHARLES,[2647] (then) Detective Sergeant PARKES[2648] and Detective JOHNSTON[2649] went to the Boystown range where Rory SHANAHAN carried out further test-firings with Police Exhibit 317.[2650] SHANAHAN fired 14 rounds, retaining the brass cartridge cases for comparison with Police Exhibit 350 (which was a brass cartridge case).[2651] Detective Inspector HUTTON explained at the first and second trials that the purpose of the test-firing was two-fold: to obtain test-fired brass cartridge cases, and to test the distance that spent cartridge cases would travel after being ejected by Police Exhibit 317.[2652] On the same day, Detective Inspector HUTTON returned the rifle to Detective KEITH, who placed the firearm in his locker.[2653]

1083. The RCOI concluded on the issue:

> *"Mr Keith gave evidence that the Thomas rifle was kept in his locker, to which he alone had the key. We regard Mr Keith as an honest witness, but we do not accept that he is in a position to guarantee that no other Police officer had access to the rifle. His locker was apparently of standard government issue, and we have no doubt that it would not have been difficult for a determined person to gain access to it. Furthermore there is evidence given at the second trial by Mr Thomas [NB: Arthur THOMAS actually gave this evidence at the first trial[2654], not the second trial] that on 25 October 1970, Mr Hutton had the rifle in his office with a packet of ammunition attached to it. Mr Thomas gave this evidence under cross-examination and was not challenged on it. That evidence indicates that officers other than Mr Keith had access to the rifle between 20 October, when it was picked up from the Thomas farm, and 27 October when exhibit 350 was found."*[2655]

1084. On 14 December 1970, Police Exhibit 317 was taken to the Magistrates Court (later known as the District Court) for the deposition hearing,[2656] and was later in the custody of the Supreme Court on 15 February 1971 for the first trial.[2657]

1085. On 28 February 1971, during the course of the first trial, a reconstruction and test-firing was carried out at the CREWES' property using Police Exhibit 317.[2658] Those present were: Detective JOHNSTON,[2659] Defence Counsel Paul TEMM,[2660] Defence Counsel Brian WEBB,[2661] Percy BRANT,[2662] John McKENZIE,[2663] Photographer Richard DRAPER[2664] and a surveyor (identity unknown).[2665] The purpose of this exercise was to determine the feasibility of a shot being fired through the open louvre window hitting a target in the position in which Harvey was likely sitting in the lounge.[2666]

1086. Howard KEYTE, counsel assisting the RCOI, pointed out that the use of Police Exhibit 317 on

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28 February 1971 was not on the exhibit movement sheet submitted to the RCOI.[2667] This was because at the time of the test-firing, Police Exhibit 317 was in the custody of the court, after being received for the commencement of the first trial on 14 December 1970.

1087. On 24 June 1971, after the first trial, Police Exhibit 317 was returned to Detective KEITH.[2668] It was put in his locker the same day.[2669]

1088. On 26 June 1972, Detective C. STERLING transported Police Exhibit 317 to the DSIR and then to the Boystown range where the rifle was again test-fired[2670] by Rory SHANAHAN.[2671] After returning to the DSIR to uplift Doctor NELSON, Detective STERLING returned Police Exhibit 317 to the Auckland Central Police Station.[2672] In the presence of Detective STERLING,[2673] Constable STEVENS,[2674] Doctor NELSON,[2675] SHANAHAN,[2676] Kevin RYAN,[2677] Gerald RYAN,[2678] Pat VESEY,[2679] Malcolm McARTHUR[2680] and others from the Arthur Thomas Retrial Committee Inc.,[2681] Detective Inspector HUTTON[2682] packed Police Exhibit 317 along with other police exhibits *(see paragraph 1012)* into a wooden box.[2683]

1089. The same day, Detective STERLING transported the exhibits to Wellington where he handed them to J. K. McGREGOR, Ministry of Foreign Affairs,[2684] who sent, on 29 June 1972, the exhibits by diplomatic bag to the New Zealand High Commission in London.[2685] The items were then forwarded to the Home Office Forensic Science Laboratory, Nottingham.[2686]

1090. On 22 August 1972, Detective STERLING again travelled to Wellington and collected the exhibits, which had returned from England, from the Department of Foreign Affairs.[2687] He travelled to the Auckland Central Police Station where the package was opened in the presence of Doctor NELSON, Detective Ivan NU'U, Kevin RYAN and members of the Arthur Thomas Retrial Committee Inc.[2688] The exhibits were examined by Doctor NELSON and RYAN before being taken by Detective STERLING to the Otahuhu Police Station where Police Exhibit 317 was deposited in a safe in the Detective Senior Sergeant's office.[2689]

1091. On 22 March 1973, Detective JOHNSTON was present at the CREWES' house with Kevin RYAN and Pat VESEY when Percy BRANT tested the ejection theory.[2690] Bullets were fired through Police Exhibit 317 into the ground and the distance travelled by the ejected cartridge cases was measured.[2691]

1092. Detective ABBOTT took Police Exhibit 317 to the Supreme Court for the second trial on 26 March 1973; it was subsequently returned to Detective KEITH on 12 July 1973.[2692]

1093. On 27 March 1973, during the second trial, Doctor NELSON again test-fired Police Exhibit 317 at Boystown.[2693]

1094. On 11 June 1975, Detective KEITH took Police Exhibit 317 to the laboratory of Doctor SPROTT.[2694] Doctor SPROTT placed empty cartridge cases into the breach of the rifle with tweezers and Detective KEITH fired and then ejected 15 cartridge cases.[2695] At the request of Doctor SPROTT, Detective KEITH then fired seven bullets from Police Exhibit 317.[2696]

1095. After a further request from Doctor SPROTT,[2697] Police Exhibit 317 was released to his secretary, Alison Margaret SPROTT (DOB unknown), on 13 September 1976[2698] for test-firing.[2699] Police Exhibit 317 was returned to police on 27 October 1976.[2700]

1096. On 19 June 1980, Police Exhibit 317 was test-fired at Kauri Point range.[2701] David SCHNAUER, counsel for the DSIR and Justice Department at the RCOI, submitted a report stating that the ejection of cold cartridge cases from this rifle was tested.[2702] Police Exhibit 317 was also fired in excess of 20 times[2703] and the distances of the ejected cartridge cases were measured.[2704]

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1097. On 15 October 1980, during the RCOI, Howard KEYTE took possession of Police Exhibit 317 from Detective KEITH.[2705]

1098. Police Exhibit 317 was returned to Arthur THOMAS by police on 26 February 1981.[2706]

New information

Allegation that C3B is the murder weapon

1099. A full analysis of information provided by Desmond THOMAS about C3B has not been undertaken. The following is a summary of the main points with regard to further scientific work undertaken on this firearm and related test-fired bullets. A full analysis was not completed as the 2012 forensic examination by Sharon FOWLER, National Ballistics Intelligence Service, negates the following claims pertaining to the possibility of C3B firing the fatal bullets *(see paragraph 1137).*

1100. Over a number of years Desmond has been in contact with police claiming that Peter PRESCOTT was incorrect when he gave evidence at the RCOI that C3B had only five lands, not six. He has refused to accept PRESCOTT's finding and instead contended that PRESCOTT was an unreliable witness and had perjured himself.[2707] Desmond also alleged that C3B had been re-barrelled which accounted for the inconsistent findings regarding the number of lands and grooves.[2708] Desmond further stated that, based on the conclusion by PRESCOTT, Doctor NELSON may have mixed up the BSA rifle (Police Reference Number C2B) seized from the EYRE family and the Remington rifle (Police Reference Number C3B) seized from the EYRE family.[2709] For this reason, Desmond requested that C2B be re-tested by police.[2710]

1101. As a result of questions raised by Desmond, a number of examinations took place in an attempt to establish the true position with regard to C3B.

1102. Nicholas POWELL MRSNZ PhD MSc PG Dip (Forensic Science) of Forensic & Industrial Science Ltd., was commissioned by Desmond in 2003 *"... to carry out an independent review of certain aspects of the technical and scientific evidence relating to the Crewe murders."*[2711] One of these aspects was the firearm which fired the fatal bullets that killed Harvey and Jeannette.

1103. POWELL contended that after Doctor NELSON's initial examination of Police Exhibit 317, it was eliminated from the enquiry and returned to Arthur THOMAS.[2712]

1104. POWELL stated that when Peter PRESCOTT completed his assessment in 1980, he examined bullet 'F' but was unable to examine the other two test-fired bullets from Police Exhibit 317 (fired on 18 August 1970) and the three test-fired bullets from C3B (fired on 18 August 1970).[2713] He said these were the bullets upon which Doctor NELSON based his conclusion (that neither Police Exhibit 317 nor C3B could be excluded as the murder weapon), and which, at the time of the RCOI, were missing.[2714] POWELL stated: *"After firing a rifle said to be the Eyre rifle that had been made available by the New Zealand Police, Mr Prescott reported that its barrel had five lands."*[2715] POWELL contended that this finding *"... led to the premature exclusion of this rifle ..."* as one that could have fired the fatal bullets.[2716]

1105. POWELL said that Doctor NELSON's notes of his examination of C3B recorded that this rifle fired projectiles with six land marks, not five as PRESCOTT contended.[2717] POWELL also said that Doctor NELSON had checked his initial findings, meaning that the possibility he was in error was reduced.[2718] Furthermore, POWELL stated: *"... it is in principle highly unlikely that an examiner could mistakenly identify a projectile fired from a five-land barrel as one that had been fired*

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from a six-land barrel when both are examined simultaneously with a comparison microscope."[2719] POWELL stated that the original finding by Doctor NELSON that C3B had six lands was correct and, in his opinion, was a robust conclusion. [2720]

1106. On 20 May 2005, POWELL signed an affidavit which detailed similar assertions to those in his 2003 report. POWELL further stated that on 20 December 2004, at Archives New Zealand, he examined a test-fired bullet from C3B.[2721] This bullet had been produced by PRESCOTT at the RCOI as RCOI Exhibit 209.[2722] Upon examination, POWELL stated that he found RCOI Exhibit 209 to have six lands and had been fired from a barrel with a right hand twist.[2723] POWELL stated that his examination established that Doctor NELSON's original finding regarding C3B was correct and that PRESCOTT had been mistaken in his examination.[2724]

1107. POWELL's affidavit was sent to police, accompanied by a letter dated 27 May 2005 from Brian ROONEY (solicitor acting on behalf of Desmond THOMAS).[2725] ROONEY contended that as PRESCOTT concluded it was 'highly probable' that Police Exhibit 317, with six lands and a right hand twist, had fired the fatal bullet (Police Exhibit 234), *"the same observation of high probability must now, logically, be applied to the Eyre rifle."*[2726]

1108. Kevan WALSH, Case Manager, Physical Evidence, Institute of Environmental Science & Research Limited, reported that he examined RCOI Exhibit 209 (test-fired bullet from C3B) on 9 February 2006.[2727] The purpose of this examination, which was undertaken at Archives New Zealand, was to determine the rifling characteristics of the projectile.[2728] Also present during the examination was Desmond THOMAS, POWELL and Inspector WALKER, National Forensic Services Advisor.[2729] WALSH stated that his examination of RCOI Exhibit 209 determined that it had been fired from a rifle with six grooves that twisted to the right.[2730] WALSH, therefore, stated that RCOI Exhibit 209 *"... definitely could not have been fired ..."* from C3B.[2731]

1109. WALSH also examined RCOI Exhibit 201[2732] which consisted of two bullets test-fired by Rory SHANAHAN from Police Exhibit 317 on 26 June 1972. He found that the rifling on these bullets was also consistent with being fired from a rifle with six grooves with a right hand twist.[2733] WALSH noted that the widths of the land and groove impressions on the bullets from RCOI Exhibits 209 and 201 appeared to be the same, but these were not compared directly to determine whether the widths were in fact the same.[2734]

1110. On 13 March 2006, as a result of POWELL's examination of RCOI Exhibit 209, the EYRE family agreed to surrender C3B (which they still had in their possession) to police.[2735] This was given to WALSH for examination,[2736] and it was identified by WALSH that this rifle had five lands and grooves with a right hand twist.[2737]

1111. A report on 28 March 2006 from Inspector WALKER to Detective Superintendent Nick PERRY, National Crime Manager, addressed the question as to whether the barrel on C3B could have been changed in the intervening period between examinations by Doctor NELSON and Peter PRESCOTT.[2738] Inspector WALKER noted that both scientists had examined a Remington rifle with the same serial number, but noted that *"... there is no obvious link between the Remington barrel and the receiver that holds the serial number ..."*[2739] He stated that, according to database information obtained by WALSH, the barrel currently in place was consistent with a factory-fitted barrel.[2740] Furthermore, Inspector WALKER noted that at the RCOI PRESCOTT gave the opinion that there was no evidence to indicate the barrel had been changed in the intervening time between Doctor NELSON's examination and his own.[2741] However, PRESCOTT was unable to say whether or not the barrel could have been

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changed in the past 10 years (prior to 1980).[2742] Inspector WALKER stated that WALSH concurred with this opinion.[2743]

1112. [redacted][2744] Inspector WALKER stated:

> *"Exhibit 209 has either deliberately or inadvertently been switched in Archives NZ. It is worth noting that at the time of the 9 February 2006 examination, Archives staff could not locate Exhibit 209 as it was not in the box it was supposed to be in. It took 60 minutes to find it and was found in another area where it had been repackaged."*[2745]

1113. Inspector WALKER said the claim by the THOMAS family that PRESCOTT was in error when he said C3B had five lands and grooves *"... has now been found to be baseless through the re-examination of the Eyre's Remington .22 rifle."*[2746] Furthermore, Inspector WALKER stated: *"This claim was made by the Thomas's knowing that the projectile at Archives NZ allegedly test-fired from the Eyre rifle, did not match with the late Mr Prescott's findings."*[2747]

1114. On 20 April 2006, Robert NGAMOKI, officer-in-charge of the Police Armoury, examined C3B to determine whether the barrel had been replaced or relined.[2748] NGAMOKI stated that the exterior of the barrel did not show the presence of marks attributable to barrel clamps or any other tool which may have been used to change the barrel.[2749] Furthermore, there were no tool marks located on the receiver.[2750] NGAMOKI stated that an alternative to changing the barrel would be to have the barrel relined, which occurs if the existing barrel becomes worn and inaccurate.[2751] To do this the old rifling is drilled out and a tube with new rifling is inserted into the barrel.[2752] Again, NGAMOKI reported that there was no evidence of this having been done.[2753]

1115. NGAMOKI further reported that he took C3B to Din COLLINGS of Collings and Bradey, Gunsmiths, Karori, Wellington, who was a respected and well-known gunsmith throughout New Zealand.[2754] COLLINGS had previously performed 're-barrels' and 're-linings' on this model of rifle and could find no evidence that C3B had been modified accordingly.[2755]

1116. NGAMOKI concluded: *"Based on both my and Mr Collings examinations, there is no evidence of any changes to the barrel of the subject rifle."*[2756]

1117. On 16 June 2006, Detective Superintendent PERRY wrote to Brian ROONEY in relation to the examinations of C3B that had been conducted.[2757] Detective Superintendent PERRY outlined the police position:

- *"That the Eyre rifle Remington Model 12 .22 rifle, serial number 786596, is fitted with a barrel with five lands and grooves;*
- *That there is no evidence that the barrel of this Remington rifle has been altered or changed since manufacture;*
- *That this being the case, the Eyre rifle could not have fired the fatal bullets;*
- *That the findings of Dr Nelson were incorrect; and*
- *That the projectile recorded as Exhibit 209 in the Royal Commission of Enquiry is not the projectile that originated from the test firing of the Remington Model 12 .22 rifle undertaken by Mr Prescott."*[2758]

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1118. Detective Superintendent PERRY informed ROONEY that police would not be undertaking any further enquiries with regard to C3B.[2759]

1119. A report from Inspector WALKER to Detective Superintendent Win van der VELDE, National Crime Manager, dated 2 September 2006, stated:

"Police cannot explain why Royal Commission of Enquiry Exhibit 209, held in Archives NZ, does not fit with the EYRE rifle. In its time since the Royal Commission of Enquiry this projectile has been subjected to repackaging, approximately 14 months outside of Archives care at the Court of Appeal, and according to Archives records, accessed only by Des Thomas and his Forensic Scientist [Nicholas POWELL] in December 2004 prior to Police and Mr Thomas examining it in February 2006."[2760]

1120. In an April 2007 communication between Inspector WALKER and Dianne MACASKILL (Archives New Zealand), Inspector WALKER stated that as a result of the previous examination of RCOI Exhibit 209 *"... Police desire to close off any loose ends and continued interest in the matter ..."*[2761] In order to do this, police, in conjunction with ESR, sought access to all bullets held at Archives New Zealand that formed part of the RCOI holdings.[2762] The purpose of this was to determine if an inadvertent switch may have occurred between the exhibits while they were out of Archives custody (at the RCOI, or later at the Court of Appeal).[2763]

1121. On 14 June 2007, Kevan WALSH examined various items at Archives New Zealand.[2764] Also present were: Desmond THOMAS, Nicholas POWELL and Inspector WALKER.[2765] A purpose of this examination was to confirm the provenance of RCOI Exhibit 209.[2766] WALSH noted that upon examination of the box of exhibits there were various items, one of which appeared to have no relation to the CREWE murders.[2767] Three items were located which contained fired bullets - these were RCOI Exhibits 50, 201 and 209.[2768] WALSH reported that RCOI Exhibit 50 contained three mushroomed, fired lead bullets from a reconstruction on 13 October 1970.[2769] He determined that none of these three bullets had been fired from Police Exhibit 317.[2770] RCOI Exhibit 201 contained two fired pattern '18' bullets with '3' and '4' scratched on to their bases, and one fired pattern '8D' bullet with 'RS 22/9/80' scratched on to the base.[2771] These were described as having been fired from Police Exhibit 317.[2772] RCOI Exhibit 209 contained one fired pattern '8' bullet and was described as having been fired from C3B.[2773] There was no identification marks scratched on to the base.[2774]

1122. WALSH compared bullet '3' and '4' from RCOI Exhibit 201 and found that these two bullets had been fired from the same firearm.[2775] He then compared bullet '3' of RCOI Exhibit 201 with the bullet marked 'RS 22/9/80' from RCOI Exhibit 201.[2776] WALSH noted that he found a correspondence of the major striation between the two bullets and of one striation, but, was of the opinion that *"... there was insufficient microscopic detail within the rifling marks of the 'RS 22/9/80' bullet to determine conclusively whether or not this bullet had been fired in the Thomas rifle."*[2777]

1123. WALSH also compared bullet '3' from RCOI Exhibit 201 with RCOI Exhibit 209.[2778] He reported that despite finding a correspondence of some of the major striae seen, *"... there was insufficient microscopic detail within the rifling marks of exhibit 209 to determine conclusively whether or not this bullet had been fired in the Thomas rifle."*[2779] He went on to say that the correspondence of the rifling mark widths and some striae supported this proposition, but he could not exclude other rifles with the same rifling characteristics.[2780]

1124. WALSH concluded: *"... it cannot be proved that exhibit 209 was fired in the Thomas rifle. However the correspondence of rifling land and groove widths between exhibit 209 and the bullets test-fired in the Thomas rifle were very good."*[2781]

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1125. The assertion, that Doctor NELSON may have mixed up the two rifles (C2B and C3B) seized from the EYRE family is unlikely, as Doctor NELSON's notes indicate that C2B had eight lands with a right hand twist. It does not appear that C2B was test-fired by police after August 1970.

1126. Nicholas POWELL cited Doctor NELSON's notes made at the time of his examination, *"Rifling class identical but no match seen"*, as the basis behind his (incorrect) assertion that Doctor NELSON had at this time eliminated Police Exhibit 317 from the enquiry. In doing so POWELL disregarded Doctor NELSON's evidence given at the deposition hearing, first trial, second trial and RCOI.

1127. POWELL's initial report stated that the assertion that C3B in fact had six land marks was reinforced by records held by Remington (the manufacturer of C3B) *"... which show that Model 12 Remington rifles have always been fitted with six land barrels ..."*[2782] However, in a subsequent letter to Detective Senior Sergeant LENDRUM on 3 March 2004, POWELL stated that he was now aware that some Remington Model 12 series rifles were in fact fitted with barrels which contained five lands.[2783]

1128. It is noted that while POWELL claimed his report was an *"... independent review of certain aspects of the technical and scientific evidence ..."* he went on to detail information relating to a possible motive for the murders, had John EYRE been the offender. POWELL also provided information about EYRE's character and behaviour noted by others which, it seems, was an attempt to further justify EYRE as a viable suspect for the murders. Far from 'technical' or 'scientific' evidence, this information was obviously provided to POWELL by his client, Desmond THOMAS, and was therefore biased and had not been verified. It is noted that since the commencement of the CREWE Homicide Investigation Review much of this information relied upon by POWELL has been negated.

1129. Brian ROONEY's assertion, that the observation of high probability should now be attributed to C3B, is clearly misguided. Peter PRESCOTT stated that it was highly probable that Police Exhibit 317 fired the fatal bullets. This was not based on the fact that Police Exhibit 317 fired bullets which had six lands and grooves with a right hand twist, but on the agreement of rifling marks.

1130. Desmond THOMAS stated that Kevan WALSH's examination of RCOI Exhibit 209 proved that at one time C3B fired a bullet with six lands and grooves.[2784] On the contrary, this bullet was not one which was fired from C3B.

1131. The question arises as to how the mix up between RCOI Exhibit 209 - what was originally (in 1980) a bullet with five lands and grooves - became a bullet with six lands and grooves from 2004 onwards. It is possible that this, one of a large number of exhibits retained from the RCOI, was inadvertently replaced with an item from another exhibit, perhaps when this and another bullet were being examined. However, it is also possible that the item which was originally RCOI Exhibit 209 was deliberately replaced with the bullet which now occupies the case labelled 209.

Allegation that a number of firearms could have fired the fatal bullets

1132. In *The Investigator* programme, Bryan BRUCE referred to a document dated 2 August 1972 in which George PRICE stated that of the 688 .22 firearms in the collection held at the Home Office Forensic Science Laboratory, Nottingham, 15 of them could have fired the fatal bullets which killed the CREWES.[2785]

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1133. [redacted]. PRICE's report provided a table of the number of .22 weapons in their collection (including rifles, revolvers and pistols) which fire ammunition of the same type as the bullets found in the heads of Harvey and Jeannette.[2786] This totalled 688.[2787] However, PRICE then broke this figure down in to those weapons with six lands and grooves with a right hand twist (as was identifiable on the fatal bullets).[2788] This totalled 246.[2789] PRICE broke this down once more in to *"those with groove and land width as the exhibit bullets ['all caps' removed]"* which totalled 15 firearms.[2790]

1134. PRICE's report does not say that these 15 firearms could have fired the fatal bullets. This number is merely an indication as to those which would, on a preliminarily inspection, not be excluded. Once this was established a closer examination of test-fired bullets from these weapons would identify fine markings which, upon comparison with the fatal bullets, would then give an indication as to whether specific weapons could be excluded as being the murder weapon.

Further enquiries - opinion of Sharon FOWLER (2013)

1135. In October 2012, a number of items relating to the ballistic evidence in the CREWE murders were sent to Sharon FOWLER, Senior Forensic Scientist, National Ballistics Intelligence Service, Greater Manchester Police, United Kingdom *(see appendix 8)*. These include:

- bullets purportedly test-fired from Police Exhibit 317 in 1970, 1972 and 1980[2791]
- C3B - the .22 Remington rifle which could not be excluded by Doctor NELSON in 1970 as the murder weapon[2792]
- bullets purportedly test-fired from C3B in 1980[2793] and 2006[2794]
- comparison photographs of test-fired bullets from Police Exhibit 317 and Police Exhibits 234 and 289 (fatal bullets)[2795]
- 122 bullets and 124 cartridges cases from 60 firearms tested by DSIR in 1970.[2796]

1136. FOWLER was asked to complete an examination of these items and report upon her findings. The purpose of the examination was to:

> *"a. Examine and compare items 1 to 17 and 19 to 24 [various bullets and cartridge cases said to have been fired in Police Exhibit 317 and C3B] to determine how many weapons were used to discharge the items and also to confirm the rifling characteristics of the fired bullets received.*
>
> *b. To examine the rifle received, item 86, [C3B] with a view to establishing whether or not it has been altered from its original state, specifically if the barrel has been replaced at some stage.*
>
> *c. Furthermore, to compare the above items 1 to 17 and 19 to 24 against test fired samples generated from item 86, to determine whether or not any of the fired bullets or cartridge cases were discharged from/in the said weapon.*
>
> *d. To examine the test fired samples submitted in items 25 to 84 [bullets and cartridge cases from 60 firearms collected in 1970] to compare the rifling characteristics of each against the spreadsheet received entitled '.22 Rifle Collection Phase Testing', and to determine whether or not the items contain in items 25 to 84 were correctly eliminated during the original investigation.*
>
> *e. Finally, I have been asked to compare the fired bullets received in items 1 to 17 and 21 to 23 against item 18, comparison photographs showing side-by-side images of bullets, including those recovered from the fatal shooting incidents."*[2797]

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1137. FOWLER provided a report of her findings in April 2013. FOWLER examined C3B and reported that the rifling characteristics on bullets fired by this rifle consisted of five lands and grooves with a right hand twist.[2798] She noted that there was no evidence any alteration had been made to this firearm and commented that there was an even distribution of corrosion over the weapon, including the barrel, magazine and receiver areas.[2799] FOWLER compared C3B with a Remington of the same model from her laboratory's reference collection, and stated that the manufacturer identification markings on the barrel and receiver were consistent with those on C3B.[2800] In addition, *"the barrel length and overall length of both weapons corresponds with the manufacturer specifications for this model"*.[2801] FOWLER stated that in her opinion, therefore, the barrel on C3B is the original barrel.[2802] She noted that the fatal bullets contained six lands and grooves with a right hand twist and, therefore *"... this weapon [C3B] should have been eliminated from the original investigation ..."*[2803]

1138. Due to the condition of C3B's barrel, it was not possible for FOWLER to determine whether or not the bullets said to have been fired from this weapon, had indeed been.[2804] These bullets were:

- Items 8 to 14 - each one bullet and one cartridge case fired from C3B by Rory SHANAHAN on 15 October 1980
- Items 15, 16 and 22 – each one bullet and one cartridge case fired from C3B by Peter PRESCOTT on 27 October 1980
- Item 23 – five bullets fired from C3B by Kevan WALSH on 13 March 2006.[2805]

1139. FOWLER found sufficient agreement of class and individual characteristic markings to conclusively determine that the bullets contained in items 8, 9, 10, 14 and 15 were all fired through the same barrel.[2806] There was also agreement, she stated, in class characteristic markings for items 11, 12, 13, 16 and 22.[2807] However, due to the corroded condition of the bullets there was not sufficient agreement, or disagreement, of individual characteristic markings to determine whether or not these had been fired in the same weapon as those above.[2808] However, FOWLER did state that as a result of her examination there was nothing to suggest the involvement of a second barrel.[2809]

1140. It was noted that four of the five bullets which comprised item 23 displayed coarser rifling than the others - which had five lands and grooves.[2810] However, the fifth bullet that comprises item 23 had the same class characteristics as the bullets in items 8 to 16 and item 22, but without sufficient agreement, or disagreement, of individual characteristic markings to determine whether or not it was fired in the same weapon.[2811] Again, FOWLER stated that there was nothing to suggest the use of a second barrel.[2812]

1141. FOWLER concluded that there was sufficient agreement of class and individual characteristic markings to conclusively determine that the remaining four bullets in item 23 were fired from the same barrel.[2813] She explained that *"... the gross detail present on these 4 bullets is consistent with markings seen on bullets fired through a heavily-fouled barrel. Therefore, whilst I am unable to microscopically associate these bullets to those above, in my opinion, there is nothing to suggest the use of a second weapon."*[2814]

1142. A microscopic comparison was also undertaken of the firing marks visible on the cartridge cases.[2815] FOWLER identified that cartridge cases in items listed below, were all fired from the same weapon, C3B.[2816] These were:

- items 8 to 14 – each one bullet and one cartridge case fired from C3B by Rory

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SHANAHAN on 15 October 1980

- items 15 and 22 – each one bullet and one cartridge case fired from C3B by Peter PRESCOTT on 27 October 1980
- items 19 and 20 – each one bullet and one cartridge case fired from C3B by Rory SHANAHAN on 15 October 1980
- item 24 – five cartridge cases fired from C3B by Kevan WALSH on 13 March 2006.[2817]

1143. In regard to Police Exhibit 317, FOWLER stated that without a physical examination of this firearm it was not possible to conclusively determine if the fatal bullets (Police Exhibits 234 and 289) were fired from this weapon.[2818]

1144. A microscopic comparison did, however, determine that all of the bullets purportedly test-fired from Police Exhibit 317 (listed below) did in fact contain six lands and grooves with a right hand twist - consistent with Police Exhibit 317.[2819] These were:

- item 1 – RCOI Exhibit 201, bullet fired from Police Exhibit 317 by Doctor NELSON on 18 August 1970
- item 2 – two bullets fired from Police Exhibit 317 by Rory SHANAHAN on 26 June 1970
- item 3 – one bullet fired from Police Exhibit 317 by George PRICE in July 1972
- item 4 – 11 bullets fired from Police Exhibit 317 by George PRICE in July 1972
- items 5, 6, 7 and 21 – each one bullet and one cartridge case fired from Police Exhibit 317 by Peter PRESCOTT on 27 October 1980.[2820]

1145. Furthermore, FOWLER identified that there was sufficient agreement of class and individual characteristic markings to conclusively determine that bullets contained in items 2, 3, and five of the eleven bullets contained in item 4 (bullets purportedly test-fired in Police Exhibit 317 in 1972), were all fired from the same barrel.[2821] In addition to this, FOWLER determined that item 17 (RCOI Exhibit 209, bullet fired from C3B by Peter PRESCOTT on 27 October 1980) was also fired from the same barrel.[2822]

1146. This finding is significant. Item 17, presented at the RCOI by PRESCOTT as RCOI Exhibit 209, was said to have been fired from C3B, meaning that this bullet would hold five lands and grooves with a right hand twist.[2823] In 2004, this item was examined by Nicholas POWELL who stated that the bullet contained six lands and grooves with a right hand twist, not five *(see paragraph 1105)*. The item was again examined by Kevan WALSH in 2006 who came to the same conclusion as POWELL *(see paragraph 1108)*.[2824] As a result it was asserted that C3B could have been the murder weapon and was incorrectly ruled out by PRESCOTT in 1980. However, FOWLER's examination established that this was not the case and this bullet had instead been fired from Police Exhibit 317.

1147. FOWLER also identified that there was some agreement of class and individual characteristics on a further two of the bullets in item 4.[2825] However, insufficient detail was present to conclusively determine that they were fired from the same barrel as those above.[2826] Regarding item 1 and the remaining four bullets from item 4, FOWLER stated that there was an agreement of class characteristic markings, but insufficient agreement or disagreement of individual characteristic markings to determine whether or not these bullets were fired from the same weapon.[2827] This was also the case with items 5, 6, 7 and 21 (each item contained one bullet purportedly test-fired in Police Exhibit 317 by PRESCOTT on 27

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October 1980), which, due to the poor (corroded) condition of the bullets, FOWLER was unable to determine whether these were also fired from the same weapon as those above.[2828] However, for all of these items where it could not be conclusively determined, FOWLER stated: *"... based on class characteristic agreement there is nothing to suggest the involvement of a second barrel."*[2829]

1148. FOWLER found that there was *"... sufficient agreement of class and individual characteristic markings, to conclusively determine ..."* that the cartridge cases contained in items 4, 5, 6, 7 and 21 were fired from the same weapon.[2830]

1149. An examination was also conducted of test-fired bullets from 60 firearms collected during the investigation and which were test-fired between 16 August 1970 and 6 October 1970. FOWLER immediately eliminated 30 firearms which did not have class characteristics consistent with the fatal bullets.[2831]

1150. During the comparison microscopy on items 1 to 7, 17 and 21, FOWLER noted *"... certain reproducible characteristic features at the base of the bullets."*[2832] By examining comparison photographs supplied (item 18), FOWLER also noted that similar features appeared at the base of the test-fired bullets (purportedly from Police Exhibit 317) and the fatal bullets (Police Exhibits 234 and 289).[2833]

1151. FOWLER obtained a firearm similar to Police Exhibit 317 (.22 calibre Fabrique Nationale Browning Trombone pump-action rifle) and test-fired this to compare against the test-fired bullets from Police Exhibit 317.[2834] She said that similar characteristic features were noted at the base of the bullets, but that similar types of markings were also found on some of the test-fired bullets contained in items 25 to 84 (bullets and cartridge cases fired from various firearms collected by police between 18 August 1970 and 6 October 1970) which had been discharged in a self-loading or pump-action rifle.[2835] FOWLER, therefore, concluded that these features *"... are more likely to be associated with the firing process for this type of rifle rather than markings derived from defects within the barrel that would be useful for identification purposes."*[2836] Having said this, FOWLER commented that the markings observed on the test-fired bullets from the Fabrique Nationale rifle were more distinct than other manufacturers, *"... and while these features did not provide a basis for identification, they would assist in the process of sifting through the test fires."*[2837]

1152. Of the remaining 30 firearms which were not initially excluded due to their class characteristics, FOWLER excluded a further 29 based upon the width of the lands and grooves and the feature at the base of the bullet.[2838] FOWLER concluded that she was unable to exclude F3B from the original investigation - based on the test-fired bullets available.[2839]

1153. Bullets and cartridge cases from 60 of the 64 firearms collected and tested during the original investigation in 1970 were located at ESR. However, bullets and cartridge cases which had been test-fired from C10A (Police Exhibit 317), C3B, T1A (James HAWKER's rifle) and P12B (David John WILLIAMS' (DOB unknown), of Brewster Road, firearm) were missing. It is noted that FOWLER was able to examine other test-fired rounds from C10A and C3B, but did not have the opportunity to examine test-fired bullets or cartridge cases from T1A or P12B.

1154. Having said this, T1A was identified by Doctor NELSON as having four lands and grooves with a right hand twist. If Doctor NELSON's examination of this rifle was correct, FOWLER would quickly have excluded this as the murder weapon. P12B on the other hand, was a .22 Gevarm magazine-loaded firearm which was identified by Doctor NELSON as having six

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lands and grooves with a right hand twist.

1155. F3B was the reference given to a .22 Browning pump-action rifle owned by Arthur EGLINTON *(see paragraph 1017)*. It is noted that this was the same make of firearm as Arthur THOMAS'. It is likely that F3B could not be excluded by FOWLER due to the similar characteristic features which she noted at the base of the bullets, which were determined to be associated with the firing process from this type (Browning) of rifle as opposed to individualistic features suitable for identification. Having said this, it is possible that, had FOWLER been given the opportunity to examine other Browning rifles collected by police during the original investigation, she would not have excluded one or more of these as the murder weapon on the basis solely of the recurring features noted at the base of the bullets.

1156. It is noted that there were four .22 Browning pump-action rifles collected by police in 1970. These were: Police Exhibit 317, F3B, P30A - owned by Richard THOMAS (Arthur THOMAS' brother) - and C9A - owned by Gerard WILLIS (DOB unknown, now deceased), a Pukekawa resident and good friend of Lenard DEMLER. Doctor NELSON established that WILLIS' rifle had six lands and grooves with a right hand twist - the same as the fatal bullets. However, bullets and cartridge cases from this rifle were among those sent to FOWLER for examination, which she clearly excluded.

1157. Bullets and cartridge cases from Richard THOMAS' rifle (P30A) were not examined by FOWLER. Although records show that his rifle was collected for testing it is not clear that Richard's rifle was in fact tested. Detective PARKES reported that he took possession of Richard's rifle, along with five rounds of .22 hard nose ammunition, on 14 October 1970.[2840] The firearm and two rounds of .22 ammunition were then returned to Richard by Detective Sergeant CHARLES on 21 December 1970.[2841] There does not appear to be any record of whom, if anyone, test-fired this rifle, when this occurred, or the results of examination of the test-fired bullets.

1158. On 13 August 2013, Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM approached Richard and asked that he allow his rifle, which was then in the possession of his brother Desmond THOMAS, to be test-fired.[2842] Richard was happy for this to be done and subsequently, on 15 August 2013, P30A was collected by police from Desmond.[2843] The rifle was delivered to the ESR the same day where it was test-fired.[2844] P30A, along with three test-fired bullets and cartridge cases, were collected from ESR on 20 August 2013.[2845] These test-fired bullets were then compared with test-fired bullets from Police Exhibit 317 and photographs of Police Exhibit 234 (the bullet that killed Jeannette) *(see paragraphs 1166-1167)*.

1159. Although the additional .22 Browning pump-action rifles may not have been initially excluded by FOWLER solely based on the recurring features noted at the base of the bullets, this does not therefore translate to these firearms not being excluded as the murder weapon. Individual characteristics present on test-fired bullets provide the basis for a firearm being excluded, or not as the case may be.

Further enquiries – analysis by Kevan WALSH (2014)

1160. In November 2013, Kevan WALSH, Case Manager, Physical Evidence, from the Institute of Environmental Science and Research (ESR) was engaged by the Review Team to undertake an examination and comparison of ballistic evidence.[2846] He was asked to examine photographs of comparisons between bullets test-fired in Police Exhibit 317 (Arthur

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THOMAS' rifle) and Police Exhibit 234 (the bullet that killed Jeannette) taken by George PRICE in 1972 and form an opinion as to the probability that Police Exhibit 317 is the murder weapon.[2847] WALSH was asked to use these photographs and test-fired bullets from Police Exhibit 317 to determine whether or not Arthur EGLINTON's rifle (Police Reference Number F3B) could be excluded as the murder weapon.[2848] He was also asked to test-fire Richard THOMAS' rifle (Police Reference Number P30A) and make a comparison of these bullets to determine whether or not P30A could be excluded as the murder weapon.[2849] WALSH produced a report, dated 6 March 2014, outlining his findings.[2850]

1161. WALSH noted that the clarity of photographs comparing a bullet test-fired from Police Exhibit 317 by PRICE in 1972 and Police Exhibit 234 was not good.[2851] He stated that PRICE may have in fact observed more or less correlation between the two bullets in 1972 than can now be clearly seen in the photographs.[2852] WALSH stated that, in his opinion, "*…the correspondence is not overwhelming, with relatively few corresponding striae.*"[2853] He said that although there were few striae in total seen, a significant proportion of these showed some correspondence between the bullets.[2854] In his opinion, WALSH stated that "*…the observed correspondence provides strong support for the proposition that the bullet exhibit 234 had been fired in the rifle submitted for examination [Police Exhibit 317].*"[2855]

1162. WALSH explained that "*when a bullet is fired down the barrel, as well as being marked by the land and groove impressions, the bullet is also marked by the random imperfections present on the surface of the bore of the barrel.*"[2856] These imperfections result in microscopic linear scratches (known as striations or striae) on the surface of the bullet.[2857] He stated that these striae, in conjunction with the agreement of class characteristics, can be used to conclusively identify if a particular rifle fired a bullet.[2858]

1163. WALSH examined two bullets test-fired from F3B (Arthur EGLINTON's rifle) by Doctor NELSON on 6 October 1970.[2859] He confirmed that these bullets had six lands and grooves which were approximately the same width as bullets test-fired in Police Exhibit 317.[2860] WALSH stated that, based on the agreement of rifling characteristics between bullets test-fired in Police Exhibit 317 and bullets test-fired in F3B, F3B could not be excluded as having fired the fatal bullets.[2861] WALSH also noted that F3B test-fired bullets contained damage 'similar' to that seen on test-fired bullets from Police Exhibit 317, which he said was "*…probably the result of gas erosion.*"[2862]

1164. WALSH also compared the bullets test-fired from F3B with photographs that show portions of Police Exhibit 234 (bullet that killed Jeannette).[2863] He stated that if F3B had fired Police Exhibit 234, "*…some correspondence of the striae within the land and groove impressions might be observed upon comparison with the photographs.*"[2864] WALSH stated that he did not observe any significant correspondence of microscopic striae to support the possibility that Police Exhibit 234 had been fired from F3B.[2865]

1165. As P30A (Richard THOMAS' rifle) does not appear to have been test-fired by police in 1970 *(see paragraph 1157)*, bullets were fired from this rifle by Gerhard WEVERS, ESR, on 15 August 2013.[2866]

1166. WALSH examined two bullets test-fired from P30A and confirmed that these had six lands and grooves, which were approximately the same width as bullets test-fired in Police Exhibit 317.[2867] WALSH stated that, based on the rifling characteristics of bullets test-fired in P30A, and given that Police Exhibit 317 could not be excluded from having fired the fatal bullets, P30A could also not be excluded.[2868] WALSH stated that test-fired bullets from Police Exhibit

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317 and P30A showed no significant correspondence of striae.[2869]

1167. WALSH also made a comparison of test-fired bullets from P30A with photographs of Police Exhibit 234.[2870] He observed no significant correspondence of microscopic striae between test-fired bullets from P30A and Police Exhibit 234 to support the possibility that P30A had fired the fatal bullet.[2871]

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5. IDENTIFICATION AND ORIGIN OF WIRE LOCATED ON THE BODIES OF HARVEY AND JEANNETTE CREWE

Key findings

1168. DSIR Scientist Harry TODD concluded that he could not differentiate between the copper wire (Police Exhibit 228(3)) found on Harvey's body and the copper wire (Police Exhibit 237) found on Jeannette's body, meaning that it is likely these were from the same source. However, these copper wires differed appreciably from wire samples collected by police for comparison purposes. TODD's findings in this respect were not challenged.

1169. TODD found that the two galvanised wires (Police Exhibits 288(1) and 288(2)) from Harvey's body and the galvanised wire (Police Exhibit 297) from the bedspread located with Harvey's body were all significantly different from each other, meaning that they originated from different sources. TODD stated that Police Exhibit 288(1) was in 'excellent agreement' and was in fact 'indistinguishable' from four separate wire samples (Police Exhibits 320A, 323, 325 and 334 'clean') from Arthur THOMAS' farm. In addition to this, the same piece of galvanised wire (Police Exhibit 288(1)) from Harvey's body was also in 'quite good agreement' with a fifth piece of wire (Police Exhibit 328D) from THOMAS' farm.

1170. Furthermore, a second piece of galvanised wire (Police Exhibit 288(2)) from Harvey's body was in agreement with a sixth piece of wire (Police Exhibit 324A) from THOMAS' farm, which TODD placed between 'excellent' and 'quite good' agreement.

1171. TODD also stated that Police Exhibit 297 (from the bedspread) displayed some agreement with a seventh wire sample (Police Exhibit 334 'rusty') from THOMAS' farm, but he could not be satisfied that the two wires came from the same source.

1172. Ian DEVEREUX, Scientist for the defence, utilised a different method of analysing the wire samples and disputed TODD's findings. He stated that Police Exhibit 228(1), from Harvey's body, was clearly different from the five samples from THOMAS' farm which TODD believed were in agreement. DEVEREUX also disputed that Police Exhibits 288(2), from Harvey's body, and Police Exhibit 324A, from THOMAS' farm, were in agreement.

1173. Wire found on Harvey's body was not in agreement with any other wires samples taken during the course of the investigation.

1174. Professor FERGUSON from the Department of Engineering at Auckland University, who was approached by the Review Team in 2012, completed an analysis of the findings of TODD and DEVEREUX. However, he was not able to carry out his own examination and analysis of the wires from the CREWES' bodies and THOMAS' farm due to the wires being destroyed in 1973. Professor FERGUSON concluded that the galvanised wire (Police Exhibit 288(1)) from Harvey's body had 'the same composition' and came from the same 'heat' as Police Exhibits 320A, 323, 325, 328D and 334 'clean' from THOMAS' farm. Furthermore, a second piece of galvanised wire (Police Exhibit 288(2)) from Harvey's body was of 'the same composition' and came from the same 'heat' as Police Exhibit 324A from THOMAS' farm.

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Wire found on the CREWES' bodies

1175. When Jeannette's body was recovered from the Waikato River on 16 August 1970, she was fully clothed and wrapped in a bedspread and blanket *(see paragraph 858)*.[2872] These coverings were fastened by a copper wire (Police Exhibit 237) wrapped around the body.[2873] Pathologist Doctor CAIRNS noted that the wire was *"... twisted into a form of knot above the knees on the right side. Beyond the twist it was bent as if it had been attached to something else."*[2874]

1176. Doctor CAIRNS' observation regarding the wire wrapped around Jeannette's body, and the presence of an object attached to Harvey's body *(see paragraphs 1175-1177)*, indicate that Jeannette was weighted before being dumped in the Waikato River. Police divers were not deployed to the area on the day Jeannette's body was found[2875] or the following day, as conditions (the speed) of the river were such that divers could not enter the water.[2876] Search logs indicate that divers were first able to join the search on 31 August 1970,[2877] some 15 days after the recovery of Jeannette's body. It is not surprising, given the time lapse and the flooding of the river at the time[2878] that divers failed to locate an item which could have been attached to the body as a weight.[2879]

1177. When recovered from the Waikato River on 16 September 1970, Harvey's body was also clothed, had pieces of a greenish blanket (Police Exhibit 295) about the waist *(see paragraph 865)*, and was wrapped in wire (Police Exhibit 288).[2880] While recovering the body from the Waikato River, Constable Paul SPENCE, a Police Diver, took hold of a piece of wire around the body that led down into the water.[2881] He noticed that there was some weight on the other end of the wire and stated that he *"... put a bit of strain on the wire and it snapped"*[2882] causing the body to roll free.[2883] It is believed that a Nash car axle (Police Exhibit 293) was attached to this copper wire *(see paragraph 1299)*.

1178. The three pieces of wire found attached to Harvey's body, galvanised wire taken from his waist, chest and copper wire attached to the waist wire, were all given the same police exhibit number, 288. However, these were commonly referred to as Police Exhibits 228(1), 288(2) and 288(3). Police Exhibit 288(1) being the galvanised wire from Harvey's waist, Police Exhibit 288(2) being the galvanised wire from Harvey's chest, and Police Exhibit 288(3) being the copper wire attached to the galvanised wire from Harvey's waist.

1179. Doctor CAIRNS noted that there was a loop of wire around Harvey's waist *"... twisted in a knot in front of the body ..."*[2884] It was to this galvanised wire[2885] that a piece of copper wire was attached.[2886] He also noted another loop of galvanised wire[2887] which had *"... a knot at the back with one loop over the right shoulder, one under the left shoulder to join in the front and also connected to the loop around the waist."*[2888]

1180. After Harvey's body was removed from the river, Police Diver Constable Arthur FROST located a dark brown[2889] bedspread (Police Exhibit 294) held under water between the branches of the same tree in which Harvey's body had initially been caught.[2890] This bedspread contained hair (Police Exhibit 296) which was consistent with Harvey's,[2891] and its shape indicated that the bedspread had been placed around his head. This bedspread was tied together with galvanised wire[2892] (Police Exhibit 297).[2893]

1181. The reason the offender/s wrapped the bodies with wire appears to be twofold to: (i) hold the coverings (i.e. blankets) on the bodies; and (ii) attach weights to the bodies. A greater amount of wire was located on Harvey's body than Jeannette's. However, this is not necessarily indicative of how the bodies were initially arranged. The police reconstruction supported the

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notion that there was a weight attached to Jeannette's body, but which later became dislodged. It is, therefore, likely that additional wire was attached to Jeannette's body, but which also became detached along with the weight.

1182. It is thought unlikely that a single offender would be able to hold up the upper bodies of the deceased (particularly Harvey) while wrapping and tying wire around the torsos. For this reason (unless there were two offenders), it is likely that Harvey would have been rolled over to enable wire to be wrapped around his body, with the waist wire knotted at the front and the chest wire knotted at the back.

Collection of wire samples

1183. On 16 August 1970, after it had been identified that the offender/s had wrapped Jeannette's body with copper wire (Police Exhibit 237), Detective Sergeant JEFFRIES collected samples of wire for comparison with Police Exhibit 237. These samples were:

- Police Exhibit 240 - copper wire from a bench in the workshop on the CREWES' property[2894]
- Police Exhibit 264 - copper wire (seven strands plaited together) from a bench in the tool shed on the CREWES' property[2895]
- Police Exhibit 265 - copper wire from a bench in the tool shed on the CREWES' property[2896]
- Police Exhibit 266 - copper wire from a bench in the tool shed on the CREWES' property[2897]
- Police Exhibit 267 - copper wire (tied in a circle) from a bench in the tool shed on the CREWES' property[2898]
- Police Exhibit 268 - copper wire from a bench in the tool shed on the CREWES' property[2899]
- Police Exhibit 269 - mild steel wire from a bench in the tool shed on the CREWES' property[2900]
- Police Exhibit 270 - copper wire from the tool box on the CREWES' tractor[2901]
- Police Exhibit 271 - copper wire from hydraulics of the CREWES' tractor.[2902]

1184. On 17 August 1970, Detective Sergeant HUGHES collected a bundle of copper wire (Police Exhibit 280) from the wood pile in a paddock on Lenard DEMLER's property.[2903]

1185. On 17 September, after Harvey's body had also been found to have been wrapped with wire, Detective Sergeant CHARLES collected more wire samples from DEMLER's farm. These were:

- Police Exhibit 310 - six pieces of galvanised wire taken from rolls of wire under a tree between the garage and tool shed on DEMLER's farm, Highway 22, Pukekawa[2904]
- Police Exhibit 311 - two pieces of galvanised wire connected together, removed from a roll of wire hanging in the tractor shed on DEMLER's farm.[2905]

1186. On 22 September 1970, Detective PARKES collected samples of wire from various farms in the Pukekawa area.[2906] These were:

- Police Exhibit 304 - electric fence wire (galvanised) taken from near the road gate on the

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farm of Raymond FOX, Highway 22, Pukekawa[2907]

- Police Exhibit 305 - copper and galvanised wire from the boundary fence on the farm of Frederick and Emily HOSKING (DOB unknown), Otuiti Road, Pukekawa[2908]
- Police Exhibit 306 - galvanised wire from the implement shed on the farm of Ronald and Carolyn CHITTY, Highway 22, Pukekawa[2909]
- Police Exhibit 307 - galvanised wire from outside the implement shed on the farm of Owen and Julie PRIEST, Highway 22, Pukekawa[2910]
- Police Exhibit 308 - galvanised wire from inside the implement shed on the farm of Ian Dick SPRATT (DOB unknown) and Peggy SPRATT, Highway 22, Pukekawa[2911]
- Police Exhibit 309 - galvanised wire (electric fencing) from inside the tool shed on the CREWES' farm, Highway 22, Pukekawa.[2912]

1187. On 23 September 1970, 16 wire samples were taken to Harry TODD, Scientist, Chemistry Division, DSIR, Wellington, for analysis.[2913] These were: Police Exhibits 240, 272 (copper wire from the front paddock of the CREWES' farm),[2914] 280, 304, 305, 306, 307, 308, 309, 310 and 311) and wires from the CREWES' bodies[2915] (Police Exhibits 237, 288(1), 288(2), 288(3) and 297).

1188. On 13 October 1970, Detective JOHNSTON collected wire from Arthur THOMAS' property. This comprised of four pieces of wire (Police Exhibit 328, galvanised and copper) from the old cow shed.[2916]

1189. On 20 October 1970, Detective JOHNSTON collected a number of wire samples from THOMAS' farm for comparison with the wire found on Harvey and Jeannette's bodies. These were:

- Police Exhibit 319 - piece of wire (unknown composition) from the wool shed on THOMAS' property[2917]
- Police Exhibit 320 - two pieces of wire (one copper, one galvanised) from a car shed on THOMAS' property[2918]
- Police Exhibit 321 - piece of copper wire from the area where an old 'Maori house' stood on THOMAS' property[2919]
- Police Exhibit 322 - piece of galvanised wire from the old cow shed yard on THOMAS' property[2920]
- Police Exhibit 323 - galvanised wire from the old cow shed guttering on THOMAS' property[2921]
- Police Exhibit 324 - two pieces of galvanised wire from the old pig shed on THOMAS' property[2922]
- Police Exhibit 325 - piece of galvanised wire from the old shed where the 'Maori house' once stood on THOMAS' property[2923]
- Police Exhibit 326 - piece of galvanised wire from a fence around the water reservoir on THOMAS' property[2924]
- Police Exhibit 327 - piece of steel wire from a fence support of THOMAS' property.[2925]

1190. The following day, 21 October 1970, Detective KEITH also collected wire samples from

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THOMAS' farm. These comprised of two pieces of wire (Police Exhibit 334), one clean and one rusty, from a wooden rail behind a garage on THOMAS' property.[2926]

1191. On 22 October 1970, Detective KEITH delivered to the DSIR (Wellington) a number of wire samples for examination, which had been taken from THOMAS' farm.[2927] These were: Police Exhibits 320A, 320B, 321, 322, 323, 324A, 324B, 325, 326, 328A, 328B, 328C, 328D, 334 (clean) and 334 (rusty).[2928]

1192. Detective Inspector HUTTON stated that in total, approximately 14 farms were searched for wire, but only 11 had wire of a similar gauge to that of the body wires (16 gauge).[2929] It is unknown from which other properties wire samples were taken. Some of those said to have been searched (but the samples from which were not included in the reports of analysis) appear to have included the properties of:

- Robin and Ngairie DUNLOP, Otuiti Road, Pukekawa[2930]
- Annesley and Margaret EYRE, Highway 22, Pukekawa[2931]
- Donald and Emma TONGA (DOB unknown), Highway 22, Pukekawa[2932]
- James HAWKER and Dorothy May HAWKER (DOB unknown), 80A Grey Street, Cambridge.[2933]

1193. It appears that James HAWKER was a person of interest at this stage in the enquiry as he was a manager of the CHENNELLS' farm from approximately 1951 to 1961, prior to the property being occupied by Harvey and Jeannette.

1194. There is no concise list of all properties that were searched for wire or those from which samples were taken. Detective Inspector HUTTON stated that approximately 14 farms were searched, but only 12 have been named throughout the file (listed above in paragraphs 1183-1192). Similarly, Detective Inspector HUTTON stated that wire of a similar gauge was only found at 11 of these farms. However, the file comments upon an analysis of samples taken from only eight farms (CREWE, DEMLER, THOMAS, HOSKING, PRIEST, SPRATT, CHITTY and FOX). If samples of wire from the DUNLOP, EYRE, TONGA and HAWKER properties were analysed, this is not recorded or commented upon in the file.

Examination of wire samples

1195. An examination was made by Doctor NELSON of the cuts at the ends of the body wires.[2934] Doctor NELSON compared these cuts with several pairs of pliers taken from various farms to ascertain whether the tool used could be identified.[2935] However, corrosion from the immersion of the body wires in water had caused loss of individual characteristic marks on the cuts, thus the comparisons were inconclusive.[2936]

1196. It does not appear that much work was done around the joins/ties in the wire located on the bodies. It is noted that samples of wire obtained from the farms of Lenard DEMLER and Arthur THOMAS demonstrated a typical join used when tying wires together. Two pieces of galvanised wire (Police Exhibit 311) which had been joined together were seized from DEMLER's farm.[2937] From THOMAS' farm, a piece of copper wire joined to a piece of galvanised wire (Police Exhibit 328) was seized.[2938] Police Exhibit 328 was comprised of four separate wires, two of which were reportedly joined together. It is not stated in the file, and is therefore unknown, which of these wires, labelled A, B, C and D, were the two joined together. A further wire join (Police Exhibit 313, cut from Police Exhibit 309) was taken from the CREWES' property.[2939]

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1197. Detective JOHNSTON, who seized the joined wires from THOMAS' farm,[2940] noted, at a Police Conference dated 19 October 1970, that he thought the way these two wires were tied together was *"... somewhat similar to the wire on the body - looped through and twisted."*[2941] It is also noted that this combination of copper and galvanised wire was like that found on Harvey's body. Analysis of the type of join used on the body wires was never undertaken, nor does it appear that these were formally compared with joins in wire seized as exhibits from the DEMLER and THOMAS farms. Today, photographs exist of the joined wires from DEMLER's farm, but not of the wire join located on THOMAS' farm.

1198. As the first step in his analysis, Harry TODD separated the wire samples given to him by police into copper and non-copper with the use of a magnet.[2942] He then conducted an emission[2943] spectrographic analysis to ascertain whether any of the body wires were similar to the other samples.[2944]

1199. TODD stated that although he could compare wires he could not say that any two similar pieces were necessarily from the same coil of wire.[2945] Having said this, TODD concluded that there was 'good agreement' in the copper wire (Police Exhibit 288(3)) from Harvey's body and the copper wire (Police Exhibit 237) from Jeannette's body.[2946] In fact, he stated that the two samples were so similar he could not differentiate between the two.[2947] The samples of copper wire tested from the CREWE, DEMLER, HOSKING and THOMAS farms differed appreciably from the body samples and were therefore excluded.[2948]

1200. When the galvanised wire samples were examined it was noted that the galvanising had badly corroded, therefore no attempt was made to analyse the zinc coating.[2949] This coating was removed from all samples prior to examination.[2950]

1201. TODD analysed samples from the two galvanised wires (Police Exhibit 288(1) from Harvey's waist[2951] and Police Exhibit 288(2) from Harvey's chest),[2952] attached to Harvey's body[2953] and the galvanised wire (Police Exhibit 297) from the bedspread found with Harvey's body, which was likely wrapped around Harvey's head.[2954] TODD identified these three samples were all 16 gauge wire,[2955] and all three appeared to be significantly different from each other.[2956] Furthermore, all three samples of wire from Harvey's body (Police Exhibits 288(1), 288(2) and 297) differed significantly from 11 samples collected by police[2957] from the properties of FOX, HOSKING, CHITTY, PRIEST, SPRATT, CREWE and DEMLER. These 11 samples consisted of Police Exhibit 304, one piece of wire from Police Exhibit 305, Police Exhibits 306, 307, 308, 309 and some (but not all) of the wires from Police Exhibits 310 and 311.[2958] Police Exhibits 240, 272 and 280 were also excluded on the basis that these samples were of copper wire.[2959]

1202. Sixteen gauge wire is too thin to be used as normal fencing wire,[2960] however, it appears that common uses include electric fences[2961] or tying and lacing (in relation to fences).[2962] This would therefore make this type of wire commonplace on farms carrying livestock. One Pukekawa resident, David PAYNE, stated that he had 'plenty' of 16 gauge galvanised wire on his farm.[2963] He further said this was 'very common' and was used on every farm in the district.[2964]

1203. TODD suggested that this type of wire could also have been used as binding on packages, but enquiries indicated that wire as binding was used much less frequently in 1970 than in previous years.[2965] TODD could only identify one item which was still delivered in wire bound cases, being Anchor Condensed Milk.[2966] It appears that samples of wire used for this purpose were tested and differed in composition to the body wires, ruling this out as a

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possible source.[2967]

1204. Of the five wires located with the bodies (including the bedspread wire) only two, being the copper wire on Jeannette's body and the copper wire on Harvey's body, appear to be from the same source. TODD's examination of the three galvanised wires used on Harvey's body indicated that all three were from separate sources. This is noted as it appears that the offender/s may have only had 'off cuts' of wire available to them at the time, as opposed to a large coil of wire.

1205. However, based upon his analysis, TODD concluded that Police Exhibit 288(1) (from Harvey's waist) was in 'excellent agreement'[2968] and was 'indistinguishable'[2969] from four separate wire samples taken from Arthur THOMAS' farm *(see appendix 9 and 11)*. Those were:

- Police Exhibit 320A (galvanised wire from a car shed)[2970]
- Police Exhibit 323 (galvanised wire from implement shed guttering)[2971]
- Police Exhibit 325 (galvanised wire from a shed where an old 'Maori house' had stood)[2972]
- Police Exhibit 334 'clean' (galvanised wire from a rail behind garage).[2973]

1206. TODD also concluded that Police Exhibit 288(1) was in 'quite good agreement' with Police Exhibit 328D[2974] (galvanised wire from the implement shed on THOMAS' farm), *(see appendix 9 and 11)*.[2975]

1207. Regarding Police Exhibit 288(2) (from Harvey's chest), TODD stated that this sample was in agreement with Police Exhibit 324A (galvanised wire from an old pig shed on THOMAS' farm)[2976] to a degree which he placed between 'excellent'[2977] and 'quite good' *(see appendix 9 and 11)*.[2978]

1208. TODD said that while Police Exhibit 297 (from the bedspread) displayed agreement in four elements[2979] with Police Exhibit 334 'rusty'[2980] (galvanised wire from a rail behind a garage on THOMAS' farm),[2981] TODD could not be satisfied that Police Exhibits 297 and 334 'rusty' came from the same source *(see appendix 9 and 11)*.[2982]

1209. On 22 October 1970, Detective KEITH recorded in his Police Jobsheet that TODD's preliminary examination determined that Police Exhibit 288(1) was 'similar to' Police Exhibits 320A, 323, 325, 328D and 334 'clean'.[2983] Also, TODD stated that Police Exhibit 288(2) was 'similar to' Police Exhibit 324A, and Police Exhibit 297 was 'possibly similar' to Police Exhibit 334 'rusty'.[2984]

1210. The issue of the bedspread wire (Police Exhibit 297) became somewhat confused at the deposition hearing and the first trial, whereby TODD referred to Police Exhibit 288(3) as the 'bedspread' wire[2985] which is clearly incorrect (he should have said Police Exhibit 297). When taken in the context of his evidence, it is believed that this was a mistake in saying where the exhibit originated from as opposed to a mix-up between the physical exhibits. Police Exhibit 288(3) was a copper wire, whereas Police Exhibit 297 was galvanised wire. Due to this difference in composition, it is not believed that these two physical exhibits could have been mixed up by TODD.

1211. There also appears to have been significant confusion during TODD's evidence at the second trial, when differentiating between two of the three wires which comprised Police Exhibit 288. It is noted in the transcript that when presenting his findings, TODD was referring to Police Exhibit 288(2) - not Police Exhibit 288(1) - when describing the excellent agreement

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with Police Exhibits 320A, 323, 325 and 334 'clean',[xxv] and the good agreement with Police Exhibit 328D[2986] (all of which were found on THOMAS' farm). Furthermore, he referred to the agreement between Police Exhibit 288(1) and Police Exhibit 324A[2987] as opposed to Police Exhibit 288(2) and Police Exhibit 324A. The wires in agreement quoted by TODD at the second trial differed to his evidence given at the deposition hearing and first trial.

1212. It is likely this error stemmed from the fact that three separate wires from Harvey's body were given one Police Exhibit number, that being 288. For the purpose of scientific examination samples of these wires were analysed separately and were thus given DSIR reference numbers of X.6626, X.6626(1) and X.6626(2).[2988] Then while giving evidence at the trials, TODD referred to X.6626 as X.6626(3), seemingly to try and avoid confusion.[2989]

1213. Other documents contained within the file appear to confirm the details provided by TODD at the deposition hearing and first trial. A Police Jobsheet by Detective KEITH dated 12 October 1970 noted TODD's preliminary findings, specifically an agreement between Police Exhibit 288(1) and Police Exhibits 320A, 323, 325, 334 'clean' and 328D.[2990] This Jobsheet also noted that Police Exhibit 288(2) was similar to Police Exhibit 324A.[2991] A DSIR report, dated 28 October 1970, also noted the agreement between Police Exhibit 288(1) and Police Exhibits 320A, 323, 325, 334 'clean' and 328D,[2992] and again reported that Police Exhibit 288(2) was very like Police Exhibit 324A.[2993]

1214. It is noted that during TODD's evidence at the second trial, Crown Prosecutor David BARAGWANATH asked him to refer to Police Exhibit 288(1) as the 'chest wire' and Police Exhibit 288(2) as the 'waist wire', for ease of reference.[2994] Previously at the first trial, Pathologist Doctor CAIRNS had given these descriptions of the wires, indicating that he thought this was the case.[2995] However, at the deposition hearing, Detective Matthew COOK gave evidence, while producing these exhibits, that Police Exhibit 288(1) was the waist wire and Police Exhibit 288(2) was the chest wire.[2996] It is likely that Detective COOK's evidence is the most reliable, as the police officer-in-charge of Harvey's body he received these exhibits from Doctor CAIRNS who was carrying out the post mortem examination and took them into police custody.

1215. Unfortunately this error between Police Exhibit 288(1) and Police Exhibit 288(2) was not addressed during TODD's evidence and continued throughout the evidence of defence witness Ian DEVEREUX, partner in the firm of T. J. Sprott & Associates, who compared his analysis with TODD's. Compounding the issue was the 'Report of H. J. TODD', referred to in court (Second Trial Exhibit B17), which was prepared during the hearing between TODD's cross-examination and his recall for further cross-examination. This report presented a schedule of TODD's findings and contained the same information regarding Police Exhibit 288(1) and Police Exhibit 288(2) as had been given in his evidence.[2997] Copies of TODD's report contained additional figures, of DEVEREUX's analysis.[2998] DEVEREUX's figures also appear consistent with Police Exhibit 288(2) being the wire sample said by TODD to be in agreement with five others.

1216. Although this disparity between the exhibits means the evidence is confusing to read, this does not in effect alter the relevance of the wire analysis. Despite the confusion between Police Exhibits 288(1) and 288(2), both were from Harvey's body, and both were in

[xxv] In this case the police exhibit number was noted as 324 'clean'; however, it is clear that the '2' had been typed over another character. When comparing this information against Harry TODD's previous reporting of his analysis, it is believed that the exhibit in question is in fact Police Exhibit 334 'clean'.

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agreement with various samples from Arthur THOMAS' farm. TODD's evidence to this effect was not challenged until the second trial.

1217. **For the purposes of clarity, from this point on the wire exhibit which was found to be in agreement with five samples from THOMAS' farm (Police Exhibits 320A, 323, 325, 334 'clean' and 328D) will be referred to as Police Exhibit 288(1). The wire exhibit found to be in agreement with one sample (Police Exhibit 324A) from THOMAS' farm will be referred to as Police Exhibit 288(2).**

Defence testing of wire samples

1218. Five days before the commencement of the second trial, Defence Counsel Kevin RYAN made a formal request for wire samples to be examined by a defence expert, and for samples to be taken from these.[2999] RYAN requested the three wires (Police Exhibits 288, 288(1) and 288(2)) from Harvey's body, the bedspread wire (Police Exhibit 297), five wires (Police Exhibits 320A, 323, 325, 334 'clean' and 328D) from THOMAS' farm which were said to be in agreement with Police Exhibit 288(1), and samples of galvanised wire which had been taken from Lenard DEMLER's farm.[3000]

1219. On 22 March 1973, defence experts Doctor SPROTT and Ian DEVEREUX obtained these wire samples.[3001] DEVEREUX gave evidence of his examination of the wires at the second trial. DEVEREUX stated that from his analysis, Police Exhibit 288(1) was clearly different to the five samples: Police Exhibits 320A, 323, 325, 334 'clean' and 328D.[3002] He also stated that Police Exhibit 288(2) and Police Exhibit 324A were different.[3003] This was apparently evident when examining his figures for the copper content of these galvanised wire samples, which left him in no doubt that the samples from THOMAS' farm were different from the body wires.[3004]

1220. Although defence experts only obtained the samples of wire five days prior to the commencement of the second trial (which began on 26 March 1973), DEVEREUX told Detective Senior Sergeant LENDRUM, on 23 May 2013, that this was enough time to complete his analysis of the wire.[3005]

1221. In completing the analysis of wire samples, Harry TODD and DEVEREUX employed different methods to identify the composition of elements within the wires. TODD explained that before being made into wire, steel was often re-melted, each time increasing the residual elements present.[3006] These changes to the composition meant that the steel was 'almost like a fingerprint'.[3007] Each scientist believed that the technique they employed was the better option to undertake this analysis of wire samples.[3008]

1222. Emission spectrographic analysis, also known as optical emission spectroscopy (OES),[3009] used by TODD, involved a sample of wire being placed at one end of an electrical circuit.[3010] TODD explained that all elements present in the sample emit characteristic radiation discharges and, by analysing these, it is possible to determine the elements present and their concentration.[3011] TODD's examination sought to detect and measure the presence of different elements which could then be compared with other wire samples.

1223. TODD stated that in the case of copper wire samples 11 elements were measured, those being: lead (Pb), bismuth (Bi), antimony (Sb), arsenic (As), iron (Fe), nickel (Ni), aluminium (Al), manganese (Mn), tin (Sn), zinc (Zn) and cadmium (Cd).[3012] In the case of galvanised wires eight elements were measured, those being: carbon (C), silicon (Si), manganese, nickel, chromium (Cr), molybdenum (Mo), copper (Cu) and vanadium (V).[3013] However, TODD

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stated that vanadium and molybdenum were below the limits of detection (.005 percent and .05 percent respectively)[3014] in all samples and were therefore not reported upon.[3015]

1224. TODD stated that the technique he used made use of atoms in the sample that were electrically excited, whereas DEVEREUX's method of atomic absorption spectrography (AAS) used atoms that were not electrically excited.[3016] Professor Emeritus W. (George) FERGUSON from the Department of Engineering at Auckland University explained that for this method of analysis (AAS), the sample of wire must be dissolved in to liquid form and a small quantity is atomised/ionised in a high temperature flame.[3017] He said light of a particular wave length characteristic of the element being tested is then shone on the sample, absorbed, and this is then measured.[3018]

1225. When spoken to by Detective Senior Sergeant LENDRUM on 23 May 2013, DEVEREUX stated that he did not have access to the equipment to carry out an OES analysis in 1973.[3019] As such, (in 1973) he contacted New Zealand Steel and asked how they would recommend going about the analysis, in the absence of OES.[3020] DEVEREUX said that the (unknown) person he spoke to advised that they would not use OES to carry out the analysis, because steel had very similar levels of elements (specifically carbon, sulphur (S) and phosphorous (P)) which would not be very 'discriminating'.[3021] DEVEREUX stated that this person from New Zealand Steel recommended that AAS would be the better method to use.[3022]

1226. According to TODD the big advantage of his method (OES) was that it was possible to look for a number of elements in the sample at once.[3023] Whereas using DEVEREUX's method, a single element is determined at a time.[3024] However, TODD did say that AAS would be very useful for secondary analysis at higher precision after the composition of samples had been typed through the use of other techniques.[3025] He further commented that from his experience, measuring levels of emission, as in OES, was generally more definite[3026] and results based upon AAS could not always be relied upon when analysing metals.[3027]

1227. AAS, according to TODD,[xxvi] is a sensitive, precise and versatile technique, but cannot be used to determine carbon content and results for silicon content may not be very reliable.[3028] TODD stated that the agreement between a wide range of elements, as was the case in his analysis, was of far more importance than a precise agreement between any particular elements.[3029] He said that the basic elements in steel, apart from iron, are carbon, manganese and silicon, probably in that order.[3030] As such, AAS would be useless for an initial analysis as it could not measure two of these vital elements.[3031]

1228. DEVEREUX confirmed that his analytical method, AAS, measured different elements in the wire samples to those measured by TODD. DEVEREUX only completed an analysis of galvanised wire samples as no copper wires had been linked by TODD from the bodies to Arthur THOMAS' farm. TODD's findings with regard to the copper wires were not challenged. DEVEREUX's examination of the galvanised wires sought cobalt (Co), nickel, chromium, copper, molybdenum and tin.[3032] However, the results were very low for cobalt,[3033] tin[3034] and molybdenum[3035] and, in fact the instrument DEVEREUX used was not capable of differentiating between the levels of these elements in the wire samples.[3036] DEVEREUX also confirmed that his method was not able to measure carbon.[3037] Furthermore, he did not undertake a quantitative analysis for silicon or manganese which could be compared with TODD's figures.[3038]

[xxvi] Ian DEVEREUX did not provide a good explanation of what his method of analysis entailed while giving evidence, thus descriptions provided by Harry TODD have been relied upon.

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1229. TODD's analysis measured elements in the samples which appeared above .05 percent[3039] and rounded these figures to two decimal places. DEVEREUX gave his figures to three decimal places and it was suggested by defence counsel that this would indicate DEVEREUX's figures were more accurate than TODD's. TODD stated that his experiment actually gave him readings to three decimal places, which he rounded off.[3040]

1230. In his analysis, TODD quoted a possible degree of error for each element (either .01 percent or .015 percent).[3041] This means that if he made numerous examinations of the one sample, he would expect all results to fall within that range.[3042] TODD completed at least two tests on each wire, often three or four and up to six tests.[3043] He said that on each occasion all results fell within this range of experimental error.[3044]

1231. DEVEREUX used a different method allowing for error when analysing the galvanised wires, this being standard deviation, which allowed .0006 percent for nickel, .0004 percent for chromium and .0001 percent for copper.[3045] TODD explained that standard deviation is the range of error in which two thirds of the results will fall.[3046] DEVEREUX stated that his samples were checked by others in his laboratory and the results were identical.[3047]

1232. The conflict between TODD's and DEVEREUX's analysis ultimately related to how the difference in figures reached for the galvanised wire samples was interpreted. TODD said that for practical purposes the differences between his figures and DEVEREUX's figures for nickel[3048] and chromium[3049] were insignificant, and it is noted that DEVEREUX's figures fell within the .01 percent possible error allowed by TODD.[3050] DEVEREUX, however, stated that with respect of Police Exhibit 288(1) his figures for nickel content showed that this wire was clearly different from the other five samples (from Arthur THOMAS' farm).[3051]

1233. The difference in each scientist's figures for the copper content of the galvanised wires ranged between 0.029 percent and 0.061 percent.[3052] It was asserted that DEVEREUX's analysis of this element proved that the body wires were distinguishable from the wire samples taken from THOMAS' farm.[3053] Conversely, TODD's results indicated that the body wires were consistent with wires taken from THOMAS' farm.

1234. TODD said that he did not think the differences between DEVEREUX's figures for copper in (galvanised wires) Police Exhibits 288(1)[3054] and 288(2)[3055] compared with the samples from THOMAS' farm were significant. He said that the difference between his result for copper for Police Exhibit 288(2) and DEVEREUX's would be of interest if the object was to analyse the wire, but what he was doing was comparing different wires.[3056]

1235. DEVEREUX stated that his copper result for Police Exhibit 288(1) showed that it was clearly different from the five samples TODD believed were in agreement.[3057] With respect to Police Exhibit 288(2) he said that his analysis of the sample for nickel and chromium compared with Police Exhibit 324A agreed in the order of standard deviation.[3058] However, DEVEREUX said that his figures for copper were much more precise than TODD's, and led him to conclude that the two wires (Police Exhibits 288(2) and 324A) were different.[3059] TODD, again, stated that he did not believe that the difference in DEVEREUX's results was significant.[3060]

1236. Conversely, Doctor SPROTT stated that TODD's method of analysis was 'useless for that purpose'.[3061] He claimed TODD's equipment was not good enough and said TODD had in fact admitted this to DEVEREUX.[3062] Doctor SPROTT also claimed in a letter to Kevin RYAN, dated 17 July 1973, that TODD had admitted to DEVEREUX that TODD's copper analysis was in error and he accepted the accuracy of DEVEREUX's figures for copper.[3063] There is no

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other information relating to this on the file and it, therefore, cannot be assessed as being reliable.

1237. Little information was available from the original investigation file regarding the different methods of analysis used and which would be more appropriate for the purpose. As such, the Review Team sought an answer to this question from Professor FERGUSON *(see paragraph 1277).*

1238. TODD held a Bachelor of Science Degree from the University of London and was an Associate of the New Zealand Institute of Chemistry.[3064] He was employed as a Scientist in the Chemistry Division of DSIR, Lower Hutt,[3065] and was a specialist in spectrographic analysis, with about 30 years' experience in this class of work.[3066] His work involved the devising and application of mechanics of the spectrographic analysis and their application to a very wide range of materials.[3067]

1239. DEVEREUX held a Masters in Chemistry from the University of Otago and a PhD in Geology from Victoria University.[3068] He was also an Associate of the New Zealand Institute of Chemistry.[3069] DEVEREUX had previously been employed as a Research Chemist in the Institute of Nuclear Sciences at DSIR, Wellington, for six years.[3070] He was, at the time of the second trial (1973), a partner in the firm of T. J. Sprott & Associates where he had worked for five years.[3071]

1240. DEVEREUX stated, at the second trial, that he considered TODD's background and experience may not have equipped him to critically examine the samples with all available techniques known at that time.[3072] He said TODD would probably be one of the most experienced spectrograph experts in his field today.[3073] However, DEVEREUX said he had presented evidence on a particular technique with which he suggested TODD was unfamiliar.[3074]

1241. A comparison of each scientist's qualifications does not determine which of the two holds more credibility in this field. However, it is believed to be significant that while DEVEREUX stated he was aware of the technique used for emission analysis (OES) and was aware of the instrument used, he had never actually carried out an emission analysis himself.[3075] He also admitted that he had never before undertaken an analysis of 16 gauge wire, nor had he carried out a comparison of wire of a similar size.[3076]

1242. The RCOI report stated:

> *"Both the scientists, Mr Todd for the Crown and Mr Devereaux [sic] for the Defence, are experienced scientists. They employed different methods of scientific analysis of the wire to establish, in the case of Mr Devereaux [sic] that the wires on the bodies could not be said to come from the Thomas farm, and in the case of Mr Todd, that they might be similar to wire from the Thomas farm, but not similar to wire from any of the other nine farms."*[3077]

1243. The subject of the wire analysis was not a component of the RCOI, and neither TODD nor DEVEREUX gave evidence at the hearing. It is unknown what documents provided the basis for this statement (above) from the RCOI report. It is noted that the Commissioners have understated TODD's findings by saying that the wire from the bodies *"... might be similar ..."* to wire from Arthur THOMAS' farm instead of quoting the 'excellent agreement' TODD found with a number of these wires.

1244. The ownership and/or location of the nine farms referred to by the RCOI are unknown. From information contained in the file, it can only be established that samples of wire were tested

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from eight farms *(see paragraph 1194).*

The manufacturing process of galvanised steel wire

1245. In his final address to the RCOI, Peter WILLIAMS QC contended that even if the wire samples from Harvey's body and wire samples from Arthur THOMAS' farm had come from the same melt (also known as a 'heat'), the offender/s could have taken this wire from THOMAS' farm (and used it to wrap Harvey's body).[3078] Alternatively, WILLIAMS QC asserted, the offender/s could have obtained wire from another farm (not THOMAS') which had been produced from the same melt ('heat') as the wire found on Harvey's body and wire found on THOMAS' farm.[3079]

1246. Harry TODD raised the point, at the second trial, as to the significance of his findings with regard to the agreement between wire from Harvey's body and wire located on THOMAS' farm. He stated: *"Obviously the wire isnt [sic] made in the sort of lengths it was finally found around the bodies, it will be part of longer lengths, so it really means what is the signific. [sic] of a single piece of this wire turn. [sic] up at any one point I suppose."*[3080]

1247. To manufacture steel wire, steel is melted in a smelting furnace until it is molten,[3081] and then poured into a ladle.[3082] The contents of the ladle are called a 'heat'.[3083] The composition of the heat is tested, and when this meets specifications,[3084] the heat of molten steel is poured into ingots[3085] (large moulds), or fed into a continuous casting system[3086] (the metal passes through a mould of a certain shape, but with an indeterminate length).[3087] The result of the steel being poured into ingots or a continuous casting system is the formation of steel billets.[3088] To make wire, steel billets are reheated and fed into a rolling line which shapes the billets into metal rods.[3089] Upon completion of the rolling process, 'scale' (which forms on the surface of the steel when it is cooled) is removed from the wire.[3090] The metal rods are then fed into a drawing machine, in which the rods pass through a series of dies until reaching the required diameter for the gauge of wire specified.[3091] In the case of galvanised wire, the wire is then coated with zinc aluminium.[3092]

1248. Professor FERGUSON stated that a steel maker does not make each melt ('heat') composition exactly the same; rather they keep within the specification.[3093] This allows for some variation in certain elements and maximum or minimum values for others, depending on the specification.[3094] Thus, each melt is essentially unique.[3095] TODD stated, at the second trial, that two pieces of wire which originated from the same melt ('heat') would be 'indistinguishable'.[3096] He said two pieces of wire which originated from different melts would not be found to be 'indistinguishable'.[3097]

1249. At the first trial, TODD gave evidence that, assuming there was no wastage, approximately 38 miles (approximately 61.2 kilometres) of 16 gauge steel wire could be made from one melt ('heat').[3098] Defence Counsel Paul TEMM suggested (at the first trial) that there could be a furnace smelter with a capacity of 300 tons.[xxvii3099] TODD stated that he had not heard of such a smelting furnace and this seemed to him to be very large, but he did say that this question was not within his field of expertise.[3100] During his re-examination by the Crown, TODD stated that if the 300 ton figure was the size of the entire output from the furnace, this would not all be made in to one type (gauge) of wire.[3101]

1250. It is unknown how TODD arrived at his estimation of the quantity of 16 gauge wire which

[xxvii] The 300 ton figure was taken from the first trial transcript and, as it was not specified by Paul TEMM or Harry TODD, it is unknown whether this was actually referring to 300 tons or 300 (metric) tonnes.

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could be produced from one melt ('heat').

1251. Pacific Steel Group, which currently produces all fencing wire made in New Zealand,[3102] uses 50 (metric) tonne heats.[3103] Similarly, in the 1970s New Zealand Steel produced heats ranging between 50 and 55 (metric) tonnes.[3104]

1252. An estimate by Gary WILLIAMS, Principal Technologist, Slabmaking, New Zealand Steel, is that approximately 2,743 kilometres (1,704 miles) of 16 gauge wire could potentially be produced from a 50 (metric) tonne heat.[3105] This is significantly more than the 38 miles (approximately 61.2 kilometres) suggested by TODD. However, as with TODD, WILLIAMS agreed that it would be unlikely that an entire heat of steel would be used to make 16 gauge wire.

1253. Although an entire heat is unlikely to have been made in to 16 gauge galvanised wire, it is not possible to establish how much of the heat from which Police Exhibits 288(1) and 288(2) originated, was made in to this gauge wire. WILLIAMS' calculations mean that it is possible, although not probable, that the wire found on Harvey's body could be 'indistinguishable' from almost 2,469 kilometres of 16 gauge galvanised steel wire.

1254. There is no indication on the file as to the measurements of the lengths of galvanised wire which were found wrapped around Harvey's body. Nor are there scales present in photographs of the wire, meaning that an estimation of the lengths of these wires cannot be made.

1255. The length of the wires from Arthur THOMAS' farm (Police Exhibits 320A, 323, 324A, 325, 328D and 334), which were found by TODD to have been in agreement (ranging between 'excellent' and 'quite good') with the wire on Harvey's body are also unknown. Therefore, it cannot be established what quantity of wire potentially made from the one heat ended up on THOMAS' farm.

1256. The matter of how much 16 gauge galvanised wire could have been produced in one heat, and therefore be 'indistinguishable' from the wires from Harvey's body, does not appear to have been a significant consideration on the part of either the Crown or the defence.

1257. However, TODD did conduct a survey of hardware stores for 16 gauge wire.[3106] The number of stores surveyed, the location of these shops, and the date on which this was undertaken, is unknown. TODD reported to Crown Prosecutor David MORRIS that he identified one hardware store which stocked 16 gauge wire.[3107] This shop (unknown name) held 13 one pound (approximately 453.6 grams) coils in stock.[3108] TODD indicated that samples from these 13 coils were tested and he found that all 13 coils were of the same composition.[3109] He noted that three hardware stores he tried were out of stock.[3110]

1258. A one pound coil of 16 gauge wire, such as that found by TODD, equates to a coil which is approximately 27 metres in length.[3111] As all 13 coils were identified by TODD to be of the same composition, this means that approximately 351 metres of this 16 gauge wire was produced from the same heat.[3112] It is possible that additional coils of this wire also originated from this heat.

1259. At the second trial, TODD stated that, in his opinion, the composition of the galvanised wire (Police Exhibits 288(1) and 288(2)) from Harvey's body indicated that it was 'almost certainly' imported wire - manufactured overseas.[3113] In an undated letter to Crown Prosecutor David MORRIS, TODD indicated that this belief (that the wire was imported) was because of the silicon content in the wire, which was less than 0.02 percent.[3114] TODD stated that he would

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try and confirm his hypothesis;[3115] however, there is no further information on the file in relation to this.

1260. Gary WILLIAMS suggested that, in the 1970s, the heat sizes produced by Pacific Steel Group and New Zealand Steel were likely to have been smaller than the average international heat size.[3116] However, he stated that there were a number of steel making processes in existence (in the 1970s) and the size of the heat varies significantly depending on the process used and the country of origin.[3117] WILLIAMS said it was possible that, if the wire from Harvey's body was in fact imported, the heat size could be anywhere in the range of 40 to 250 (metric) tonnes (depending on the process used).[3118]

Further testing of wire samples

1261. It appears that Arthur THOMAS' defence team took the matter of wire testing to international experts. A letter from Solicitor-General Richard SAVAGE to (then) Deputy Commissioner WALTON, dated 23 December 1976, detailed his correspondence with Justice Trevor HENRY, the Judge who presided over the first trial.[3119] It was reported that HENRY said that at the time of the second trial, Doctor SPROTT was insistent upon having the wire exhibits analysed in Australia.[3120] According to Solicitor-General SAVAGE, HENRY said this was approved by Justice Alan PERRY, who presided over the second trial.[3121] HENRY noted that no announcement of the results of this analysis had ever been made and said Defence Counsel Kevin RYAN had told Justice McMULLIN, one of the five Judges who presided over the second referral hearing, that these Australian tests had confirmed the Crown's evidence.[3122]

1262. The file does not contain any information regarding analysis of the wire samples in Australia. However, at the time of the RCOI, Robert SMELLIE QC made note of a discussion he had with Rory SHANAHAN.[3123] At this time SHANAHAN reported having a vague recollection of RYAN telling him that the analysis of the wire samples in Australia had confirmed the DSIR findings (i.e. Harry TODD's findings).[3124]

1263. On 29 January 2013, Gerald RYAN, who worked with Kevin RYAN during the second trial, told Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM that he believed some work had been done in Australia regarding the wire. However, he could not recall the exact nature of this, or the results.[3125]

1264. On 23 May 2013, Ian DEVEREUX told Detective Senior Sergeant LENDRUM that he was unaware of wire samples being sent to Australia for testing and could not see why this would have been necessary.[3126]

1265. An analysis of wire samples by the defence was also alleged in media articles in 1973 and 1976. On 10 May 1973, an article appeared in the *Rolling Stone* magazine, which alleged that wire from the EYRES' property had been analysed by DEVEREUX and was found to be in 'exact agreement' with the wires from the bodies of Harvey and Jeannette.[3127] In another newspaper article, featured in the *Sunday News* dated 4 April 1976, Doctor SPROTT was reported to have stated that TODD's analysis of the wires was wrong and that the wire from the bodies did not match that located on Arthur THOMAS' farm.[3128] The article stated that Doctor SPROTT further claimed that he had since analysed a sample of wire which he found to be 'identical' to that wrapped around the CREWES' bodies.[3129] The article reported that this wire had been taken from a farm in the Pukekawa district which was not THOMAS' or the CREWES'.[3130] The farm which was referred to in the article is almost certainly the EYRES'

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property.

1266. Doctor SPROTT reiterated these claims later, during an interview on 25 August 1977 with Assistant Commissioner THOMPSON, (then) Detective Chief Inspector BAKER and Detective Inspector Brion DUNCAN.[3131] Doctor SPROTT stated that he had received samples of wire identical to the wire used on the bodies and suggested that he knew the source of that wire, which was not from THOMAS' farm.[3132] Doctor SPROTT was not willing to provide any further information to police as to the origin of this sample.[3133]

1267. An affidavit dated 10 October 1995 by John Lyall MARTIN (DOB [redacted], now deceased), appears to identify the origin of this wire Doctor SPROTT claimed was 'identical' to the body wires.[3134] MARTIN stated that he had taken two pieces of copper wire from the EYRES' clothesline and gave them to Richard THOMAS.[3135] MARTIN was aware that these samples were then sent to Doctor SPROTT for analysis.[3136]

1268. The suggestion that the wire analysis conducted in Australia confirmed TODD's findings is not able to be verified. However, it is relevant to note that had the Australian analysis supported DEVEREUX's findings, this would almost certainly have been made public and would likely have been the basis for another appeal of THOMAS' convictions.

1269. The *Rolling Stone* article claimed that wire from the EYRES' property matched that from the bodies of Harvey and Jeannette. It is not stated whether the wire analysed was copper or galvanised. However, the statement that this wire matched that from the bodies of both CREWES indicates this was copper wire (Jeannette's body was found with only copper wire attached). Furthermore, in his affidavit, John MARTIN stated that the wire he took from the EYRES' property was copper.

1270. The assertions that DEVEREUX identified wire that was in 'exact agreement', and Doctor SPROTT's claims that he had identified a wire sample that was 'identical' with the copper wire from the bodies of Harvey and Jeannette, are highly improbable. Although these allegations were made publicly it does not appear that anything further came from these assertions. Furthermore, had Doctor SPROTT been able to prove that the two wires were 'identical' it is unlikely that he would have kept the origin of this wire to himself. The Arthur Thomas Retrial Committee Inc. was a very vocal organisation and it is almost certain that it would have publicised this information, and is likely to have filed another appeal based upon this information. Furthermore, evidence relating to these claims was not addressed later at the RCOI.

1271. When DEVEREUX spoke to Detective Senior Sergeant LENDRUM on 23 May 2013, he was asked about the alleged 'exact' match between wire from the victims' bodies and wire taken from the EYRES' property.[3137] DEVEREUX stated: *"I don't remember that"* but said *"... if Jim [Doctor SPROTT] said that was the case then I'd accept that that was right."*[3138]

1272. Richard THOMAS told Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM, on 13 August 2013, that John MARTIN had taken two samples of wire from the EYRES' clothes line and given these to Richard – who passed them on to Doctor SPROTT.[3139] It was Richard's recollection that Doctor SPROTT had gotten these wire samples (from the EYRE property) mixed up with other wire samples in his laboratory, and these were therefore unable to be tested as Doctor SPROTT was unsure which were the correct samples.[3140]

1273. The RCOI concluded:

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"(a) Samples of wire were collected from only nine farms in the area. Such a limited sample cannot be said to be helpful in establishing anything. Even if wire from the bodies were to be accepted by us as similar to wire samples from the Thomas farm, who is to say whether or not there are other farms in the vicinity with wire of similar characteristics?

(b) In the face of conflicting expert evidence and opinion as to which method is best suited to this examination and whether or not the differences in the measurements are significant, we consider that it is not possible fairly to adopt one view or the other.

(c) In any case it is not possible to draw any inference which would connect Mr Thomas with the wire on the bodies. There is no evidence putting the wire in his hands."[3141]

1274. It is unknown which 'nine' farms to which the RCOI was referring. As previously noted, the file only contains information of analysis performed on samples of wire from eight farms *(see paragraph 1194).*

1275. All wire samples, including those from the bodies of Harvey and Jeannette, were destroyed by (then) Detective Sergeant KEITH at the Whitford tip on 27 July 1973 along with other exhibits.[3142] Although there appears to be no record regarding the destruction of Police Exhibit 266 (piece of copper wire taken by Detective Sergeant JEFFRIES on 16 August 1970 from the CREWES' tool shed)[3143] and Police Exhibit 304 (electric fence wire taken by Detective PARKES on 22 September 1970 from the farm of Raymond FOX),[3144] it is likely that these were disposed of in the same manner and are no longer held with the CREWE homicide investigation file. Limited photographs exist of the wires found with the bodies.

New information

1276. Nil

Further enquiries - opinion of Professor FERGUSON (2013)

1277. In September 2012, Professor FERGUSON was engaged by the Review Team to examine and report upon his findings in relation to the wire exhibits in the CREWE murders. The purpose of the examination was:

"(a) A review and evaluation of scientific methodology applied by Mr [Harry] TODD, Scientist DSIR, in the forensic examination of wire samples and the resultant report/s, findings and conclusions.

(b) A review and evaluation of the evidence presented by Mr TODD in the 1970 Deposition hearing and the 1971 & 1973 High Court Murder Trials of Arthur THOMAS.

(c) A review and evaluation of the scientific methodology applied by Mr [Ian] DEVERAUX [sic], in the forensic examination of wire samples and the resultant report/s, findings and conclusions.

(d) A review and evaluation of the evidence presented by Mr DEVERAUX [sic] in the 1973 High Court Murder Trial of Arthur THOMAS.

(e) A comprehensive expert report including findings and conclusions that clarify whether the evidence of Mr TODD or Mr DEVERAUX [sic] is preferable and why."[3145]

1278. As none of the wire samples from the investigation still exist, and therefore could not be analysed, Professor FERGUSON reported upon his assessment of the examinations which were completed previously.

1279. In his report, dated 5 June 2013, Professor FERGUSON commented that both methods

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employed, OES by Harry TODD and AAS by Ian DEVEREUX, were suitable for determining elements in steel.[3146] He agreed that both TODD and DEVEREUX were entitled to draw the conclusions they did, based on the results of their analysis.[3147] He stated: *"The responses by Todd in the [Court] Transcript would indicate he has a sufficient understanding of the metallurgy of steels to appreciate the significance of the elements which make up the composition of steel."*[3148] Professor FERGUSON also noted: *"Some of the responses by Devereux in the [Court] Transcript would indicate he does not have the same depth of knowledge of the metallurgy of steel as does Todd."*[3149] Professor FERGUSON stated that while OES could analyse more elements, and AAS was more accurate,[3150] in his opinion the preferred method to be used in this instance was OES.[3151]

1280. Professor FERGUSON highlighted the 'Report of H. J. TODD', referred to in court (Second Trial Exhibit B17), compared the results of analysis by TODD and DEVEREUX. He questioned the integrity of this data, which, he said, appeared to have been produced under urgency.[3152]

1281. Professor FERGUSON stated that *"Devereux's determination of standard deviation for each element, as reported by [Kevin] Ryan, of Ni [nickel] 0.0006%, Cr [chromium] 0.0004% and Cu [copper] 0.0001%, is in conflict with his measurements of variation of composition along a wire."*[3153] Professor FERGUSON commented that DEVEREUX showed that tests along the same wire could result in differences in composition for up to 0.003 percent for nickel, 0.001 percent for chromium and 0.003 percent for copper.[3154]

1282. DEVEREUX had undertaken an experiment to determine the variation of chemical composition along lengths of wire.[3155] Samples from a 100 foot (approximately 30 metres) coil of 16 gauge galvanised iron wire, a 1000 foot (approximately 305 metres) coil of 12 gauge galvanised iron wire and two one ton coils (approximately 1000 yards or 914 metres each) of 0.132 inch diameter iron wire were analysed.[3156] The results of this analysis were produced in an undated report from T. J. Sprott and Associates.[3157] Professor FERGUSON commented that this report did not indicate the method of analysis used, whether the zinc coating of the wires had been removed prior to analysis, or whether duplicate tests were completed on each location (and, if so, whether this was on the same solution of dissolved steel wire or a different sample of wire).[3158] He also commented that nickel, chromium and copper were the only elements measured in this experiment.[3159]

1283. At the second trial, DEVEREUX stated that from the results of this testing *"... one must come to the conclusion that the composition of wire, especially the proportions of certain trace or tramp metals is very constant along a length of wire."*[3160] However, Professor FERGUSON stated that if the standard deviation used by DEVEREUX for copper (0.0001) was taken in to consideration, *"... the conclusion that the composition is constant along the wire length is not established."*[3161] Furthermore, he stated that the composition difference for copper detected in DEVEREUX's analysis of the 100 foot coil of 16 gauge wire was 'significant' and led him to conclude *"... that the composition varies, albeit slightly, along a length of this galvanised steel wire. So that readings in two different locations could be slightly different when determined with a very accurate instrumental method."*[3162]

1284. Harry TODD also completed an experiment to establish the variation of composition along a length of wire, and Professor FERGUSON noted that TODD stated there was no variation in composition along the wire. [3163] Professor FERGUSON said this finding, although at odds with what DEVEREUX's experiment identified, would be correct, bearing in mind that TODD generally assessed his results to three decimal places.[3164] Furthermore, Professor

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FERGUSON noted that TODD's results *"... are of the same order as those of Devereux's rounded up data."*[3165] He stated that DEVEREUX's method of analysis had a lower detection limit than the method used by TODD, and commented: *"... the differences reported by Devereux are significant and result from variation of composition along the wire and not from instrumental error."*[3166]

1285. As a result of DEVEREUX's experiment, Professor FERGUSON stated that the standard deviation for DEVEREUX's figures of 0.001 for copper must not be correct and the appropriate experimental error would in fact be 0.003.[3167] As such, when Professor FERGUSON compared the results of the two scientists, rather than observing the error band used by DEVEREUX (0.0006 percent for nickel, 0.0004 percent for chromium and 0.0001 percent for copper) Professor FERGUSON applied the error band of 0.003 percent for nickel, 0.001 percent for chromium and 0.003 percent for copper.[3168]

1286. Professor FERGUSON also referred to international analytical trials conducted by the International Organization for Standardization (ISO), which sought to determine the precision for each element determination when using AAS.[3169] He stated that when DEVEREUX's results for chromium and copper were examined using the findings of the above trials, there was a 'strong correlation' between the composition of wire from Harvey's body and the wires located on THOMAS' farm.[3170] Professor FERGUSON stated:

> *"Thus in the present assessment the findings produced by application of the Reproducibility [bold removed] from the ISO Trial, cannot be ignored. Taking these findings for Devereux's results for chromium, Cr, and copper, Cu, together with his results for nickel, Ni, and Todd's results for C [carbon], Si [silicon], Mn [manganese], Cr [chromium], Cu [copper] and Mo [molybdenum] & V [vanadium], and previous comments on composition comparison in the Report, one would have to conclude with a degree of confidence that, overall, the composition analysis supports the thesis that the respective body wires and farm wires have the same composition."*[3171]

1287. Therefore, Professor FERGUSON concluded that Police Exhibit 288(1)[xxviii] (from Harvey's waist) had 'the same composition', and came from the same heat, as Police Exhibits 320A, 323, 325, 328D and 334 'clean' (from Arthur THOMAS' farm).[3172] Similarly, Police Exhibit 288(2) (from Harvey's chest) was of 'the same composition', and came from the same heat, as Police Exhibit 324A (from Arthur THOMAS' farm).[3173] However, these two wires (Police Exhibits 228(2) and 324A) were from a different heat to that of 288(1), *(see appendix 10)*.

[xxviii] Professor FERGUSON's report was based upon the findings presented by Harry TODD and Ian DEVEREUX at the second trial. As a result, Professor FERGUSON refers to the galvanised wires from Harvey's body (Police Exhibit 288(1) and 288(2)) as they were presented at that time. It is now known that the exhibit numbers attributed to these wires during this evidence was incorrect *(see paragraph 1210-1217)* and for the sake of accuracy and simplicity the police exhibit numbers referred to as a result of Professor FERGUSON's analysis have been changed to reflect the true situation.

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6. THE PROVENANCE OF THE AXLE, POLICE EXHIBIT 293

Key findings

1288. The axle (Police Exhibit 293) found with Harvey's body was identified as a 1928 or 1929 Nash Standard 6 (of the 420 series) front axle. This had been converted for use on a trailer by Charles SHIRTCLIFFE in about 1956 or 1957. The trailer was later owned by Gordon WHYTE before being sold to Allan THOMAS in March 1959.

1289. The identification of the stub axles (Police Exhibits 330 and 331) found on Arthur THOMAS' farm, which indisputably matched the axle (Police Exhibit 293), provided a link between Harvey's body and THOMAS' property.

1290. It was established that Police Exhibits 293, 330 and 331 had been removed from the above-mentioned trailer (then owned by Allan THOMAS) by Roderick RASMUSSEN in 1965. Allan disputed RASMUSSEN's consistent assertion that these parts were returned to the THOMASES. An analysis of all information available indicates that these parts were in fact returned to the THOMASES' Mercer Ferry Road farm in July 1965.

1291. However, there were modifications to the axle assembly (welding of the stub axles to the axle) which were unable to be accounted for, and a bearing in one stub axle (Police Exhibit 330) which was said to have been in very poor condition. It was contended that this indicated the axle (Police Exhibit 293) and stub axles (Police Exhibits 330 and 331) had been in use after their separation from Allan's trailer.

1292. Allan accepted that Police Exhibit 331 was one of the stub axles that had been attached to his trailer before the axle assembly was removed by RASMUSSEN in 1965. Furthermore, RASMUSSEN positively identified one (Police Exhibit 394) of two wheels, which were also located on Arthur THOMAS' farm, as that which he had removed from Allan's trailer and returned to the THOMASES. The stud holes on this wheel had been modified to fit with the other stub axle (Police Exhibit 330) found on THOMAS' farm.

1293. SHIRTCLIFFE was able to positively identify a piece of 3x3 timber (Police Exhibit 395), located on THOMAS' farm, which he had fitted to the trailer at the time of construction. This, too, had been removed by RASMUSSEN during the alterations to Allan's trailer in 1965.

1294. It was argued that, in the event the axle (Police Exhibit 293) had been returned to THOMAS' farm in July 1965, this had been removed later that year. None of those who allegedly saw the axle said to have been removed from the THOMAS farm, Bruce EYRE, John MARTIN, Trevor SALMONS and Robert HILLS, were able to positively identify Police Exhibit 293 as the axle that had been taken, but indicated that the two were similar. An analysis of the evidence of these witnesses concludes that, although it is possible an axle was removed from the Mercer Ferry Road property in about 1965, there is no evidence to indicate that this was Police Exhibit 293. It is known that there were a number of axles on the property between 1965 and 1970, and it is therefore quite possible that another axle, not Police Exhibit 293, was removed.

1295. Allegations have been made by a number of people over the years that the axle which had been found with Harvey's body had been 'switched' and was a different axle to that produced as Police Exhibit 293 at the trials. Analysis of all available information finds no credible evidence to support this assertion.

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1296. Allegations have also been made that the axle (Police Exhibit 293) was planted in the Waikato River and/or the stub axles (Police Exhibits 330 and 331) were planted on THOMAS' farm by police, in order to secure a conviction against THOMAS for the murders. These theories are erroneous and unsupported by evidence. It is noted that the majority of these claims have come from authors of books (and in one case a documentary) about the CREWE murders.

The discovery of Police Exhibit 293

1297. At approximately 11.25am on 16 September 1970, Harvey's body was located in the Waikato River by Constable WYLLIE and Police Diver Constable H. MILLER.[3174] The body was caught among branches of a tree[3175] approximately three miles (4.8 kilometres) west of the Tuakau Bridge.[3176] It was feared the body, which had been in the water for three months, would break up during its removal from the river.[3177] Consequently, fine plastic netting was tied inside a cradle and an attempt was made by police divers to guide the body into this device.[3178] While having difficulty doing so, Police Diver Constable SPENCE felt under the body and discovered a piece of wire was attached to the body's torso.[3179] Detective Inspector HUTTON placed his hand in the water under the body and described feeling an iron object.[3180] This object disappeared when Constable SPENCE put strain on the wire causing it to snap.[3181] The body then rolled free and loaded easily into the cradle.[3182]

1298. Once the body was removed from the water, Constable SPENCE commenced an underwater search beneath where the body had been.[3183] Six feet directly below, a metal car axle, Police Exhibit 293, was located[3184] *(see appendix 12).*

1299. An inspection of the body revealed that galvanised wire had been wrapped around the torso *(see paragraph 865)*. The 1.29 metre long,[3185] 17 kilogram[3186] axle is likely to have been attached to a piece of copper wire (Police Exhibit 288(3)) which had been joined to the galvanised wire around the body. The RCOI report commented that although no wire was actually found attached to the axle, the RCOI was satisfied that the axle recovered from the river had in fact been used to weigh down Harvey's body.[3187] The report stated:

> *"It would appear that over the months during which the body had been in the river the axle had come away from the body to the extent that it was merely hanging by one last strand of wire on 16 September. It would appear that that last piece of wire was broken during the recovery of the body, and the axle itself was found on the bed of the Waikato River immediately underneath the body."*[3188]

1300. Detective Inspector HUTTON observed that while the axle was a 'dark rusty colour' there was an area on the axle where wire had obviously been attached and this was a 'very light rusty colour'.[3189] He stated that these marks clearly showed the width of the said wire and indicated how the wire had been tied on.[3190] Detective Inspector HUTTON said the lighter coloured rust *"... was still running off the axle when I first inspected it."*[3191]

1301. On 18 September 1970, an assessment by Clifford BOYD, Technical Officer at New Zealand Industrial Gases Ltd., identified that Police Exhibit 293 was made of cast steel and had probably been used on a trailer.[3192] He observed that one end of the axle contained a king pin while the other did not.[3193] BOYD stated that the axle contained metallic arc welds - which were not uncommon - and a cut had been made with an oxyacetylene cutting torch on the end of the axle which had the king pin still in place.[3194]

1302. On 21 September 1970, James GROUT, Industrial Technologist and Chemist with some 45 years' experience in industrial technology, viewed Police Exhibit 293 at the Otahuhu Police

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Station.[3195] On 22 September, GROUT provided a report to police of his observations.[3196] He stated that the assembly comprised of a main front axle beam with one king pin in place, and a portion of a stub axle assembly in which two bushes were located.[3197] GROUT commented that this stub axle *"... appears to have failed at some time in service and the remaining portion is welded to the main axle beam at the pin eyelet."*[3198] He stated that this welding, in contrast to other welding present on the axle, appeared to have been done with some degree of expertise.[3199] GROUT noted that the welding material was 'bright' and un-corroded.[3200]

1303. GROUT reported that the axle assembly showed signs of erosion and three different types of corrosion,[3201] being:

> *"(1). Slight generalised attack the signs of which have been minimised by the marked erosion encountered.*
>
> *(2). Typical anodic corrosion with retention of rusty spoil in situ on the top end of the king pin typically in close proximity to the kingpin bush which would be cathodic in the system. This corrosion could be due to normal weathering in service prior to the assembly being immersed in the river water. Being shielded somewhat the spoil has not been eroded significantly.*
>
> *(3). A typical anodic attack of an active nature caused by the presence of an efficient cathode in immediate juxtaposition to the axle material. This is very clear on that spring platform near the remaining kingpin where copper wire is stated to have been found threaded thru a platform bolt hole and wound around the axle itself. This cathodic copper wire would form some shield minimising erosion of spoil in the immediate vicinity."*[3202]

1304. GROUT noted that the erosion present appeared to be very gentle, but widespread, and was likely to have developed over a lengthy period.[3203] He stated that this would be caused by very fine particulate matter, typically river mud.[3204] GROUT commented that apart from the corrosion noted above, the axle was devoid of accretions which would be present otherwise and derived from normal service (typically grease and road soil).[3205] GROUT concluded: *"... the axle assembly has been immersed in the river for a relatively lengthy time and the time of some three months presumed would be consistent with the axle condition accordingly."*[3206]

1305. In his report, GROUT noted concern as to the possibility of seawater, at high tide, penetrating upstream into the Waikato River to the vicinity where the axle had been located.[3207] It was inferred that this could affect the level of corrosion present on the axle. As such, GROUT visited the Waikato River on 21 September 1970 and took two samples of water which were analysed.[3208] The first sample was taken at high tide (2.00pm) at the termination of Aitken Road (approximately five kilometres west of the Tuakau Bridge),[3209] and the second at 2.40pm 100 yards (approximately 91 metres) west of the Tuakau Bridge.[3210] GROUT reported that both samples gave identical results and no intrusion of seawater was found.[3211]

1306. After further investigation of this matter, GROUT reported, on 5 October 1970, that he had been in contact with the Ministry of Works.[3212] GROUT relayed that at the time of the steel mill installation, the matter of seawater penetration into the estuary was studied and it was found that at Aka Aka, some 10 miles (approximately 16 kilometres) south-west of the Tuakau Bridge, no seawater concentration had been encountered.[3213]

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Identifying the axle (Police Exhibit 293)

1307. Detective JOHNSTON joined the CREWE homicide investigation team on 18 September 1970.[3214] He was given Police Exhibit 293[3215] and tasked with identifying its origin.[3216]

1308. That evening Detective Sergeant JEFFRIES appeared on regional television news programme *This Day* with the axle.[3217] Detective Sergeant JEFFRIES pointed out various aspects of the axle, such as welding and cutting.[3218] He asked any member of the public who could assist in the identification of the axle's origin to contact the Otahuhu Police Station.[3219]

1309. Photographs of the axle, including a close up of the king pin, were published in the *New Zealand Herald* on 19 September 1970.[3220] The accompanying article appealed to anyone who may have owned such an axle, or who had above average knowledge of old vehicles, to contact the Otahuhu Police Station.[3221]

1310. Throughout the course of these enquiries, more than 270 people from around the country were either approached by police, or contacted police, regarding the origin of the axle.

1311. On 19 September 1970, Detective JOHNSTON approached David Simon KERUSE (DOB unknown), from Birkdale, Auckland, who at the time was restoring a 1928[3222] or 1929[3223] Nash Standard 6 420 series vehicle.[3224] A comparison of Police Exhibit 293 and the axle on KERUSE's Nash car[3225] identified that these were identical,[3226] and this was confirmed by matching part numbers (17600) on both axles.[3227] KERUSE suggested police contact Trevor John SIMONS (DOB unknown), employee of Lawson Hunter Motors Limited, New Plymouth, who owned a similar vintage car and was in possession of a parts manual for it.[3228] SIMONS was seen the following day and an inspection of the manual confirmed the part number for the front axle of that Nash vehicle was indeed 17600.[3229]

1312. Also on 19 September, Charles Eric SHIRTCLIFFE (DOB 2 [redacted]), of Te Puke, approached police and provided information about the axle.[3230] SHIRTCLIFFE stated that in about 1956 he had purchased the front assembly of a 1928 Nash vehicle from Tony HART (DOB unknown), from which SHIRTCLIFFE built a trailer.[3231] This trailer was first registered on 10 December 1956.[3232] SHIRTCLIFFE stated that in either 1956 or 1957 he sold the trailer to an unknown man who worked at the Meremere Power Station.[3233] He said eighteen months to two years later a farmer visited him at work asking SHIRTCLIFFE to sign change of ownership papers for the trailer.[3234] It transpired that the person to whom SHIRTCLIFFE sold the trailer had not changed the ownership details and had then sold the trailer.[3235]

1313. This information was forwarded to the investigation team and subsequently, on 28 September 1970, Detective JOHNSTON and Detective PARKES travelled to Te Puke to interview SHIRTCLIFFE.[3236] Police Exhibit 293 was shown to him[3237] however he was unable to say whether this was the same axle that had been on his trailer.[3238] Detective JOHNSTON noted: *"Further enquiries regarding the present owner or the subsequent owner of the trailer made by SHIRTCLIFFE have not met with any success to date."*[3239]

1314. SHIRTCLIFFE provided police with a photograph of the trailer he made using the Nash front assembly (along with his previously owned Nash vehicle).[3240] This was published in the *New Zealand Herald*[3241] on 10 October 1970[3242] with a description of the trailer and circumstances around its sale.[3243] In the article Detective Inspector HUTTON appealed for the man working at the Meremere Power Station who purchased this trailer to contact police.[3244] Detective Inspector HUTTON stated that police wanted to identify this trailer as part of the elimination process.[3245]

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1315. The next day, 11 October 1970,[3246] Patricia WHYTE (DOB unknown), of Pukekohe, contacted police stating that she had previously owned a trailer similar to the one sought, which had been sold in 1959.[3247] She requested that someone visit her home as she was sure it was the trailer concerned.[3248] A statement was later taken from Patricia on 16 November 1970[3249] and her husband Gordon Alan WHYTE (DOB unknown) on 18 November 1970.[3250] It was established that in 1957, Gordon was employed as a carpenter at the Meremere Power Station construction job.[3251]

1316. On 12 October 1970, Police Exhibit 293 was shown to Roderick RASMUSSEN, a mechanic/welder for Aitkenhead & Sons Ltd., Pokeno Valley, who constructed trailers in his spare time.[3252] Detective JOHNSTON noted that on this date RASMUSSEN was unable to recall the axle, but RASMUSSEN had said that the method used to cut one end of the axle was similar to the way he used to remove stub axles from the axle itself.[3253]

1317. It is not documented what led Detective JOHNSTON to approach RASMUSSEN on this occasion. However, Theodorus STEENKAMER (DOB unknown), who owned an engineering shop, stated that he had been approached by police in 1970 and asked if could identify an axle.[3254] STEENKAMER stated that he had been unable to assist, but had referred them to his former business partner, RASMUSSEN,[3255] who at that time was working at the Aitkenhead Sawmill.[3256] There is no record of STEENKAMER being spoken to by police in 1970. However, it is noted that around this time Detective JOHNSTON had been visiting businesses and individuals in the South Auckland/Franklin area involved in modifications to vehicles/trailers in an attempt to identify the origin of Police Exhibit 293.

1318. On 13 October 1970,[3257] after seeing the photograph of Charles SHIRTCLIFFE's car and trailer in the paper, Heather Irene COWLEY (DOB unknown), SHIRTCLIFFE's step-daughter, contacted police.[3258] COWLEY stated that she remembered a 'Mr THOMAS' of Mercer Ferry Road, Pukekawa, calling to see SHIRTCLIFFE about change of ownership papers for the trailer.[3259] COWLEY said 'Mr THOMAS' had purchased the trailer from the man who worked at the Meremere Power Station.[3260] She could not remember 'Mr THOMAS' first name, but knew he had a large family and one of his daughters was Margaret THOMAS.[3261]

1319. Allan THOMAS previously lived on a farm at Mercer Ferry Road, Pukekawa, and had a large family of nine children, one of whom was Margaret STUCKEY. In 1970, Allan THOMAS' farm was occupied by his son, Arthur THOMAS.

1320. As a result of these enquiries it was established that Charles SHIRTCLIFFE built a two wheel trailer in 1956,[3262] and it was sold to Gordon WHYTE in about 1956/1957.[3263] Later, on about 20 March 1959, WHYTE sold the trailer to Allan THOMAS of Mercer Ferry Road, Pukekawa.[3264]

1321. When the link to a trailer owned by Allan THOMAS was established, police spoke to members of the THOMAS family to establish what had become of the trailer and its axle. Arthur THOMAS was the first to be shown Police Exhibit 293, on 13 October 1970, by Detective JOHNSTON and another police officer.[xxix3265] THOMAS commented that he had never seen the axle before and indicated that the only axle on his farm (the Mercer Ferry Road farm previously occupied by his father, Allan) was in the farm's tip and had wheels attached to it.[3266] This axle (with attached wheels) was shown to Detective JOHNSTON who

[xxix] Detective JOHNSTON indicated in his Police Jobsheet that there was another person with him on this enquiry, who he did not name. (CR.INV.BOX02.03.0533) No other police officer submitted a Jobsheet relating to these activities on this date and an examination of the roster for this day does not establish who may have accompanied him.

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determined that it did not relate to the investigation.[3267] Arthur THOMAS was shown the photograph of Charles SHIRTCLIFFE's car and trailer and stated that the trailer looked similar to his father's.[3268] THOMAS acknowledged that he had seen this photograph in the newspaper and thought his father would have contacted police about it.[3269]

1322. The following day, 14 October 1970, Detective PARKES and Detective JOHNSTON visited Allan THOMAS' Matakana home.[3270] Allan was shown the axle but could not say that this had come from his trailer.[3271] Allan stated that as far as he could recall, the old trailer (built by SHIRTCLIFFE) was left on the Mercer Ferry Road farm when he moved to Matakana in 1966.[3272] Allan further commented that he thought this was left down by the old cow shed (then known as the implement shed) on the property.[3273] Allan stated that (Roderick) RASMUSSEN, of Meremere, had built him a new trailer, and, as of 14 October 1970, this was the only trailer Allan had.[3274]

1323. Allan's wife, Ivy Florence THOMAS (DOB unknown, nee WILKINS, now deceased), said that she had no idea what happened to the trailer and had no recollection of trailer parts lying around the Mercer Ferry Road farm.[3275]

1324. Police also spoke to Richard THOMAS and Lloyd THOMAS (two of Allan's sons), on 14 October regarding the whereabouts of this trailer. Richard stated that he did not recognise the axle and was unable to say whether or not it was similar to the axle on his father's trailer.[3276] He did not remember any old axles or trailers lying around the Mercer Ferry Road farm.[3277] Richard said he remembered taking his father's trailer to Meremere for repairs on a couple of occasions.[3278] He said that the man who repaired the trailer was the same person (RASMUSSEN) who later made a trailer which Allan currently used.[3279] Richard said he thought, but was not sure, that this trailer he had taken to Meremere for repairs was later left on the Mercer Ferry Road farm when his father got his current trailer.[3280]

1325. Lloyd THOMAS had no knowledge of his father's old trailer and did not remember what had happened to it.[3281] He stated that there was an axle with wheels and tyres attached, stored at the back of Arthur THOMAS' garage on the Mercer Ferry Road farm.[3282]

1326. On the morning of 15 October 1970, Detective JOHNSTON again visited Roderick RASMUSSEN.[3283] His Police Jobsheet noted that, at this stage, enquiries indicated the trailer that once belonged to Charles SHIRTCLIFFE, had later been owned by Allan THOMAS who, at the time of purchasing the trailer in 1959, had been farming at Mercer Ferry Road, Pukekawa.[3284] RASMUSSEN stated that after the name had been mentioned to him (in 1970) he recalled building a trailer for Allan.[3285] RASMUSSEN stated that he had used the springs, body, tow bar and coupling from Allan's trailer (built by SHIRTCLIFFE) to complete the new one.[3286] The wheels, axle beam, hubs and stub axles from this trailer were not used on the new trailer.[3287]

1327. Later that day, Detective JOHNSTON, in the company of Arthur THOMAS, searched the area around the old cow shed (implement shed) on the Mercer Ferry Road farm where Allan THOMAS suggested he left the trailer.[3288] Neither the trailer, nor any parts from the trailer were found.[3289] Areas along the fence line under hedges and the wool shed on the property were also searched without trace of the trailer or trailer parts.[3290] Detective JOHNSTON and Arthur THOMAS also went to the tip located on the property about 100 yards (approximately 91 metres) east of the house, *"... where a cursory search was made without trace of the wanted trailer or parts thereof."*[3291]

1328. Detective JOHNSTON did, however, take possession of two pieces of hardwood, 3x3 and 3x2

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(Police Exhibit 395), from the garage on the property used by Peter THOMAS.[3292] Detective JOHNSTON noted that this wood could have been part of the old trailer.[3293] Arthur THOMAS said he did not know the origin of these two pieces of wood, but said that one, namely the piece of 3x3, could have been from a cross bar of a power pole.[3294]

1329. In a statement made to police on 15 October 1970, Arthur THOMAS commented that there was no trailer on the farm which had been left by his father.[3295] He could recall the trailer in question, but did not know what had happened to it.[3296] THOMAS again stated that he had not seen Police Exhibit 293 before.[3297] He said that he had previously taken rubbish from the farm to the Tuakau tip, but could not recall taking any axles or wheels, nor did he recall giving any away.[3298]

1330. A Police Conference was held on 19 October 1970 prior to the departure of Detective Inspector BAKER and Detective Senior Sergeant O'DONOVAN,[3299] who had been brought to Auckland from Wellington and Christchurch respectively[3300] to review the homicide investigation. The transcript of this conference recorded Detective Inspector HUTTON saying that at this stage in the enquiry there were two people who could be considered suspects, namely Lenard DEMLER and Arthur THOMAS.[3301] During the conference the group went over evidence which indicated that THOMAS may have been the offender and also identified areas for further investigation.[3302] The transcript reads: *"Conference concluded that every effort must be made immediately either to confirm THOMAS as a suspect or exclude him altogether from the enquiry."*[3303]

Stubs axles (Police Exhibits 330 and 331) located

1331. On 20 October 1970, Detective PARKES and Detective JOHNSTON visited Arthur THOMAS' farm to collect further samples of wire.[3304] While at the property, Detective JOHNSTON recorded that a search was made of the rubbish tip.[3305] A spade was borrowed from THOMAS and the upper portion of the tip was dug over.[3306] Two stub axles (Police Exhibits 330 and 331) were located[3307] about one foot apart.[3308] Although Detective JOHNSTON stated: *"A thorough search of the tip was made by Det. Sgt. PARKES and myself ..."* he went on to say that *"... owing to lack of suitable clothing we were unable to examine the tip as properly as we would have liked to."*[3309] Prior to leaving the property with the stub axles, THOMAS' rifle (Police Exhibit 317) was collected for a second time by Detective PARKES.[3310]

1332. Detective JOHNSTON noted in his Police Jobsheet that it was likely the two stub axles had been exposed at one point in time.[3311] He said it appeared as though the stub axles had been thrown on top of the tip but, as the tip was situated below a bank, *"... through rain and other conditions the bank appears to have kept slipping and this covers a portion of the tip each time the earth falls."*[3312] Detective JOHNSTON noted that the stub axles were not buried very deep and there did not appear to be much rubbish on top of them.[3313] He did note: *"It is difficult, however, to indicate whether they had been placed there recently or had been there for some considerable time."*[3314] Detective JOHNSTON then stated that he was inclined to think that they had not been in the tip for any great period *"... because had they been they would have been covered with rubbish thrown on top of the tip of more recent times."*[3315]

1333. Contrary to Detective JOHNSTON's assertion, (then) Inspector PARKES told the RCOI that the search on this day (20 October 1970) was not thorough.[3316] Furthermore, it does not appear that on 20 October 1970 Detective PARKES took part in the search[3317] and instead remained on the bank above the tip for the majority of this time.[3318]

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1334. At the second trial (then) Detective Senior Sergeant PARKES stated that on 20 October 1970, after the stub axles were located on THOMAS' farm tip, he and Detective JOHNSTON went to the CREWES' property.[3319] There they used the outside tap to wash the excess dirt off the stub axles.[3320] This was also confirmed by Detective JOHNSTON during his evidence.[3321]

1335. The following day, 21 October 1970, Detective Sergeant TOOTILL, Detective Sergeant SEAMAN, Detective PARKES, Detective BAILEY, Detective KEITH, Detective Constable George WOOD and Constable John PANOHO visited THOMAS' farm to execute a search warrant.[3322] The purpose of this was to locate and/or identify: (i) reading material, (ii) diaries kept by THOMAS, (iii) jewellery, handbag and brush and comb set as described in the burglary file relating to the CREWES' house in 1967 *(see paragraph 2563)*, (iv) correspondence from Jeannette or the DEMLER family, (v) firearms, (vi) ammunition, (vii) signs of rifle practice with a .22 rifle, (viii) empty .22 cartridge cases, and (ix) car and trailer for examination.[3323]

1336. Detective PARKES, Detective Constable WOOD and Constable PANOHO were directed to search the tip on the farm.[3324] Constable Alan ARNOLD, a Police Photographer, was also present.[3325] A Police Jobsheet by (then) Detective Sergeant PARKES explained that there were three tips in the area which were designated 'one', 'two' and 'three' by police.[3326] Tip number one was the right hand tip facing east (it was in this tip that the stub axles were found), tip number two was the centre tip (and the oldest one - Detective Sergeant PARKES noted that the rubbish there appeared to have been dumped in two periods as one lot appeared much older than the other), and tip number three was the left hand tip.[3327]

1337. (Then) Detective Sergeant PARKES explained, in a Police Jobsheet dated 29 October 1970, that the searchers were advised to retain any motor vehicle parts found.[3328] They started at the bottom of the tip, and raked all rubbish down behind the line of the search.[3329] Just after 12.00 noon, Detective Constable WOOD located *"... a split rim which would fit an old type motorcar wheel"* in tip number one.[3330] This was found *"... about three-quarters down the face of the tip covered by rubbish and over-burning."*[3331] Then at about 2.30pm, Constable PANOHO located *"... one solid steel wheel assembly minus the tyre and split rim"* in tip number one.[3332] This was found *"... half way up the slope of the tip buried under about 9" of topsoil and other articles."*[3333] These two items were collectively labelled Police Exhibit 393.[3334] A draw bar coupling (Police Exhibit 434) was also located in tip number one[3335] by Detective PARKES[3336] on this day.[3337]

1338. Detective PARKES' Police Jobsheet relating to the 21 October 1970 search does not record him finding the coupling, or anything else.[3338] This is despite the fact that the same Jobsheet detailed two items located by Detective Constable WOOD and Constable PANOHO.[3339] However, (then) Inspector PARKES gave evidence at the RCOI that he found Police Exhibit 434 on 21 October 1970.[3340] Of note, Police Exhibit 434 does not appear in a photograph of items located in tip number one on 21 October 1970.[3341]

1339. The description of Police Exhibit 434 varied, causing some confusion as to whether this item was in fact a draw bar coupling, or the draw bar itself. Police Exhibit 434 was recorded in the police exhibits register as: *"1 Drawbar for trailer found on tip Thomas farm"*.[3342] It was later produced by Detective JOHNSTON at the deposition hearing[3343] and second trial[3344] where he described it as a steel draw bar. However, at the first trial he referred to it as a 'trailer coupling' which he said was commonly called a steel draw bar.[3345]

1340. On a list of exhibits which were to be produced at the deposition hearing, Police Exhibit 434 was listed as: *"Draw bar attachment"*.[3346] This was also the description given on a receipt,

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dated 12 July 1973, for exhibits received by (then) Detective Sergeant KEITH from Ian MILLER, Deputy Registrar at the Auckland Supreme Court.[3347] After this time, on 4 November 1977, Detective Sergeant KEITH described the item as: *"1 x Trailer Fitting EXH. 434 (Drawbar)"*,[3348] and then in a statement to the RCOI in 1980, as a *"metal trailer drawer bar found in rubbish tip on THOMAS farm on 21.10.70."*[3349] Also at the RCOI, Gordon WHYTE referred to Police Exhibit 434 as a draw bar attachment.[3350]

1341. Despite the different descriptions given to this exhibit, it appears that Police Exhibit 434 was in fact the metal coupling that would be attached to the end of a draw bar and is the mechanism by which the trailer is attached to the towing vehicle.

1342. There was also some confusion around this exhibit number as, at the deposition hearing, Rory SHANAHAN produced a police exhibit which he referred to as '434' which was a number of copper cartridge cases test-fired from Arthur THOMAS' rifle (Police Exhibit 317).[3351]

1343. (Then) Detective Sergeant PARKES' Police Jobsheet relating to the 21 October 1970 search noted that shortly after midday on 21 October, Arthur THOMAS arrived at the tip area and asked if he could assist with the search.[3352] THOMAS was told that his help would be welcome and he began searching an area of the tip where Constable ARNOLD had earlier been.[3353] Detective Sergeant PARKES noted that he kept a close watch on THOMAS' movements and commented: *"He appeared to be genuinely searching and by checking on what he raked back I am quite sure he did not cover up or discard any material evidence."*[3354]

1344. The wheel (part of Police Exhibit 393) located by Constable PANOHO was shown to THOMAS, who was asked where it had come from.[3355] (Then) Detective Sergeant PARKES recorded that THOMAS did not know and when asked if it could have come from his father's old trailer stated: *"Yes, it could have. Gee, perhaps we will strike gold yet."*[3356] By this comment Detective PARKES took THOMAS to mean that they might still find the axle on the tip.[3357]

1345. At about 3.00pm on 21 October 1970, Detective PARKES and THOMAS moved on to searching tip number two, where nothing of note was found.[3358] (Then) Detective Sergeant PARKES commented, in his Police Jobsheet dated 29 October 1970: *"Throughout the day THOMAS worked diligently. He was supervised closely and as far as I can see he genuinely appeared interested in finding the missing axle."*[3359]

1346. Detective KEITH, who was searching outbuildings on the property, located a wheel (Police Exhibit 394), similar to that already found in the tip,[3360] behind a garage on the farm.[3361]

1347. Inside the house, Detective Sergeant TOOTILL located, in a box of accounts on the floor of the scullery, an 'Auckland Farmers Freezing Company notebook' for the year 1965/1966.[3362] Detective Sergeant TOOTILL commented that the only entry of note in this book was: *"RASMUSSEN, Meremere - car trailer - phone 707 Mercer."*[3363]

1348. On 22 October 1970, Detective Sergeant TOOTILL returned to THOMAS' farm with Detective BAILEY, Detective Constable WOOD and Constable PANOHO to complete the search of the tip.[3364] Detective Sergeant TOOTILL noted that the only items of interest located were two trailer (number) plates 'R3-402' and 'R11-052' (Police Exhibit 338).[3365] He commented that these were the last of the 'old type' of number plate issued before the current permanent plates were used.[3366]

1349. When spoken to on 22 October 1970, Allan THOMAS stated that he had last been to the tip

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on the Mercer Ferry Road farm in June or July 1969.[3367] On this occasion he had been to the tip looking for an aluminium preserving pan used for feeding pigs.[3368] He stated that he was at the tip for some time but did not see an axle or wheels.[3369]

1350. Police spoke to Allan THOMAS' sons, Desmond THOMAS and Raymond Brian THOMAS (DOB [redacted]), about the axle and trailer, on 22 October 1970 and 23 October 1970 respectively. Desmond informed police that the trailer on their Matakana farm (in 1970) was the same one that Richard THOMAS used to take to Auckland to collect bread.[3370] He said he remembered an axle with two wheels and tyres near a shed on the Mercer Ferry Road farm, but did not know where this came from.[3371] Desmond did not remember any other axles or trailer parts at all.[3372] Raymond was questioned about the trailer, although it does not appear that he was shown Police Exhibit 293, and there is no record of him making comment about an axle.[3373]

1351. Police also spoke to Peter THOMAS on 22 October 1970.[3374] Peter told police that after their previous visit (on 21 October 1970) Arthur THOMAS had spoken about the axle and trailer.[3375] Peter stated that he had been to the tip on the Mercer Ferry Road farm once to dump a load of rubbish, but *"never saw any axle or trailer at the tip ..."*[3376] Peter was shown the axle (Police Exhibit 293) and stub axles (Police Exhibits 330 and 331) and commented that he had never seen them before.[3377]

1352. In *Beyond Reasonable Doubt,* David YALLOP included an excerpt from an interview he had with Peter.[3378] Peter reportedly stated that when he was interviewed by Detective Inspector HUTTON and Detective JOHNSTON they insisted that he had seen the axle (Police Exhibit 293) on the farm.[3379] Peter said: *"They went on and on insisting that I had, and that I should say I had, that I must say I had. I couldn't understand why they were so desperate to get me to tell a lie, it didn't make sense."*[3380]

1353. Peter did give a statement to Detective JOHNSTON and, as noted above, was asked whether he had seen the axle on Arthur THOMAS' farm.[3381] It does not appear that there was a Police Jobsheet submitted as a result of this interview, thus the line of questioning put to Peter is unknown. Had Detective JOHNSTON 'insisted' that Peter should say he had seen Police Exhibit 293 on Arthur's farm, as alleged by Peter, it is possible this pressure was put on Peter during questioning to elicit the truth - if he had been trying to protect Arthur THOMAS.

Arthur THOMAS' comments regarding the axle (Police Exhibit 293)

1354. Detective Inspector HUTTON stated that the tracing of the axle (Police Exhibit 293) to a trailer which was used at the Mercer Ferry Road farm, and the finding of the two stub axles (Police Exhibits 330 and 331), which were once attached to Police Exhibit 293 *(see paragraphs 1509-1510*), on 20 October 1970: *"... immediately swung the whole thrust of investigation towards [Arthur] THOMAS."*[3382]

1355. When Arthur THOMAS was shown the axle (Police Exhibit 293) by Detective JOHNSTON on 13 October 1970[3383] and 15 October 1970,[3384] he stated that he had not seen the axle before. THOMAS was again shown the axle by Detective Inspector HUTTON on 25 October 1970.[3385] When THOMAS was asked how the axle came to be attached to Harvey's body without him having been involved, THOMAS claimed: *"... someone must have come on to my farm at night and taken it."*[3386] THOMAS indicated that the only person he could think who may have done this was Lenard DEMLER.[3387] He stated that although he knew DEMLER 'quite well', DEMLER had never been to his farm.[3388] THOMAS also stated that his brother-in-law, Buster

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STUCKEY, was one person who he thought could have had access to such articles (the axle, wire and THOMAS' firearm).[3389]

1356. During a later interview with Detective Inspector HUTTON on 11 November 1970, THOMAS stated that it was obvious to him he had been framed.[3390] Detective Inspector HUTTON noted that THOMAS had no other explanation for the axle, wire and firearm from his property being linked to the murders.[3391]

1357. As no other explanation was noted, it is likely that THOMAS nominated DEMLER as a person who may have acquired the relevant items from his farm, as it was widely known that DEMLER was initially the primary suspect. It was acknowledged by THOMAS, and there is no evidence to the contrary, that DEMLER had never been to THOMAS' farm. Therefore, it is highly unlikely that DEMLER would have known where to source THOMAS' firearm, which was kept in various locations about the house and farm buildings, and Police Exhibit 293. It is also unlikely that DEMLER would have known where on THOMAS' farm he could collect wire, or had the opportunity to move about the farm doing this without being detected.

1358. As noted above, THOMAS nominated STUCKEY, his brother-in-law, as someone who would have had access to the items from the farm used in the murders. Vivien THOMAS told police that while she and Arthur THOMAS were holidaying for about 10 days in April 1970, and in May 1970, STUCKEY would visit their farm about every two or three days to check on their stock.[3392]

1359. STUCKEY was approached by (then) Detective Sergeant PARKES on 17 November 1970 and told of THOMAS' comments.[3393] STUCKEY stated that he did not want to discuss the matter with police unless Solicitor, Brian WEBB (who also represented THOMAS), of Grierson Jackson and Partners, was present.[3394] However, Detective Sergeant PARKES noted that STUCKEY was 'quite agreeable' to being interviewed in the presence of WEBB.[3395] Arrangements were made with WEBB that he would nominate a time when this could take place and then contact Detective Sergeant PARKES.[3396] At the first trial, Detective Sergeant PARKES stated that he did not pursue STUCKEY further for an interview.[3397] Therefore, STUCKEY was not interviewed by police regarding THOMAS' claim that STUCKEY had access to the items used in the murders.

1360. On 13 August 2013, Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM visited Buster and Margaret STUCKEY. The STUCKEYS confirmed that, as they were the nearest relatives, they had looked after THOMAS' stock on a few occasions when Arthur and Vivien THOMAS were away.[3398] It was explained to the pair that the physical evidence in the case pointed to THOMAS' farm, and Buster STUCKEY was told that when Arthur THOMAS was asked about this by police, he had said that STUCKEY would have had the same access as he had.[3399] STUCKEY made no comment about this.[3400] STUCKEY confirmed that he had never made a statement to police, although said he had been spoken to.[3401]

1361. Buster and Margaret STUCKEY have declined to be interviewed further unless their Solicitor is present and all expenses are met by the Police.[3402]

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Modifications to Nash front axle (Police Exhibit 293)

The following section contains information about the components of, and modifications made to, the trailer which at one time bore Police Exhibit 293. To assist in understanding the information below, it may be helpful to refer to appendix 16 - (a portion of) RCOI Exhibit 140B, a diagram of an 'Ackermann Steering Mechanism' of a car, produced at the RCOI hearing by defence witness Professor Neil MOWBRAY, Consultant in forensic and general matters of professional engineering.[3403]

Charles SHIRTCLIFFE

1362. When Charles SHIRTCLIFFE purchased the Nash front axle assembly in 1956,[3404] he undertook alterations so that it could be used on a trailer. SHIRTCLIFFE explained that he cut two or three feet out of the middle of the tie rod[3405] and then flattened the remaining ends.[3406] He drilled a hole[3407] in these ends so as to attach them to the U bolts on the axle[3408] which held the spring and axle together.[3409] SHIRTCLIFFE stated that once the tie rod was fixed in this manner the wheels were locked in place.[3410] He commented that he may have replaced the original grease nipples with new ones of a different type at this stage, but could not remember.[3411]

1363. SHIRTCLIFFE stated that he made a 3x3[3412] or 4x4[3413] hardwood drawbar[3414] which was about eight feet long,[3415] and to this he fitted a tractor type coupling[3416] rather than a ball coupling.[3417] The deck of the trailer was made from old weather boards[3418] and the sides were pieces of 9x1 and 12x1 timber[3419] which were painted blue.[3420] The disc wheels[3421] were 500x20[3422] (20 inch)[3423] which SHIRTCLIFFE was 'pretty sure' were five-stud.[3424] SHIRTCLIFFE stated that he never completed any welding on the axle[3425] and, in fact, when he made the trailer did not have an arc welder to do so.[3426]

1364. The hubs on the stub axles (Police Exhibits 330 and 331), which had been connected to the axle (Police Exhibit 293), were four-stud, not five as stated by SHIRTCLIFFE. The wheels (Police Exhibits 393 and 394) located on Arthur THOMAS' farm - one of which (Police Exhibit 394) had been matched to one of the stub axles (Police Exhibit 330) - also corresponded with a four-stud hub. It is likely that SHIRTCLIFFE was mistaken in his recollection that the wheels he fitted to the trailer were five-stud, given that the stub axles on his trailer (which was proven, through ownership records, to be that which was later owned by Allan THOMAS) had not been replaced prior to their removal by Roderick RASMUSSEN.

Gordon WHYTE

1365. Gordon WHTYE described the trailer built by SHIRTCLIFFE as 'lettuce green'[3427] with a wooden deck and sides.[3428] He said it had a hardwood draw bar, about 3x3,[3429] with a tractor coupling attached[3430] and solid wheels[3431] with split rims.[3432] WHTYE stated that any trouble he had had with the trailer was limited to punctures[3433] and while the trailer was in his possession he did not make any alterations or repairs,[3434] including welding.[3435]

1366. The description of the colour which the trailer was painted varies. SHIRTCLIFFE commented that the trailer was blue, whereas WHYTE stated that it was green. Allan THOMAS said the trailer was 'probably' painted blue[3436] and then that it was a 'pale green or blue colour'.[3437] Raymond THOMAS also stated that the trailer was blue.[3438] Richard THOMAS on the other hand said he thought the trailer was painted a 'greeny colour', but was not sure.[3439]

1367. The colour of the trailer, however, is not of particular importance in establishing that the

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trailer owned by SHIRTCLIFFE, WHYTE and Allan THOMAS was in fact one and the same. This was established through ownership records.

Allan THOMAS

1368. Allan THOMAS stated that when he purchased the trailer, the body (woodwork) was in very poor condition[3440] and did not stand up to wear,[3441] which resulted in him having to replace all or most of it.[3442] Allan stated that he also had a lot of trouble with tyres on the trailer wearing out[3443] and said *"... there was something wrong with the construction of it."*[3444] He also commented that he had trouble with the bearings.[3445] Allan said he did not know what had caused the change of alignment which resulted in wear to one of the trailer's tyres.[3446]

1369. Richard THOMAS, on the other hand, stated at the RCOI that there was definitely nothing wrong with the bearings on the trailer.[3447] He said that if the bearings on the trailer were in poor condition he would have known about it.[3448]

1370. Detective PARKES noted that the trailer, registration number 948JP, owned by Allan in October 1970 was the trailer made by SHIRTCLIFFE.[3449] However, he reported: *"... over the years the trailer has been altered until none of the original fittings remain."*[3450] These alterations were carried out on a number of occasions, by different individuals. Allan also stated that during the period in which he owned the trailer, he discarded the wheels on the trailer more than once: *"... I was able to get better wheels from time to time, from the car wrecking places ['all caps' removed]."*[3451]

1371. One such alteration occurred after Allan had been carting a load in his trailer one evening.[3452] Allan said he was stopped by a traffic officer, who advised him that there was something wrong with the trailer's wheels.[3453] Allan said he could see that a bearing had collapsed.[3454] He took the trailer to the nearest service station, known as Butler's Service Station, Papatoetoe, and left it there overnight.[3455] When he returned the next day, Allan stated that a new set of bearings had been fitted on one side, although he could not remember which side this was.[3456] He said that after this repair by Butler's Service Station he did not recall any further trouble with bearings on the trailer.[3457]

1372. This repair only came to light at the RCOI hearing in 1980. There is no record of this information being received by police at the time of the original investigation.

1373. At the RCOI, Allan stated that these repairs would have occurred in July 1959.[3458] However, enquiries by Detective PARKES on 24 October 1970 revealed that Allan wrote out a cheque to 'BUTLER's Garage' for trailer repairs on 12 July 1957,[3459] two years prior to him purchasing the trailer from Gordon WHYTE. At this time is it unknown whether this was an error on the part of Detective PARKES or if Allan was mistaken and the trailer that received these repairs was not the one he purchased from WHYTE. It is unknown whether Allan owned a trailer prior to the purchase from WHYTE. Having said this, it was known to the investigation team by at least 14 October 1970 that Allan had purchased the trailer in question from WHYTE in April 1959.[3460] Thus, Detective PARKES recording trailer repairs prior to this time would be of no consequence, indicating that this may have been a mistake by Detective PARKES.

1374. Allan also recalled having repairs made to the trailer by Everard Charles GARRETT, known as 'Peter', (DOB unknown), a Pukekawa resident.[3461] Raymond THOMAS explained that one day (between 1960 and 1962) when he was using the trailer *"... it fell apart, that is the tray came away from the frame."*[3462] Raymond said he put the tray back on, but later he and Allan took the trailer to GARRETT and they put a new body, i.e. a new deck and sides, on the trailer.[3463]

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Allan stated that GARRETT *"... made angle iron brackets to support the running boards which are over the wheels."*[3464] He further described that eight 'Z' brackets[3465] were welded and bolted on to the cross members under the floor of the trailer, then vertically to the sideboards of the trailer.[3466] He said that while GARRETT was making the brackets: *"We would have been fitting the deck ..."*[3467] Raymond could not remember if they put a new chassis on the trailer, but presumed they would have because the wooden frame or cross members were fairly rotten when the deck fell off.[3468]

1375. At the RCOI, Allan indicated that GARRETT, who owned a private welding plant,[3469] was responsible for Allan's welding repairs 'in those days'.[3470]

1376. GARRETT was unable to identify Police Exhibit 293 when it was shown to him on 17 September 1970[3471] by Detective Sergeant JEFFRIES[3472] and Detective JOHNSTON.[3473] It does not appear that GARRETT was approached again by police regarding the axle, after Allan's assertion that GARRETT had carried out substantial work on the trailer in question.

1377. In *Beyond Reasonable Doubt*, David YALLOP wrote that GARRETT had been shown the axle[xxx] by police officers, whom GARRETT named as possibly Detective Sergeant JEFFRIES and Detective PARKES.[3474] GARRETT told YALLOP he was asked if he could identify the welding as his own.[3475] YALLOP reported that GARRETT asked the police officers what type of metal had been used in the weld, which they did not know.[3476] GARRETT allegedly suggested they take the axle to the DSIR to have this analysed.[3477] He stated that the axle was never brought back to him.[3478]

1378. In a report responding to the allegation in YALLOP's book, Detective Sergeant JEFFRIES noted that the purpose of their enquiries with various welders on 17 September 1970 was to: (i) identify the vehicle from which the axle had come, (ii) establish who had carried out the welding on the axle, and (iii) establish who last had possession of the axle.[3479] Detective Sergeant JEFFRIES stated that GARRETT was unable to identify the type of car the axle had come from.[3480] Furthermore, it is clear from both the response recorded by Detective Sergeant JEFFRIES and GARRETT's comments to YALLOP, that GARRETT was unable to identify the welding as his own. Thus, no further enquiries were made with him.[3481]

1379. Allan THOMAS also recalled having repairs done to the trailer on one occasion at 'Chapman's Garage' at Pukekohe.[3482] Detective JOHNSTON noted that Allan said this *"... could have been something to do with the wheel beardings [sic] on the trailer ..."* but he was not sure.[3483]

1380. At the RCOI, an invoice from Chapman's Service Station Ltd. (unknown date) was produced by Allan, but does not appear to have been entered as an exhibit.[3484] Allan stated that this invoice, for 15/- (15 shillings), was in relation to *"... attention to bearings ['all caps' removed]"* and it was pointed out to him that at the bottom of this invoice there was a reference to welding.[3485] Allan stated that he believed this was in regard to a small weld which may have been around the tail lamp.[3486] Allan agreed that the amount of the invoice, 15 shillings, indicated that it was a fairly small job.[3487]

1381. Allan also recalled welding being carried out on one of the hubs on his trailer at some stage.[3488] He said this was in relation to the hubs and studs:[3489] *"... the bolts on the hub apparently breaking loose and more or less collapsing the wheel en route on one of our trips to the*

[xxx] In *Beyond Reasonable Doubt*, Peter GARRETT reportedly claimed that the axle shown to him on this day was not Police Exhibit 293 *(see paragraph 1957).*

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bakery ['all caps' removed]."[3490] Allan produced an invoice,[3491] dated 12 November 1963,[3492] from Chapman's Service Station Ltd. for this repair.[3493] It was noted, at the RCOI, that there was no reference to welding on this invoice, but Allan stated that this did in fact occur as: *"It is the only way to hold them on ...['all caps' removed]."*[3494] Allan stated that this was the only occasion that he could recall any welding being done on the axle assembly.[3495]

1382. In a brief of evidence for the RCOI, Professor MOWBRAY commented that on this occasion described by Allan, a replacement set of 5/8 of an inch (1.588 centimetres) in diameter SAE bolts were welded to the hub in lieu of factory 9/16 inch (1.429 centimetre) studs.[3496]

1383. At the RCOI there was initially some confusion regarding what work was actually undertaken by Chapman's Service Station Ltd. on this occasion. When the matter was first addressed the hearing transcript indicates Allan stated: *"... it was the **stubs** [bold added], the bolts on the hub apparently breaking loose ...['all caps' removed]."*[3497] However, after clarification was sought the hearing transcript records Allan indicating that it was in fact the *"hubs and **studs** [bold added, 'all caps' removed]"*[3498] that were subject to work by Chapman's Service Station Ltd.

1384. It was noted (by unknown counsel) at the RCOI: *"... I rang the proprietor of that firm recently. He cd [sic] rem [sic] doing the welding on that hub those 4 bolts but he is quite sure he never did anything at all o [sic] the axle ['all caps' removed]."*[3499] The identity of this person (the proprietor) is unknown as they were not called to give evidence before the RCOI.

1385. Allan stated that he tracked down two such repairs[3500] on the one hub of his trailer.[3501] However, it is unclear whether these two separate repair jobs were both undertaken by Chapman's Service Station Ltd. and whether they both related to the studs.

1386. It does not appear that enquiries were made with Chapman's Service Station Ltd. by police regarding the repairs that were allegedly made to Allan's trailer, despite his assertion that they had carried out work on the trailer in question.

1387. The RCOI report stated:

> *"We are prepared to accept Mr [Allan] Thomas's evidence that, had any more significant welding, such as for example welding of the axle beam to the stub axles been carried out, he would have been aware of it. He said that no such welding was carried out and we accept his evidence."*[3502]

1388. William James WALTERS (DOB unknown), the proprietor of Chapman's Garage in the early 1960s, signed a statement (though not a police statement) on 23 April 1976.[3503] WALTERS said that he had been shown accounts and statements issued by Chapman's Garage (in the early 1960s) issued to Allan THOMAS for work done on a trailer to keep the bearings and other parts in good order.[3504] WALTERS had also been shown an old 20 inch steel wheel with four stud holes and stated that if a vehicle with similar wheels came into the garage with only three studs holding the wheel in place, the vehicle would not pass a warrant of fitness (WOF).[3505]

1389. At the RCOI, Allan stated that Owen Evans (Limited) must have also carried out work on his trailer at some stage, stating that this is where he would get a WOF from.[3506]

1390. On 24 September 1970, Mervyn EVANS (DOB unknown), owner of Owen Evans Limited, Service Station and Garage, Buckland, was approached by police but could not assist regarding the identification of the axle.[3507] EVANS' possible involvement in modifications to the trailer owned by Allan was not known to police until the RCOI hearing in 1980. He was therefore not questioned in relation to this.

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1391. Police also spoke to EVANS on 29 March 1973, as a result of a member of the Arthur Thomas Retrial Committee Inc. making enquiries at the premises[3508] *(see paragraph 1460).*

1392. On 24 October 1970, Detective PARKES visited Allan THOMAS' home at Matakana.[3509] Detective PARKES, accompanied by Richard THOMAS, went to a cottage on the farm where Allan kept his bills and receipts.[3510] Detective PARKES noted that he went through all the cheque butts taking those with some reference to a trailer or welding.[3511] A number of cheque butts were taken:[3512]

- P206892 - dated 12 July 1957, *"trailer repairs, BUTLER's Garage, £5"*
- P348141 - dated 19 August 1959, *"D.R. HOWELL, repair trailer, £1.12.9"*
- P361114 - dated 8 September 1959, *"Postmaster, registration of trailer, £1"*
- P361131 - dated 20 October 1959, *"FRANKLIN TYRE, trailer tyre, £22.6.0"*
- P023842 - dated 28 July 1960, *"N. LAPWOOD, welding, 11/- [shillings]"*
- P011325 - dated 26 April 1960, *"D.R. HOWELL, £2.10.6"*
- P036655 - dated 16 September 1960, *"D. HOWELL, welding, £4"*
- P100624 - dated 21 June 1961, *"E. WETHERALL, wheel alignment, £3.1.6"*
- P108927 - dated 20 September 1961, *"D.R. HOWELLS, 7/- [shillings]"*
- P26639 - dated 7 December 1963, *"E.C. GARRETT, welding tail board, £4.8.6"*
- P214427 - dated 16 April 1963, *"E. GARRETT, trailer frame welding, £12"*
- P47336 - dated 8 April 1964, *"D. HOWELL'S ENGINEERING, £2.5.9"*
- P125563 - dated 16 June 1965, *"A. WHYTE, £5.4.6"*
- P139562 - dated 30 August 1965, *"R. RASMUSSEN, trailer repair, £3.10.6"*
- P167173 - dated 28 February 1966, *"PUKEKAWA MOTORS, £3.5.10"*
- P167177 - dated 28 February 1966, *"E.C. GARRETT, repairs, £1"*

1393. It is possible the amount noted by (then) Detective Sergeant PARKES in his Police Jobsheet regarding the cheque butt number P361131, for Franklin Tyre Service Ltd., is incorrect. The cheque butt apparently noted that this payment of £22.6.0 was for a 'trailer tyre'. It is unlikely that for this cost, this was all the payment was for. Invoices contained on the file from Franklin Tyre Service Ltd. to Allan indicate the amount charged for the purchase and fitting of a trailer tyre on 19 May 1964[3513] and again on 23 March 1965[3514] was £7.6.6.

1394. At the RCOI, Allan stated that he did not know who 'E. WETHERALL' was[3515] and there is no record on the file regarding anybody of this name. Therefore, no further information is available regarding the 'wheel alignment'.

1395. There is also no record on the file regarding 'A. WHYTE' or to what this payment related. It is possible that, due to the absence of detail regarding this payment, this was noted by Detective PARKES because of the known connection between Gordon WHYTE and the trailer.

1396. From the above list of possible modifications to a trailer, documents within the file indicate only one of these eight people/businesses, 'D. R. HOWELL', were approached in order to determine whether the cheque butt related to the trailer in question. That said, four, 'D. R.

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HOWELL', 'N. LAPWOOD', 'Pukekawa Motors' and 'R. RASMUSSEN', had been seen prior to the discovery of these cheque butts and asked whether or not they could assist in identifying Police Exhibit 293.

1397. On 23 September 1970, Douglas HOWELLS (DOB unknown), owner of D. R. Howells Engineering Limited, and other employees - Alwyn MARSHALL (DOB unknown), Jim GRAHAM (DOB unknown), and Murray WAINWRIGHT (DOB unknown) - were shown Police Exhibit 293.[3516] Detective Sergeant JEFFRIES noted in his Police Jobsheet that none could assist in identifying this.[3517]

1398. On 9 November 1970, (then) Detective Sergeant PARKES visited D. R. Howells Engineering Limited and spoke with Jill Christine MARSHALL (DOB unknown), who was employed as a secretary at the business.[3518] Detective Sergeant PARKES recorded: *"I went to HOWELLS to check on work done for Allan Glyndwr THOMAS over the years."*[3519] However, at this time the company only held records dating back seven years, to 1963.[3520] It was noted that D. R. Howells Engineering Limited had in fact carried out work on a number of occasions for Allan THOMAS, but their work card only detailed the last occasion, 4 July 1966, when Allan had welding done to a 'spade and auger'.[3521] It is unknown to what the payment dated 8 April 1964 related, as this was not commented upon in Detective Sergeant PARKES' Jobsheet.

1399. At the RCOI, Allan stated he was 'almost certain' that 'D. R. HOWELL' completed work on his horse trailer, not the trailer in question.[3522] However, it is noted that Detective PARKES was able to find five cheque butts from separate occasions when work was carried out, being: 19 August 1959, 26 April 1960, 16 September 1960, 20 September 1961, and 8 April 1964.[3523] Therefore, it cannot be ruled out that one or more of these payments related to repairs or maintenance on the trailer in question.

1400. On 29 September 1970, Detective JOHNSTON showed Police Exhibit 293 to Norman Bernard LAPWOOD (DOB unknown), a Tuakau resident.[3524] However, LAPWOOD was unable to assist.[3525] He was again seen by Detective JOHNSTON on 30 September, when it was recorded that LAPWOOD passed on information relating to a trailer he had seen on Lenard DEMLER's farm.[3526]

1401. At the RCOI, Allan THOMAS stated he did not think LAPWOOD did any work on the trailer, but remembered him completing some work on his (Allan's) truck.[3527]

1402. On 17 September 1970, John DOUGHERY, of Pukekawa Motors, and his assistant (name not recorded) were shown Police Exhibit 293 by Detective Sergeant JEFFRIES, but they were unable to identify it.[3528] Detective Sergeant JEFFRIES noted: *"They confirmed they had not carried out any welding on an axle for [Harvey] CREWE or [Lenard] DEMLER."*[3529]

1403. The work carried out for Allan THOMAS by Pukekawa Motors occurred after the original axle was removed from the trailer by Roderick RASMUSSEN in July 1965 *(see paragraph 1404)*. However, Allan had clearly purchased something, or had work done by this business, and it may have been prudent for police to query whether Pukekawa Motors had completed any work for Allan on his trailer, prior to July 1965.

Axle removed from trailer in July 1965

1404. Significant alterations to Allan THOMAS' trailer were undertaken in July 1965[3530] by Roderick RASMUSSEN, whereby the original axle was permanently separated from the trailer. Allan stated that he made contact with RASMUSSEN because one of the tyres on his trailer was scuffing, which, Allan believed, was due to a problem with the alignment of this

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wheel.[3531] Allan also said he indicated to RASMUSSEN that he wanted the springs on the trailer to be strengthened.[3532]

1405. At the RCOI, Allan explained that the springs on the trailer were too soft and weak,[3533] but also said this was not actually of great concern to him as he had been using the trailer in that condition for several years.[3534]

1406. Allan stated that at this time the trailer was being used at least once a week[3535] by Richard THOMAS[3536] to transport bread from a bakery in Auckland.[3537] The bread was used as pig food on his Pukekawa farm.[3538] The trailer was also used to transport pigs from the THOMAS farm to the sales and works.[3539]

1407. At the second trial, Allan explained that after a discussion with RASMUSSEN it was decided it would be better not to repair the trailer, but to put a completely new axle assembly on it.[3540] He said that smaller wheels were also to be fitted to the trailer which would be interchangeable with Richard's Zephyr car[3541] that was used to tow the trailer.[3542]

1408. RASMUSSEN described Allan's trailer as old fashioned, with wooden members instead of steel.[3543] He said the trailer was run down,[3544] dilapidated[3545] and lacking in paint.[3546] RASMUSSEN said that the underside[3547] of the trailer was covered in droppings, from being used in a piggery.[3548]

1409. At the RCOI, RASMUSSEN stated that the axle assembly on Allan's trailer was very old and in a bad state,[3549] but that the woodwork was in good repair, although lacking paint.[3550] From the evidence of Allan and Raymond THOMAS it is known that some woodwork on the body of the trailer had been replaced sometime between 1960 and 1962. Therefore, it is likely that RASMUSSEN's comments regarding the run down and dilapidated condition of the trailer are likely to be referring to the running gear, i.e. axle assembly.

1410. RASMUSSEN stated that the chassis on Allan's trailer was made of 3x2 and 3x3 hardwood runners and bearers, and the springs were attached to the runners with a special fitting used for that purpose.[3551] RASMUSSEN noted that the trailer had four-stud,[3552] large pressed steel wheels,[3553] or disc wheels,[3554] probably 20 inch[3555] or 21 inch.[3556] He said the 4x3[3557] hardwood draw bar[3558] ran the full length of the trailer and was about 10 feet long.[3559]

1411. In a statement dated 24 October 1970, RASMUSSEN said that the draw bar on Allan's trailer had an ordinary ball type fitting.[3560] However, while giving evidence at the RCOI, he stated that it was an old fashioned double tongue and pin coupling.[3561] It is clear from Charles SHIRTCLIFFE's evidence that when the trailer was originally made, he put a tractor type coupling (believed to be a tongue and pin coupling), not a ball coupling, on the end of the draw bar. Gordon WHYTE stated that while the trailer was in his possession, he did not make any changes to this. This was also supported by Richard THOMAS' evidence, that when he towed the trailer with his car the coupling was a 'pin and spring action'. When detailing repairs and modifications made to the trailer while in his possession, Allan THOMAS did not state that the draw bar coupling had been replaced. Thus, it is likely that when the trailer was altered by RASMUSSEN the tractor type coupling was still on the trailer.

1412. Furthermore, RASMUSSEN noted at the RCOI that as part of the alterations on the trailer he removed the draw bar (which included the coupling),[3562] replacing the draw bar with a new steel one. RASMUSSEN indicated that when he fitted the steel draw bar, it had a 'modern type' coupling.[3563] It is, therefore, likely that RASMUSSEN was mistaken when he described

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Allan's trailer as having a ball type fitting when it was taken to him for alterations in July 1965.

1413. RASMUSSEN recalled one of the wheels on Allan's trailer had washers welded to the stud holes.[3564] He observed that this had been done because at some point the wheel had been loose[3565] and moved around on the studs,[3566] causing the stud holes on the wheel to elongate.[3567] He stated that the washers had been welded on to the wheel to reduce the size of the holes[3568] and stop the wheel moving about on the studs.[3569] He also commented that the studs had at some stage been replaced as they were not the originals[3570] that would have been attached to the hub.

1414. At the first trial, RASMUSSEN explained that whoever welded the washers on to the wheels did not do the job properly.[3571] He presumed that when they had tried to put the wheel back on it would not fit,[3572] which explained why a stud was missing from one hub.[3573] Later at the second trial, RASMUSSEN elaborated on this saying that one of the washers may have been welded in position slightly off-centre[3574] and said that one stud had been removed to make the wheel fit.[3575]

1415. RASMUSSEN's statements and evidence differ when describing whether the stud holes had been elongated on one wheel or both wheels on the trailer. On 15 October 1970, Detective JOHNSTON recorded that RASMUSSEN said: *"... the **wheels** from the old trailer had been flogged out ..."['bold' added].*[3576] At the deposition hearing RASMUSSEN was recorded as saying: *"... the studs had flogged large holes in the **wheels**."['bold' added]*[3577] At the first trial he was recorded as saying: *"... the studs had been left loose on the **wheels** and had elongated the holes on the **wheels.**"['bold' added]*[3578] These statements indicate that RASMUSSEN was referring to 'wheels', i.e. more than one.

1416. However, in a statement dated 24 October 1970 RASMUSSEN said: *"one **wheel** had washers welded to the wheel ..."['bold' added]*[3579] At the second trial he was recorded as saying: *"1 **wheel** had flogged the stub nuts out ..."['bold' added]*[3580] At the RCOI RASMUSSEN stated that on one **wheel** *"... the wheel had been let come loose, and had made the holes much too large ['all caps' removed]."*[3581] It is clear that on these occasions, RASMUSSEN was referring to only one wheel being in this condition.

1417. It is likely that RASMUSSEN's statement, his evidence at the second trial, and evidence at the RCOI are an accurate representation of what he said. This is because the records reflect RASMUSSEN specifically commenting upon **one** wheel. Whereas, on the occasions when it was implied that both wheels were affected in this way, RASMUSSEN was not recorded as saying **both wheels,** or **two wheels**. Furthermore, the elongation of the stud holes on one wheel (Police Exhibit 394) corresponds with RASMUSSEN's description of washers being welded on to only one wheel.

1418. Throughout the transcripts of RASMUSSEN's evidence regarding the modifications he noted to the trailer wheel, it appears there was some confusion between 'stubs' and 'studs'. Sometimes the word 'stub' was recorded, but when taken in the context of his evidence it is almost certain RASMUSSEN was in fact referring to a 'stud'. It is likely that these were transcription errors, rather than RASMUSSEN confusing the two.

1419. At the first[3582] and second trials,[3583] RASMUSSEN also indicated that there was trouble with the wheel bearings on Allan THOMAS' trailer. Later at the RCOI, RASMUSSEN explained that the bearings in one wheel were badly worn, and explained that the inner bearing had collapsed.[3584]

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1420. RASMUSSEN's observation that there was a problem with a wheel bearing on the trailer was not explained further in any of these instances. Therefore, it is difficult to determine on what RASMUSSEN based this belief, and the effect this would have had on the trailer and its relevant components.

1421. Allan stated that RASMUSSEN put a new axle,[3585] wheels,[3586] draw bar[3587] and metal frame[3588] on his trailer, but that no woodwork was altered at this point (in July 1965).[3589]

1422. Allan's statement, dated 22 October 1970, was the only occasion when it was suggested that RASMUSSEN put a new metal frame on the trailer. However, it is noted that on the second occasion RASMUSSEN worked on the trailer *(see paragraph 1429)* he put on two new steel runners.[3590] It is possible that this is what Allan was referring to.

1423. Allan also stated that RASMUSSEN did not alter any woodwork on the trailer. However, this is believed to be incorrect, as Allan said in a statement dated 22 October 1970, and at the second trial, that RASMUSSEN had replaced the (wooden) draw bar on his trailer.

1424. RASMUSSEN stated that after he had received the trailer, it was turned upside down[3591] and the wheels were removed.[3592] He undid the U bolts[3593] instead of gas cutting them[3594] so they could be reused,[3595] and lifted the axle assembly from the trailer.[3596] He made a new tubular drop axle[3597] from a straight piece of boiler tubing,[3598] which he attached back on to the springs using the original U bolts.[3599] RASMUSSEN said he fitted Vanguard hubs[3600] and stubs[3601] and Zephyr wheels[3602] to the trailer. He also replaced the hardwood draw bar[3603] with a steel tubular one[3604] with a modern steel coupling,[3605] but aside from this did not remove any other timber from the trailer.[3606]

1425. RASMUSSEN gave evidence at all judicial hearings (deposition hearing, first and second trials and the RCOI) that he replaced the draw bar on Allan's trailer. This differed from what he was recorded saying on 15 October 1970 when spoken to by Detective JOHNSTON. At that time Detective JOHNSTON noted that RASMUSSEN indicated one of the parts which remained on Allan's trailer was the tow bar (draw bar) and coupling. It is likely that RASMUSSEN's recollection of events at this time was mistaken as Allan also stated that the draw bar was replaced by RASMUSSEN.

1426. At the RCOI, RASMUSSEN stated that a friend helped him turn the trailer over and move it into the work space located under his house.[3607] RASMUSSEN did not name this friend or indicate that the friend assisted with any alterations to the trailer.

1427. When spoken to by police on 15 October 1970, RASMUSSEN estimated that the alterations to Allan's trailer would have cost about £18 'in those days'.[3608] In a further statement[3609] and evidence at the deposition hearing[3610] and the first trial,[3611] he said that the cost would have been somewhere around £20. Later at the second trial[3612] and RCOI,[3613] RASMUSSEN stated that he would have charged Allan about £20 or £30 for the work.[3614]

1428. The cheque Allan used to pay RASMUSSEN for this work was produced at the RCOI (RCOI Exhibit 136).[3615] It was dated 19 July 1965 and was for the value of £30.0.0.[3616]

1429. RASMUSSEN stated that about one week after he had carried out the alterations,[3617] Allan's trailer was returned to him to be repaired.[3618] RASMUSSEN said the trailer had been overloaded, causing the new axle to bend.[3619] He stated that when he made the initial alterations he had left the springs in the original position, which were not far enough apart.[3620] RASMUSSEN stated that the mistake had been mostly his so he repaired the trailer for material costs only.[3621] RASMUSSEN said he straightened out the axle,[3622] repositioned the

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springs[3623] closer to the wheels[3624] and put in two new steel runners[3625] made of boiler tube.[3626] He said he would have charged Allan about £3 for this job.[3627] Allan corroborated this version of events.[3628]

1430. The RCOI report stated:

> *"There are two versions of why the work was done. Mr Rasmussen said, as he has consistently said in evidence, that the trailer assembly was in a bad state of repair, in that the bearings on one side were badly worn, and Mr Thomas also wished to change the assembly to a more modern one, with wheels interchangeable with the car used to tow the trailer. Mr Thomas, on the other hand, said that the purpose was simply to make the wheels interchangeable and that there was nothing which needed to be repaired. We prefer Mr A. G. Thomas's evidence in this regard because:*
>
> *(a) Mr Rasmussen made a statement to the Police on 24 October 1970 in which there was no mention of any mechanical fault needing to be repaired, but merely confirmation of Mr Thomas's version of the reasons for the repairs. This statement was not produced by the Crown to the jury at either trial.*[3629]
>
> *(b) On April 13 1965 a warrant of fitness had been obtained for the trailer. The issue of the warrant is inconsistent with wear in the bearings on one side to the extent which Mr Rasmussen depicts, and the use of the drawbar coupling produced at the trials and to this Commission."*[3630]

1431. Although the Commissioners contended that a WOF would not have been issued for Allan's trailer, had the bearing been in the condition RASMUSSEN alleged, it was also noted that a WOF would not have been issued with the type of drawbar coupling (Police Exhibit 434) attached. However, it appears that this coupling was in fact attached to the trailer at this point in time (13 April 1965). This being the case, and the trailer having obtained a WOF, may suggest that expected standards required for the issuing of a WOF were not always adhered to. This has further implications when considering the alleged condition of the bearings on one of the stub axles (Police Exhibit 330) and the assertion that this would not have been up to WOF standard also *(see paragraph 1587)*.

Was the axle returned to the THOMAS property?

1432. Roderick RASMUSSEN stated that after he removed the old parts from Allan THOMAS' trailer, he had hoped Richard THOMAS would agree to leave these behind[3631] for him (RASMUSSEN) to re-use.[3632] He said the stub axles[3633] and hubs[3634] were the only remaining parts that were of any use to him. RASMUSSEN explained that he would have reconditioned the stub axles[3635] by replacing the bearings[3636] and re-studding the hubs.[3637] However, RASMUSSEN said these parts were taken away by Richard THOMAS.

1433. At the second trial, RASMUSSEN asserted that he did not want to keep the axle, stating this type of axle *"... are no good at all, quite valueless"* and if it had not been taken by Richard, RASMUSSEN said he would have dumped it in the rubbish tip.[3638] At the RCOI, RASMUSSEN reiterated that he could have used the stub axles and hubs again but not the axle as *"... it was total rubbish as far as I was concerned ['all caps' removed]."*[3639]

1434. While giving evidence at the RCOI, Allan disagreed with RASMUSSEN's comments and said that in his opinion the axle and stub axles were 'definitely not' worthless.[3640] However, later during his evidence the line of questioning turned to whether Allan would have objected to something such as the axle being removed from his property by some of Richard's friends.[3641] In response Allan stated: *"No that is a piece of junk as far as I am concerned ['all caps' removed]."*[3642]

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1435. At the RCOI, Theodorus STEENKAMER, RASMUSSEN's former business partner, said that old axles such as that from Allan's trailer would have been discarded as he and RASMUSSEN had been making their own axles.[3643]

1436. The question as to the value of the axle is subjective, in that what is considered valuable to one person may not be valuable to another. RASMUSSEN maintained that the old axle from Allan's trailer was of no value to him. This was supported by STEENKAMER's evidence. The assertion by RASMUSSEN, that he did not wish to retain possession of the axle removed from Allan's trailer, is likely to be correct. It was demonstrated by the alterations RASMUSSEN made to Allan's trailer that RASMUSSEN was in the business of making axles from steel tubing he obtained cheaply from Government scrap metal supplies.

1437. Allan's inconsistent evidence regarding the value of the old axle is perhaps indicative of him providing an opinion consistent with a given theory being put forward at that time.

1438. In the hope that these parts would be left with him, RASMUSSEN said he went about dismantling the old axle assembly.[3644] He stated that he was able to remove one of the king pins (from the left hand stub axle, Police Exhibit 331) easily by hitting it 'rather sharply' with a hammer, causing the weld between the axle and stub axle to break.[3645] He said the other king pin (in the right hand stub axle, Police Exhibit 330)[3646] could not be removed in this manner.[3647] Instead he used a gas (oxyacetylene) cutting torch[3648] to cut the eyes[3649] of the stub axle in order to disconnect this from the axle.[3650]

1439. At the RCOI, RASMUSSEN initially stated that the king pin 'fell out'[3651] (of the left hand stub axle), which is consistent with his earlier accounts of being able to remove this king pin easily by knocking it out. However, later RASMUSSEN said: *"The king pin was totally missing it was loose and it was only the weld holding it on ['all caps' removed]."* [3652] RASMUSSEN was asked if he meant that the king pin just fell out, he stated: *"Whether it was still there at that period of time, as I say 15 years ago, I cant [sic] remember, it didnt [sic] need the king pin it was welded to the main beam ['all caps' removed]."* [3653]

1440. It is apparent that at this point in time (1980), RASMUSSEN's memory was unclear in relation to this matter and he seems to be confusing the appearance of either end of the axle. As noted by RASMUSSEN, this was his memory of an event which occurred 15 years previously and it is expected that after this period of time details would become difficult to recall. In previous accounts,[3654] RASMUSSEN was clear that this king pin was in place in 1965 and was removed by him.

1441. When RASMUSSEN was spoken to on 15 October 1970, Detective JOHNSTON recorded: *"... from memory he said that the axle, the stubs, wheels and hubs would have been returned to [Richard] THOMAS and these would have been loaded on to the new trailer."*[3655] RASMUSSEN further stated that the axle itself would have been of no use to him for work on other trailers and, if he had kept the axle he would have subsequently dumped it in the Meremere tip.[3656] Detective JOHNSTON noted that at the present time (October 1970) the Meremere tip was well covered over.[3657] RASMUSSEN also said that he would have recalled if he had put this axle on another trailer and, from memory, he had only used two or three old car axles to construct new trailers.[3658]

1442. At the RCOI, RASMUSSEN stated: *"That word memory is what is used ...['all caps' removed]"* in his comment to Detective JOHNSTON on 15 October 1970.[3659] However said: *"... but it is an actual fact, it did go back ['all caps' removed]."*[3660]

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1443. RASMUSSEN was again seen on 22 October 1970 by Detective JOHNSTON who recorded: *"RASMUSSEN was still positive in that the old trailer parts were returned to [Richard] THOMAS after he had completed the new trailer."*[3661] Then in a statement dated 24 October, RASMUSSEN explained that when Richard THOMAS returned to collect the trailer:

> *"Mention was made of the old parts unused by me on the new assembly. Instead of leaving them there, [Richard] THOMAS took them home. I would not have bought them as they were of little value in the state they were in. Therefore [Richard] THOMAS took them back with him. He would have left nothing behind from the original assembly."*[3662]

1444. At the deposition hearing,[3663] first trial[3664] and second trial,[3665] RASMUSSEN again asserted that Richard took all parts removed from Allan's trailer with him, leaving none behind.

1445. At the RCOI, RASMUSSEN stated that when Richard collected the trailer RASMUSSEN asked what he wanted to do with the 'old junk', referring to the left over parts.[3666] RASMUSSEN said that he had not specifically mentioned the stub axles and hubs (which he wanted to keep), but rather referred to all of the remaining parts in general[3667] which included: the axle, stub axles, wheels, and draw bar.[3668] He stated that Richard replied with words to the effect: *"... I've got to take them home again ['all caps' removed]"*[3669] or *"I'd better take them home with me ['all caps' removed]."*[3670] RASMUSSEN stated that there was no further discussion on the matter.[3671] He said that after this conversation he and Richard loaded the parts, which had been on RASMUSSEN's lawn, into the trailer.[3672]

1446. RASMUSSEN was questioned, at the RCOI, as to whether he could have confused an occasion where another customer wanted their old parts back with the transaction with Richard.[3673] RASMUSSEN said he was not confused and differentiated his dealings with Allan's trailer as he had never worked on an axle with close spring beds before,[3674] and he also remembered the awful smell (of pig excrement) from the trailer going right through his house.[3675]

1447. The RCOI report stated: *"We find significant the way he [Roderick RASMUSSN] put this matter in his original statement to the Police."* It was noted that RASMUSSEN's comments: *"Therefore [Richard] THOMAS took them back with him. He would have left nothing behind from the original assembly"*,[3676] appeared to the Commissioners *"... to rely on a process of reasoning rather than on memory."* The report further stated: *"It may be of significance that the stub axles had by this time been found on the Thomas farm and shown to Mr Rasmussen. It may, therefore, have appeared to him that they had gone back to the Thomas farm, rather than remaining with him."*[3677]

1448. An analysis of all of RASMUSSEN's comments and evidence pertaining to this matter suggests otherwise. On the first occasion RASMUSSEN was seen by police (15 October 1970), after the axle had been traced to a trailer once used by Allan THOMAS, he stated that 'from memory' the parts had been returned. When seen again on 22 October 1970, RASMUSSEN was recorded as saying he was 'positive' the parts had been returned. In the statement (24 October 1970) referred to by the RCOI report, RASMUSSEN said first that Richard took the old parts home. The subsequent comment that RASMUSSEN would not have bought them, which therefore meant that Richard took them home, is perhaps indicative of the reasoning behind this assertion.

1449. However, it is not accepted that the wording of this statement (24 October 1970), which it is noted was not written by RASMUSSEN but by Detective JOHNSTON, overrides the other comments and evidence by RASMUSSEN about this matter. On 24 October 1970 and at the RCOI, RASMUSSEN explained that there was in fact a discussion between himself and

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Richard regarding what happened to the parts. Furthermore, at the second trial RASMUSSEN stated that he helped Richard put the parts into the trailer, commenting that the wheels were so big they took up the whole floor of the trailer.[3678] These assertions support the fact that RASMUSSEN remembered the trailer parts being returned to Richard, as opposed to this being an assumption.

1450. In a statement to police on 22 October 1970, Richard THOMAS said: *"I cant [sic] remember if I brought back the bits of the old trailer. If the wheels are back on the farm it is probable that I brought all the old trailer back."*[3679] Richard did not give evidence on this matter until the RCOI in 1980. Here, Richard again confirmed that he did not remember taking the old trailer parts home with him from RASMUSSEN's,[3680] or ever seeing them on the Mercer Ferry Road property.[3681] Richard stated he felt sure he would remember if he had taken the parts back.[3682]

1451. Also in a statement dated 22 October 1970, Allan THOMAS said: *"I do not know what happened to the old wheels and axle taken off the trailer by RASSMUSSEN [sic]."*[3683] Allan stated that he had no recollection of these parts being on the farm, but: *"If the wheels off the trailer are back on the farm I would think that all the parts came back unless someone wanted any but I can't remember anyone asking for or being given any of it."*[3684]

1452. It is noted that two wheels (Police Exhibits 393 and 394) were located on Arthur THOMAS' farm, one of which (Police Exhibit 394) was identified by RASMUSSEN as that which he had removed from Allan's trailer.

1453. Many years later, in 1997, Richard THOMAS, along with brothers Raymond and Desmond THOMAS, gave the opinion that the axle was in fact returned by RASMUSSEN and taken back to Allan's farm.[3685] They were of the opinion that the axle was then removed from the property a short time later *(see 'an axle removed from the Mercer Ferry Road farm in 1965').*

1454. Allan did not give evidence at the deposition hearing or the first trial. However, at the second trial he again stated that he did not know what happened to the axle assembly that had been on his trailer prior to the alterations.[3686] Allan said: *"I dont [sic] recall ever seeing that axle stripp. [sic] down or any parts off it back on my pty [sic]."*[3687] This sentiment also featured in Allan's affidavits dated 24 May 1972[3688] and 10 October 1972.[3689] In these affidavits Allan stated that after the trailer had been altered by RASMUSSEN, *"... I have never seen the original axle and parts and do not recall seeing them on my farm property ..."*[3690]

1455. At the RCOI, Allan claimed the comment recorded in his statement dated 22 October 1970: *"I do not know what happened to the old wheels and axle taken off the trailer by RASSMUSSEN [sic]"* was incorrect.[3691] He stated: *"... I said no such thing, but no doubt it was written in in [sic] the sergeant's handwriting ['all caps' removed]."*[3692] Allan's allegation that his statement contained information which he did not say or agree with is not credible. The statement in question was signed by Allan.[3693] This was acknowledged by him at the RCOI where he said he had signed the statement after reading it.[3694] Allan then explained that at the time this statement was made, he had not been able to fully consider what happened when RASMUSSEN made alterations to his trailer years previously.[3695]

1456. When considering all information available, it appears likely that the details recorded in Allan's signed statement on 22 October 1970 are an accurate representation of his memory of events at that point in time. However, Allan later claimed that all parts removed from his trailer were kept by RASMUSSEN. It is likely that Allan challenged the validity of the contents of his 22 October statement as this was not consistent with the sequence of events that was later put forward.

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1457. At the second trial it was insinuated by Defence Counsel, Mr RYAN,[xxxi] that RASMUSSEN had made allowances, in respect of parts left over from the trailer, in the price he charged Allan.[3696] It was alleged that RASMUSSEN kept the old trailer parts as part payment for the work he had undertaken.[3697] This was disputed by RASMUSSEN.[3698] Furthermore, RASMUSSEN said he was sure he did not put the axle in the rubbish tip, as he would have done had he kept it, and said that he had in fact given this back to Richard THOMAS.[3699]

1458. RYAN revealed that he had in his possession three separate quotes for the same materials used by RASMUSSEN to undertake the alterations to Allan's trailer in 1965.[3700] These quotes allegedly totalled $88.28, $105 and $115, excluding labour costs.[3701]

1459. Immediately there are difficulties in qualifying the alleged difference between the £30 charged by RASMUSSEN in 1965 and the dollar amounts proffered by RYAN. RYAN indicated that these quotes were compiled using 1965 values. The quotes, however, were not in pounds (the currency of the day) and instead appear to have been converted in to dollars. It is unknown whether these conversions were made by RYAN or by those who provided the quotes.

1460. One of those who provided a quote to RYAN is likely to be Mervyn EVANS, of Owen Evans Limited. A Police Jobsheet records that in about 1973, an individual connected with the Arthur Thomas Retrial Committee Inc. approached EVANS asking him to compile a price list of trailer parts as they were in 1965.[3702] Parts mentioned to EVANS included Zephyr wheels and Vanguard stubs and hubs, which are the same parts which were put on to Allan's trailer by RASMUSSEN.[3703] EVANS told police that he was able to compile this list with a fair amount of accuracy because tyres had not gone up in price over the years. EVANS, however, could not recall the total price of these parts when spoken to by police.[3704]

1461. EVANS said he was also requested to go through his records to identify any WOFs issued for Allan's trailer.[3705] Detective JOHNSTON noted that this was done again while in his presence and it was determined that a WOF was issued on 13 April 1965 for trailer R45 965 for A. THOMAS and another on 20 October 1965 for trailer 948JP for A. THOMAS.[3706] EVANS said he thought there was another record of a WOF for this trailer but was unable to locate it.[3707] Detective JOHNSTON noted: *"... no doubt these two W.O.F. forms relate to the same trailer. It appears that the new number plates came out in the intervening period and therefore were different from the plate numbers."*[3708]

1462. At the second trial, RASMUSSEN attempted to detail the cost of parts he purchased to complete the alterations to Allan's trailer. RASMUSSEN stated that he paid £6.10.0 for the two Zephyr wheels, and the hubs and stub axles were normally bought for £5.[3709] At this time he stated that he had a chequebook in his pocket which proved the price paid for the two wheels, but this does not appear to have been produced as an exhibit.[3710] RASMUSSEN said the tubular pipe (which he stated he used for the axle and draw bar) was Government rubbish which he bought for scrap prices.[3711]

1463. At the RCOI, RASMUSSEN estimated that he would have paid about £2 for the Government scrap (for the axle and draw bar) and paid about £5 for a coupling.[3712] He could not recall how much he paid for the tyres and tubes which he obtained from a wreckers yard, but stated he would normally buy reasonable 'near new' tyres from a wrecker for about £4 to £5 each.[3713] Based on these estimates, the approximate total RASMUSSEN would have paid for

[xxxi] The trial transcript does not indicate if this was Kevin RYAN or Gerald RYAN.

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the materials came to £28.10.0.

1464. When this subject was being addressed at the RCOI, Peter WILLIAMS QC stated that the total value of the parts came to £26.10.0, which left a £3.10.0 profit.[3714] However, it is noted that when itemising the costs WILLIAMS QC did not take in to consideration the approximate value of £2 paid for the axle and draw bar. Thus, based on the approximate total figure (including the cost of scrap metal) this would have allowed for a profit of £1.10.0.

1465. It was pointed out to RASMUSSEN that the prices he quoted only allowed for a small profit.[3715] He agreed he would not have allowed only £3.10.0 for his own labour and profit[3716] and stated that he would have expected a sum of about £8 to £10 above the material costs.[3717] RASMUSSEN then indicated he was unsure about the price of the tyres, citing the 15 year time lapse.[3718] RASMUSSEN explained that he would not normally put 'top class' tyres on a trailer[3719] and suggested it was quite possible the tyres may have been included in the purchase price of the Zephyr wheels.[3720] If this was the case, it would mean the total amount for materials would have been closer to £18.10.0, thus allowing for a greater profit margin (of approximately £11.10.0).

1466. RASMUSSEN was asked by Michael CREW whether he could have obtained the wheels, tyres and tubes for £12 in total, to which he stated: *"That wld [sic] be maximum ['all caps' removed]."*[3721] It is unknown where this figure of £12 came from, aside from the fact that upon CREW's calculation of the total parts being £22.0.0, this would allow for a profit of £8 which fell within the margin quoted by RASMUSSEN. Like WILLIAMS QC, CREW did not include in his equation the cost of the material for the axle and draw bar.

1467. RASMUSSEN said the condition of the tyres he put on Allan THOMAS' trailer would have been to WOF standard only.[3722] This was disputed by Allan and Richard THOMAS. Allan commented that the tyres RASMUSSEN put on the trailer were brand new: *"They looked to be new out of the shop and I think that was the arrangement ['all caps' removed]."*[3723] He also said those tyres had remained on the trailer until Easter (April) 1973 at which stage they were still in good condition,[3724] meaning that the tyres had lasted almost eight years since being put on by RASMUSSEN. Richard commented that the tyres RASMUSSEN put on the trailer were new or in near new condition citing his observation that *"there was a lot of trad [sic] on the tyres ['all caps' removed]."*[3725]

1468. RASMUSSEN's description of the tyres being to WOF standard only does appear to conflict with his earlier quoted price for reasonable 'near new' tyres. However, these descriptions are subjective and do not assist when trying to establish the quality, and therefore price, of the tyres used.

1469. RASMUSSEN stated he dealt with one wrecker for used car parts, George DIXON (DOB unknown), who traded as Pukekohe Car Wreckers.[3726] DIXON, who in 1980 was resident in Australia, was contacted by a representative of the RCOI enquiring about any records he may have had in relation to his former business.[3727] DIXON confirmed that all such records had been destroyed.[3728] He stated that between 1964 and 1966 he sold a number of hubs and stub axles and also Zephyr wheels, the prices of which varied depending on their condition.[3729]

1470. At the RCOI, Allan stated that he had priced a change to a modern axle assembly about six months prior to sending his trailer to RASMUSSEN.[3730] He said at this time the quote came to £70, which did not include any body work.[3731] Allan also stated that he made an assessment of the cost, in 1965 values, that RASMUSSEN would have likely paid for parts used to alter

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the trailer, the total of which came to over £40.[3732] Allan stated that RASMUSSEN's suggestion, that he was able to purchase all of the parts required and make a profit when charging only £30, was 'absolutely ridiculous'.[3733] In Allan's mind, this supported the proposition that the balance of the price charged was made up by the trade in of the old parts.[3734]

1471. At the RCOI, Theodorus STEENKAMER stated that about the time (1965) RASMUSSEN altered the trailer for Allan, STEENKAMER would build a completely new trailer and charge about £40.[3735] He said this would not include lights, but other than that it would be ready for the road.[3736]

1472. While giving evidence, STEENKAMER was asked to provide an itemised estimate of the cost of parts for the work which RASMUSSEN completed on Allan's trailer.[3737] STEENKAMER's responses vary[3738] and there appears to be a disparity in the figures quoted and the total adduced.[3739] It is also noted that in the figures quoted, STEENKAMER listed an approximate price for an axle bought from a wrecking yard.[3740] However, when altering Allan's trailer, RASMUSSEN made an axle from steel tubing at a fraction of the cost.

1473. At the RCOI, it was suggested to RASMUSSEN that the true situation was that he had been paid £30 and also had the benefit of keeping the old parts removed from Allan's trailer which, it was said, made the deal economical.[3741] RASMUSSEN stated that this proposition was 'totally wrong'.[3742]

1474. In a letter from Allan THOMAS to the Minister of Police, Michael CONNELLY, on 10 April 1974, Allan stated: *"... it has always been my belief, backed up by the observations of my family, that the Rasmussen invoice detailed the work done on my trailer, as well as the deduction of the value to him of the old axle assembly from the total cost of his work, new parts etc."*[3743] Allan said that this explained the low cost of the modifications RASMUSSEN made to his trailer and also *"... explains the police's anxiety to conceal the existence of the invoice. For if the old trailer assembly were retained by Rasmussen, the axle allegedly weighting the body of Harvey Crewe can have only the most tenuous and fleeting connection with my son."*[3744]

1475. Allan's comments regarding the possible concealment of the existence of an invoice pertaining to the trailer alterations relate to allegations by Allan that police officers removed the relevant invoice/cheque butt from his property.[3745] The police officers at the centre of these allegations, Detective PARKES[3746] and Detective JOHNSTON[3747] denied taking possession of this invoice.[3748]

1476. In the same letter, Allan wrote: *"In your letter, you say that police do not have and have never had possession of any written material relating to Rasmussen's work on my trailer, and, as if to prove that statement, say that such a document would most certainly have been produced as an exhibit in court did they have it."*[3749] He went on to say that he believed this document would only have been produced by police if it added to the case against Arthur THOMAS.[3750] Allan claimed in this letter, and again at the RCOI, that RASMUSSEN did give him an invoice detailing the work carried out on his trailer.[3751] Allan said he knew that he had previously had this on a file in his possession.[3752]

1477. At the RCOI, RASMUSSEN stated that he did not have any records of his business when police spoke to him in 1970 and was purely relying on memory.[3753] RASMUSSEN said he would not have written out an account or invoice for Allan, explaining that he used to make his calculations with a piece of chalk on the floor of his workshop, or on a piece of cardboard.[3754] This directly conflicts with Allan's evidence that he had received an invoice

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from RASMUSSEN. It is possible that Allan, rather than specifically remembering that particular invoice from many years before, may instead have assumed that RASMUSSEN provided him with one. If RASMUSSEN's normal business practice was as he described it is unlikely that Allan received an invoice as claimed.

1478. At the RCOI, Allan stated that after a discussion with RASMUSSEN about the trailer it was arranged that RASMUSSEN: *"... wd [sic] make me a complete new axle assembly and that te [sic] old axle assembly wd [sic] be traded in and that got the price down to 30 pounds ['all caps' removed]."*[3755] Allan said he did not remember a discussion about the price if there was not a trade-in.[3756] He said the wheels and tyres from his trailer were included in the trade-in and were probably the most valuable part[3757] as they (the tyres) were 'virtually new'.[3758]

1479. Allan stated that one of these tyres was about four months old, and the other was about one year and three months old.[3759] He produced two invoices from Franklin Tyre Service Ltd. (RCOI Exhibit 133), dated 19 May 1964[3760] and 23 March 1965,[3761] for two 500x20 trailer tyres. These invoices do not indicate whether the tyres were new when purchased.

1480. At the second trial, RASMUSSEN described one of the tyres on Allan's trailer as being 'rather scuffed off',[3762] which corresponds with Allan's evidence regarding his reasons for taking the trailer to RASMUSSEN in the first place. This would indicate that the condition of at least one of the tyres on this trailer was not the best, and therefore would not have been particularly valuable.

1481. When Allan was asked why he did not include details of the trade-in agreement with RASMUSSEN in his affidavit dated 24 May 1972, he stated:

> *"I think it was a little bit later, that I gathered enough strength from studying what had happened, I became sure, that the only reason either I or member [sic] of my family [never] saw any of those parts again, after Mr Rasmussen cut them up was because they never came back on to our property ['all caps' removed]."*[3763]

1482. This statement indicates that Allan's assertion that the trailer parts were retained by RASMUSSEN was a presumption based on deductive reasoning rather than his actual memory of events.

1483. At the RCOI, RASMUSSEN stated numerous times that there was no such agreement as alleged by Allan regarding the old parts from the trailer,[3764] nor had there been any discussion between himself and Allan as to what would happen to the parts removed from the trailer.[3765] RASMUSSEN stated that the stub axles from Allan's trailer were not of any great value in their present condition (in 1965), but if they had been left behind (at no cost to RASMUSSEN) he would have accepted them.[3766]

1484. RASMUSSEN said that he was given a cheque for his work on the trailer by Richard THOMAS when the trailer was collected, indicating to him that the price had been previously agreed.[3767] If Allan was correct in stating that there had been some prior arrangement between himself and RASMUSSEN regarding what was intended for the old trailer parts, RASMUSSEN would not have asked Richard what he wanted to do with the remaining parts, as RASMUSSEN claimed was the case.

1485. The RCOI report stated that as Allan's cheque butt regarding this transaction was now missing *"... the evidence as to price is on its own inconclusive"*[3768] with regards to whether or not the trailer parts were part of a trade-in arrangement.[3769]

1486. At the RCOI, Allan said that when Richard brought the trailer back to the farm that evening

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(after the first alteration completed by RASMUSSEN in July 1965), Allan 'tested it' by placing all of his weight on the running boards on one side.[3770] Allan stated that he could not remember anything being in the trailer when he did this and said that, had there been an axle and two stub axles in the trailer, he would have noticed them.[3771] He further commented that if these items had been in the trailer he would have been surprised, as they were not supposed to be returned to him.[3772]

1487. Although not directly stated, this reasoning indicates that Allan also did not recall seeing the two wheels in the tray of the trailer at this time. It is noted that RASMUSSEN recalled these wheels, which he said were loaded into the trailer with the help of Richard, were so big they took up the whole floor of the trailer.

1488. At the RCOI, Richard stated that he did not recall whether he collected the trailer from RASMUSSEN's on the first or second occasion (or both) in 1965, but stated that to his knowledge *"... there was nothing in the trailer at all ['all caps' removed]"* when he picked it up.[3773] Richard said he was of this opinion because if there had been anything in the trailer he would have had to handle it, loading and/or unloading it from the trailer, which he did not remember doing.[3774]

1489. At the RCOI, Professor MOWBRAY (giving evidence for the defence) stated that the parts removed from Allan's trailer by RASMUSSEN should have totalled 50, these being: right steering arm, left steering arm, two steering arm keys, two steering arm nuts, two steering arm cotter pins, three steering arm ball studs, three ball stud nuts, cotter pin, two hub caps, two disc wheels, two wheel locking rungs, four right hand wheels nuts, four 5/8 SAE nuts, two parts of the tie rod, two tyres, two inner tubes, axle beam, left stub axle assembly, right stub axles assembly, two king pins, two king pin cotters, two king pin cotter nuts, two king pin cotter lock washers, two thrust bearings, and two king pin spring washers.[3775] He pointed out that, despite a search by police of the THOMAS farm property, only a small number of these items were found.[3776] Professor MOWBRAY stated: *"This would indicate that Mr Rasmussen's evidence that he loaded the left-over pieces on to the re-axled trailer could be wrong."*[3777]

1490. Professor MOWBRAY's list of trailer parts which would have been removed from Allan's trailer was compiled by listing every component, had the entire axle assembly been disassembled. Had he taken in to consideration that this was not actually the case, the list of parts is significantly reduced. Unfortunately the technical evidence given in relation to the trailer parts found on THOMAS' farm does not contain sufficient descriptions to determine the actual number of additional parts which should have been located on the property, had all items been returned by RASMUSSEN.

1491. The RCOI report stated that if RASMUSSEN's evidence was correct, and all parts removed from the trailer had been returned to Allan, one would expect to find these parts on the tip with the stub axles.[3778] The report then listed 49 of the parts (above) listed by Professor MOWBRAY.[3779] One of the king pins was left off the list, indicating that the Commissioners clearly took in to consideration that this was attached to the axle (Police Exhibit 293). They did not, however, apply this consideration to other items.

1492. In a statement (not a police statement) on 25 June 1980, Theodorus STEENKAMER said that he had previously worked as a fitter with RASMUSSEN at the Meremere Power Station in 1958 and, later, in 1968 went in to business with RASMUSSEN at an engineering shop in Pokeno.[3780] STEENKAMER stated that while the pair were in business together, they went to a farm on O'Learys Road, Pokeno, to collect old Morris cars.[3781] While there, STEENKAMER

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stated that they were visited by a friend Luke De VILEGER (DOB unknown) accompanied by E. MILLER (DOB unknown) who wanted to buy tyres from RASMUSSEN.[3782] STEENKAMER stated that they returned to the shop where MILLER took two twenty inch tyres from RASMUSSEN.[3783]

1493. STEENKAMER stated that he knew MILLER purchased 20 inch tyres from RASMUSSEN as, while there, STEENKAMER had shown him three twenty-one inch tyres which STEENKAMER was told were too big.[3784] At the RCOI, STEENKAMER stated that he recalled RASMUSSEN taking the tyres off some wheels which were then thrown on the scrap heap.[3785]

1494. At the RCOI, STEENKAMER stated that the wheels, from which the tyres were removed for MILLER, were 'similar' to those on Allan THOMAS' old trailer.[3786] It appears that the basis of this claim comes from STEENKAMER's recollection that both sets of wheels were 20 inch.[3787] STEENKAMER could not provide any other reason why he believed the sets of wheels to be similar.[3788] STEENKAMER agreed that he could not positively say that they were the same wheels, but were consistent with coming off Allan's trailer. [3789] However, in this instance it is unclear whether STEENKAMER was comparing the wheels from which the tyres had been removed for MILLER, or other wheels which STEENKAMER recalled dumping in the Tuakau tip.

1495. De VILEGER also signed a statement (not a police statement) on 25 June 1980. He said that on the day in question he became aware of a caller (MILLER) at STEENKAMER and RASMUSSEN's shop and, knowing that they were both out, went over to advise him of this.[3790] He stated that he took MILLER to the farm where he knew the pair to be.[3791] De VILEGER stated that MILLER's business was with RASMUSSEN only and, on return to the workshop, MILLER left with two twenty inch car tyres.[3792] De VILEGER stated that these had obviously been RASMUSSEN's property.[3793]

1496. MILLER did not give evidence at the RCOI, nor does it appear that there is any documentation on the file from MILLER relating to this matter.

1497. At the RCOI, RASMUSSEN was asked whether he had sold any wheels (not tyres as alleged by STEENKAMER and De VILIGER) to MILLER.[3794] RASMUSSEN replied that he did not know if he ever sold any wheels to a man named MILLER, as he had sold quite a few wheels.[3795] He said that while he never knew the man's name he said he did sell some large wheels, similar to those which came from Allan's trailer.[3796] RASMUSSEN said that the wheels from Allan's trailer would not have been worth selling,[3797] had he kept them. RASMUSSEN also stated that it was possible he may have thrown a couple of similar wheels on to the Meremere tip.[3798]

1498. The statements by STEENKAMER and De VILEGER, obtained by members of the THOMAS family, were an attempt to prove that RASMUSSEN had been in possession of parts removed from Allan's trailer. At the time of this alleged occurrence, RASMUSSEN was in business at an engineering shop and, taking in to account his previous alterations to trailers, it is likely that he had worked on many more since 1965. There is no way to prove that the tyres said to have been sold by RASMUSSEN to MILLER had any connection to Allan's trailer.

1499. STEENKAMER stated that after meeting with Allan in August 1977, and viewing Police Exhibit 293, he recalled that he had dumped 20 inch steel wheels with four stud holes when having a clear out at his shop in about March 1976.[3799] He stated that at this time he had taken six or seven large trailer loads to the Tuakau tip.[3800] STEENKAMER stated that he did not

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recognise these wheels while loading them on to the trailer and thought they must have belonged to RASMUSSEN.[3801] At the RCOI, he stated that he was 'pretty sure' those wheels were the ones from which RASMUSSEN removed the tyres (for MILLER).[3802]

1500. At the RCOI, STEENKAMER explained that when he met with Allan, he was shown two wheels in the boot of Allan's car which he was told were identical to those which had been on his old trailer.[3803] Allan asked STEENKAMER if he had any 20 inch tyres to fit the wheels, but he did not.[3804] STEENKAMER stated that at this time he did not recall dumping the 20 inch wheels the previous year, but instead remembered this after Allan had left.[3805]

1501. As a result of STEENKAMER's information, he and Allan spent two weeks digging at the Tuakau tip with a mechanical digger.[3806] They discovered that most of the 'clean metal' dumped there was removed by scavengers or dealers before being bulldozed and buried.[3807] They did not locate the wheels which STEENKAMER recalled dumping there.[3808]

1502. STEENKAMER stated that he and Allan arranged a meeting with MILLER in September 1977.[3809] However, MILLER *"... denied memory of the engineering shop but said he bought some tyres from men working in a paddock under the Bombay hills ..."* STEENKAMER stated that this corresponded with the circumstances he had put forward.[3810]

1503. De VILEGER commented that he was *"... surprised to find Mr. Miller denying almost every thing I knew to be true, and that he did not want to tangle with the truth."*[3811] MILLER allegedly told De VILEGER that he did buy some tyres in Pokeno but could not recall where.[3812]

1504. Supporters of Arthur THOMAS have, at times, acknowledged their belief that the axle (Police Exhibit 293) was in fact returned to the Mercer Ferry Road farm after being removed by Roderick RASMUSSEN. This includes Doctor SPROTT who was heavily involved in the efforts of the defence team to absolve THOMAS. In 1977, Doctor SPROTT carried out an investigation into Police Exhibit 293 on behalf of THOMAS' defence team. In a letter dated 11 February 1977, Doctor SPROTT told the Secretary for Justice, G. ORR and the Solicitor-General, Richard SAVAGE: *"It as [sic] acknowledged that the axle did in fact return briefly to the Thomas farm ..."*[3813] but stated that this was *"... removed in July or August 1965 by a group of young men who were interested in old cars, and wished to have the axle for the purpose of rebuilding a car" (see 'an axle removed from the Mercer Ferry Road farm in 1965).*[3814] However, Doctor SPROTT denied that the stub axles were ever returned to the THOMAS farm.[3815]

1505. The assertion that the stub axles from the trailer were not returned to the property along with the axle was later contradicted by Allan THOMAS' acceptance, at the RCOI, that one of the stub axles found on the farm tip had in fact been removed from his trailer by RASMUSSEN *(see paragraph 1638).*

1506. A letter, dated 24 August 1997, from Richard THOMAS, Desmond THOMAS and Raymond THOMAS to Superintendent Graeme COX stated: *"As far as we can ascertain the axle when returned by Rasmussen, was on the farm for only a few days before being taken."*[3816] Later, in a report compiled by Desmond on 3 September 2007, he then alleged that an axle was returned to the Mercer Ferry Road property by RASMUSSEN, but contended that this axle was not the one which was removed from Allan's trailer.[3817] Furthermore, Desmond stated that the stub axles located on the farm tip were never on Allan's trailer.[3818]

1507. Desmond explained that the axle returned by RASMUSSEN was actually a different axle to that which had been on Allan's trailer.[3819] He said this was because none of the former owners of the trailer (built by Charles SHIRTCLIFFE) were responsible for the welding to the

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axle eyes and tie rod end which was present on Police Exhibit 293.[3820]

1508. Despite his persistent denial of the possibility, Allan THOMAS offered an explanation for the axle (Police Exhibit 293) being on his Mercer Ferry Road farm at some point after it was removed from his trailer. In a statement to the RCOI, Allan said it would have been possible for RASMUSSEN to have put the old axle in the trailer before it was returned to Allan for the second time.[3821] He said that, unlike the first time the trailer returned from RASMUSSEN's, in July 1965, he could not remember examining it when it was returned for the second time (about one week later).[3822] Allan said Richard THOMAS could have first discarded the axle, dumping it on their property where the crate from the trailer was routinely tipped off.[3823] This was located beside the hedge in the front paddock of the property.[3824] However, Allan did maintain that he had no recollection of ever seeing the axle or any of the old parts from his trailer on the farm after the trailer had first been to RASMUSSEN's.[3825]

Was the axle (Police Exhibit 293) located with Harvey's body and trailer parts found on Arthur THOMAS' farm originally from the trailer once used by Allan THOMAS?

The axle (Police Exhibit 293)

1509. On 21 October 1970, Rory SHANAHAN inspected the axle (Police Exhibit 293, *see appendix 12*) and two stub axles (Police Exhibits 330 and 331, *see appendix 14 and 15)*[3826] at the Auckland Central Police Station.[3827] Also present were Detective Superintendent Malcolm ROSS, officer-in-charge of Auckland CIB, Detective Inspector HUTTON, Detective Sergeant DEDMAN, and two photographers[3828] (one of whom was Constable STEVENS).[3829] SHANAHAN said the purpose of this inspection was to *"... examine the two points of separation to determine whether or not the two wheel assemblies [stub axles] and axle had all originally been together as one unit."*[3830] He explained that his preliminary examination was with the unaided eye.[3831] However, he then used a hand-held lens to examine the fractures more closely.[3832]

1510. SHANAHAN concluded that he was in no doubt both stub axles had previously been attached to the axle *(see appendix 13)*.[3833] He explained that this opinion was based on the points of fracture, and fine markings over the fracture, in welding visible on both the axle and stub axles.[3834] SHANAHAN explained:

> *"The separation of one wheel assembly [stub axle] appeared to have been effected by using a combination of an oxy-acetylene flame and hammer blows, or a similar action, while the separation of the other wheel assembly appeared to have been effected solely by hammer blows. At each point of separation there were jagged fracture lines."*[3835]

1511. Professor MOWBRAY, Doctor SPROTT and Doctor Neville MILLER, group leader of the Engineering Materials Group, DSIR, Auckland, also examined the axle and stub axles[3836] and agreed with SHANAHAN's finding - that the stub axles had at some point been welded to the axle.[3837] However, Professor MOWBRAY pointed out that this did not mean the axle and stub axles had necessarily been together since being fitted to the original Nash motorcar.[3838] He stated: *"It is perfectly possible that the stub axles and axle came from independent sources and were welded together at a later date."*[3839]

1512. Professor MOWBRAY noted that the two stub axles had been secured by welding to the junctions between the bosses (eyes) on the axle and the upper arms of the stub axle forks.[3840] He observed the king pin was present in the right hand boss of the axle beam, which necessitated the removal of that stub axle by way of flame gouging[3841] (cutting)[3842] the upper and lower king pin eyes (of the stub axle).[3843]

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1513. The trailer's previous owners, Charles SHIRTCLIFFE,[3844] Gordon WHYTE[3845] and Allan THOMAS,[3846] were unable to identify the axle (Police Exhibit 293) as being the same as that which was previously fitted to the trailer. However, SHIRTCLIFFE did comment it 'looks the same'[3847] and was 'definitely similar' to the axle he had used to build the trailer.[3848] That said, he explained that it was difficult for him to remember how that axle compared with Police Exhibit 293.[3849] WHYTE also stated that the axle was 'very similar' to the one on the trailer he had previously owned.[3850] Allan commented that he knew the axle on his trailer was from a car assembly, but did not know its vintage or anything further about it.[3851] He said he had not taken particular notice of the axle or stub axles on his trailer and had never completed any work on the running gear himself.[3852]

1514. It is unknown on what WHYTE based his assertion, that Police Exhibit 293 was 'very similar' to the axle on the trailer he had owned. It appears that WHYTE had limited knowledge of the mechanics of the trailer and he had not previously provided a description of this axle. Therefore, his identification is somewhat questionable.

1515. At the RCOI, Richard THOMAS said he could not recall any welding on the axle which had been on his father's trailer.[3853] However, Richard did not say that, had there been welding present, he would have noticed. Furthermore, it is not documented that Richard took any more notice than Allan THOMAS of the axle that was on the trailer, and there is no information to suggest that Richard ever undertook work on the trailer, during which time he could have inspected the axle.

1516. Although Police Exhibit 293 was unable to be identified by those who had previously owned the trailer, Roderick RAMUSSEN claimed he was able to do so. When first shown the axle on 12 October 1970, RASMUSSEN did not remember it.[3854] It was, however, noted: *"... the method of cutting on one end of this axle was similar to the way he [RASMUSSEN] used to remove the stub axles from the axle itself."*[3855] RASMUSSEN was seen again on 22 October 1970 after the stub axles had been located and was shown all three parts.[3856] At this time he stated that the method of cutting the stub axle from the axle was 'exactly' the way he would have done this.[3857] RASMUSSEN made a statement to police on 24 October 1970 in which he said that Police Exhibit 293 was 'similar' to the one that he removed from Allan's trailer.[3858] He explained: *"The method of cutting the stub [axle] from the axle is the same method exactly as I used ... I can say this is my work."*[3859]

1517. At the deposition hearing, RASMUSSEN stated that he had seen Police Exhibit 293 before and this was the 'actual' axle off Allan's trailer.[3860] At the first[3861] and second trial,[3862] RASMUSSEN said he was able to recognise the cutting work he had done on the right hand stub axle (Police Exhibit 330). At the second trial RASMUSSEN further stated that he could say 'almost definitely' that the cutting on Police Exhibit 293 was that which he had done on Allan THOMAS' trailer.[3863] At the RCOI, RASMUSSEN stated that he was able to say the cutting visible on Police Exhibit 293 was in fact his own work[3864] and could say positively that this axle and the stub axles were the ones he had removed from Allan's trailer.[3865]

1518. From the first occasion when RASMUSSEN was shown the axle (12 October 1970) he was able to identify that the method of separating one of the stub axles was similar to the way he removed stub axles from an axle, although he did not recall that particular axle (Police Exhibit 293). It appears that after RASMUSSEN was shown the matching components (the two stub axles) he became more sure that this was the axle assembly on which he had previously worked. It is also noted that in his statement to police, RASMUSSEN identified that he was the person who had removed the right hand stub axle (Police Exhibit 330) from

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the axle (Police Exhibit 293).

1519. Rory SHANAHAN's observations regarding the separation of the axle and stub axles correlate with RASMUSSEN's evidence as to what he did with these parts from Allan's trailer *(see paragraph 1438)*.

1520. Another key feature of Police Exhibit 293 was noted by Professor MOWBRAY as a *"... sawn off spaded end coming from a section of the tie rod"*[3866] on the right hand end of the axle.[3867] He stated that there was, however, no evidence of a tie rod on the left hand end of the axle.[3868] Professor MOWBRAY commented that due to the presence of the tie rod at one end, there could well have been part of the tie rod attached to the left hand side at some point.[3869] He stated that although similar to the modifications described by Charles SHIRTCLIFFE, this work was not necessarily undertaken by him.[3870]

1521. Professor MOWBRAY examined the welding on the axle and determined that while the same welding electrode had been used for the welds on either end of the axle (18/8 stainless steel welding rod),[3871] the weld on the tie rod was completed with a different type of material.[3872]

1522. This indicates a possibility that the welding to the axle/stub axles was completed at a different time to the welding on the axle/tie rod end.

1523. When shown the axle on 24 October 1970, SHIRTCLIFFE identified that the remnants of the tie rod on the axle displayed similar characteristics to the tie rod he had modified on his axle.[3873] He said: *"The manner in which I cut and drilled the tie rod, and flattening of the end is the same as that shown on the axle which the Police have produced. Also it has the same diameter hole. The tie rod was hack-sawed the same way."*[3874] However, SHIRTCLIFFE stated that he did not weld the tie rod to the axle, as was the case with Police Exhibit 293.[3875] These comments are similar to those he made to police on 28 September 1970.[3876]

1524. When SHIRTCLIFFE was shown the axle on 28 September 1970, he stated that the tie rod could have (later) been welded to the axle due to the U bolt breaking.[3877] As the U bolt was no longer present on Police Exhibit 293 it is not possible to confirm or negate this proposition.

1525. Allan THOMAS said, at the RCOI, that he knew nothing about the piece of tie rod welded to the axle.[3878] At this time Roderick RASMUSSEN could not remember whether, in 1965, the tie rod was bolted, welded, or both, to the axle on Allan's trailer.[3879] RASMUSSEN said he did not recall cutting off any sections of the tie rod while carrying out the alterations.[3880] He commented that the tie rod on Police Exhibit 293 (present at the RCOI hearing) *"... had four runs of weld where one would have done ['all caps' removed]."*[3881]

1526. Professor MOWBRAY also commented that the axle itself was noticeably bent, which probably occurred while it was in use on a trailer.[3882] He said this bend was likely the result of 'heavy accidental impact', and would have resulted in the right hand stub axle being pushed forward, thus causing the right hand wheel to become misaligned.[3883]

1527. It is likely Professor MOWBRAY indicated this bend in the axle was over the right hand spring pad.[3884] However, in this case the trial transcript runs consecutively from the question to the answer and it is not possible to confirm that this was Professor MOWBRAY's response. Photographs of the axle (Police Exhibit 293) do not illustrate the said bend in the axle.

1528. Professor MOWBRAY agreed that it was possible the bend in the axle occurred while the axle was still on the car, prior to the trailer.[3885] However, he stated that this was rather

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improbable as Charles SHIRTCLIFFE would not likely be happy to use a bent axle on his newly constructed trailer.[3886] Professor MOWBRAY said that SHIRTCLIFFE could, however, resolve this problem by adjusting the small section of the tie rod.[3887] He stated it was possible that by the time this repair was made the short end of the tie rod had seized in the tie rod end.[3888] Professor MOWBRAY commented that if the owner of the axle was prepared to put up with the bend, he might equally be prepared to repair this with the very light welding job which had been used to fasten this splayed end.[3889] He stated: *"I am not using my eng. [sic] experience to support this conjecture, but again I cannot say completely definitely that my opinion is entirely valid ['all caps' removed]."*[3890]

1529. Professor MOWBRAY's description of this 'very light welding job' conflicts with that given by Roderick RASMUSSEN. RASMUSSEN indicated that there was in fact a significant amount of welding, which was not necessary for the purpose.

1530. During Professor MOWBRAY's evidence, Michael CREW, counsel assisting the RCOI, stated that it was his understanding Nash axles of this kind were originally forged with a slight bend in the middle,[3891] commenting that they were not 'dead straight'.[3892] Professor MOWBRAY gave the opinion that it was more likely the axle was originally straight and the bend was probably due to the right hand front wheel hitting a large obstruction.[3893] His reason for thinking the axle was originally straight was that there was a set of bolts which could be adjusted to prevent an over-run of the steering.[3894] These bolts, he said, were threaded into a boss which appeared to be duplicated on both faces (the front and back) so that during manufacture it did not matter which way the axle was put into the machine.[3895]

1531. At the RCOI, David KERUSE corroborated CREW's claims that this type of axle was manufactured with a bend in it. KERUSE stated that the axle (which was an identical part to Police Exhibit 293) that he lent to police in 1970 *(see paragraph 2003) "... was also bent ['all caps' removed]."*[3896] Although KERUSE did not say that this type of axle was manufactured with a bend in it, it seems unlikely, unless this was a common fault with this type of axle, that the Nash axle KERUSE possessed would also have had a bend in it had it not been made this way.

Stub axles (Police Exhibits 330 and 331)

1532. Professor MOWBRAY said that the welding of the stub axles to the axle was likely completed sometime after Charles SHIRTCLIFFE's initial work, where he secured the stub axles by modifying the tie rod and bolting its ends to the U bolts.[3897] He said there was no need to carry out both methods of securing the stub axles, indicating that there may have been some sort of failure in the tie bar anchorage.[3898] This may have then necessitated the later securing of the stub axles to the axle by welding.[3899]

1533. Roderick RASMUSSEN[3900] and David KERUSE[3901] agreed that some fault after the initial method (fixing the tie rod) was used to secure the stub axles in place would have required the stub axles to be locked by way of welding.

1534. Doctor MILLER suggested that the portion of tie rod present on the axle was a possible indicator as to why there was only a small amount of welding on the right hand stub axle.[3902] He stated that there was no indication a tie rod had been fastened to the left hand side of the axle and this could be the reason for there being a greater amount of welding on that stub axle.[3903]

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1535. It is possible that after SHIRTCLIFFE secured the stub axles by bolting the cut off ends of the tie rod to the axle, this, at some stage, failed. The evidence of a tie rod end being welded only to one end of the axle may be indicative of someone beginning this process in an attempt to better secure the stub axles, but then for some reason deciding an alternative method was preferred. The stub axles may then have been welded to the axle and the tie rods removed. This would leave a small portion of the tie rod which had been welded on one end of the axle.

1536. Professor MOWBRAY stated that the welds on each end of the axle looked the same,[3904] but noted that it appeared as though more care had been taken while welding the right hand stub axle (Police Exhibit 330) compared with the left hand stub axle (Police Exhibit 331).[3905] Professor MOWBRAY commented that the stainless steel welding around the top edge of the left hand boss was in the form of a tack weld.[3906] He stated that this appeared to have been made *"... without the two mating faces being brought closely together before the weld run was made."*[3907] This, he said, was in contrast to the right hand weld which showed *"... good penetration and reasonable cross section and length ..."*[3908]

1537. Professor MOWBRAY explained that the method of securing the stub axles employed by Charles SHIRTCLIFFE was simple and could be done by even an amateur mechanic.[3909] Conversely, the process of welding the forks of the stub axles to secure them in place required careful alignment of the stub axles.[3910] This inferred that a greater level of skill would be required to secure the stub axles by welding. In Professor MOWBRAY's opinion, however, this had not been done correctly, meaning that the faces of the axle and stub axle did not align correctly. This apparent lack of skill in the welding was also noted by Doctor MILLER and Roderick RASMUSSEN.

1538. These comments are noteworthy when taking in to consideration previous work which had been completed on the right hand stub axle (Police Exhibit 330) and corresponding wheel (Police Exhibit 394). In this instance a stud had been removed from the hub of this stub axle after an unsuccessful attempt to realign the stud holes on the wheel *(see paragraphs 1413-1414)*. This work also suggested that someone who was unlikely to be a professional undertook work on the hub and wheel.

1539. Doctor MILLER stated: *"The welding on both stub axles is of poor quality indicating non-professional or under difficulty."*[3911] RASMUSSEN also gave the opinion that the welding in question was a 'farm job' as opposed to having been completed by a professional.[3912] He explained that he based this conclusion on the fact that the weld should have been continued right around the edge between the stub axle fork and the axle eye.[3913] Doctor MILLER stated that in the absence of any tie rods the welding would only have been sufficient to hold the wheels in correct alignment for a limited period of time.[3914] He said under these circumstances he would expect the welds would fail due to fatigue cracking, thus allowing the stub axles to turn on the axle beam.[3915]

1540. During his examination of the axle and stub axles, Professor MOWBRAY took samples of the welds from the top of the axle bosses.[3916] He stated that these were examined using an electron microscope and an energy dispersive analysis was conducted.[3917] This indicated that the welds joining the axle and the two stub axles were 'almost identical' and derived from 18/8 stainless steel welding rod.[3918] Professor MOWBRAY stated that it was not possible to determine the age of this welding.[3919]

1541. Professor MOWBRAY expressed surprise at the use of the 18/8 welding rod as *"there is no*

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good engineering reason for the use of this material in such a situation."[3920] He commented that some welders had a 'misguided belief' that stainless steel welding was stronger than mild steel welding when applied to low and medium carbon steels.[3921] Professor MOWBRAY noted that stainless steel electrodes (welding rods) were currently (in 1980) about six times more expensive than mild steel rods.[3922] He also said stainless steel electrodes were not generally found in small garages and mechanical workshops.[3923]

1542. Doctor MILLER, on the other hand, said the use of an austenitic stainless steel electrode to weld the stub axles to the axle beam was not unusual.[3924] He stated that when welding an unknown steel, which could possibly be an alloy steel or high carbon steel, it was quite normal to use an austenitic stainless steel electrode to avoid the weld cracking.[3925] However, Doctor MILLER did say this was not the best method - the approved method would be to use a hydrogen controlled electrode.[3926] He said that country mechanics typically repaired and maintained a large variety of vehicles and would be called upon to weld materials of unknown composition more frequently than a town garage.[3927] Because of this, Doctor MILLER said it was not uncommon to find these garages holding austenitic stainless steel electrodes for that purpose.[3928]

1543. An 18/8 stainless steel welding rod, as described by Professor MOWBRAY, is comprised of 18 percent chromium and 8 percent nickel.[3929] This is a type of austenitic stainless steel.[3930] Therefore, the 18/8 stainless steel welding rod referred to by Professor MOWBRAY and the austenitic stainless steel electrode referred to by Doctor MILLER both fit in to the same general description of austenitic stainless steel. However, Professor MOWBRAY appears to have been more specific in his description - this is likely to have been as a result of the analysis he conducted of the welding samples.

1544. Professor MOWBRAY agreed that 18/8 welding rods were sometimes used when welding an unknown steel to avoid problems of weld cracking, but said this was usually due to the ignorance of the welder rather than the steel being unknown.[3931]

1545. At the RCOI it was noted that there were 'hunks' missing from the ends of the stub axles, which corresponds with the samples taken by Professor MOWBRAY.[3932] He described he had *"... sawn out of the right hand welding, a V shaped piece of metal which encompasses parent metal of the fork of the rh [sic] stub assembly, and parent metal from the boss forged on the end of the main axle ['all caps' removed]."*[3933] Professor MOWBRAY said he also arranged to have two samples taken from the weld on the left hand side, which were 'quite small pieces' compared with those from the right hand side.[3934]

1546. The origin of the welding connecting the axle and the stub axles is unknown. Charles SHIRTCLIFFE maintained that when he constructed the trailer he did not do any welding. At the RCOI, Gordon WHYTE said he could not remember if there was welding on the trailer he owned.[3935] However, in a statement (likely to be for the RCOI) WHYTE claimed he knew *"... the stub axles were welded up ..."*[3936]

1547. It is significant that WHYTE believed the stub axles were 'welded up' on the trailer when he owned it. However, this assertion was not recorded in his statement to police or in evidence given at any judicial hearings. The only source of this information is a one page statement or brief of evidence which is not signed. Thus, little weight can be placed on this information. Furthermore, WHYTE's assertion that the stub axles were welded does not seem to be in keeping with his previous statement regarding his knowledge of the trailers mechanics.

1548. Allan THOMAS would not accept that it was possible welding could have been carried out

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by someone repairing the axle on his behalf: *"I see no chance of that, I dont [sic] think it cd [sic] be done without my knowledge ['all caps' removed]."*[3937] Allan stated that to the best of his knowledge the axle on his trailer had not been repaired by welding at any time.[3938]

1549. Roderick RASMUSSEN, on the other hand, stated that the stub axles were welded to the axle when the trailer was taken to him for alterations in 1965.[3939] RASMUSSEN said he was not responsible for this welding.[3940]

1550. Professor MOWBRAY said it was his firm opinion that the stub axles on Allan THOMAS' trailer were correctly assembled (including both king pins) when they arrived at RASMUSSEN's.[3941] Professor MOWBRAY said he did not believe that at this point in time there was any welding in the king pin area.[3942] He stated that RASMUSSEN was, therefore, mistaken in his evidence that the welding was present on the axle when he altered the trailer.[3943]

1551. The RCOI report concluded that no witness had been able to identify Police Exhibit 293 as the axle that Charles SHIRTCLIFFE had used to construct his trailer, and there were in fact a number of matters that suggested it was not the same axle:[3944]

> *"(i) Mr Shirtcliffe has consistently denied welding the axle. If the axle found on the Crewe body is the one on which he had worked, then the tie rod which he bolted on to it must have been welded at a later stage. Mr Whyte denies of course that any welding was done while he owned the trailer and Mr [Allan] Thomas says that only the left hand studs were welded. If the axle did come from the Thomas trailer therefore, it would appear that welding work was carried out after it was removed from the trailer. Such work implies further use of the axle after it left Mr Thomas's possession, and is consistent with the further wear on the right hand stub axle which we have already mentioned.*[3945]
>
> *(ii) Furthermore, welding has also been carried out at either end of the axle beam, to affix it to the stub axles on either side. It would appear that this welding, also, was not carried out while the trailer was in the possession of Mr Shirtcliffe, Mr Whyte, or Mr [Allan] Thomas. To summarise the matter, this evidence suggests either that the axle beam and the two stub axles were used by some person after they left Mr Thomas's possession, or alternatively that neither the axle nor the right stub came from the trailer which Mr Thomas owned."*[3946]

1552. The RCOI's assertions that the axle and two stub axles had been used by someone else after being removed from Allan THOMAS' trailer, or that neither the axle or the right hand stub axle had come from Allan's trailer. Both infer that at least one of the stub axles had been planted on Arthur THOMAS' farm.

1553. The assertions by Charles SHIRTCLIFFE, Gordon WHYTE and Allan THOMAS that the stub axles were not welded to the axle while these parts were in their possession, and the evidence of Roderick RASMUSSEN that this welding was in place when he removed the axle assembly from Allan's trailer in 1965 cannot all be correct. It is apparent that the RCOI chose to accept the evidence of SHIRTCLIFFE, WHYTE and Allan, rejecting RASMUSSEN's. It is unknown why the RCOI determined RASMUSSEN's evidence to be the least credible.

1554. Professor MOWBRAY said he had approached a former senior supervisor of the engineering maintenance work at Meremere Power Station, but this man had no recollection of the use of stainless steel electrodes.[3947] He also visited 'Aickenhead Sawmill' at Pokeno where he uplifted a packet of 'Austercraft' 18/8 stainless steel welding rods.[3948]

1555. Roderick RASMUSSEN was said to have been employed at the Meremere Power Station in

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1965[3949] and acquired scrap metal from the power station which he subsequently used on trailers he altered (including Allan THOMAS' trailer).[3950] RASMUSSEN was later employed at Aitkenhead & Sons Ltd.,[3951] a timber yard at Pokeno[3952] at the time of the CREWE homicide investigation in 1970.[3953] Professor MOWBRAY's enquiries at these premises are in line with the theory that the welding of the stub axles to the axle was undertaken by RASMUSSEN after these parts were removed from Allan's trailer. It has been asserted, although not directly by Professor MOWBRAY, that police arranged for this welding to be done in order to plant evidence against Arthur THOMAS *(see paragraph 2043).*

1556. Professor MOWBRAY stated that the packet of stainless steel welding rods he acquired from Aitkenhead & Sons Ltd. was manufactured in 1974 - after RASMUSSEN left their employment.[3954] However, Professor MOWBRAY said he checked with Theodorus STEENKAMER who confirmed that 'Austercraft' electrodes had also been used at Meremere Power Station while both he and RASMUSSEN were employed there.[3955] 'Austercraft' is, however, a brand name and does not appear to identify the composition of the welding rod, thus it is unknown what relevance this has.

1557. At the RCOI, STEENKAMER stated that in 1958, while he and RASMUSSEN were working together at the Meremere Power Station, they would share tools and gear.[3956] He said the majority of welding rods they would have used were mild steel electrodes.[3957] Mild steel electrodes are of a different composition to stainless steel electrodes.

Right stub axle (Police Exhibit 330)

1558. Professor MOWBRAY noted that in addition to the right hand stub axle (Police Exhibit 330) being cut away with an oxyacetylene torch,[3958] the king pin cotter bolt had been removed and *"... a brutal attempt has been made to drive the king pin upward out [of] the axle boss."*[3959] He commented that this later action appeared to have been done for 'no good purpose' after the right stub axle had been removed.[3960]

1559. Although Professor MOWBRAY stated that the attempt to drive the king pin out of the axle boss appeared to have been done after the right stub axle had been separated from the axle, it is likely that there is an alternative explanation. Roderick RASMUSSEN stated that prior to using the oxyacetylene torch to cut the stub axle from the axle he had made an attempt to separate the two by way of hammer blows.[3961] This was sufficient to separate the left hand stub axle but not the right hand stub axle.

1560. RASMUSSEN stated that as an engineer he was able to recognise his own cutting work.[3962] He said due to the cut on the right hand stub axle he was able to say 'almost definitely'[3963] that this was one which he had removed from Allan THOMAS' trailer.[3964]

1561. Professor MOWBRAY stated that the weld on this right hand stub axle was fairly solid, substantial, continuous, and showed good penetration.[3965] He said that this was very well done[3966] and the purpose could have either been *"... to retain the free half of the upper eye severed from the stub axle assembly from becoming lost ..."*, or the weld may have been used to prevent the stub axle from rotating about the king pin.[3967] Professor MOWBRAY said the only criticism he would make of the weld would be that he would be inclined to continue the weld around the length of the join.[3968]

1562. Professor MOWBRAY said that it appeared to him, on account of the tide marks in the weld, this was possibly done when the axle was separated from the trailer.[3969] He commented that this weld did not coincide with any of the cutting marks from the gas torch and it was

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therefore not possible to say which preceded the other.[3970]

1563. Doctor MILLER described this as a 'tack weld' made between the top fork of the stub axle and the top boss of the axle beam.[3971] In his opinion, this weld had not been designed to be a full strength weld, but had been made simply to hold the stub axle in a fixed position.[3972]

1564. While the RCOI was underway, Professor MOWBRAY disassembled and examined the stub axles.[3973] He reported that the internal bearings of the right hand stub axle were in 'very poor shape', as was the grease seal.[3974] Upon further examination he discovered that all four Timken bearing sections were 'severely damaged'.[3975]

1565. There are in fact two bearings fitted to the hub on each stub axle, an inner bearing and an outer bearing. When Professor MOWBRAY referred to *"... all four Timken bearing sections ..."* it is likely that he is referring to the four components of the bearing in question. These are: the cone (inner ring), the cup (outer ring), the tapered rollers, and the cage.[3976]

1566. Professor MOWBRAY stated the cones of the inner race (ring) were badly dented and chipped.[3977] He said the roller cage of the inner bearing unit had collapsed, which resulted in the taper rollers being released into the cavity in the body of the hub.[3978] He stated that of the fourteen rollers normally present, only nine rollers were found in thick waxy grease housed in the space between the two Timken races (bearings).[3979] Professor MOWBRAY said that the collapse of the inner race allowed the hub to move about a quarter of an inch (6.35 millimetres) backwards and forwards along the stub axle.[3980] Thus, any load placed on this bearing would result in metal to metal contact between the cone (inner ring) and the cap (cup).[3981]

1567. At the RCOI, Doctor SPROTT stated that when he took the stub axle apart in 1977, he did not dislodge the bearings or the grease.[3982] At this time he noted that the cage had collapsed[3983] and the tapered rollers had been distributed throughout the grease, but said he was careful not to touch or disturb them.[3984] Doctor SPROTT was asked if it looked as though the collapse of one roller bearing had led to the slow deterioration of the others.[3985] He replied that he was unable to answer this as he had not examined the surface of the metal.[3986]

1568. In front of the RCOI, Professor MOWBRAY visually demonstrated that a new bearing fitted 'more readily' on to the assembly.[3987] This, he said, meant that for a long time the damaged bearing had been rotating and caused the recess to become larger than it should be.[3988] He observed that the outer cap (cup) of the bearing was fractured - the age of which was hard to determine.[3989] Professor MOWBRAY explained that the cup on the outer bearing unit had been slipping in the housing which resulted in 'gross wear' between the cup and the housing surface.[3990] Professor MOWBRAY commented that this process was of long standing and resulted in a radial split in the cup between 1/32 inch (0.794 millimetres) to 1/16 inch (1.588 millimetres) wide.[3991]

1569. Professor MOWBRAY noted that the outer cup, cone (inner ring) and taper rollers were all badly corroded by rust and rotated in a very rough manner.[3992] He observed that the cone had clearly been seizing and rubbing on the key washer under the wheel nut.[3993]

1570. Professor MOWBRAY stated that the amount of grease in the hub of the right hand stub axle was 'vestigial' and it was clear to him that it had not been replenished for a very long time while this hub was in service.[3994] He said the remaining grease had lost its normal mobility[3995] and was of waxy nature,[3996] some parts being almost solid.[3997]

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1571. Doctor MILLER said that he must accept Professor MOWBRAY's evidence regarding the condition of the grease in this stub axle, as he did not examine the stub axles in their original condition.[3998] However, it is noted that Professor MOWBRAY did not examine the stub axles in their original condition either. At the time of his examination, 10 years had passed since the stub axles were discovered and subsequently became police exhibits, and a number of people had examined, handled and even cleaned this stub axle. Therefore, it could not be considered that the stub axle was in its original condition in 1980 when examined by Professor MOWBRAY for the first time.

1572. Furthermore, evidence was given at the RCOI by Doctor SPROTT that when he examined the right hand stub axle in 1977[3999] he removed a 'split pin'[4000] (cotter pin)[4001] which he did not replace when reassembling the stub axle.[4002] Doctor SPROTT confirmed that when he returned the stub axle to police he retained possession of the split pin, which he had since 'mislaid'.[4003] Doctor SPROTT commented, however, that the split pin was of no significance to the evidence.[4004]

1573. This admission by Doctor SPROTT is alarming. On 17 August 1977, Doctor SPROTT made a request to Detective Chief Superintendent WILKINSON for police exhibits to be made available to him for examination.[4005] These exhibits were: the axle, two stub axles, two wheels or rims, towing fitting, and other items including pieces of timber.[4006] Prior to this time Doctor SPROTT had already been given Police Exhibit 293 for examination on two separate occasions, 26 July 1976[4007] to 5 September 1976,[4008] and 13 September 1976[4009] to 27 October 1976.[4010] Before permission was granted on these occasions Doctor SPROTT gave the assurance (to Minister of Justice D. THOMSON): *"Needless to say, you and the Police have my assurance that I shall be personally responsible for the safety of this axle, and that it will not be damaged or altered in any way."*[4011] Police Exhibit 293 was then released to Doctor SPROTT on the condition: *"You undertake to return the axle to the police in the same condition as received."*[4012] In his letter dated 17 August 1977 requesting exhibits including the stub axles, Doctor SPROTT stated: *"A pattern has been established whereby I take personal responsibility for the custody of these items and I assure you that I will take equal care of them ..."*[4013]

1574. As a result of his 17 August 1977 request, Doctor SPROTT received, on 9 September 1977, the following exhibits: trailer coupling (Police Exhibit 434), registration plate R11 052 (Police Exhibit 338), axle (Police Exhibit 293), stub axle (Police Exhibit 330), stub axle (Police Exhibit 331), two wheels (Police Exhibits 393A and 394), one rim (Police Exhibit 393), two lengths of 3x3 (Police Exhibit 395), and two lengths of 6x3/4 (Police Exhibit 402).[4014] These were returned to police on 4 November 1977.[4015]

1575. Doctor SPROTT clearly did not adhere to the agreed terms regarding his possession of police exhibits. The fact that Doctor SPROTT did not believe that the split pin, which he failed to replace and retained possession of before losing, was of any significance to the matter is irrelevant and in actual fact is incorrect. This split pin later featured in a list of items from the components removed from Allan THOMAS' trailer which were not located on Arthur THOMAS' farm *(see paragraph 1489)*. Doctor SPROTT failed to ensure that this police exhibit was not *"... damaged or altered in any way."*

1576. At the RCOI, Doctor SPROTT gave evidence of his 1977 examination of this stub axle.[4016] He stated that he took the stub axle apart to examine the grease inside[4017] for debris which he would expect to find, had the item been out in the weather or buried in a tip.[4018] Doctor SPROTT said he was particularly interested in this stub axle because it was loose and there was a gap where debris could easily have entered.[4019] Doctor SPROTT said his examination of

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the grease did not identify any significant debris.[4020] He said there was a small amount of dust, but certainly nothing corresponding to windblown debris or earth.[4021]

1577. Doctor SPROTT concluded that the condition of this stub axle was quite inconsistent with it having been in a tip for five years.[4022] He commented: *"... had it been on the tip for that length of time, of necessity there must have been debris in it, and I wld [sic] have seen it ['all caps' removed]."*[4023] He found it hard to accept that the stub axle could have been buried for even a short period without leaving any real traces, as he believed that the process of being buried and dug up would have allowed debris to enter the stub axle.[4024] This stub axle, in Doctor SPROTT's opinion, was also inconsistent with being out in the open for five years (not buried).[4025] He explained that this was because windblown debris would have collected in it.[4026]

1578. It is noted that after the stub axles (Police Exhibits 330 and 331) were located on 20 October 1970, dirt adhering to them was cleaned off with water *(see paragraph 1334).*

1579. However, Doctor SPROTT did say that a hub of that nature had seals to stop grease getting out and foreign matter getting in.[4027] He also acknowledged that the condition of the stub axles was consistent with the evidence regarding them being washed, in that there was no dirt or anything of that nature adhering to it.[4028]

1580. At the RCOI, Allan THOMAS stated that he took his trailer to Roderick RASMUSSEN (in July 1965) as one of the tyres was scuffing which, Allan believed, was due to a problem with the alignment.[4029] Allan was asked whether this scuffing could have been the result of the worn wheel bearing, to which he replied: *"No I think the bearings wdhave [sic] to be in a very bad state to allow that ['all caps' removed]."*[4030] Allan explained that he did not think it was possible the bearing on his trailer would have been in this condition because the trailer was being used at least once a week on a trip from Pukekawa to Auckland and back.[4031] He stated that the trailer had a current WOF at the time, and nothing had been said about the wheel bearing by the garage which issued the WOF.[4032] However, Allan did concede that if the bearings were in a very bad state this may have resulted in the scuffing to the tyre described.[4033] Allan stated that the stub axles were in good condition when his trailer was taken to RASMUSSEN.[4034]

1581. It was suggested to Professor MOWBRAY that what he saw in the right hand stub axle was consistent with Allan's description of the trouble he had with the wheels and bearings.[4035] Professor MOWBRAY responded that he did not know what bearing problems Allan had with the trailer.[4036] He did concede that the trouble he saw in the stub axle would be consistent with Allan having trouble with the bearings, but said this would have been rapid and catastrophic rather than occurring over a period of years.[4037] Professor MOWBRAY thought it was possible the cotter pin had come out of the stub axle,[4038] causing the castle nut to unwind.[4039] This would result in the inside bearing becoming loose and *"... the bearing in trade terms wld [sic] collapse ['all caps' removed]."*[4040]

1582. Professor MOWBRAY based his theory on the condition of the stub axle as he saw it in 1980. However, as already discussed, the state of this stub axle in 1980 was different to its condition in 1965, in that the cotter pin was in fact still in place until 1977 when removed and retained by Doctor SPROTT. Professor MOWBRAY's theory is therefore flawed.

1583. Professor MOWBRAY stated that if the bearing system was as it is, he did not think that it would last even a single trip from Pukekawa to Auckland,[4041] nor would it have gone from Pukekawa to Meremere.[4042] He stated that there may have been some hint of trouble from the

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outer bearing because of a crack in the cone, but said the outer bearing carries only a small part of the load.[4043] However, Professor MOWBRAY placed more importance on what happened to the inner bearings.[4044] He did point out that the condition in which he saw the stub axle was 15 years after it had been removed from the trailer.[4045]

1584. In Professor MOWBRAY's opinion, the condition of the right hand stub axle was *"... entirely out of keeping with one which had been subjected to normal warrant of fitness checks and regular filling with grease."*[4046] He stated that in 1980, when he examined the stub axle, it was totally unserviceable and only fit to be scrapped.[4047]

1585. Professor MOWBRAY said that if the two stub axles had been on a trailer towed by a large car *"... you might be able to continue to drive on and not feel it ['all caps' removed]";*[4048] but that one might be able to feel a certain amount of weaving due to one wheel moving about.[4049] He anticipated that one would hear noises he described as squeaking, and there would be some bumping about.[4050] Professor MOWBRAY had not measured the play in the wheels horizontally, but stated that the flange which carried the wheel studs would be moving approximately one inch (2.54 centimetres) one way or the other.[4051] He did not know what the clearance was between the tyre and the sideboards of the trailer, but imagined it could very well rub against the side boards.[4052] Professor MOWBRAY agreed that if the welding to the stub axle was not done accurately,[4053] causing the tyre to move at an angle, this would result in 'feathering' (scuffing) on the tyre.[4054]

1586. It is possible that the 'feathering' mentioned by Professor MOWBRAY could well be consistent with the wear to one of the trailer's tyres, which was the reason Allan THOMAS had his trailer altered in July 1965 by Roderick RASMUSSEN.

1587. Professor MOWBRAY stated that the trailer would not be able to gain a WOF in this condition.[4055] He stated that if the trailer, with this stub axle attached, was able to get a WOF in April 1965, he did not think it could have collapsed to this extent by the end of July 1965, unless something drastic happened such as he suggested (the cotter pin dropping out).[4056] RCOI Commissioner GORDON suggested another alternative, that the grease cap came off and allowed water, grit and dirt into the bearings.[4057] Professor MOWBRAY agreed with this, but pointed out that the other stub axle did not have a grease cap on the outside.[4058]

1588. A number of comments were made regarding the condition of this stub axle and the assertion that a WOF would not have been issued to a trailer with such a stub axle in place. However, it is noted that the issuing of a WOF, particularly in a small rural workshop, would have been at the discretion of the mechanic. Mervyn EVANS, who was said by Allan THOMAS to have issued the WOFs for his trailer, was not spoken to by police during the course of the RCOI regarding this matter. It is therefore impossible to determine the standards to which EVANS adhered, and whether these were the same expected standards referred to during the course of the RCOI. While it is possible that EVANS was thorough in his examination and strictly adhered to the guidelines relating to the issuing of a WOF, it is also possible that EVANS took a more relaxed attitude towards the condition of vehicles and passed vehicles when another inspector may not have.

1589. Professor MOWBRAY acknowledged it was possible this stub axle was in a state close to collapse and in fact collapsed on the journey to Roderick RASMUSSEN's home.[4059] He did, however, draw attention to the fact that RASMUSSEN wanted to retain possession of these stub axles so as to re-use them: *"And I wld [sic] be surprised if he showed this keeness [sic] after examining the stub axle and feeling all that was in it ['all caps' removed]."*[4060] When asked if it was

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his opinion that the right hand stub axle had been used since being removed from Allan's trailer he stated: *"I cant [sic] say without absolute cert. [sic] accepting that that wld [sic] be one very pursusavie [sic] explanation to me ['all caps' removed]."*[4061]

1590. Regarding RASMUSSEN's evidence of his intention to recondition the stub axles, Professor MOWBRAY stated: *"... the condition in which I found this right hand stub assembly preclude such reclamation owing to the excessive wear in the bearing housing."*[4062] He stated that the right hand stub axle was 'horrible' and there was practically nothing in that hub which was worth retaining.[4063] RASMUSSEN's evidence on the matter, however, does not suggest that he had in fact inspected the stub axles prior to thinking that he wished to keep them.

1591. At the RCOI, Doctor SPROTT stated that, had this stub axle been on a trailer, it could have been dragged along the road, but the wheel would have been very loose, *"... wobbling all over the place."*[4064] He said the trailer would not have tracked straight behind the vehicle, particularly if the trailer was laden, and the driver would have noticed.[4065]

1592. At the RCOI, RASMUSSEN stated that the trailer was in a driveable condition if it was empty and towed slowly.[4066] He said it could possibly have been used normally, *"... but it was in very poor condition in that one wheel ['all caps' removed]."*[4067] He stated that the inner bearing had collapsed.[4068] Professor MOWBRAY was asked if he would agree that RASMUSSEN's description of the worn bearings and worn tyre would be consistent with what he saw of the stub axles.[4069] Professor MOWBRAY's response, however, was not recorded in the trial transcript.[4070]

1593. Professor MOWBRAY noted that the hub of the right hand stub axle had only three studs[4071] and identified that another of the studs was bent, which, he said, was not obvious in the photographs.[4072] He stated that the missing and bent studs were inconsistent with Allan THOMAS' 'careful maintenance arrangements' and the regular issuing of WOFs for the trailer.[4073] Doctor MILLER agreed that this stub axle was out of keeping with one which had been subjected to normal WOF checks and regularly fitted with grease.[4074]

1594. At the RCOI, Professor MOWBRAY first described this bent stud as 'badly bent', but withdrew the word 'badly' from his evidence, saying that this might be a 'slight exaggeration'.[4075]

1595. As previously stated, it cannot be confirmed that WOFs issued to Allan's trailer were in keeping with the guidelines in place at the time.

1596. Allan contended that the right hand stub axle had not been attached to his trailer.[4076] This was based on the fact that the hub of this stub axle had only three studs and, as his trailer had a current WOF in July 1965, this would not have been possible.[4077]

1597. When Roderick RASMUSSEN was shown the right hand stub axle by police on 22 October 1970, he stated that this was similar to the one he had seen on Allan's trailer.[4078]

1598. It is noted that RASMUSSEN told police, on 15 October 1970, of the 'flogged' wheel holes and the addition of washers to the wheels, prior to the wheels and corresponding stub axle being located on Arthur THOMAS' farm.[4079] RASMUSSEN was recorded saying: *"... the wheels from the old trailer had been flogged out round the stub [stud] hole centres and there were old nuts and washers fitted to take up the slack."*[4080] The timing of this information adds credibility to RASMUSSEN's identification of the stub axle and wheel in question, as this feature was remembered by RASMUSSEN, as opposed to being a recollection after he was shown these items by police on 22 October 1970 and noted these distinctive features.

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1599. Professor MOWBRAY stated:

> *"I am of the opinion that the CREWE axle [located with Harvey's body] and the right hand stub axle assembly are from some unidentified trailer built originally with Nash running gear. This trailer appears to have had its stub axle assemblies stabilised in the same manner as the Shirtcliff-Whyte-Thomas [sic] axle."*[4081]

1600. The RCOI report stated:

> *"The evidence establishes that the right hand stub has a badly worn bearing. Professor Mowbray gave as his opinion, which we accept, that it was wholly unserviceable. In that condition it could not have been driven out the gate and could not have obtained a warrant of fitness. The Thomas trailer had, however, obtained a new warrant of fitness on 13 April 1965, about 3 months before the trailer went to Mr Rasmussen. Furthermore, it was Mr Rasmussen's recollection that he had intended to recondition both stub axles and to resell them, had Mr Thomas been disposed to leave them with him."*[4082]

1601. The RCOI again accepted Professor MOWBRAY's evidence that the right hand stub axle was not capable of being reconditioned.[4083] The Commissioners accepted that the cutting of this stub axle from the axle established 'beyond all doubt' that the two were once joined together.[4084] However, the report commented: *"If, therefore, the axle beam does come from the Thomas trailer, it would appear likely that the axle beam and the right hand stub axle have been used after the conversion work was carried out by Mr Rasmussen."*[4085] This, it was contended, was further demonstrated by Professor MOWBRAY's evidence regarding the grease in the stub axle which was inconsistent with Allan THOMAS' regular maintenance to the trailer.[4086]

Left stub axle (Police Exhibit 331)

1602. Professor MOWBRAY described the weld between the axle and the left hand stub axle (Police Exhibit 331) as being of poor quality.[4087] He said it consisted of reasonably large blobs of weld, not a continuous flowing run as on the right hand end.[4088] He deduced from Roderick RASMUSSEN's evidence that the weld was *"... weak and of no real significance for carrying a load in service even as a means of preventing rotation of the left hand stub axle assembly about its king pin."*[4089] Professor MOWBRAY stated that, had this weld been the only means of stabilising the stub axle, it would have been 'entirely unserviceable.'[4090] He said it was possible this weld was intentionally light so that it could be easily broken, as he was unable to find any valid engineering purpose to explain its presence.[4091] Professor MOWBRAY said the weld would have broken quickly and certainly would have prevented the trailer obtaining a WOF.[4092]

1603. Doctor MILLER noted that this stub axle had been welded in a similar manner to the right hand stub axle, but more weld metal had been used on the left hand stub axle.[4093] He stated that welding covered approximately half the circumference of the axle boss and it appeared to consist of two separate weld passes.[4094] In his opinion, this welding was not intended to be a full strength weld but was simply to hold the stub axle in a fixed position.[4095] Doctor MILLER appeared to agree with Professor MOWBRAY in saying that a competent person looking at this stub axle prior to issuing a WOF would have some doubts as to its reliability over an extended period of time.[4096]

1604. Doctor MILLER said that when he examined the fractured surface of this stub axle for signs of gross distortion or impact damage he could find neither.[4097] He assessed that the fracture of the welding *"... was most probably due to metal fatigue cracking and this would occur during the*

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service life of the assembly."[4098] Doctor MILLER said it was his opinion that cracks had broken part way through the weld metal,[4099] making the weld weak,[4100] and a final fracture could have occurred as a result of a small degree of force.[4101]

1605. While Doctor MILLER did not regard the weld to be of high strength, he stated that without any fatigue cracking it would have had a 'reasonable degree of strength'.[4102] He said that although he had no evidence that there were signs of fatigue cracking in the weld, this was his considered opinion based on experience of this type of failure.[4103] Doctor MILLER said that if there had been no fatigue cracking in this weld he would have expected more distortion in the weld break than was present.[4104]

1606. Professor MOWBRAY confirmed that there was no evidence of fatigue cracking,[4105] and disagreed that the appearance of the weld was inconsistent with the weld separation being entirely due to an application of force on one occasion.[4106] He said the condition of this stub axle was consistent with Roderick RASMUSSEN's description of breaking the stub axle away from the axle by force.[4107] Professor MOWBRAY stated that the weld was badly done and would not require a fatigued condition for it to be broken by a heavy hammer.[4108]

1607. While examining photographs of the stub axles (photographs 52[4109] and 55[4110] in Book A at the RCOI), Professor MOWBRAY noted: *"... the king pin inclination to the brake cover plate was greater in Photograph 55 for the left hand stub axle assembly than the inclination in Photograph 52 for the right hand stub axle assembly."*[4111] He stated that the inclination for the right hand stub axle measured seven degrees, which was the correct inclination, but the inclination on the left hand stub axle was nine degrees.[4112] This indicated to Professor MOWBRAY that it was possible the left hand stub axle may have been welded to the axle without the two items being in true alignment.[4113] Professor MOWBRAY stated that had there been a tie rod on the left hand side of the axle in addition to the weld, this still would not have been adequate without a king pin and thrust bearing in place.[4114]

1608. Professor MOWBRAY said he took these measurements from glossy copies of the photographs.[4115] He stated that on good photographs, such as these, he believed it was possible to measure angles to within about half a degree with the use of a protractor.[4116]

1609. To test this notion, Professor MOWBRAY had a replica king pin made (RCOI Exhibit 179), 0.860 of an inch (2.184 centimetres) in diameter, which had a 'push fit' into the left hand boss (eye) of the axle and a 'free fit' into the king pin eyes of the left hand stub axle.[4117] He then mated the axle and the left hand stub axle together with this mandrel in place and found that the broken faces of the stainless steel weld *"... did not fit accurately and did not bind together."*[4118]

1610. Doctor MILLER agreed that *"... it is virtually impossible to obtain a close-knit match of the fractured surfaces."*[4119] However, explained that this was perfectly normal when matching broken metal parts because of the normal distortion which occurs upon fracture.[4120] Doctor MILLER stated that this made an assessment of any misalignment 'extremely difficult'.[4121]

1611. Professor MOWBRAY stated that he used a clamping jig to hold the left hand stub axle in position with the axle *"... so as to mate the surface of the broken weld with accuracy."*[4122] He inserted the mandrel through the lower king pin eye and said that it stopped when 2 and 3/16 inches (5.556 centimetres) had entered.[4123] Professor MOWBRAY said this indicated a misalignment between the king pin eye in the axle and the eye in the lower fork of the stub axle.[4124] This, in turn, indicated to him that the welding of this stub axle to the axle *"... had been carried out without the presence of either a king pin or special mandrel"* in place.[4125] Professor MOWBRAY stated that a visual check showed the maximum width of this misalignment was

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'slightly over' 1/16 of an inch (1.588 millimetres).[4126]

1612. Doctor MILLER said he found *"... no significance at all in his [Professor MOWBRAY's] comment that he found 1/16 of an inch mis-alignment."*[4127] Doctor MILLER stated that in his experience *"... this amount of mis-alignment would be perfectly normal when matching broken parts."*[4128]

1613. Doctor MILLER was asked to look at the original photographs and stated that, as seen in these, it was probably correct that Professor MOWBRAY could not fit a replica king pin through.[4129] Doctor MILLER stated: *"I wd [sic] agree there is a misalignment as they are clamped up. Whether there was that degree of misalignment at the time of welding I cannot state positively ['all caps' removed]."*[4130] He said the match between the two areas was as good as possible under the circumstances, but would not agree that this translated to a misalignment at the time of welding.[4131]

1614. Professor MOWBRAY agreed that, from an engineering point of view, even with the use of the clamping jig, he could not exactly recapture the positioning of the stub axle in relation to the axle prior to separation, but said the limit of difference would be very small.[4132] Professor MOWBRAY did not qualify the parameters of 'very small' and it is therefore unknown whether 1/16 of an inch would be considered 'very small'.

1615. Mention was not made as to the possibility of the bottom fork of this stub axle becoming distorted - accounting for the approximate 1/16 inch misalignment. It would be useful to have heard the expert witnesses' opinion on this matter, considering Professor MOWBRAY believed that the axle was bent.

1616. Doctor MILLER said it was possible the misalignment of 1/16 of an inch could possibly be due to a king pin of a lesser size being used.[4133] He stated that, considering the age of the axle assembly, it may be somewhat difficult to obtain a king pin of the exact type, but also stated that he had not looked in to this aspect.[4134]

1617. Professor MOWBRAY observed that prior to the welding being applied between the axle and the upper fork of the left hand stub axle, the two surfaces, partly occupied by the conical spring washer, were not properly mated together.[4135] Professor MOWBRAY stated that where the weld was missing there was no sign of adhesion between the top of the (spring) washer and the lower face of the upper fork of the stub axle.[xxxii4136] He said: *"I am of a strong opinion that this gap was extended almost completely over the face of the washer ['all caps' removed]."*[4137] Professor MOWBRAY said he could not see a good engineering reason why this gap was left.[4138] The result of this gap was an inadequate space[4139] for the thrust bearing,[4140] between the axle boss (eye) and the upper face of the lower stub axle fork.[4141]

1618. Professor MOWBRAY did not indicate the size of this gap - partly occupied by the spring washer.

1619. Professor MOWBRAY was able to determine the gap for the thrust bearing was 0.575 of an inch (1.461 centimetres), whereas the standard thrust bearing was 0.625 of an inch (1.588 centimetres) thick.[4142] Therefore, Professor MOWBRAY concluded that the left hand stub axle was not only welded in place without a king pin or mandrel present (because of the apparent misalignment), but also without an appropriate thrust race (bearing) in place.[4143] He further stated that the king pin and/or thrust bearing could not have been inserted after the welding

[xxxii] The transcript actually reads: *"...there is no signs of adhesion between the top of the washer and the upper arm of the kingpin."* However, due to the context of this evidence it is almost certain Professor MOWBRAY is in fact referring to the upper arm of the stub axle, not the king pin.

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was completed.[4144] It was Professor MOWBRAY's firm opinion *"... that the stainless steel weld was performed by holding the left hand stub axle assembly roughly in position without a kingpin or mandrel and without any form of thrust bearing or substitute followed by a light and intermittent tack weld."*[4145]

1620. Doctor MILLER checked the measurement of the gap where the thrust bearing fitted and compared this with the measurement of the thrust bearing on the other (right hand) stub axle.[4146] His conclusion was that a king pin[4147] and thrust bearing[4148] would have been in position on the left hand stub axle (Police Exhibit 331) at the time of welding. Doctor MILLER stated that he also inspected a thrust bearing from a 1930 Nash, which he understood to be similar to the thrust bearing from a 1929 Nash.[4149] He said this bearing would not slide into the gap between the axle and the lower fork of the left hand stub axle,[4150] but said that there was only a few thousandths of an inch difference between the depth of the thrust bearing and this gap.[4151]

1621. Doctor MILLER did not provide his measurement of the thrust bearing on the right hand stub axle, or say how this compared with the measurements of the gap and a standard thrust bearing as quoted by Professor MOWBRAY.

1622. Doctor MILLER said the only practical way to weld the left stub axle to the axle beam to avoid distortion and misalignment was to do this with the king pin and thrust bearing in position.[4152] He said it was possible the thrust bearing in place was a replacement, i.e. was not an original Nash bearing, and could have been of a narrower depth than the original.[4153] He also stated that if the king pin was in position, but was worn when the welding was done, this could allow for some misalignment to occur due to the stresses created by welding.[4154]

1623. Doctor MILLER said it was quite probable the welding was a temporary repair job when there was already a replacement thrust bearing in the assembly.[4155] He suggested for example, that if the tie rod had broken or was damaged, a temporary repair may be required in order to tow the trailer to a workshop for permanent repairs.[4156]

1624. Doctor MILLER stated that if there was no thrust bearing in place when the welding was completed he would expect the upper fork of the stub axle to be sitting on the axle eye, as this would be the easiest way to hold it in position.[4157] He said it would be impossible to hold the stub axle in position, weld around it, and maintain an even gap such as exists when the parts are mated together,[4158] had there been no king pin or thrust bearing in place. Furthermore, he said the quality of the welding would not be sufficient to support the weight of the stub axle, wheels and trailer without a king pin and thrust bearing present.[4159] Doctor MILLER said if the welding was intended to hold the stub axles in position without a king pin in place, a full weld would have been required.[4160]

1625. Doctor MILLER's evidence presents a good argument for the king pin and/or thrust bearing being in place while the welding was carried out - had this stub axle been on a working trailer. However, his assertions may also support Professor MOWBRAY's - that once the stub axles were welded to the axle, they were no longer part of an operating assembly.

1626. Professor MOWBRAY was asked whether it was possible if, at the time of welding, there was a spacer or washer of some type to hold the stub axle in position.[4161] He said a (temporary) washer in place at the bottom was a possibility, but in this case the chosen spacer was at a depth which meant a suitable thrust bearing could not be inserted at a later time.[4162] It was suggested to Professor MOWBRAY that the upper gap was consistent with there being a washer or spacer in position when this was welded.[4163] Professor MOWBRAY stated that if

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there had been a washer in the upper gap, once the weld was made the washer could not have been withdrawn.[4164] Once the weld was broken this may be possible, *"... but bec [sic] of the penetration which is variable around the perifery [sic] of the washer it wd [sic] require a very peculiar looking washer ..."*[4165] Professor MOWBRAY stated that although this may be one explanation, the existence of the gap was consistent with the welding being completed while no thrust bearing was in place to hold the stub axle in its true position.[4166]

1627. Professor MOWBRAY referred to Roderick RASMUSSEN's description of the king pin dropping out and said: *"... in engineering parlance that means it came out easily rather than physically dropping out under gravity ['all caps' removed]."*[4167] He suggested there was no reason for a king pin to become worn in the boss of the axle, because it would be firmly restrained from vertical movement and rotation by the cotter pin.[4168] Professor MOWBRAY stated that when a king pin wears this would be a conjoint wear with the boss (eye) of the axle.[4169] To test this he measured the diameter of the king pin hole (axle eye) of Police Exhibit 293 and another similar axle.[4170] His measurements of the diameter of the axle eye on Police Exhibit 293 were: 0.859 (2.182 centimetres), 0.861 (2.187 centimetres) and 0.860 (2.184 centimetres) of an inch.[4171] Compared with the measurements on the other axle (0.859, 0.860, 0.858 (2.179 centimetres) and 0.858 of an inch), Professor MOWBRAY stated that the thesis of excessive wear in the axle eye on the left hand side of the axle (Police Exhibit 293) was not tenable.[4172]

1628. Professor MOWBRAY said that if the king pin wore out and had to be renewed, he would think an axle such as Police Exhibit 293 would be discarded altogether.[4173] He also said that if the owner were to renew the king pin, they would likely renew both king pins at the same time.[4174]

1629. Professor MOWBRAY noted that there were two distinct runs of welding connecting this stub axle to the axle, which went separate ways.[4175] He agreed that one weld began in the centre and ran around to the back of the axle and the other weld began adjacent to the first, running around to the front of the axle.[4176] On the back of the axle Professor MOWBRAY noted that it appeared as if there was a further section of the weld which ran in the opposite direction to this main run.[4177] He suggested this welding could have been completed on a bench, while the axle was separated from the trailer,[4178] with someone holding the stub axles in position.[4179] In this case, he said, one run of weld could have been done with the axle lying on its back, and the other while the axle was on its front.[4180]

1630. Doctor MILLER, on the other hand, concluded that the welding was performed in situ (while the axle was on the trailer),[4181] because of the direction of the welds.[4182] He said the welding was most probably carried out in order to fix the position of the wheels in the correct alignment.[4183] Doctor MILLER said that although the welding was not of a high standard it would probably be adequate to maintain the position of the wheels, i.e. to prevent the stub axles turning.[4184] He described the welds on both stub axles beginning at the centre of the boss on the axle beam and running towards the stub axles.[4185] Doctor MILLER commented that this was the logical way to weld the stub axles in position, when the welder was positioned working under the trailer.[4186] Furthermore, the appearance of the welds was such as to lead Doctor MILLER to believe that the welding was performed under some difficulty, eg, possibly while lying under the trailer.[4187] However, when asked at the RCOI, Doctor MILLER agreed that if the welding had been done in the manner he suggested, with the assembly on the trailer and the king pin in place, that it should be possible to fit the king pin back in.[4188]

1631. Professor MOWBRAY agreed that the welding was consistent with it being done while the

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axle was in place on the trailer, and the welder operating from underneath.[4189] He said he did not know which way the welding was done - it could be either of the options put forward.[4190] Professor MOWBRAY stated that if the welding was done from underneath the trailer it may explain the unfilled gap, because of the greater difficulty in working under a trailer than on a bench.[4191]

1632. Doctor MILLER disagreed that the welding could have been done another way, such as that proffered by Professor MOWBRAY (with the axle on a bench).[4192] Doctor MILLER stated that if the welding had been carried out with the axle on a bench it would have been positioned so that the welding could be carried out easily.[4193] This would have resulted in neater welds[4194] which would have run along the complete join between the axle boss (eye) and the stub axle fork.[4195] Doctor MILLER thought even a relatively unskilled welder would produce a neater weld in this position than from a position under the trailer.[4196] In his opinion, the welding being completed from underneath the trailer was the only way this could have been done.[4197]

1633. Doctor MILLER referred to the likelihood of this welding being completed without a king pin and thrust bearing in place. He stated that it would be impossible to maintain an even gap between the axle and stub axle had these parts not been present. It is also inferred that had the parts simply been held together while the welding was completed, the degree of misalignment may be greater than 1/16 of an inch.

1634. Professor MOWBRAY stated that when he disassembled the left hand stub axle he found it to be in 'working order'[4198] and described it as 'good'[4199] and 'excellent' condition.[4200] He said although the stub axle was *"... suffering a little from old age ...['all caps' removed]"* even at the present time (1980) it could have been used on a trailer.[4201] Professor MOWBRAY said the Timken bearings still rotated freely[4202] and were in good order, as was the oil seal,[4203] and the hub cavity was filled well with grease.[4204] However, he did note that the grease retaining seal was of a different design to the one on the right stub axle.[4205] Professor MOWBRAY described that the grease had 'bled' a little over the period since it was last used, but commented that this was to be expected.[4206]

1635. A handwritten note (unknown author) on a copy of Professor MOWBRAY's brief of evidence noted: *"N.B. The fact retaining seal is of different design gives credence to [Doctor] Nevilles [sic] [MILLER's] contention that [the] thrust bearing was a replacement."*[4207]

1636. Doctor SPROTT agreed that the left hand stub axle was in good condition - he stated that the wheels did not have any play and the hub could be rotated readily.[4208] However, he did say that he had not disassembled this stub axle to examine it.[4209]

1637. Professor MOWBRAY observed that the hub of the left hand stub axle had SAE 5/8 inch bolts (studs) welded to it,[4210] which corresponds with the evidence Allan THOMAS gave at the RCOI regarding this modification which was made by Chapman's garage.[4211]

1638. In a statement to the RCOI, Allan said:

> *"The stub axle which has four stubs [studs] on it I can recognise as one which had been on my trailer. It can be seen that the four stubs [studs] are not those originally on the stub but have been welded in at a later date. I have the invoice from Chapman's garage dated 12.11.63 and 11.3.64 for this work."*[4212]

1639. The acceptance by Allan that the left hand stub axle (Police Exhibit 331) was once attached to his trailer is particularly significant. From 1973 to 1980, Allan maintained that all of the old

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parts from his trailer had not returned to his property and were, in fact, retained by Roderick RASMUSSEN. Allan's acceptance at the RCOI that the left hand stub axle found on the Mercer Ferry Road farm tip was from his trailer clearly indicates that this was not the case. Therefore, if the left hand stub axle was returned to the farm, it is likely that other parts, including those in question (the axle and two stub axles), were in fact all returned to the farm.

1640. Professor MOWBRAY theorised that the two stub axles located on Arthur THOMAS' farm tip were not a 'true pair'.[4213] In particular, he stated that it was his opinion the left hand stub axle had been on Allan's trailer,[4214] but he did not think this stub axle was ever attached to Police Exhibit 293 while in service.[4215]

1641. Doctor MILLER could not say if the two stub axles had different histories,[4216] but acknowledged their conditions were different.[4217] He said that if the stub axles had been on the same trailer he would expect them to have similar histories, unless one stub axle had been taken off and replaced by another.[4218] However, he did say that he thought it was possible to have a failure of the wheel bearings on one stub axle and not the other.[4219] Doctor MILLER would not agree that the two stub axles came from different trailers, stating that this was conjecture.[4220]

1642. The report of the RCOI stated:

> *"So far as the left hand stub axle is concerned, Professor Mowbray told us that the grease is in a condition consistent with regular maintenance. Such maintenance would of course be consistent with Mr [Allan] Thomas's records, and he was in fact prepared to accept that 5/8th inch S.A.E. bolts welded into the hub flange were the studs welded in November 1963. We regard this evidence on the part of Mr Thomas as most important so far as his credibility is concerned. Had Mr Thomas not been prepared to accept the left hand stub axle as his own, then there would have been no evidence to identify it as such. There must have been a tremendous pressure on Mr A. G. Thomas to disavow any knowledge of the axle, stub axles or anything connected with them in an effort to clear his son's name completely of any involvement in the Crewe murders. The fact that Mr Thomas was prepared to concede that the left hand stub axle had indeed at one stage been on his trailer, in our view does him credit and leads us to accept his evidence as that of an honest witness."*[4221]

1643. The RCOI acknowledged that Doctor MILLER had a considerable disadvantage to Professor MOWBRAY, in that Doctor MILLER was first asked to consider the matter of the axle and stub axles only a few days prior to giving evidence.[4222] The RCOI report stated: *"He [Doctor MILLER] was not able in our view convincingly to challenge Professor Mowbray's analysis, which was a product of careful work over a period of 2 months."*[4223] The RCOI recognised that Doctor MILLER pointed out that the inconsistencies involved were very small, which Professor MOWBRAY accepted, but stated that they were important nonetheless.[4224] The RCOI was *"... not prepared to accept the supposition that a worn kingpin may have been inserted ... nor do we accept that a thrust bearing of a different size, not standard for this assembly, may have been used."*[4225] The report said the RCOI *"... accept[ed] Professor Mowbray's evidence on this point without qualification."*[4226]

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Wheels (Police Exhibits 393 and 394)

1644. Doctor SPROTT gave evidence at the RCOI of his previous examination of the wheels[4227] (Police Exhibit 393 - wheel and split rim located on Arthur THOMAS' farm tip, and Police Exhibit 394 - located by a garage on THOMAS' farm). Doctor SPROTT commented that Police Exhibit 393 was badly damaged as one of the rims had been crushed and rusted away.[4228] He also noted that the four (stud) holes in this wheel were larger than the (stud) holes in Police Exhibit 394.[4229] Doctor SPROTT identified that this supported the assertion that the studs on one of the stub axles from Allan THOMAS' trailer had been replaced with studs of a larger size, namely 5/8 of an inch (1.588 centimetres) in diameter.[4230]

1645. Doctor SPROTT explained that these new studs had replaced the original studs; the original studs were 9/16 of an inch (1.429 centimetres) in diameter.[4231] Police Exhibit 394 had studs which were 9/16 of an inch in diameter.[4232]

1646. When spoken to by police on 24 October 1970, Charles SHIRTCLIFFE could not remember whether the wheels he put on the trailer were four or five-stud.[4233] SHIRTCLIFFE later (at the second trial) confirmed that that the pressed steel wheels in court were the same type that he used on the trailer.[4234]

1647. At the second trial, Allan THOMAS was shown a photograph (photograph 29)[4235] of trailer/vehicle parts found in tip number one on the Mercer Ferry Road farm.[4236] He was asked if the wheel rim and steel wheel (Police Exhibit 393) in the photograph came from his trailer.[4237] Allan responded that he could not say for sure whether it did or not, but that there was something like that on the trailer.[4238] Later, in a statement to the RCOI, Allan said that the wheels (Police Exhibits 393 and 394) were not those which were on his trailer in 1965 when it was taken to Roderick RASMUSSEN, adding that the wheels on the trailer had been retained by RASMUSSEN as part of the trade-in arrangement.[4239]

1648. It appears from Allan's last comment that instead of being able to conclusively say that Police Exhibits 393 and 394 were not the wheels that had been on his trailer at that time, he deduced that they were not.

1649. At the RCOI, Richard THOMAS stated that the wheels presented at the hearing were similar to the wheels on the trailer, but he did not believe they were in fact the same ones.[4240] However, Richard said the only point of difference between the wheels was that the ones he saw at the RCOI were rusty and the wheels on the trailer did not have any rust.[4241]

1650. As the only point of difference, this does not hold much credence. Richard was comparing the wheels he remembered on his father's trailer with the condition of the wheels he viewed 15 years later. The condition of these items would most certainly have deteriorated in the intervening years and it would be expected that this would include the development of rust.

1651. Detective JOHNSTON noted that the wheel with the washers welded to the stud holes (located on Arthur THOMAS' farm) fitted on to the stub axle (Police Exhibit 330) which had only three studs.[4242] However, Detective JOHNSTON did not specify which of the two wheels (Police Exhibit 393 or Police Exhibit 394) he was referring to.

1652. When spoken to by police on 24 October 1970, RASMUSSEN stated that one of the wheels on Allan's trailer had washers welded to the wheel.[4243] At the deposition hearing, RASMUSSEN said that Police Exhibit 394 was definitely this wheel.[4244]

1653. At the RCOI, RASMUSSEN was asked by Michael CREW to look at two pressed steel wheels behind the witness box.[4245] RASMUSSEN stated that neither of these wheels had washers

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welded on to the wheel as he had described.[4246] While giving evidence the following day, John HENRY QC referred to the wheels that RASMUSSEN was unable to identify and asked RASMUSSEN to look at two other wheels *"... which have tags attached to them ['all caps' removed]."*[4247] RASMUSSEN identified one of these wheels as the one with the washers welded on, and agreed that this was the wheel he recalled when working on Allan's trailer.[4248]

1654. This sequence of events is peculiar. HENRY QC commented that the wheels RASMUSSEN had previously been asked to look at had tyres attached.[4249] The wheels entered as Police Exhibits 393 and 394, found on Arthur THOMAS' farm, were not fitted with tyres. Therefore, it appears the wheels first shown to RASMUSSEN at the RCOI hearing were not those which were exhibits in the case.

1655. This first set of wheels was not referred to by way of an exhibit number, and it is therefore not possible to identify the origin of the wheels first shown to RASMUSSEN, or the purpose of this exercise. However, it is possible that CREW was attempting to obtain a positive identification of these presumably unrelated wheels from RASMUSSEN, which could then be used to cast doubt on RASMUSSEN's identification of trailer parts from Allan THOMAS' trailer. It is likely the second set of wheels shown to RASMUSSEN was in fact the correct set of wheels which had been located on Arthur THOMAS' farm, as it was noted they had tags attached - which are likely to have been exhibit tags.

1656. Also at the RCOI, Charles SHIRTCLIFFE was asked to look at two wheels (possibly by Robert FISHER, Counsel appearing for the New Zealand Police at the RCOI) which, it was suggested, he had seen while giving evidence at previous trials.[4250] However, SHIRTCLIFFE commented: *"I dont [sic] think I have ever seen those before ['all caps' removed]."*[4251] It does not appear that this matter was explored any further.

1657. It is not suggested that FISHER would have attempted to have SHIRTCLIFFE positively identify wheels which were not those found at THOMAS' tip. Although SHIRTCLIFFE does not appear to have been shown the exhibit wheels during the deposition hearing or the first trial, he was shown them at the second trial and asked if they were the same type that was on his trailer.[4252] SHIRTCLIFFE responded that they were in fact the same type.[4253]

1658. Professor MOWBRAY stated that he could not find any evidence which indicated that the two wheels found on THOMAS' farm tip were in fact the wheels from Allan's trailer at the time it was taken to RASMUSSEN for alterations.[4254] He stated that the presence of the wheels on the THOMAS property did not identify them precisely, as Allan had purchased a number of second hand replacement wheels from car wreckers as the need arose.[4255]

Other components (Police Exhibits 395, 434, 355, 338 and 337)

1659. Charles SHIRTCLIFFE was shown pieces of timber which were located on Arthur THOMAS' farm and which were believed to have some connection to the trailer he had once built. On 24 October 1970, SHIRTCLIFFE stated:

> *"The piece of 3 x 3 hardboard [Police Exhibit 395] shown to me by the Police today is the same as the one I fitted to my trailer except that it has been shortened. I can say that the hole at one end has be [sic] elongated in the same way as the draw-bar on the trailer I had. My draw bar was moving on the rear bolt and this caused it to elongate."*[4256]

1660. This was reiterated at the deposition hearing,[4257] first trial[4258] and the second trial.[4259] SHIRTCLIFFE stated that he did not remember what he did to rectify the moving draw

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bar.[4260] Of the other piece of wood, being the longer of the two pieces, which made up Police Exhibit 395, SHIRTLCIFFE stated that he did not recognise this.[4261] He also said that in addition to this piece of timber: *"The 2 pieces of wood shown to me also by the Police are not off my trailer - nor is the towing bar fitting."*[4262]

1661. It is unknown precisely what additional two pieces of wood were shown to SHIRTCLIFFE on 24 October 1970. It is possible, however, that these may have been Police Exhibit 402 - two[4263] 'planks of wood painted blue'[4264] which were located in THOMAS' farm tip.[4265]

1662. It is noted that SHIRTCLIFFE was unable to identify the tow bar fitting, shown to him by police, as that which had been on his trailer. However, SHIRTCLIFFE did say that this was the same type of coupling.

1663. Gordon WHYTE stated that the 'broader' of the pieces of wood from Police Exhibit 395 was a bit shorter than the draw bar on the trailer.[4266] He said that the draw bar coupling (Police Exhibit 434) was the same type that was on the trailer[4267] and, at the RCOI, stated: *"I wd [sic] say it was the same one ...['all caps' removed]"* as was on the trailer.[4268]

1664. Allan THOMAS stated that the draw bar coupling (Police Exhibit 434): *"... is the same style of thing but I dont [sic] recognise it as being the same even though it is similar."*[4269] He said that the rear piece of wood shown spanning the width of the trailer made up by police[4270] (photograph 33A)[4271] likely came from the woodwork SHIRTCLIFFE made for the trailer.[4272] However, Allan commented that this had been discarded long before the trailer went to Roderick RASMUSSEN for alterations.[4273]

1665. Here, Allan is referring to the new tray he and Raymond THOMAS built for the trailer while it was being repaired by Peter GARRETT *(see paragraph 1374)*. Raymond did not remember what happened to the old decking that was removed from the trailer when these modifications were made.[4274]

1666. At the RCOI, Richard THOMAS stated that the coupling (Police Exhibit 434) presented at the hearing was not that which had been on his father's trailer, but it was similar.[4275] Richard described that the coupling on Allan's trailer was not as big (lengthways) as Police Exhibit 434.[4276] He also said that there was a safety chain on the coupling from the trailer.[4277] Richard said he was 'absolutely positive' Police Exhibit 434 was not the one that had been on his father's trailer.[4278]

1667. RASMUSSEN was shown Police Exhibit 395 on 24 October 1970 and stated that he was 'fairly sure' the piece of 3x3 belonged to Allan's trailer.[4279] He stated that the 3x2 was a bearer from the trailer, and that both pieces of timber were left in place when he undertook the alterations.[4280] RASMUSSEN said the one piece of wood which he removed from Allan's trailer was the draw bar.[4281]

1668. At the second trial there was some confusion when RASMUSSEN was identifying the piece of wood which he believed came from Allan's trailer. RASMUSSEN was asked to look at two pieces of wood, the exhibit number of which was not stated. RASMUSSEN said: *"The thicker one of the 2 the 3 x 3 wld [sic] be the original drawbar; the smaller one of the two wld [sic] be a crossmember [sic]; the drawbar has bn [sic] consider. [sic] shortened."*[4282]

1669. From his description, it appears as though RASMUSSEN identified one of the pieces of wood which comprised Police Exhibit 395 as the draw bar which he had removed from Allan's trailer.

1670. At the RCOI, RASMUSSEN was shown Police Exhibit 434 and stated that it looked 'very

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similar' to the coupling that was on Allan's trailer.[4283] He then indicated he was positive Police Exhibit 434 either was the coupling, or was similar to the coupling, in question.[4284] RASMUSSEN agreed that this coupling would not have passed a WOF inspection.[4285]

1671. The RCOI report stated: *"The evidence of Mr Shirtcliffe and the Thomas family establishes positively that ... the drawbar coupling had nothing to do with the trailer."*[4286] While this may be the case from the evidence heard at the RCOI, an analysis of the totality of the evidence in relation to this matter does not support this finding.

1672. On 14 October 1970, Allan provided registration papers (Police Exhibit 335) for the trailer in question to Detective JOHNSTON.[4287] These papers showed the trailer was previously owned by SHIRTCLIFFE prior to being registered to Allan.[4288] The registration papers were contained in an envelope (Police Exhibit 337) which had the reference 'R11052' written on the front, along with *"G. A. WHYTE, c/- M D F Meremere, Mercer."*[4289]

1673. Vehicle registration plates R1-1052 (Police Exhibit 338) and R3-402 were located in tip number two on Arthur THOMAS' farm on 22 October 1970.[4290] Detective Sergeant TOOTILL commented that these appeared to be the last of the 'old type' of number plate which were issued prior to the present permanent plates coming in to existence.[4291]

1674. The certificate of registration form does not state the registration number for the trailer at the time it was registered by SHIRTCLIFFE, or when it was registered by Allan. It appears that the number plate R1-1052 which was located in Arthur THOMAS' tip was linked to Allan's trailer due to the registration paperwork being contained within the envelope marked 'R11052'. The origin of the number plate R3-402 is unknown.

1675. The fact that this vehicle number plate (R1-1052), which is believed to have come from Allan's trailer, was found on Arthur THOMAS' tip supports the contention that discarded parts from this trailer were dumped on the tip.

1676. Roderick RASMUSSEN's evidence was crucial in linking the axle (Police Exhibit 293), the stub axle (Police Exhibit 330) and the wheel (Police Exhibit 394) to Allan's trailer. It is acknowledged that RASMUSSEN could have been mistaken, or even untruthful, when making these identifications. However, an analysis of RASMUSSEN's statements suggests that he was genuine in the information he provided to police throughout the investigation.

1677. The RCOI report concluded:

> *"We consider that the evidence as to the two stub axles and the axle beam is a morass of inconsistencies, unexplained discrepancies, and alternative possibilities. While we consider that it seems likely that the axle beam and the right hand stub axle were used by some person or persons unknown after Mr Rasmussen carried out his conversion work, we make no finding of fact as to the axle whatsoever. Nor are we in a position to find any impropriety on the part of the Police in relation to the stub axles or in relation to Mr [Allan] Thomas's book of cheque butts. We do find, however, that the one matter which has been clearly established is that it would be quite unsafe to draw any inference connecting Mr A. [Arthur] A. Thomas with the axle found on Harvey Crewe's body, merely because of the presence of the two stub axles on his tip."*[4292]

Further scientific work

1678. Nicholas POWELL was commissioned by Desmond THOMAS in 2003 *"... to carry out an independent review of certain aspects of the technical and scientific evidence relating to the Crewe murders."*[4293] The two primary aspects POWELL looked into were the murder weapon *(see*

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paragraph 1102) and the axle (Police Exhibit 293).

1679. POWELL stated that information now available (in 2003) indicated that the axle was not on Arthur THOMAS' farm at the time of the CREWE murders in June 1970, *"... but was instead in the possession of another family of the Pukekawa district."*[4294] He referred to 'significant evidence' provided by Bruce Richard EYRE[xxxiii] (DOB [redacted]), Robert William HILLS (DOB [redacted]), John MARTIN and Trevor John SALMONS (DOB unknown), who were involved in the removal of the axle from Allan THOMAS' farm in 1965.[4295] POWELL stated that the RCOI discounted the evidence given by these individuals and said the Commissioners *"... failed to recognize the significance of their descriptions of individualizing features, misinterpreting these instead, in effect, as class characteristics."*[4296] He stated that the evidence of these witnesses leaves little room for doubt that the axle located with Harvey's body was removed from Allan's farm and discarded on the side of Highway 22, Pukekawa.[4297]

1680. POWELL also referred to MARTIN's claim that he had seen a similar axle in a shed on the EYRE family property *(see paragraph 1832)*; although POWELL acknowledged that this was not necessarily the same axle as that found with Harvey's body.[4298] He suggested that the behaviour of the EYRES, after seeing people searching on the side of Highway 22, Pukekawa, suggested that the EYRE family knew that Police Exhibit 293 had come from outside their gate.[4299] POWELL stated that this information inferred that at least one member of the EYRE family may have been involved in the dumping of Harvey's body in the Waikato River.[4300] It could also be inferred, POWELL stated, that John EYRE was the person responsible for the murders of Harvey and Jeannette.[4301]

1681. It appears that POWELL conducted his 'review' based on information provided to him by Desmond THOMAS and that which could be accessed by the general public. This report was, therefore, not based on all of the evidence, and cannot possibly be regarded as an 'independent review' of the facts.

1682. Although POWELL said he carried out a review of the 'technical and scientific evidence', it is noted that in the case of Police Exhibit 293 he appears to have merely summarised affidavits and evidence given by witnesses and information contained within the RCOI report. The only technical aspect he appears to refer to in respect of Police Exhibit 293 is his comment regarding the 'individualising features' of the axle noted by witnesses. However, he did not identify what he believed was 'misinterpreted' by the RCOI.

Vintage car enthusiasts

1683. At the second trial, Allan THOMAS stated that in the years prior to him leaving the Mercer Ferry Road farm (in 1966) there had been quite a number of people visiting the property looking for old pieces of machinery and vintage car parts.[4302] In a statement to the RCOI, Allan indicated it was pertinent that these people, who were members of the Vintage Car Club, had been specifically looking for items such as stub axles and none were found.[4303]

1684. Other Pukekawa farmers, Brian MURRAY,[4304] of Mercer Ferry Road, and Lawrence McGUIRE, of the adjoining Mile Bush Road,[4305] recalled people searching farms in the area in February 1970. McGUIRE said these people had been gathering copper, cast iron and other similar items.[4306] Kenneth John LINDBERG (DOB unknown), a farmer from Pungapunga Road, Pukekawa, did not specifically recall such people searching in 1970, but had seen them

[xxxiii] Bruce EYRE was a cousin of John EYRE.

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on his own property prior to that time.[4307]

1685. At the second trial, Alfred John PARTRIDGE (DOB unknown), of Tuakau Wreckers, stated that between 1956 and 1970 he had asked people to go to the THOMAS' Mercer Ferry Road property and look for parts.[4308]

1686. Also at the second trial, Raymond Arthur CLOSEY (DOB unknown) and Trixie BARKER (DOB unknown) gave evidence for the defence of carrying out such searches at Arthur THOMAS' farm at the beginning of 1970. However, it was not stated whether or not these were some of the people searching on behalf of PARTRIDGE.

1687. CLOSEY stated that, as a vintage motorcycle enthusiast,[4309] he and about seven others had gone to THOMAS' farm at the end of February or beginning of March 1970.[4310] He said the group had been looking for vintage Model T parts or other parts which would be of use.[4311] CLOSEY commented that they spent three to four hours walking over most of the farm and searched the tip and an old cow shed (later known as the implement shed).[4312] When shown Police Exhibit 293, CLOSEY commented *"... there was no axle like that we saw or turned over ..."*[4313] CLOSEY also stated that they did in fact remove an axle from the property, but never saw one like Police Exhibit 293 there.[4314] CLOSEY was not asked to provide a description of the axle that was removed from the property at this time.

1688. CLOSEY stated that the seven people, who were on the farm with him, were three adults and four children.[4315] Two of the adults were identified as Trixie BARKER and her husband 'Mr BARKER'.[4316] The identity of 'Mr BARKER' is unknown as he was not called to give evidence on this matter.

1689. Upon questioning by Crown Prosecutor David MORRIS, CLOSEY admitted that the group had not used spades to dig in the tips, but *"... just pulled the edges out of anyth. [sic] that was show. [sic]"*.[4317] When shown a photograph (photograph 31)[4318] of car parts recovered from tip number two (on Arthur THOMAS' farm) by police, CLOSEY commented that they did not see a spring or a Model T tube, stating that if they had they would have removed them.[4319] CLOSEY said that while he was on the property he did not see either of the stub axles (Police Exhibits 330 and 331).[4320]

1690. Although CLOSEY stated that the group he was with spent a few hours searching most of THOMAS' farm, he admitted that this was a surface search, in that they did not look for buried items. Detective JOHNSTON's evidence of the finding of the stub axles in THOMAS' tip stated that the stub axles were partially buried in earth in the tip. It is, therefore, not surprising that the group did not locate the stub axles. Furthermore, there were other parts located in tip number two on THOMAS' farm which would have been of interest to the group (spring and Model T tube) which they did not locate either. It is unknown whether these parts were also fully or partially buried in the tip, or if they were lying on the surface. Had they not been buried, this may indicate that the search by the group was not as thorough as was suggested.

1691. CLOSEY expanded upon his evidence at the RCOI. He stated that in the tip they found a Model T front axle with one wooden spoke wheel attached,[4321] which had been half buried.[4322] At this time CLOSEY could not say when the search of the property took place, but that it was around 1969, 1970 or 1971.[4323] CLOSEY was again shown the photograph of car parts found by police in tip number two[4324] and confirmed that they had not located these (rear axle parts for a Model T) in the search.[4325] However, CLOSEY did state that due to their condition, if they had located these the group probably would have left them.[4326] He

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commented: *"If vintage car stuff has been buried for any length of time it is gen [sic] regarded as unusable ['all caps' removed]."*[4327]

1692. When shown the axle (Police Exhibit 293), stub axles (Police Exhibits 330 and 331) and two pressed steel wheels (Police Exhibits 393 and 394), CLOSEY stated that if these parts had been on THOMAS' farm (not buried) when the group undertook their search they would have been located.[4328] CLOSEY further said that the axle and stub axles, as he saw them today (at the RCOI), were inconsistent with them having been buried for more than three years.[4329]

1693. The location of the axle (Police Exhibit 293) on THOMAS' farm in 1970 is unknown. The stub axles (Police Exhibits 330 and 331) are likely to have been buried in the tip at the time of the group's search, as they and one of the wheels were in June 1970. The other wheel (Police Exhibit 394) was located behind a garage on the property and was not buried. This item, along with the Model T parts which the group failed to locate, indicates that CLOSEY's assertion that (if not buried) these parts would have been found may be unjustified.

1694. CLOSEY noted, at the RCOI, that when he had been searching THOMAS' tip for car parts in 1970, there was evidence of a slip in one of the tips.[4330] CLOSEY accepted that there could have been any number of car parts buried under the earth and not seen by him.[4331]

1695. CLOSEY's description of a slip in the tip is consistent with Detective JOHNSTON's description of tip number one *(see paragraph 1332)* - where the stub axles were located. CLOSEY's comments indicate that he did not search for parts in the slip which explains why he did not locate the stub axles.

1696. At the second trial, Trixie BARKER stated that she and her husband went with the vintage car group on the search of Arthur THOMAS' farm in February/March 1970.[4332] She said they were looking for vintage car parts and, while they did a lot of 'fossicking' about, she did not see anything like Police Exhibit 293.[4333]

1697. The RCOI report concluded that CLOSEY's evidence was not conclusive, *"... but does tend to suggest that the axles [sic] and stub axles were not on the tip in March 1970."* [4334] The RCOI acknowledged that CLOSEY did not search for any parts which may have been located under the surface of the tip.[4335] However, the RCOI also cited (then) Inspector PARKES' evidence - that at least one of the stub axles was partially visible when the police search was carried out in October 1970.[4336] The RCOI report stated that despite a close search of the property, CLOSEY did not locate the stub axles.[4337]

An axle removed from the Mercer Ferry Road farm in 1965

1698. In 1965[4338] Bruce EYRE purchased a 1938 Ford V8 car.[4339] The car was initially kept at EYRE's parents' property at the corner of Te Ahu Road and Churchill Road, Pukekawa,[4340] for about two or three weeks.[4341] EYRE then drove the car to visit his friend, Richard THOMAS,[4342] at Mercer Ferry Road, Pukekawa, where it broke down.[4343] The car remained on Allan THOMAS' Mercer Ferry Road property for some time while EYRE, John MARTIN,[4344] Trevor SALMONS,[4345] Richard THOMAS and Bruce EYRE's brother, Desmond Leonard EYRE (DOB [redacted], now deceased),[4346] attempted to fix it.[4347] When it became apparent that the car would not be road worthy, Bruce EYRE decided that it would instead be used as a 'cross farm' car[4348] or a 'shooting buggy'.[4349] EYRE stated that after some modifications[4350] the men lost interest in the project and it did not go much further.[4351] At about this time Allan requested[4352] the car be removed from his property.[4353]

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1699. The Ford car was hooked up to the EYRE family tractor and towed from Allan's property.[4354] EYRE's intention was to take it home to his parents' farm.[4355] En route to the EYRE farm, the group stopped on Highway 22, Pukekawa, outside SALMONS' house[4356] where further attempts were made to start the vehicle.[4357] A discussion was also said to have taken place as to whether a loose axle from inside the Ford could be fitted on to the car.[4358] Another friend of EYRE's, David BREWSTER, drove past while the group were on the side of the road and offered to tow the vehicle to his home on Brewster Road, Pukekawa,[4359] where he would attempt to repair it.[4360] BREWSTER's truck failed to tow the Ford car up the incline in the road[4361] due to a slipping clutch[4362] and it was decided to unload 'junk' and spare parts which were contained inside the Ford car;[4363] some of which had been present when the vehicle was purchased by EYRE.[4364] These parts were said to have been dumped on the side of the road on Highway 22[4365] where they remained.[4366] The Ford car was never fixed or returned to EYRE and was later dumped by BREWSTER.[4367]

1700. At the second trial, Arthur THOMAS' defence counsel first claimed that Roderick RASMUSSEN retained possession of all trailer parts he removed from Allan THOMAS' trailer. However, evidence was also presented by the defence to the contrary. Two witnesses, John MARTIN and Bruce EYRE, were called by the defence to give evidence that an axle had been removed from Allan THOMAS' farm in about 1965. It was inferred that the axle taken could have been the same axle that was removed from Allan's trailer by RASMUSSEN in July 1965 which had, in this scenario, been returned to the property.

1701. While giving evidence, MARTIN stated that he was at Allan's property with Bruce EYRE and another person listed in the trial transcript as *" ...? Eyre"* (Desmond EYRE).[4368] He said that while they were getting ready to tow the Ford car away: *"We picked the axle up lying underneath the hedge there."*[4369] When pressed further, MARTIN could not say what sort of axle this was.[4370] MARTIN was asked if he could tell the court anything about the axle and replied: *"No not really, all I rem. [sic] is Bruce Eyre picked this axle up from underneath a hedge."*[4371] MARTIN further stated that he did not have anything to do with the axle *"... I just saw it."*[4372]

1702. In his evidence, Bruce EYRE stated that when he removed the car from Allan's farm he took two lengths of 3x2, a length of milking line pipe and a vacuum pipe for milking tubes from the property.[4373] When asked if he could remember taking anything else EYRE replied: *"Not that I can definitely state."*[4374] He was then specifically asked if he had taken an axle from the farm and replied: *"I cant [sic] recall taking one."*[4375]

1703. During his evidence, MARTIN was not pressed for further details about the axle, the precise location from which he believed the axle was removed, or the circumstances around its removal from Allan's property. MARTIN's evidence, in conjunction with the assertions by defence counsel that the axle from Allan's trailer was in fact retained by RASMUSSEN, may indicate that MARTIN's evidence was used as a means of creating doubt as to what happened to the axle, as opposed to putting forward a sound argument as to its removal from the farm.

1704. It is also apparent that this theory came about a short time prior to the evidence being heard, and is likely to have been developed after the commencement of the trial. During his evidence, MARTIN stated that he had first been asked to recall this incident on Monday of that week (9 April 1973), when he was approached by Richard THOMAS and Bruce EYRE.[4376] This approach was made just two days before Allan gave evidence of a vehicle being left on his property.

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1705. Richard and EYRE also made enquiries, on 7 April 1973, with Peter Lucas HEMI (DOB unknown) of Brewster Road, Pukekawa, as to the whereabouts of the Ford car.[4377] This visit occurred four days prior to Allan's evidence. HEMI told police that Richard and EYRE wanted to know what happened to a 1932/1933 B4 V8 Ford which had been towed to HEMI's parents' property about five years previously.[4378] HEMI said he took Richard and EYRE to the rear of the property where the car was situated.[4379] HEMI commented that the vehicle *"... had been there since the day it was towed there and had more or less rusted away."*[4380] He stated that Richard and EYRE looked at the car and left.[4381]

1706. In 1973 HEMI was a pupil at Onewhero High School[4382] and it is believed that he is the nephew of David BREWSTER.[4383] Due to the nature of the visit by Richard and EYRE, it is possible that in 1973 HEMI lived on the property previously occupied by BREWSTER's parents, where the Ford car was said to have been taken in 1965 after it was removed from Allan's farm. Although BREWSTER stated that the car was eventually dumped by being pushed into a 'gully',[4384] the location of this is unknown and it is possible that this gully was on BREWSTER's property.

1707. MARTIN's evidence was clearly not corroborated by EYRE at the second trial. A communication from (then) Deputy Commissioner WALTON to Detective Chief Superintendent WILKINSON on 12 August 1976 commented upon EYRE's evidence.[4385] It was reported that Defence Counsel Kevin RYAN stated that he was afraid to pursue the matter further with EYRE during his evidence as it*"... might have come out that he had been told to say it."*[4386] [redacted] Therefore, it is more likely that RYAN was instead indicating he was unsure whether or not EYRE had been encouraged to give this evidence by Arthur THOMAS' supporters, such as Richard THOMAS.

1708. The matter of an axle being removed from Allan THOMAS' property in 1965, and its possible relationship to Police Exhibit 293, did not gain further traction until Doctor SPROTT undertook an investigation in to the axle in 1976. During the preceding three years Doctor SPROTT was in possession of Police Exhibit 293 on four separate occasions: 26 July 1976[4387] to 5 September 1976,[4388] 13 September 1976[4389] to 27 October 1976,[4390] 9 September 1977[4391] to 4 November 1977,[4392] and 13 December 1978 to 22 December 1978.[4393] During these periods a number of people viewed and/or examined the axle, including Bruce EYRE, John MARTIN, Trevor SALMONS and Robert HILLS.

1709. In 1977, Bruce EYRE, MARTIN, SALMONS, HILLS and David BREWSTER signed affidavits regarding the alleged removal of an axle from Allan's farm in 1965. These affidavits were given to Prime Minister Robert MULDOON by author David YALLOP in 1978,[4394] which were then forwarded to police.[4395]

1710. Unlike others who were said to have had some involvement with the axle removed from Allan's farm, Desmond EYRE did not produce an affidavit as to his recollection of events. As a result of enquiries in to the affidavits, Desmond was spoken to on 15 January 1979[4396] by Detective Senior Sergeant P. NICKALLS[4397] and Detective O'NEILL,[4398] at which time Desmond made a statement.[4399]

1711. Desmond stated that Bruce EYRE and Richard THOMAS visited him at the beginning of 1974.[4400] Richard had asked what Desmond could remember, because Bruce remembered Desmond being present on the farm the day the axle was said to have been removed.[4401]

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However, Desmond told them he could not remember this event,[4402] and thus did not make an affidavit along with the others.

1712. The assertion that an axle, which could possibly have been Police Exhibit 293, was removed from Allan's property in 1965 was again traversed at the RCOI hearing, at which time all parties involved gave evidence.

An axle taken

1713. In his 1977 affidavit, John MARTIN stated: *"I saw Bruce Eyre pick up an old axle and put it through the back window of the Ford."*[4403] He said he could not remember from where Bruce EYRE had picked up the axle, but said it was near where the car had been parked.[4404]

1714. At the RCOI, MARTIN said he was at Allan THOMAS' property when Bruce EYRE and Desmond EYRE were getting ready to tow the car away.[4405] He said: *"I rem [sic] Bruce Eyre picking an axle up and putting it thru [sic] the back window of the car ['all caps' removed]."*[4406] MARTIN said Bruce had picked the axle up somewhere close to the car.[4407]

1715. These assertions correlate closely with MARTIN's evidence at the second trial. His evidence at the RCOI clarifies Desmond EYRE was the missing name in the transcript of the second trial, where he named *" ...? Eyre"* as being present at the time the axle was removed from Allan's farm.

1716. In his affidavit, Bruce EYRE stated that he could not specifically recall taking an axle from Allan's property, but said that if an axle had been in the vicinity of the Ford car when it was being removed from the property, he is certain they would have taken it.[4408] EYRE explained that an axle would have been taken as they were gathering items which could be useful in the reconstruction of the vehicle.[4409]

1717. EYRE commented that he understood the last question asked of him by defence counsel at the second trial was: *"Did you take <u>this</u> axle?"*[4410] EYRE said he probably answered *"No"* to that question[4411] and commented: *"ON [sic] reflection, however, I should have qualified my answer more carefully and I now can say quite definitely that amongst the junk in the Ford was certainly an axle, although I cannot say beyond all doubt that it was the axle, exhibit 293."*[4412]

1718. At the RCOI, Bruce EYRE stated that when he went to remove the Ford car from Allan's property the party loaded scrap iron into the car along with anything else they thought might be useful.[4413] He said some of these items had come from under a hedge on the property.[4414] EYRE specifically recalled: two large cardboard boxes of wood being loaded into the car, as they were fairly heavy[4415] and there had been *"... some rather crude comments as to the use they cd [sic] be put to ['all caps' removed]"*,[4416] a large length of melting iron pipe, as they had loaded this into the car through the rear window,[4417] and lengths of timber, because they looked like they had been cut for a specific purpose.[4418] He said there were various other things that were taken which he could not remember.[4419]

1719. EYRE commented that he had never claimed that he remembered taking an axle from Allan's farm, but: *"By working it out logically thats [sic] the only place it cd [sic] have come from ['all caps' removed]."*[4420] EYRE agreed that he could recall seeing an axle outside Trevor SALMONS' house and had logically drawn the inference that he must have taken it along with the other items from Allan's property.[4421]

1720. It is likely that EYRE would have felt some degree of pressure to be able to say that he had in fact removed an axle from Allan's property. The fact that EYRE consistently maintained that

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he did not recall removing an axle, but did remember taking other unrelated items, adds credibility to his statements.

1721. In his affidavit, EYRE expanded on evidence he previously gave at the second trial, explaining that if there was an axle present in the vicinity of the vehicle on which they were working, it would have been taken. This statement could indicate that EYRE was trying to diminish the implications of him not remembering taking the axle. Conversely, it is noted that in his affidavit EYRE was free to comment upon things which he was not asked while giving evidence at trial.

1722. EYRE stated, in his affidavit, that when he was called to give evidence for the defence at the second trial he was very nervous.[4422] He said this was due to giving evidence in a Supreme Court trial and because: *"A warning had been given to me which apparently came from the police that I would be charged with perjury if I made any mistakes."*[4423] EYRE stated that as a consequence of his nervousness he tried to be very careful while giving evidence.[4424] This may also be a reason why EYRE did not expand upon his evidence and provide the explanation that was in his later affidavit.

1723. The final question put to EYRE by defence counsel at the second trial was actually: *"Did you ever take any axle"* to which EYRE responded: *"I cant [sic] recall taking one."*[4425] It is also noted that EYRE's qualification, that he could now 'quite definitely' say that an axle was contained within his car, does not change his evidence on the matter that he did not recall removing an axle from Allan's property.

1724. The 'scrap iron' that EYRE said was removed from Allan's farm had not been mentioned by him prior to his evidence at the RCOI. It is likely that this refers to parts which the men had cut from the vehicle prior to its removal from the farm.

1725. Richard THOMAS did not give evidence on this matter at the second trial, nor did he make an affidavit regarding the removal of an axle from his father's farm. At the RCOI, Richard stated that he remembered Bruce EYRE buying the old Ford car, but believed he (Richard) had been playing football on the day the Ford was removed from his father's property.[4426]

1726. In a 1977 affidavit and evidence at the RCOI, Trevor SALMONS suggested that Richard was in fact present on the farm the day the Ford was removed[4427] and had assisted in trying to get the car going.[4428] SALMONS said later that day Richard had to go away and milk which, SALMONS stated, left him and EYRE working on the car.[4429]

1727. SALMONS did not give evidence at the second trial of his involvement with the car or the axle. In his 1977 affidavit, he stated that he and Bruce EYRE had started to cut pieces off the car with an axe and hammer while it was on Allan's property.[4430] He said: *"While we were doing this I noticed that Bruce Eyre was looking around for any other bits that might be handy and I saw him drag an old axle from under the hedge on the Thomas farm and bring it to the front of the Ford."*[4431] SALMONS stated that at this time EYRE said he was going to try and make the axle fit the Ford.[4432] He remembered EYRE laying the axle out in front of the car to see how it measured compared with the Ford.[4433]

1728. At the RCOI, SALMONS said that while at Allan's property EYRE looked around and saw an axle under the hedge near the car.[4434] He stated that EYRE took the axle to the front of the car to see if it would fit.[4435] SALMONS said EYRE thought that if this axle could be fitted on to the Ford, it would have the effect of lowering the car.[4436] SALMONS stated that he could see by the look of it that the axle would never fit, but commented *"... I just left it at that and we just*

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left ['all caps' removed]."[4437]

1729. SALMONS' account does not correspond with that given by others involved. SALMONS put himself at Allan's property with EYRE and Richard THOMAS[4438] while the vehicle was being prepared to be towed away. John MARTIN, who said he was there with Bruce EYRE and Desmond EYRE, did not name SALMONS as one of those present. Bruce EYRE's comments were not clear as to who was present on this occasion, but he stated that himself, MARTIN, Richard and Desmond were the main group involved with the Ford car.[4439] It is also noted that according to Bruce EYRE,[4440] MARTIN,[4441] and Robert HILLS,[4442] SALMONS was at his home on Highway 22, Pukekawa, while the car was being towed from Allan's farm.

1730. MARTIN stated that he followed the tractor towing the car from Allan's property to SALMONS' home in his own vehicle, where he stopped along with the tractor and car.[4443] There is no mention by SALMONS, or anyone else, as to how he (SALMONS) got home from Allan's property.

1731. Also, SALMONS' assertion that Bruce EYRE had laid out the axle in front of the Ford while on Allan's property, and EYRE's comments about fitting this on to the Ford, was said by others to have occurred at a different location - outside SALMONS' house. In addition to this, SALMONS did not appear to have a recollection of the disagreement said to have occurred between himself and EYRE about the feasibility of attaching the axle to the Ford car.

1732. It cannot be confirmed whether SALMONS was on Allan's property on the day that the Ford car and an axle was said to be removed. It is believed that those involved had worked on the Ford at this location on more than one occasion, and it is possible that SALMONS has confused his involvement on another day. However, this does not explain SALMONS' apparent recollection of EYRE removing an axle from the property.

1733. On 15 January 1979, Desmond EYRE stated to police that he could not recall the Ford going to Allan's farm, or an incident where an axle was put into the Ford car at Allan's farm.[4444] This was also the case at the RCOI, when Desmond only recalled the car being taken to David BREWSTER's property.[4445]

1734. Evidence given or details contained within affidavits of Allan THOMAS,[4446] John MARTIN[4447] and Trevor SALMONS,[4448] all indicate the Ford car had been parked in the front paddock of Allan's property, next to a hedge. According to MARTIN[4449] and SALMONS,[4450] Bruce EYRE picked up the axle from under this hedge.

1735. The area where the Ford car was said to have been parked is the same location in which Allan[4451] and Richard THOMAS[4452] said Allan's trailer was kept. Furthermore, they both said that, had the trailer parts removed by Roderick RASMUSSEN been returned to the farm, this is where they were likely to have been dumped.[4453]

When was the axle removed?

1736. Identifying the month during 1965 that Bruce EYRE's Ford car was removed from Allan THOMAS' property is crucial. This is because the axle (Police Exhibit 293) from Allan's trailer, was not removed from the trailer until about 19 July 1965.[4454] Therefore, it would only have been relevant to Arthur THOMAS' defence if the axle, said to be removed from the farm by EYRE, was in fact taken after 19 July 1965.

1737. At the second trial, Allan was asked whether the vehicle was removed from his property in about July 1965.[4455] In response, he stated it was sometime later than this.[4456] Allan said it was

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later in the summer and could have even been after Christmas, at the beginning of 1966.[4457] At the RCOI, Allan stated that EYRE's car had been left in his front paddock for between three to five weeks before he asked for it to be taken away.[4458] He said the car was removed not too long afterwards.[4459]

1738. While giving evidence at the second trial, EYRE did not indicate the time period he thought his car had been at Allan's farm, other than to say that he had returned to Pukekawa in 1965, after being away from the area for about three years.[4460] This would, therefore, indicate that it was not possible for the car to have been at Allan's farm prior to 1965. In his affidavit, EYRE stated that he had been working on the car during July or August 1965.[4461] He then said that he had purchased the car in about June/July 1965 and it had initially been kept at his parents' address[4462] for about two or three weeks[4463] before it was driven to, and kept at, Allan's property for about four weeks.[4464]

1739. At the RCOI, EYRE said he bought the Ford car in about May or June 1965, but was not certain about the months.[4465] However, he did say he knew it was definitely during winter.[4466] EYRE explained that he came to this date as 1965 was the only year he spent at home for quite some time.[4467] He stated that he left Pukekawa in about 1962 at the age of 17 and returned in 1965 sometime between his 20th and 21st birthdays, before leaving the district again for good in 1966.[4468] EYRE said the car stayed at Allan's property for between six weeks and two months.[4469]

1740. Unlike others who gave evidence, John MARTIN did not show any vagueness or uncertainty regarding the time the axle was removed from Allan's farm, stating at the second trial: *"It wld [sic] be August 1965."*[4470] MARTIN did not explain how he came to this date, but stated that he remembered this on his own,[4471] inferring that he had not been prompted by Richard THOMAS or Bruce EYRE, who had approached him regarding this matter. MARTIN did not comment upon the month or year in which the axle was taken in his 1977 affidavit.

1741. At the RCOI, MARTIN stated that he remembered EYRE buying the Ford car in about July 1965.[4472] He stated that he remembered this date because it was about this time that MARTIN left his employment at Bromley Park Poultry Farm and went to Limestone Downs Sheep Station in Port Waikato.[4473] MARTIN stated that when he went to work at Limestone Downs he no longer resided in Pukekawa.[4474] MARTIN then said that he recalled EYRE buying the car about a month or six weeks before he moved[4475] meaning that, by MARTIN's calculations, the car would have been purchased earlier than July, in about June 1965.

1742. In his 1977 affidavit, Trevor SALMONS, who said he was a mechanic,[4476] stated that the day he saw EYRE remove the axle from Allan's property must have been during winter, as he knew it was during football (rugby) season.[4477] SALMONS stated that he had been residing in Tuakau for about 10 years, and the incident with the axle occurred 'about' or 'at least' a year before he left the Pukekawa district.[4478] Following the dates cited, this indicates that SALMONS believed this may have occurred in about 1966.

1743. At the RCOI, SALMONS stated that he did not remember when EYRE had the Ford car,[4479] but agreed that this was before the CREWE murders.[4480] SALMONS stated that the first time he saw the car was in about 1964 or 1965 when he went to Tuakau to live.[4481] He stated that he moved from Pukekawa to Tuakau in about 1964.[4482]

1744. Robert HILLS, a qualified motor mechanic,[4483] said in affidavits dated 3 December 1973 and in 1977, that he saw Bruce EYRE and John MARTIN with an axle outside SALMONS' house on a weekend in July or August 1965.[4484] At the RCOI, HILLS stated that it was one weekend

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at the end of July 1965.[4485] He said he was able to recall this, because in 1965, just after July, he moved into a new home.[4486] He also said that July was the end of shooting season and the day after he saw the axle outside SALMONS' house he went pheasant shooting on MARTIN's property, which is when HILLS found out who MARTIN was.[4487]

1745. At the RCOI, Richard THOMAS stated that he remembered EYRE buying the old Ford car, but did not remember when this was, and could not say whether this was before or after the trailer alterations by Roderick RASMUSSEN.[4488]

1746. In his affidavit and evidence at the RCOI, David BREWSTER stated that he came across the group one Saturday afternoon on his way back from football.[4489]

1747. In his 15 January 1979 statement to police, Desmond EYRE said he could recall Bruce EYRE purchasing the old Ford car, and thought he went with Bruce when he purchased it.[4490] However, Desmond stated that this occurred prior to their father's death in September 1964.[4491] As a result, he fixed the year of purchase as about 1963 and indicated that he thought this was closer to the end of the year, commenting that if it was during winter it would have been late winter.[4492] Desmond stated: *"I am sure that it was not in 1965 because I can remember my father telling us not to go past the Golf Course because it was not registered."*[4493]

1748. Desmond's evidence at the RCOI differed from this earlier account. At this time, Desmond stated that Bruce purchased the car sometime between the death of his father[4494] in September 1964[4495] and Desmond leaving high school in December 1965.[4496]

1749. It is likely that Bruce EYRE's Ford car was at Allan THOMAS' property during 1965. A strong indicator as to this time period is EYRE's assertion that 1965 was the only year since about 1962 that he had spent a significant amount of time in the Pukekawa district. Although it is acknowledged that there is no evidence to substantiate this claim, an assessment of EYRE's statements indicates that he is likely to be credible. However, this does not account for mistakes made due to a faded memory of the events.

1750. Desmond EYRE's statement to police plausibly challenged Bruce's recollection of the year the car was at Allan's property. However, this changed at the RCOI. When shown what he had said in his statement to police, Desmond commented: *"I had thoughts about this after I made the stmt [sic]. I cd [sic] remem [sic] that my father was not at home ['all caps' removed]."*[4497] However, Desmond did not say how he could now remember that his father was not at home at the time Bruce purchased the car. Desmond said it was hard to remember an event which occurred 15 years previously, to which he had paid very little attention.[4498] When asked if he had changed his mind about the date after speaking to anyone else about it, Desmond stated that he had spoken to no one except his wife.[4499]

1751. Although Desmond said he had not spoken to anyone about the year this occurred, it is possible that he had read or heard that 1965 was the year claimed by the others involved in the axle being removed from Allan's property.

1752. It cannot be overlooked that the evidence given in support of an axle being removed from Allan's property was presented in an attempt to prove that Police Exhibit 293 was not on the THOMAS farm in June 1970. If Police Exhibit 293 was not on the THOMAS farm in June 1970, it could not, therefore, have been used by Arthur THOMAS to weigh down Harvey's body in the Waikato River as police contended. In order for this proposition to have any relevance, the axle said to have been taken by Bruce EYRE must have been removed from the THOMAS farm sometime after 19 July 1965. The evidence of Allan, John MARTIN and

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Robert HILLS is clearly consistent with this. The only witnesses who appeared certain as to the month in 1965 when this took place were MARTIN and HILLS.

1753. In his 1977 affidavit, Bruce EYRE stated that he purchased the vehicle in about June or July 1965[4500] and worked on it in about July or August 1965.[4501] Although he said that the car was taken to Allan's property two or three weeks after he bought it, this does not assist in narrowing down the time period when the car was on Allan's property. EYRE stated that he knew this occurred in rugby season, meaning it was winter, and stated that it was shortly before his 21st birthday on 3 September.[4502] EYRE further stated that he left the Pukekawa district a few weeks after his birthday.[4503] Based on this information, the car could have been on Allan's farm in June, July or August 1965 and would, therefore, have been removed from the property in either July or August 1965.

Axle observed outside Trevor SALMONS' house

1754. Bruce EYRE, John MARTIN and Robert HILLS all gave fairly consistent accounts of what happened when the tractor towing the Ford car stopped outside Trevor SALMONS' house. They said that at some point there was what was described as an argument[4504] or discussion[4505] between EYRE and SALMONS[4506] regarding whether a loose axle that had been placed in front of the car could be fitted on to the Ford.[4507] EYRE believed that it would fit[4508] and would have the effect of lowering the front of the Ford,[4509] whereas SALMONS stated that it would not fit.[4510]

1755. According to EYRE, SALMONS told him that the springs would run in the opposite direction on this axle to those already on the Ford car.[4511] EYRE stated that SALMONS even put the axle across the Ford's chassis rails to show him that it would not fit.[4512]

1756. MARTIN stated that he last saw the axle lying on the grass near the SALMONS' house.[4513]

1757. In an affidavit dated 3 December 1973, HILLS said that inside the Ford was a front axle which came from another make of car.[4514] He stated that he heard EYRE, SALMONS and the others discussing the possibility of swapping the existing axle on the Ford with this loose axle.[4515] HILLS then said: *"As a qualified mechanic I stated at the time that it would be almost an impossibility to make the axle fit this make of car."*[4516]

1758. HILLS' assertions in his 1977 affidavit, and the evidence he gave at the RCOI, were consistent. HILLS, a motor mechanic by trade[4517] and a friend of SALMONS,[4518] stated that he had been working on a car with SALMONS in SALMONS' garage when the men arrived with the Ford car.[4519] He said SALMONS went over to speak with them.[4520] HILLS commented that he did not know the men personally so did not initially approach them,[4521] but later walked over to see what they were doing.[4522] He said that he realised how difficult, or even impossible, it would be to fit the axle on to the Ford,[4523] but he did not contribute to the conversation[4524] as: *"... they were strangers to me ..."*[4525] HILLS stated that he was only present for about 10 minutes before leaving the group.[4526]

1759. In his affidavit, MARTIN stated that he recalled himself, SALMONS, Bruce EYRE, Desmond EYRE and HILLS arguing as to whether or not the axle would fit the Ford.[4527] However, when questioned at the RCOI, MARTIN said that he did not think HILLS took part in the discussion about the axle.[4528] Bruce EYRE did not recall HILLS being present at all.[4529]

1760. MARTIN's assertion that HILLS was not part of the discussion, which corresponds with HILLS' 1977 affidavit and evidence at the RCOI, does not correspond with his earlier affidavit. It is noted that the 1973 affidavit was made to Richard THOMAS[4530] and may not be

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HILLS' own words. Furthermore, it is possible that at this time (1973) HILLS may have been encouraged by Richard to make this claim, which HILLS would later disagree with.

1761. HILLS stated that when this event occurred, in 1965, he did not know EYRE or MARTIN.[4531] At the RCOI, MARTIN confirmed that he did not know HILLS in 1965.[4532] On the face of it this may assist in assessing HILLS' impartiality and his motivation behind his affidavit made 12 years after the event. However, neither HILLS' affidavit nor his evidence given at the RCOI mentioned that he went on to marry Richard's sister, Lyrice May HILLS (nee THOMAS, DOB [redacted]) in May 1973.[4533] Therefore, at the time HILLS made his affidavit he was a member of the THOMAS family by marriage. This significantly alters HILLS' potential impartiality.

1762. SALMONS did not mention the events which were said to have taken place outside his home, despite him allegedly being involved in an argument about the axle with Bruce EYRE.

1763. It appears that SALMONS may have amalgamated two separate events relating to this matter, these two events being: the taking of the axle from Allan THOMAS' farm, and the subsequent discussion regarding the axle said to have taken place outside his (SALMONS') home later that day.

1764. In his affidavit, Bruce EYRE stated that his recollection of the discussion between himself and SALMONS regarding the axle confirmed that there must have been an axle in the 'junk' contained within the Ford car.[4534] He said: *"... in all probability an axle was taken from the Thomas farm and left near the Salmons' residence ..."*[4535] He then commented at the RCOI: *"... whether it [the axle] was in the car after it left the Thome [sic] prop [sic] or where exactly we obt [sic] it im [sic] not sure bt [sic] the only place I can think we obt [sic] it was at the Thom [sic] prop [sic] ['all caps' removed]."*[4536]

1765. At the RCOI, Bruce EYRE said he had a recollection of the axle being removed from the car outside SALMONS' house, and he was reasonably sure this was done by himself and John MARTIN.[4537]

1766. It is clear from these statements that EYRE deduced an axle had been taken from Allan THOMAS' property, based upon his recollection of a subsequent discussion or argument about an axle being fitted to the Ford. However, this goes no further in establishing that EYRE did in fact remove an axle from Allan's farm.

1767. MARTIN stated: *"I can't remember exactly what happened, but I can remember at one stage the axle must have been taken out of the Ford because it was lying on the road in front of the Ford."*[4538] At the RCOI, MARTIN agreed that the axle had been taken out,[4539] but did not say he saw this happen, indicating this may have been an assumption on his part. Likewise, Robert HILLS said he saw the axle in front of the car, but did not say how it got there.[4540]

1768. Bruce EYRE said that when he purchased the Ford it contained a number of spare parts.[4541] However, an axle was not one of those parts.[4542] Desmond EYRE confirmed that there were a number of parts in the back seat of the Ford, but he could not recall seeing an axle at all.[4543] That said, Desmond stated that he would not have really looked through it.[4544]

1769. At the RCOI, it was suggested to Bruce EYRE that the axle he recalled seeing outside SALMONS' house could have been obtained from somewhere near SALMONS' property, rather than from Allan's farm.[4545] EYRE stated that there was nowhere around SALMONS' house that he could recall ever seeing anything of that nature.[4546]

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Axle dumped on Highway 22, Pukekawa

1770. In his affidavit, Bruce EYRE said the 'junk' unloaded from the Ford consisted of a length of milking pipe and two 'massive' blocks of wood about two foot square.[4547] EYRE stated that there were other things as well, but he could not remember them all.[4548] He said that as far as he could remember the 'junk' was left on the side of the road opposite Trevor SALMONS' house.[4549] Further on in his affidavit, EYRE stated: *"... I now can say quite definitely that amongst the junk in the Ford was certainly an axle ..."*[4550] He said that in all probability the axle would have been dumped near SALMONS' property.[4551]

1771. At the RCOI, EYRE stated that the 'junk' was unloaded about a third, or half way down, the slope of the SALMONS' property.[4552] He could not recall specifically what was removed from the car.[4553] However, later in his evidence, EYRE said two big blocks of wood were dropped on to the verge, as was the length of pipe and *"... just about everything that was not attached to the car ...['all caps' removed]."*[4554] EYRE said that to his knowledge the axle was also abandoned on the side of the road.[4555] He said these items were dropped over the edge of the road into the long grass.[4556] EYRE stated that at that stage he had intended to go back for the items that were dumped.[4557] However, after it became apparent that the Ford car would not be fixed he never went back for the parts.[4558]

1772. Bruce EYRE stated that when David BREWSTER towed the car away, Desmond EYRE had left to return the tractor to their parent's farm.[4559]

1773. In his affidavit, John MARTIN said the 'rubbish' was thrown on to the opposite side of the road.[4560] MARTIN stated that he could not be certain whether the axle was removed from the car.[4561] However, he did recall a lot of other 'junk' inside the Ford, including bits of pipe, blocks of wood and other items.[4562]

1774. MARTIN's affidavit noted that photographs marked '0208' and '0206' appeared to depict the location where the rubbish was unloaded from the Ford.[4563] The origin and content of these photographs are unknown and, therefore, do not assist in establishing the location of the discarded items.

1775. At the RCOI, MARTIN said he did not know what happened to the axle after the discussion about whether it would fit the Ford car: *"... the last place I rem [sic] it was outside the Salmonds [sic] house ['all caps' removed]."*[4564] He said all of the pipe, a box of wood and other items were unloaded from the Ford and thrown over a bank on the side of Highway 22.[4565] MARTIN stated that he was at SALMONS' house at the time these items were removed from the car and dumped, but he did see this happen.[4566] He could not remember whether the axle was among the items unloaded.[4567]

1776. Robert HILLS, in his 1977 affidavit, said that he did not remember anything being unloaded from the Ford, as he was in SALMONS' house at the time.[4568] At the RCOI, he stated that although he was inside the house, he had been watching out the window and said that when the initial attempt was made to tow the Ford away, the men had taken the axle with them.[4569] He could not say what had happened to the axle after that.[4570]

1777. In his 1977 affidavit, David BREWSTER said the items from inside the car were unloaded and dumped down the bank at the side of the road, not far from SALMONS' house.[4571] He said that from memory the only thing retained was a gear box housing which BREWSTER wanted.[4572]

1778. At the RCOI, BREWSTER stated that they removed a number of blocks and odds and ends,

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such as a gear box, which were put on the side of the road.[4573] BREWSTER was asked if he could remember any other specific items, apart from the gear box, which were removed from the car.[4574] He stated: *"There was no other ones, other than timber ['all caps' removed]."*[4575] BREWSTER was asked whether an axle was removed from the car and dumped on the side of the road and he stated that there was not an axle.[4576] BREWSTER disagreed that it was possible that there had been an axle which he either did not notice or had since forgotten.[4577]

Comparison between the axle taken from Allan THOMAS' farm and Police Exhibit 293

1779. While giving evidence at the second trial, John MARTIN could not say what sort of axle he had seen Bruce EYRE collect from Allan THOMAS' property.[4578] MARTIN was asked if he could tell the court anything about the axle, to which he stated: *"No not really ..."*[4579]

1780. It was not until the affidavits made in 1977 that descriptions of the axle seen by the group in 1965 were given. Unfortunately, the descriptions of the axle were given in comparison to Police Exhibit 293 which had been viewed by the witnesses at Doctor SPROTT's laboratory. Before this time, there were no descriptions of the axle said to have been removed from Allan's property. It is, therefore, possible that the appearance of Police Exhibit 293 may have influenced the witnesses' memory of the axle seen in 1965.

1781. John MARTIN's affidavit stated: *"I cannot swear that 293 is the axle that I saw being placed in the Ford by Bruce Eyre but I can say that it is very, very similar."*[4580] MARTIN said that prior to giving evidence at the second trial, he had not seen Police Exhibit 293 before.[4581] He further said that due to the pressure of the trial, he was not able to look at the exhibit 'coolly'.[4582] MARTIN said he had now had the opportunity to 'coolly' look at Police Exhibit 293 and examine it carefully and commented: *"... the more I look at exhibit 293 the more certain I become that it in fact was the axle that was removed from near the front of the Thomas property and placed by Bruce Eyre in the back of the Ford."*[4583] He noted several similarities:

> *"1. The fact that both axles had one king-pin only, as one can now see on exhibit 293.*
>
> *2. Both axles have marks consistent with a gas cutter having been used upon them. These marks are obvious at the ends of the axle.*
>
> *3. The general shape of both axles is consistent, that is, that the main part of the axle is depressed and the king-pin eyes are raised or that fish shape that one can see looking at exhibit 293 resembles the shape of the axle being removed."*[4584]

1782. At the RCOI, MARTIN stated that he remembered that the axle which had been put into the Ford car only had one stub axle, then corrected himself and stated that he meant the axle had only one king pin.[4585] He said that he did 'not really' notice anything else about the axle, and stated that he did not examine or hold the axle.[4586] MARTIN said that Police Exhibit 293 was the same shape as the axle he saw in 1965, and again stated that it only had one king pin.[4587] However, MARTIN did say: *"... I cdnt [sic] say exactly its [sic] the same axle but its [sic] similar ['all caps' removed]."*[4588]

1783. It is noted that at the second trial MARTIN was asked if he could tell the court anything about the axle he had seen Bruce EYRE remove from Allan THOMAS' property, to which he replied that he could not. MARTIN also stated that he did not have anything to do with the axle; he 'just saw it'. Then four years later, 12 years after the actual event, he was able to give a description of the axle which contained very specific detail. It is significant that when providing the description of how he remembered the axle from 1965, he was examining Police Exhibit 293. Had this description been given at the time of the second trial, when he

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was unable to provide any description at all, more weight could be placed on its validity. MARTIN's evidence of similarities between the axle he saw in 1965 and Police Exhibit 293 are therefore not considered to be reliable.

1784. In his affidavit, Bruce EYRE stated that he could remember the axle he saw outside Trevor SALMONS' property being lower in the middle which, he thought, would have had the effect of lowering his Ford car.[4589] EYRE said this axle, therefore, would have been similar to Police Exhibit 293.[4590]

1785. At the RCOI, EYRE described the axle he had seen outside SALMONS' house as a solid beam axle, with king pins higher than the centre of the axle.[4591] He could not recall any other features of the axle.[4592] When prompted, EYRE stated that as far as he remembered there were no stub axles attached to the axle[4593] and, to the best of his recollection, the king pins were not present.[4594] EYRE stated that Police Exhibit 293 was similar to the axle seen in 1965 in that it was a drop axle, and had mountings for longitudinal springs.[4595] Those were the only features EYRE could recollect and he could not say that the two axles were one and the same.[4596] EYRE said the general shape of Police Exhibit 293 was 'very similar' to the 1965 axle.[4597]

1786. In his affidavit, when referring to Police Exhibit 293, Trevor SALMONS stated: *"I cannot say beyond all doubt that this was the axle that Bruce Eyre pulled from under the hedge, but what I can say is that it was a very similar axle ..."*[4598] He said the two axles were 'definitely consistent' and noted that there were no other parts to the axle he saw in 1965,[4599] commenting that it was 'bare', which was 'similar' to Police Exhibit 293.[4600] SALMONS noted that on Police Exhibit 293 the spring bearings were on top of the axle and said he could remember that this was another similarity with the axle from Allan THOMAS' farm.[4601] He stated that there was no feature about Police Exhibit 293 which was 'dissimilar' or 'inconsistent' with this other axle.[4602]

1787. At the RCOI, SALMONS stated that the axle removed from Allan's property was 'fairly old'[4603] and rusty,[4604] but he could not say what year it was manufactured or what vehicle it came from.[4605] He could not remember any particular feature about the axle, other than it had no springs and was 'pretty bare'.[4606] SALMONS did not recall if the axle had stub axles attached to it.[4607] When comparing his memory of the axle he saw in 1965 and Police Exhibit 293, SALMONS stated that the two would be about the same length.[4608] He could not say whether the two were the same axle, but said they were 'similar'.[4609]

1788. SALMONS' recollection that the axle he saw in 1965 was 'bare' is indicative of there being no stub axles attached to the axle beam, which is consistent with Police Exhibit 293. The second feature that SALMONS believed (in his affidavit) was similar on both axles was the positioning of the spring bearings (pads) on top of the axle. It is unknown whether this is the position on most axles of that era.

1789. At the RCOI, SALMONS was asked when he had last seen the axle that EYRE had removed from under the hedge on Allan's property.[4610] SALMONS replied: *"I havent [sic] seen it yet ['all caps' removed]."*[4611] This response perhaps indicates that SALMONS did not consider this axle was one and the same as Police Exhibit 293.

1790. In his 1973 affidavit, Robert HILLS stated that the axle taken from inside the Ford car was an axle beam only and did not have stub axles or springs attached.[4612] In his 1977 affidavit, HILLS said the general shape of Police Exhibit 293 was the same as the axle he saw outside SALMONS' house, but stated: *"I cannot be absolutely certain the exhibit 293 was the axle that I*

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saw at the Salmons' house."[4613] HILLS wanted to emphasise that he had seen photographs of Police Exhibit 293 which he felt must be taken in to consideration.[4614] However, he went on to say: *"... I can definitely say that exhibit 293 is very, very similar to the axle that I saw outside the Salmon's house ..."*[4615] and then said he was *"... very, very sure that the two axles are very, very similar. Indeed I would say that the two are indistinguishable."*[4616]

1791. HILLS noted two main similarities between the two axles: (i) there were no stub axles, and (ii) one king pin was still intact and not removable.[4617] HILLS stated that the king pin present in the right side of Police Exhibit 293 was the main point of identification as, in his mind, it was immoveable.[4618] He said: *"... that is exactly the way the one king-pin was attached to the axle at the Salmons house ..."*[4619] HILLS stated that he recalled this king pin feature on the axle from 1965 as it was obvious to him that it would be impossible to refit a stub axle due to the king pin being welded in position.[4620] He recalled Bruce EYRE saying that he was going to weld another eye on to that axle end.[4621] HILLS also noted that the spring bearings on Police Exhibit 293 were similar to those on the axle from 1965.[4622] He specifically recalled noting that these would be in the wrong position to attach springs to EYRE's Ford car.[4623]

1792. At the RCOI, HILLS said that there were no stub axles or hubs with the axle he saw in 1965; it was a bare axle beam.[4624] He said that this axle had one king pin welded in position and also had different spring bearings to that which was in the Ford car originally.[4625] HILLS stated that he was with the group outside SALMONS' house for approximately 10 minutes. During this time he was standing right in front of the axle but did not touch it at all.[4626]

1793. HILLS stated that Police Exhibit 293 was the same type and shape as the axle he saw in 1965.[4627] He noted that the king pin in Police Exhibit 293 was the same as what he remembered in the 1965 axle.[4628] He said that for EYRE to attach this axle to the Ford he would have had to attach stub axles, and to do this he would have had to remove the king pin.[4629] HILLS believed this would be difficult to do.[4630] HILLS said EYRE's response to this was that he would cut the eye off and weld another one on from a different axle.[4631] HILLS stated: *"I cant [sic] say its [sic] the same axle but they are very very similar ['all caps' removed]."*[4632]

1794. Also at the RCOI, HILLS stated that he had gone to see defence counsel, 'Mr RYAN',[xxxiv] at the end of the second trial and viewed the axle (Police Exhibit 293) in court.[4633] HILLS was asked if he had told RYAN that the axle looked like the one he had seen in 1965.[4634] He stated that he did not, as: *"... we were lkg [sic] at a diff [sic] aspect of it at that stage ['all caps' removed]."*[4635] HILLS explained that at this point in time RYAN was looking in to the matching of the hubs (stub axles, Police Exhibits 330 and 331) to the axle itself, and also the wheels (Police Exhibits 393 and 394) to the hubs.[4636] HILLS agreed that when he saw Police Exhibit 293 in 1973 he did not make the connection between this axle and the one he had seen in 1965.[4637]

1795. HILLS stated that he saw Police Exhibit 293 at the second trial after evidence had concluded, but did not have a good look at it.[4638] He said that prior to the trial finishing, he did not realise the importance of his evidence and it was only since the second trial that the relevance of his observations became known to Arthur THOMAS' advisors and himself.[4639] HILLS stated that the first time he had a careful, leisurely look at Police Exhibit 293 was on 7 August 1976.[4640] HILLS said the more he looked at it, the more certain he became that Police Exhibit 293 was the axle from 1965.[4641]

[xxxiv] Robert HILLS did not specify whether he was referring to Kevin RYAN or Gerald RYAN.

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1796. HILLS noted the fact that prior to making his affidavit he had seen photographs of Police Exhibit 293. It is possible that HILLS' memory of the axle he saw in 1965 was influenced by the photographs he had seen in the intervening 12 years, which he then compared with the physical axle, Police Exhibit 293.

1797. HILLS stated that the two axles were 'very, very similar' and even went so far as to say that they were 'indistinguishable'. It is noted that in 1965 HILLS was a motor mechanic and, therefore, may have a greater likelihood of identifying an axle that he had worked on or seen before. However, the significant passage of time (12 years) and the acceptance that HILLS had seen photographs and the physical Police Exhibit 293 in the intervening time period may counteract the reliability otherwise placed on his evidence due to his technical knowledge.

1798. Bruce EYRE gave the least certain comparison between the axle he saw in 1965 and Police Exhibit 293, indicating that because Police Exhibit 293 was lower in the middle this therefore meant it was 'similar' to the axle he had seen. Trevor SALMONS, who said the two axles were 'very similar', indicated that the spring bearings were in the same place on both axles.

1799. The positioning of the spring bearings was also an identifying feature for Robert HILLS. HILLS stated that he recalled the positioning of the spring bearings on the axle he saw in 1965 as they were in the wrong position for an axle which could have been attached to the Ford vehicle owned by EYRE. The reasoning behind HILLS remembering the position of the spring bearings on the other axle adds weight to the assertion that this axle and Police Exhibit 293 may have been one and the same.

1800. (Then) Deputy Commissioner THOMPSON noted in a report to the Commissioner of Police (unknown date) that the recollection of events of those who supplied affidavits regarding the axle in question had improved over time. Conversely, Desmond EYRE was unable to recall this alleged event.[4642] Deputy Commissioner THOMPSON commented: *"It is probably significant that since 1967, apart from occasional holiday visits, Desmond Eyre has not resided at Pukekawa and would therefore not have been influenced by local pressure groups."*[4643]

1801. Deputy Commissioner THOMPSON is likely to be referring to the Arthur Thomas Retrial Committee Inc., which actively campaigned and sought out new evidence which could cast doubt on Arthur THOMAS' convictions. [redacted][4644] [4645] It appears that at the time of this report, Deputy Commissioner THOMPSON [redacted], with regards to the affidavits made by Bruce EYRE, John MARTIN, Trevor SALMONS, Robert HILLS and David BREWSTER. He stated: *"In my view the contents of the supplied affidavits are suspect."*[4646]

1802. After the 15 January 1979 statement from Desmond EYRE was obtained, (then) Detective Superintendent BAKER reported: *"I am convinced this particular aspect is merely a 'red herring' and further enquiries from persons such as the 'Pellow Boys', who lived at One Whero [sic] would not materially assist."*[4647]

1803. The 'Pellow Boys', referred to by Detective Superintendent BAKER, were said to be the owners of the Ford immediately before Bruce EYRE purchased it.[4648] Although the identities of these people are unknown, they were said by EYRE to have been from Onewhero (adjacent to Pukekawa).[4649] It is possible that, had they been spoken to, the 'Pellow Boys' may

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have been able to confirm when EYRE purchased the vehicle, and whether or not there had in fact been a loose axle, among other parts, inside the vehicle.

1804. (Then) Commissioner WALTON reported to the Minister of Police on 30 January 1979, that enquiries had been made to try and establish the accuracy and evidential value of the contents of the affidavits provided by this group of men.[4650] Commissioner WALTON recommended that Prime Minister Robert MULDOON be informed that the contents of the affidavits were of no evidential value.[4651] A press release (unknown date) drafted on the matter stated:

> *"Statements made by people many years after they had the opportunity to tell the Judge and Jury when they appeared in Court as witnesses or were sufficiently close to the Thomas trials to know that they should come forward have a greatly reduced evidential value and must be viewed in that light."*[4652]

1805. It is not certain that this statement was released to the public.[4653]

1806. Two key factors when considering the assertions made by this group of men is their relationship to Arthur THOMAS, and each other, and the time period in which they made these assertions. Richard THOMAS, Arthur THOMAS' brother, was involved in his own investigations relating to the murders and convictions over many years. Richard was clearly loyal to Arthur THOMAS and [redacted]

1807. Although HILLS was, in 1965, apparently not known to the wider group (other than Trevor SALMONS), HILLS later became brother-in-law to Richard and Arthur THOMAS. The remainder of the group, Bruce EYRE, John MARTIN and David BREWSTER were described by another local, Ross EYRE (Bruce EYRE's cousin), to have been best mates in the late 1960s.[4654]

1808. [redacted]

1809. Despite reservations regarding the motives behind this group coming forward years after Arthur THOMAS' first conviction, and the specific descriptions that they were able to give after such a substantial period of time, it is possible that an axle was removed from Allan THOMAS' property in about 1965. However, it cannot be established that this axle was Police Exhibit 293.

1810. This was apparently accepted by Arthur THOMAS' defence counsel who, during a final address to the RCOI, stated that there was no means of identifying the axle, said to have been taken from Allan THOMAS' farm in 1965, as the same axle that was on Allan's trailer.[4658] It was further noted that: *"None of those who gave evidence about this axle were able to give any clear identification of any features that would clearly define it as being the Thomas axle."*[4659]

1811. It is highly relevant that Allan stated he retained a lot of old car parts on his Pukekawa property in the event that they would someday be of use.[4660] Information suggests that between 1965 and 1970 there were at least three separate axles on the property: (i) the axle said to have been removed from the property by Bruce EYRE in 1965, (ii) the axle removed

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from the property by Raymond CLOSEY in February or March 1970 *(see paragraph 1687),* and (iii) the axle located on the property by police in October 1970.[4661]

1812. This third axle was that which Allan, Richard and Lloyd THOMAS all described to police.[4662] This was an 'extended' axle[4663] with wheels and tyres attached[4664] that had been purchased by Allan.[4665]

1813. Aside from these three different axles, Keith Hilton CHRISTIE (DOB unknown), who had previously worked with Arthur THOMAS as a Top Dressing Pilot for Barr Brothers Limited, told police that he had seen an axle on Arthur THOMAS' farm between 1967 and 1969,[4666] possibly in about November 1967.[4667] This axle was also said to have had wheels attached and CHRISTIE described them as being similar to the Model AA.[4668] Like John MARTIN and Trevor SALMONS, CHRISTIE stated that this axle was by a hedge.[4669] The appearance of the wheels on this axle is unknown, thus due to the non-specific description it is possible that this could be the same axle taken by CLOSEY in early 1970. However, it is also possible that this is another axle entirely.

1814. Allan stated, in an affidavit dated 3 November 1978, that there had only been three front axles on his farm: *"... two (2) being Model T axles that were wrecked on my property ..."*,[4670] one of which is likely to be that removed by CLOSEY. Allan further stated that the third axle from his property was a *"... complete axle assembly with twenty inch wheels and tyres ..."*[4671] This is likely to be that which was located on the property by police in October 1970. It is unknown what happened to the second Model T axle described by Allan - it is possible that this axle may have been the one taken by Bruce EYRE in 1965.

Search for discarded parts

1815. In his 1977 affidavit, John MARTIN said that he had gone with others to undertake a search for the rubbish that had been dumped on the side of Highway 22, Pukekawa.[4672] He could not be certain, but thought this occurred after the second trial (in 1973).[4673] MARTIN said they located some rubbish similar to that which he had seen dumped in 1965.[4674] He did not detail what items were located, but said the axle was not found.[4675]

1816. At the RCOI, MARTIN stated that he had been to the area (along Highway 22) with Robert HILLS and Richard THOMAS[4676] looking for an axle.[4677] MARTIN stated that they did not find an axle, but did locate *"... pieces of pipe and bits of wood, old filters ['all caps' removed]"*, which he said were similar to items that were dumped there in 1965.[4678] However, he could not say they were the same items.[4679] MARTIN said he was pretty certain that this search occurred just before the second trial.[4680]

1817. MARTIN made a further affidavit on 10 October 1995, in which he stated that parts taken from Allan THOMAS' property in 1965 had been found beside the 'EYRES' farm gate in 1973.[4681]

1818. MARTIN's 1977 affidavit initially said that the search for the discarded items occurred prior to the second trial, although he stated that he could not be certain about this.[4682] This was crossed out on the affidavit and altered by hand to read that the search occurred after the second trial.[4683] These amendments were signed.[4684] When asked about this aspect of his affidavit at the RCOI, MARTIN stated that he could not really remember when this had occurred.[4685] He then said that he remembered it was after the second trial.[4686]

1819. MARTIN's 1995 affidavit referred to items being located beside the 'EYRES' farm gate. This related to a piece of land used by the EYRE family (not the immediate family of Bruce EYRE)

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which was in proximity to the location on Highway 22 where it was alleged items from the Ford car were dumped.

1820. The pipe and pieces of wood listed by MARTIN as being those found in the area where items were dumped in 1965, corresponds with Bruce EYRE's evidence of what he recalled taking from Allan THOMAS' property.

1821. In an affidavit dated 31 October 1995, HILLS stated that after the second trial he searched the side of Highway 22 next to the EYRE property with Richard THOMAS and MARTIN.[4687] HILLS said they had been looking for the axle which they believed had been dumped there.[4688] He explained that they had cut the grass and blackberry in the area to ground level and dug the earth to a depth of a spade's blade.[4689] HILLS stated that they found nothing during this search.[4690]

1822. HILLS assertion that *"... nothing was found during that search"* conflicts with the claims made by MARTIN and Richard who stated that items, which they believed had also been discarded along with the axle, were in fact located in the vicinity. However, an affidavit by Richard (below) clarified this matter when he stated that several searches had been carried out. It appears that HILLS was not involved in the search where relevant items were located.

1823. An affidavit was signed by Richard THOMAS in November 1995.[4691] Richard said he had conducted several searches over a period of weeks (unknown dates) and, on one occasion, he and MARTIN located items which had been picked up with the axle from Allan THOMAS' farm.[4692] He stated that these items were those that had been thrown out of the car beside the EYRES' runoff.[4693]

1824. Richard stated that there was another occasion when he, HILLS and MARTIN had been digging in the area to a depth of about 10 inches (25.4 centimetres) where the axle had been dumped.[4694] However, he did not comment on what, if anything, was found. Richard did not give evidence on this matter at the RCOI.

1825. Bruce EYRE told the RCOI that many years later (after 1965) he was asked to trace the movements of the Ford car.[4695] He said that as a result, he had a 'very sketchy look' for the items which had been discarded on the side of Highway 22, Pukekawa.[4696]

1826. The basis of assertions made by Richard, MARTIN and HILLS, that an axle from Allan's farm had been dumped on the side of Highway 22 and could not be found many years later, was that someone had subsequently removed the axle from this location. Had this axle been Police Exhibit 293, as insinuated by Arthur THOMAS' supporters, it was then used to weigh down Harvey's body in the Waikato River.

1827. In affidavits made in 1995, Richard, MARTIN and HILLS identified the location, where the parts were dumped and where their search was made, as near a runoff used by the EYRE family. This, coupled with the (incorrect) belief that a .22 rifle in the possession of the EYRES on Wednesday 17 June 1970 was one of two firearms which could not be excluded as the murder weapon, led them to suggest that a member of that family was responsible for the murders. The focus of their attention was John EYRE.

1828. Ross EYRE, John EYRE's brother, confirmed to Detective Senior Sergeant LENDRUM and Detective Sergeant McPHERSON on 25 January 2012 that a 12 acre runoff used by the EYRE family was situated opposite the county house,[4697] which was occupied by Trevor SALMONS' family in 1965.

1829. Between 1970 and 1980 it was believed that there were two firearms that could not be

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excluded as being the murder weapon. These were: Arthur THOMAS' .22 rifle (Police Exhibit 317) and a .22 rifle owned by Jack BREWSTER (C3B) that was in the possession of the EYRE family at the time in question. It was not until the RCOI that it was established this rifle (C3B) could not have been the murder weapon *(see paragraph 1049)*.

1830. In a document entitled *"Summary of events of the Crewe murder case from the evidence available to us by Richard and Desmond Thomas"* produced by Richard and Desmond THOMAS on 19 September 1995, it was explained that 'Joff' EYRE (John EYRE's father) and John EYRE had the opportunity to uplift this axle.[4698] Richard and Desmond THOMAS claimed that Ernie ALEXANDER (DOB unknown), editor of the *Franklin Times,* said he would be prepared to make an affidavit to this effect.[4699] It was alleged that from his home ALEXANDER used to see Joff and John carting hay to their runoff with their tractor.[4700] It was suggested that as they had to stop to open the road gate, they would have seen the axle on the side of the road.[4701]

1831. Richard and Desmond stated that they were 'certain' the axle had gone back to the EYRE property.[4702] They alleged that John had taken the axle and used this to weigh down Harvey's body, after John had murdered Harvey and Jeannette.[4703]

1832. In his 1995 affidavit, John MARTIN stated that on one occasion in 1970, prior to the CREWE murders, Joff EYRE was repairing MARTIN's sickle bar mower in his workshop.[4704] MARTIN said that while looking for parts they had gone to a shed by the road.[4705] In a corner of this shed MARTIN stated that he noticed an axle which had no stub axles and was a similar shape and type to the one that he had seen Bruce EYRE remove from Allan THOMAS' farm in 1965.[4706] MARTIN stated: *"I am unable to dismiss the possibility that the axle in the shed was the same one as was found attached to Harvey Crewe."*[4707] He also commented that he swore this affidavit at the request of the THOMAS family, who had asked him to assist.[4708]

1833. Desmond THOMAS stated, in a report dated 3 September 2007, that MARTIN's comment (above): *"... proves beyond any doubt that the Harvey Crewe axle was taken off the Thomas farm in 1965."*[4709]

1834. The 'summary of events' produced by Richard and Desmond THOMAS claimed that MARTIN told Richard he was 95 percent sure that the axle taken from Allan THOMAS' property was the same one he had seen in the corner of Joff EYRE's shed.[4710] Richard and Desmond both claimed that an affidavit was not made by MARTIN to this effect, as he was not 100 percent certain.[4711]

1835. It is unknown, from MARTIN's description of the shed by the road, whether he was referring to one that was on the property where the EYRE family resided, or a shed on the EYRES' runoff.



1836.



1837.



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1838. MARTIN explained that when he was questioned about the axle at the second trial, he had not been asked if he had seen it, or any other axle, in anybody's shed or possession.[4720] MARTIN also stated that he had not seen the axle anywhere else and had not seen it since.[4721]

1839. It is unclear whether MARTIN was in fact referring to Police Exhibit 293 or the 1965 axle.

1840. Both Richard THOMAS and Robert HILLS stated that while they were searching for the axle on the side of Highway 22, Pukekawa, the EYRES (Richard stated that this was John EYRE, Ross EYRE, their mother Margaret EYRE and her then-husband Jack BREWSTER)[4722] arrived in their car and stopped alongside them.[4723] They said the car then turned and travelled in the direction from which they had just come.[4724] Allegedly, 20[4725] to 25[4726] minutes later Detective JOHNSTON arrived and spoke to Richard.

1841. Richard stated that Detective JOHNSTON asked what they were doing and commented: *"It is a shame you don't believe in justice"*.[4727] Richard stated that Detective JOHNSTON then said: *"If you are looking for any car parts or an axle I would be only too willing to look into it for you."*[4728] Richard said this conversation made him wonder how Detective JOHNSTON knew what they were looking for, as evidence about where the axle was discarded had not been given in court.[4729]

1842. Richard and Desmond THOMAS claimed that John MARTIN had seen the EYRES cleaning up their shed after they had discovered Richard, MARTIN and HILLS searching on the roadside outside their runoff.[4730] Ross EYRE told Detective Sergeant LENDRUM this was 'absolute bullshit'.[4731] Ross stated that there was nothing but hay in the shed 'down there',[4732] which indicates he was referring to the shed on the runoff. Again, it is unclear whether the accusation of MARTIN seeing an axle in the shed was referring to a shed on the property where the EYRE family resided, or on their runoff.

1843. Ross claimed that 'the THOMASES' had been through the tips and sheds belonging to the EYRE family.[4733]

An axle seen on Arthur THOMAS' farm in 1967

1844. Keith CHRISTIE told police on 23 October 1973, and in a statement dated 27 June 1977, that he had seen an axle on Arthur THOMAS' farm after 1965.[4734] CHRISTIE stated that this was during a visit to THOMAS' farm with his colleague, Peter Campbell SHEFFIELD (DOB unknown), sometime between 1967 and 1969.[4735] While at the farm CHRISTIE allegedly saw an axle *"... with wheels not unlike the model AA ..."* by the hedge, and asked THOMAS if he could have it[4736] to make a horse float.[4737] THOMAS allegedly told CHRISTIE that he was going to give the axle to Joff EYRE[4738] to use for a trailer.[4739]

1845. CHRISTIE initially stated that this occurred sometime between 1967 and 1969.[4740] However, in a later statement, dated 27 June 1977, he said that it was approximately November 1967.[4741]

1846. Although CHRISTE believed that he saw this axle on THOMAS' farm in 1967, in his 1977 statement to police CHRISTIE stated that he recalled THOMAS was building a new cow shed at the time.[4742] John STANSELL (DOB unknown), Farm Appraiser for State Advances Corporation of New Zealand, stated that he carried out an inspection of THOMAS' farm on

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13 December 1967, as a result of a loan application to build a new herringbone cow shed on the property.[4743] STANSELL further stated that this loan was not fully paid until 2 July 1968, after which time - in December 1968 - a further application for a loan was made to complete payment for work done on the shed.[4744] It is unknown when the building of the new cow shed commenced. However, if construction began after the receipt of the loan it would be unlikely that this occurred before 1968.

1847. Peter SHEFFIELD confirmed visiting THOMAS' farm with CHRISTIE in about 1967 but did not recall a discussion between THOMAS and CHRISTIE about an axle.[4745] SHEFFIELD stated that he did remember seeing an axle fitted with spoke wheels on a farm, but did not remember whose farm this was.[4746] After viewing a photograph of Police Exhibit 293, SHEFFIELD stated that the axle he had seen was 'similar' to the axle with spoke wheels.[4747]

1848. At the time of CHRISTIE's interview on 27 June 1977, he was shown an axle believed to be Police Exhibit 293.[xxxv4748] CHRISTIE stated that this axle was 'very similar' to the axle with the spoke wheels he saw on THOMAS' property.[4749] CHRISTIE did not say that the wheels were in fact attached to the axle, although this was implied in his statement.

1849. If this axle did have wheels attached, the axle seen by CHRISTIE on THOMAS' farm is unlikely to be the axle taken from Allan THOMAS' trailer by Roderick RASMUSSEN. This is because RASMUSSEN stated that after removing the axle from the trailer, he removed the stub axles from the axle, which meant that wheels could no longer have been attached to the axle. Furthermore, the wheels which were likely on Allan's trailer (attached to the axle assembly) were disc wheels, not spoke wheels.

Allegations of the axle (Police Exhibit 293) being 'switched' by police

1850. Between 1971 and 1980, a number of people alleged that the axle they had been shown by police at the time of the CREWE homicide investigation in 1970 was a different axle to that which was subsequently purported to be the axle recovered with Harvey's body. Affidavits and evidence given by these individuals were used by supporters of Arthur THOMAS to cast doubt upon the credibility of Police Exhibit 293, a key piece of physical evidence which provided a link between THOMAS and the murders.

Allegations by Lenard ELLIOTT

1851. On 16 September 1971, Lenard ELLIOTT (DOB unknown) signed a statement which was addressed to Stephen James BIRD (DOB [redacted]), a member of the Arthur Thomas Retrial Committee Inc.[4750] In this statement ELLIOTT said that an old rusty car axle had been shown to him (in 1970) by Detective Inspector HUTTON in the hope that ELLIOTT would be able to identify it.[4751] ELLIOTT described this as a front car axle and stated that on at least one end was a 'wishbone' connected to the axle by a king pin.[4752] He commented that the king pin on this axle had been welded on to the top portion of the axle eye.[4753] ELLIOTT said he remembered this feature as he had remarked to Detective Inspector HUTTON, and others, that the quality of the welding would not be sufficient to pass a WOF.[4754] ELLIOTT stated that he had not been able to 'definitely' identify the make of the axle.[4755]

1852. There is no reference on the file to ELLIOTT, specifically, being shown the axle by Detective Inspector HUTTON, or any police officer for that matter. However, there is a Police Jobsheet which indicates that an unnamed employee of Brian Jackson (N.Z.) Ltd, Marua Road, Mount

[xxxv] This was not able to be confirmed by documentation held within the file.

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Wellington, Auckland, was shown the axle (Police Exhibit 293) on 17 September 1970 by Detective Sergeant JEFFRIES.[4756] It was noted that this person was unable to identify the axle.[4757] ELLIOTT said in his statement that he was employed at a caravan manufacturer's which is believed to be Brian Jackson (N.Z.) Ltd *(see paragraph 2007)*. It is therefore likely that ELLIOTT was the unnamed employee spoken to.

1853. Detective Sergeant JEFFRIES' Police Jobsheet does not indicate that he was with another police officer while undertaking these enquiries and it is unlikely that, had there been, Detective Inspector HUTTON would have accompanied him. Detective Inspector HUTTON's association with the CREWE homicide investigation was well publicised and it is likely that because of this, ELLIOTT incorrectly associated Detective Inspector HUTTON's name with these enquiries.

1854. The 'wishbone' referred to by ELLIOTT on one end of the axle is believed to be part of the stub axle referred to by others as the 'fork', through which the king pin is inserted. ELLIOTT's description of a front car axle with part of the fork still attached to one end of the axle is consistent with the appearance of Police Exhibit 293, as was his reported memory of the king pin being welded to the top portion of the axle eye.

1855. ELLIOTT's statement noted that he was not able to 'definitely' identify the make of the axle. This implies that he had some idea as to what it may have been but could not be sure. ELLIOTT did not indicate the type of vehicle to which he thought this axle belonged.

1856. ELLIOTT stated that when he was shown the axle he had sand-blasted a portion of it in order to locate a series of manufacturer numbers.[4758] He commented that before doing so Detective Inspector HUTTON did not warn him to take care of any marks which he did not want removed from the axle during the sand blasting.[4759] Nor did Detective Inspector HUTTON caution ELLIOTT in the handling of the axle with reference to protecting any marks where wire may have been attached.[4760]

1857. It is almost certain that this portion of ELLIOTT's statement was prompted by Stephen BIRD. While not addressed in this statement, it could be deduced that BIRD wanted to create doubt as to whether this axle had in fact been attached to Harvey's body. Present on the axle when it was recovered from the Waikato River were marks which were said by Detective Inspector HUTTON to indicate where wire had been attached to the axle,[4761] and then to the body. It is possible that the reference in ELLIOTT's statement regarding the little or no care shown to the preservation of these markings may have been an attempt by BIRD to diminish their significance or their presence.

1858. Information was later received by police that BIRD was working on the theory, and had information to the effect, that police had 'switched' the axle which had been attached to Harvey's body.[4762] BIRD was apparently of the belief that this was substituted with another axle which police had found in Arthur THOMAS' farm tip.[4763] However, this conflicts with BIRD's later assertions that there had not been an axle attached to the body.

1859. In 1971, BIRD presented a petition to the Governor-General, Sir Arthur PORRITT, seeking a new trial for THOMAS.[4764] This petition, along with others from members of the Arthur Thomas Retrial Committee Inc., was considered by Sir George McGREGOR, retired Supreme Court Judge.[4765] McGREGOR reported that BIRD claimed the axle, while found in proximity to Harvey's body, was not attached to it and that it was a coincidence that Harvey's body and axle were found in close proximity.[4766] McGREGOR also stated that BIRD alleged he had new evidence which disputed the wire connections to the axle ever existed, but commented

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that no indication had been given by BIRD as to whom this evidence could be obtained from or any details of their evidence.[4767]

1860. In his statement, ELLIOTT said BIRD had shown him a photograph of an axle which appeared to be 'similar' to the axle shown to him by Detective Inspector HUTTON.[4768] However, ELLIOTT commented: *"... but it [the photograph] does not include the wishbone area of the stub axle, and does not appear to include the welding I refer to."*[4769] ELLIOTT then stated that although it was possible the wishbone of the stub axle was present on both ends of the axle shown to him by Detective Inspector HUTTON, he was only definite about this being present on one end of the axle.[4770]

1861. It is unknown which photograph was shown to ELLIOTT by BIRD, therefore no reliance can be placed on the apparent discrepancy between the axle depicted in the photograph and the axle shown to ELLIOTT by police in 1970. ELLIOTT's description of the missing 'wishbone' area (stub axle fork) and welding may indicate that he was in fact shown a photograph of a different axle, or a photograph which only showed the opposite end of Police Exhibit 293.

1862 

1863. Based on the available information relating to BIRD's character, no credence can be attributed to the information he solicited from ELLIOTT which was then presented in a statement by ELLIOTT.

Allegations by Chris BIRT

1864. In 1978, Chris BIRT sent, to Prime Minister Robert MULDOON, material which he had compiled about the axle located with Harvey's body.[4779] This material was then referred to the Minister of Justice D. THOMSON.[4780] Although it is unknown precisely what documents were contained within this material, a letter from the Secretary for Justice, G. ORR, to Minister of Justice THOMSON, indicates that this included information from Roderick Ernest Barnett LOCKETT (DOB [redacted]), a retired Engineer from Waihi, James HAWKER, and Alick HORN (DOB unknown).[4781] Also accompanying this information is likely to have been an affidavit which was signed by BIRT on 19 May 1978.[4782] It was noted by the Secretary for Justice that BIRT had stipulated his various allegations should not be referred to police.[4783]

1865. In his affidavit, BIRT stated that he had written a statutory declaration which was signed by Roderick LOCKETT sometime after a July 1976 meeting between the pair.[4784] It is apparent that the statutory declaration signed by LOCKETT was among the documents sent to the Prime Minister as, in a response to BIRT, the Minister of Justice commented that statements, including LOCKETT's, alleged the axle removed from the Waikato River and shown on television in 1970 had in fact belonged to an Overland vehicle.[4785] BIRT also said he drafted a

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declaration for James HAWKER, which was signed.[4786] There does not appear to be a copy of either of these documents on the file, thus their contents are unknown. However, there are copies of affidavits by LOCKETT and HAWKER which were made in late 1978. It is likely that the contents of these affidavits contain similar information to that in the declarations.

1866. Inconsistencies, alleged by LOCKETT and HAWKER, between the axle produced by police over the years were addressed at the RCOI in 1980. Neither BIRT nor Alick HORN was called to give evidence at the RCOI.

1867. LOCKETT's affidavit, dated 16 November 1978, stated that on the evening of 16 September 1970 a photograph of the axle recovered with Harvey's body appeared on television.[4787] LOCKETT commented that he was *"... astounded to see that the axle which was shown on television, and which was alleged to have been attached to the body of Harvey Crewe, had in fact belonged to me ..."*[4788] LOCKETT said that as a qualified mechanical engineer and welder he was able to recognise his own work, and stated that he had removed this axle from a trailer belonging to Denby PEAKE (DOB unknown), a Waihi farmer.[4789] LOCKETT alleged that the axle shown on television in 1970 belonged to him and had been stolen from his property.[4790] LOCKETT stated: *"I had then and have still today no doubt whatsoever that the axle shown on television on the night of September 16th was my axle and bore my handy work."*[4791] He further claimed that axle subsequently alleged by police to be the same axle recovered with Harvey's body (i.e. Police Exhibit 293) was not the axle which had been shown on television.[4792]

1868. In a statement made to (then) Detective Senior Sergeant CHARLES on 30 May 1972, LOCKETT said that he was 'positive' the photograph of the axle shown on television was the same axle he had worked on.[4793]

1869. It appears that LOCKETT cited 16 September 1970 as the day of the news item because this was the day on which Harvey's body, along with the axle, was recovered from the Waikato River. It is unlikely that, without recording this information at the time, he would have been able to recall this detail eight years on. It is also noted that in his statement to police in 1972, LOCKETT did not provide 16 September as the date on which he had seen the axle on television. At this time LOCKETT simply stated that this occurred in 1970.

1870. Although it cannot be conclusively established, there is no evidence to indicate that a photograph of the axle was in fact shown on television that evening. Detective Sergeant JEFFRIES did, however, appear with the axle on television on the evening of 18 September 1970.[4794] It is noted that in this instance the physical axle was filmed, as opposed to a photograph of it.

1871. At the RCOI, LOCKETT stated that the photograph of the axle appeared on the television screen for no more than two minutes.[4795] However, when it was pointed out two minutes was a very long time for an image to be shown on television LOCKETT said that it could have been a lot less than that.[4796] LOCKETT commented that he did not recall a police officer being present when the axle was shown on television.[4797] Nor did he remember someone pointing out various features of the axle,[4798] as was the case when Detective Sergeant JEFFRIES appeared on television on 18 September 1970.

1872. At the RCOI, Roderick Collin CARLYON (DOB unknown), Television News Editor for TVNZ, stated that he had issued instructions for the film libraries in Auckland and Wellington to be searched for the footage of the 18 September 1970 news item.[4799] However, this footage had not been found.[4800] Chris BIRT also stated (in a declaration dated 19 May 1978) that he went to the Avalon television centre in Wellington in seeking the footage of the

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axle shown on television.[4801] While there, he also checked film clips on the CREWE file.[4802] BIRT stated he discovered that the majority of film clips from the 1970s had been discarded by this time.[4803]

1873. In his 1978 affidavit, LOCKETT said that he had removed the axle from Denby PEAKE's trailer in the mid 1960s, but this differs from the date he earlier gave to police. In his statement made in 1972, LOCKETT was quite specific in stating that he removed the axle in January 1958.[4804] Later at the RCOI, LOCKETT stated that this occurred in the 1965/1966 era.[4805] As LOCKETT's assertions that this occurred in the mid 1960s were made more than a decade after the event, it is likely that the original date proffered in 1972, which was closer to the time of the actual event (January 1958), is more reliable.

1874. In his statement to police (1972), affidavit (1978) and evidence (at the RCOI), LOCKETT gave descriptions of both the axle he said he saw in the photograph on television and the axle he recalled removing from the trailer. LOCKETT said that he could state 'quite definitely' that the axle shown on television was the axle he had previously had in his possession, which he believed was stolen.[4806] Therefore, it would be expected that the descriptions would be consistent with one another. However, this was not the case.

1875. In his 1972 statement, LOCKETT described that the photograph showed a cut through the king pin eye on one end of the axle, which he said was just as he had done.[4807] He stated that one end had to be cut away with a cutting torch *"... just like shown on the T.V."*[4808] LOCKETT also said: *"I noticed the tie rod ends on the photo still there."*[4809] When referring to the axle he had removed from the trailer, he commented that the other end of the axle was held by a king pin, and that there were a 'couple of dabs' on it as if someone was going to weld it up but did not.[4810] LOCKETT stated that Denby PEAKE had brought in the remains of a trailer, wheels, stub axles and the main axle, and asked him to separate the stub axles from the main axle.[4811]

1876. At the time of making his statement LOCKETT provided police with a sketch he had drawn[4812] of the axle which he removed from the trailer in January 1958.[4813] He stated that this was 'similar' to the axle he saw on television.[4814]

1877. In his 1978 affidavit, LOCKETT stated that when he removed the axle from the trailer[4815] one of the stub axles was welded solidly to the axle eye[4816] and he had to cut this end of the axle with a gas (oxyacetylene) cutting torch to remove the stub axle.[4817] He commented that this welding was at the end, not at the bottom or top of the king pin.[4818] LOCKETT explained that when separating the stub axle from the axle, he made the cut down the axle eye, so as to leave the eye partly open.[4819] He stated that there was no king pin in this end of the axle, unlike the other end of the axle which had a normal king pin assembly.[4820] LOCKETT stated that after he removed the other stub axle (which he did not have to cut) he replaced the king pin in the axle eye.[4821] He also recalled that on his axle the tie rods had been cut and flattened at the ends, which were then welded on to the top of the axle in the centre.[4822]

1878. When submitting his affidavit LOCKETT attached another sketch of the axle he had seen on television.[4823]

1879. At the RCOI, LOCKETT stated that the tie rod ends were features of the axle he saw on television that enabled him to identify it as the axle he had removed from the trailer.[4824] He said the ends of the tie rod had been flattened and drawn into the centre of the axle where they had been welded.[4825] LOCKETT stated that one end of the axle he removed from the trailer had no king pin - there had actually been an old rusty coach bolt in place which he stated was possibly put there while the stub axle was being welded to the axle.[4826] He

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described that this was a 'solid massive' weld between the axle and the stub axle which he cut through carefully so as to preserve the stub axle, not the axle beam.[4827] LOCKETT stated that this end of the axle eye had been cut open[4828] leaving a gap of about half an inch (1.27 centimetres) down the eye.[4829] LOCKETT was asked how he could be sure that the cutting work was done by him and stated that every welder has a certain tremble that can be proved.[4830] He stated that on the other end of the axle, the king pin had been removed in the normal way by pushing it out,[4831] and once the stub axle had been removed, LOCKETT had driven this king pin back into the axle eye.[4832] LOCKETT said that the axle he removed from the trailer was from an Overland car.[4833]

1880. LOCKETT's description of having to cut one stub axle from the axle due to welding is consistent with the condition of Police Exhibit 293. However, LOCKETT's explanation that the cut was made to the eye of the axle does not correlate with the removal of the stub axle from Police Exhibit 293, during which the cut was made to the forks of the stub axle, thus leaving the axle eye intact. LOCKETT's description of one axle eye being cut and the opposite eye containing 'dabs' of weld do match with the appearance of Police Exhibit 293.

1881. It is unknown to what LOCKETT is referring when he stated that the welding on the axle he removed from the trailer was at the end of the king pin, and not at the top or bottom.

1882. Furthermore, LOCKETT said in his affidavit and at the RCOI that there was no king pin in this end of the axle, which is again inconsistent with Police Exhibit 293 which had a king pin welded in place in the end of the axle which had been gas-cut.

1883. LOCKETT's description of the tie rod ends being flattened and welded to the axle - a common method of locking the stub axles in place - was consistent with the remnants of one tie rod on Police Exhibit 293. However, the presence of two tie rods and the positioning of those on the axle LOCKETT recalled removing from the trailer were not. In both his affidavit and evidence at the RCOI, LOCKETT stated that the two tie rod ends had been welded to the top side of the axle in the centre. However, on Police Exhibit 293 one tie rod end was located on the underside of the axle directly opposite the spring pad which was situated towards the end of the axle. It is believed that the tie rod on the other side of the axle would have been attached in a similar position.

1884. At the RCOI, LOCKETT responded to the fact that he had only seen a one dimensional photograph of the axle on television by saying that he had been a photographer himself and was therefore conversant with shadow, beams of light and reflections.[4834] LOCKETT stated that he was always 'positive' that the axle he saw on television was the one he had removed from the trailer.[4835]

1885. The sketch that LOCKETT provided to police in 1972 was a different drawing to the sketch he attached to his 1978 affidavit. The sketch provided to police in 1972 was said to be of the axle he worked on in about 1958, which was 'similar' to that which was shown on television. The sketch accompanying his 1978 affidavit was said to have been of the axle shown on television. Both were similar in that they depicted two key features of the axle - a cut axle eye and the presence of two tie rod ends, consistent with the descriptions in his statement, affidavit and evidence given.

1886. LOCKETT's comments and sketches relating to the appearance of both the axle he recalled seeing on television and the axle that he recalled removing from the trailer are quite obviously significantly different to the appearance of Police Exhibit 293 - the axle which would have been shown on television. The lack of correlation between Police Exhibit 293 and

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the axle sketched by LOCKETT indicates that it is almost certain they are not one and the same.

1887. At the RCOI, LOCKETT stated that he made a rough sketch on newspaper (or similar) of the axle he had seen on television the same night the item was featured.[4836] He stated that the sketch he submitted with his 1978 affidavit (RCOI Exhibit 129) was a copy of the sketch he had made on that night which had been elaborated upon.[4837] LOCKETT said that this copy of the original was the sketch attached to his affidavit.[4838] However, he stated that the sketch with his affidavit was made 'some months ago' (from August 1980) and had been copied a number of times since the first drawing.[4839] It is, however, noted that as this was submitted with an affidavit in November 1978, the drawing would have been completed some two years prior to him giving evidence at the RCOI. When asked, LOCKETT stated that he had the original sketch at home.[4840]

1888. The appearance of the axle drawn by LOCKETT changed from 1972 to 1978 when, in 1978, a king pin was included in one axle eye. This raises the question as to what else had been altered between his first sketch after seeing the photograph of the axle on television, and the subsequent copies presented to police and the RCOI.

1889. At the RCOI, LOCKETT was asked to refer to the king pin present in his sketch (RCOI Exhibit 129).[4841] LOCKETT stated that on the axle he saw on television, more of the king pin had been 'sticking up' and it was longer at the top than the bottom.[4842]

1890. LOCKETT stated, when referring to Police Exhibit 293, that this was not the axle he saw on television and commented that Police Exhibit 293 had been 'mutilated' a lot.[4843] It is unknown what LOCKETT meant by this remark.

1891. Also while giving evidence at the RCOI, LOCKETT stated that the next time he saw a photograph of the axle (after it appeared on television) the axle pictured was not the axle he had removed from the trailer.[4844] After the news item that evening, LOCKETT stated that he next saw a photograph of the axle in the *New Zealand Herald* the following Saturday morning (19 September 1970).[4845] He stated that on first glance this axle looked similar to the axle on television, but on a closer look it was not.[4846]

1892. LOCKETT said the shape of the axle on television was 'very similar' to the shape of an axle that had since been shown in the newspaper, and was perhaps the axle present at the RCOI (Police Exhibit 293).[4847] He explained that the axle he had seen on television was a straight axle which curved up at the ends with a reverse curve.[4848] LOCKETT said that the axle in the *New Zealand Herald* photograph was similar to the axle present at the RCOI, and stated: *"They are all sim.[sic] ['all caps' removed]."*[4849] LOCKETT stated that the photograph of the axle being removed from the Waikato River does not appear to be the axle he had worked on *"... but it could be ['all caps' removed]."*[4850]

1893. In his 1972 statement, LOCKETT said he had welded the hubs and stub axles that Denby PEAKE brought to him on to another trailer owned by PEAKE (the date this was undertaken is unknown).[4851] LOCKETT said he checked this trailer about six months after seeing the axle on television in 1970 and found that the stub axles were still attached.[4852] LOCKETT said he had dumped the rotten wheels that were left over, but retained the axle, king pin and brake backing plates in his garage in Waihi from January 1958 until 1966 or possibly 1967.[4853] LOCKETT said that he last saw the axle in his garage in early 1966, but when he went to look for it in 1970, after seeing the photograph on television, the axle could not be found.[4854] LOCKETT said he searched for many weeks but could not find the axle or the corresponding

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king pin.[4855] He stated that he did not know how the axle came to disappear,[4856] but in an addition to his statement LOCKETT described that he had previously had thefts from his house.[4857]

1894. In his 1978 affidavit, LOCKETT stated that he currently had in his possession the stub axles which he removed from PEAKE's axle.[4858] He said if the axle shown on television was to come in to his possession again, he would be able to match the stub axles to it.[4859] LOCKETT said that after seeing the axle on television he went to his workshop and searched for the axle but was unable to locate it.[4860] He allegedly made repeated searches over a period of months but could not find it.[4861] LOCKETT's memory was that he had last seen the axle - shown on television - in his workshop towards the end of 1969 and noted that prior to 1970 there had been a number of break-ins at his workshop.[4862]

1895. At the RCOI, LOCKETT stated that the stub axles which he removed from the axle were to be used again on another trailer, where they would be welded to a plate.[4863] He said that he handed the stub axles to PEAKE who was having a friend (or similar) weld them on to the said plates and fit them to the new trailer.[4864] LOCKETT also said that the original wheels which had been attached to the stub axles were going to be used on the new trailer.[4865] LOCKETT stated that he had asked PEAKE if he wanted the axle that had been removed and, as PEAKE had no further use for it, he said LOCKETT could have it.[4866] LOCKETT said he stored this away in a safe place in his garage and had removed it several times, once when they were having a tidy up.[4867]

1896. LOCKETT said that after seeing the picture of the axle on television that evening in 1970, he searched his garage until the early hours of the morning, but the axle was not there.[4868] LOCKETT further stated that he had searched his property for several weeks.[4869] He said that he had last seen the axle in his workshop when he had been tidying up and, at this time, the axle had been moved to the rear of the garage, directly under a window.[4870] LOCKETT stated that at some point his workshop had been broken in to through this window.[4871] He said that at the time he discovered the break in he did not look to see whether the axle had been taken as he was more concerned about valuable items in the garage.[4872]

1897. Details relating to the fate of the stub axles which had been removed from the axle changed considerably from the time of LOCKETT's statement in 1972, to his evidence given at the RCOI in 1980. It is noted that in his statement to police in 1972, LOCKETT said that as of about February 1971, these stub axles were still on the trailer owned by Denby PEAKE. It is, therefore, inferred that in the intervening period (between 1972 and 1980), LOCKETT had attained possession of these items.

1898. LOCKETT's last recollection of seeing the axle in his workshop also differed between his statement to police in 1972 and his affidavit in 1978. In his 1972 statement, LOCKETT said that he last saw the axle in early 1966, but in his 1978 affidavit he said he last saw it in 1969. It is not unusual that details change in statements made years apart and it is noted that these matters have no bearing on the condition of the axle LOCKETT remembered. However, these differences may provide an indication as to his memory of the parts removed from the trailer many years earlier.

1899. LOCKETT's comment regarding previous break-ins at his premises appears to be his explanation for his assertion that the axle had been removed from his garage.

1900. In his statement, LOCKETT said he did not provide police with information about his identification of the axle located with Harvey's body in 1970, as he was not positive the axle

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had gone (from his garage) and he had been talked out of going to police (unknown by whom) as the axle had already been identified.[4873] He stated that he was now reporting this as it had been worrying him and because others also described the axle shown on television as he had seen it.[4874] LOCKETT said he had no association with the Arthur Thomas Retrial Committee Inc., other than giving a $5 donation.[4875]

1901. In an addition to his statement, LOCKETT also informed police about CAC .22 ammunition that he believed had been stolen from his property by four boys who had been taking things from his house.[4876] He stated that Constable Dennis WILBY had investigated this matter.[4877]

1902. LOCKETT's affidavit stated that he did not immediately report his opinions about the axle shown on television, as he considered it important that he should first have his facts on the matter entirely correct.[4878] He also stated that he was anxious about the possibility that any report he made could be used against him.[4879] LOCKETT said that at this time he knew a 'reliable and honest' police officer - Constable WILBY, who was (in 1978) deceased - in whom he had a great deal of confidence.[4880] He said he approached Constable WILBY and discussed the matter with him.[4881] LOCKETT said he had presented his information to numerous people involved officially and unofficially with Arthur THOMAS' case but was *"... unsuccessful in fully persuading any of these people of the significance of the information."*[4882]

1903. At the RCOI, LOCKETT stated that he had informed police of this information after a few days of realising that the axle had not simply been moved[4883] which, he said, was three days after the axle was shown on television.[4884] LOCKETT stated that he told Constable WILBY what he had told the RCOI, but did not make a statement.[4885] He said that Constable WILBY told LOCKETT to hold off for a few days until he could make sure that it was the same axle.[4886] LOCKETT stated that he continued to search, but the axle was not in his garage.[4887] Once he was satisfied it was gone, LOCKETT stated that he went back to Constable WILBY and they had several discussions about the matter over the course of time.[4888] LOCKETT stated that Constable WILBY told him not to worry as police knew who had committed the murders.[4889] LOCKETT said Constable WILBY told him that he had handed the information on to the 'right quarters' because LOCKETT had stated that he did not want it to be passed on to the Sergeant at Waihi, as LOCKETT had no confidence in him.[4890]

1904. LOCKETT first stated that he did not approach any police officer other than Constable WILBY,[4891] but then said that he had discussions with a new Sergeant at Waihi, Sergeant BOWMAN, who began working there in 1972.[4892] LOCKETT stated that he was unaware if Sergeant BOWMAN passed this information on to anyone.[4893]

1905. LOCKETT stated that over the course of time he had made contact with members of the Arthur Thomas Retrial Committee Inc. and passed on the information.[4894] He said that he contacted Malcolm McARTHUR sometime after the first trial, at the time the committee was being formed.[4895] LOCKETT also stated that before going to see (then) Detective Senior Sergeant CHARLES in 1972, he had been to the office of Defence Counsel Kevin RYAN and discussed the information about the axle with Gerald RYAN.[4896]

1906. While LOCKETT stated that he had no association with the Arthur Thomas Retrial Committee Inc., he did admit to sending a monetary donation to support the cause. This indicates that LOCKETT believed Arthur THOMAS had been wrongly convicted of the murders.

1907. In his affidavit and at the RCOI, LOCKETT alleged that he had discussed the matter of the axle with the local Constable at Waihi, Constable WILBY. In his earlier statement to police,

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LOCKETT mentioned that Constable WILBY had investigated thefts from his house, but did not say that he had discussed the matter of axle with him. There is no indication that Constable WILBY handed this information on to the CREWE homicide investigation as suggested by LOCKETT at the RCOI.

1908. LOCKETT's comment that he was unsuccessful in persuading anyone of the significance of his information [redacted]. Notably, key individuals involved in Arthur THOMAS' defence and the campaign for a new trial (Gerald RYAN and Malcolm McARTHUR) were not persuaded that this information would have any bearing on the case. (Then) Detective Inspector CHARLES noted in a report dated 14 February 1979, that if RYAN felt that LOCKETT's proposition was feasible, the defence would have entertained calling him as a witness.[4897] However, LOCKETT did not give evidence at the second trial.

1909. In his affidavit, LOCKETT stated that on 30 May 1972[4898] (the day his statement to police was made) he had gone to the Police Museum at Auckland Central Police Station to see the axle.[4899] LOCKETT said that he told police his name and that he had some property stolen, and asked to look in the museum of stolen and retained property.[4900] LOCKETT stated that as he started to proceed someone asked him to go upstairs and see (then) Detective Senior Sergeant CHARLES.[4901] LOCKETT stated: *"Detective Charles was waiting for me in the doorway and he was very angry and spoke very severely to me, making the statement, 'You belong to the Thomas Retrial Committee - what do you want here?"*[4902] LOCKETT said he told Detective Senior Sergeant CHARLES that he was looking for items which had been stolen from him including motor car parts.[4903] LOCKETT stated that Detective Senior Sergeant CHARLES began typing, but did not say anything about making a statement.[4904] He said Detective Senior Sergeant CHARLES told him that he was not allowed to go through the museum and then handed him a piece of paper to sign.[4905] LOCKETT stated that he refused to sign the paper and pointed out to Detective Senior Sergeant CHARLES that he had put the carbon paper into the typewriter the wrong way so that he did not have a carbon copy.[4906] LOCKETT stated that this made Detective Senior Sergeant CHARLES very angry, but LOCKETT then agreed to make a statement.[4907]

1910. LOCKETT stated that he said to Detective Senior Sergeant CHARLES that there must be two axles involved as *"... I have got one and you have got one."*[4908] LOCKETT stated that he made it clear to Detective Senior Sergeant CHARLES that he was there to get his axle back.[4909] Detective Senior Sergeant CHARLES allegedly said to LOCKETT *"You are forgetting that there were two axles [sic] jobs done to that trailer and they had renewed one prior to the one which was renewed, that is, there were two renewals."*[4910] LOCKETT took from this that Detective Senior Sergeant CHARLES had admitted that there were in fact two axles involved.[4911]

1911. At the RCOI, LOCKETT claimed that Detective Senior Sergeant CHARLES said there had been two repair jobs done on the axle and there must have been two axles.[4912] LOCKETT stated that he did not give all of the information he had about the axle to Detective Senior Sergeant CHARLES, as he said he had done with Constable WILBY, as LOCKETT said he did not have any confidence in Detective Senior Sergeant CHARLES.[4913]

1912. In a report by Detective Inspector CHARLES, dated 14 February 1979, he commented that he did not initially recall interviewing LOCKETT, but after viewing the file and reading LOCKETT's statement he did remember this event.[4914] He stated that to the best of his knowledge, he had never heard of LOCKETT before 30 May 1972,[4915] and therefore did not know that he was going to arrive at the Police Station.[4916] Detective Inspector CHARLES

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stated that he interviewed LOCKETT as he was on duty that day and had been involved in the CREWE homicide investigation.[4917]

1913. Detective Inspector CHARLES noted that there was no such 'museum' at the Auckland Central Police Station, nor had he ever described any part of the station as such.[4918] He denied acting in an angry and severe manner as described by LOCKETT[4919] and did not remember anything untoward occurring on this occasion.[4920]

1914. Rather than being forced in to making a statement, Detective Inspector CHARLES stated: *"I deduce that LOCKETT called to provide us with information about the CREWE case and particularly his lost axle."*[4921] Detective Inspector CHARLES noted that LOCKETT made no mention, in his affidavit, of the statement he made that day being signed by him.[4922] Detective Inspector CHARLES noted that LOCKETT initialled two typing errors on the front page and signed his statement on the second page twice - there being an addition to his main statement.[4923] Regarding LOCKETT's assertion that Detective Inspector CHARLES had inserted the paper into the typewriter backwards, he stated that he did not recall this, but if it had occurred the mistake was obviously rectified in that the proper statement was taken.[4924] At the RCOI, LOCKETT agreed that the signature at the end of his statement was in fact his.[4925]

1915. LOCKETT's comment about the two axles involved is peculiar. He alleged that the axle shown on television by police, purporting to be that which was recovered from the Waikato River with Harvey's body, was in fact the axle that he had had in his possession until sometime before 1970. LOCKETT inferred that this axle had been stolen from his premises and was then used to weigh down Harvey's body. Yet he stated that of the two axles involved, police had an axle (Police Exhibit 293) and he also had an axle.

1916. In his report, Detective Inspector CHARLES said that he had some difficulty understanding what the alleged 'renewals' comment by LOCKETT actually meant.[4926] He stated: *"I certainly did not make any such statement and would never have used the word 'renewed' under such circumstances."*[4927] Detective Inspector CHARLES stated that he was fully aware that there was never a second axle involved and, if such a statement was made, which he did not remember, he would not have acted as described.[4928]

1917. LOCKETT's assertion that the axle shown on television was different to the axle purported by police to be that which was found under Harvey's body, is solely based upon LOCKETT's recollection of a photograph of an axle he said he saw on television for no more than two minutes on 16 September 1970. At times the content of LOCKETT's affidavit and his evidence given at the RCOI is difficult to follow. No weight can be put on his assertions.

1918. In his affidavit, Chris BIRT stated that in November 1977 he accompanied Roderick LOCKETT and his wife Iris Rosamond LOCKETT (DOB unknown) to a farm near the Waihi township.[4929] BIRT stated that in a tip on this farm the group located an old trailer[4930] and, after clearing away the surrounding 'junk', located an old dented hub cap bearing the name 'Overland'.[4931]

1919. Although not stated, it is likely that the farm visited by BIRT with the LOCKETTS was that owned by Denby PEAKE, or alternatively a farm where the trailer previously used by PEAKE had been left. It is not stated, and is therefore unknown, how Roderick LOCKETT was able to identify the dumped trailer on this farm as the trailer he had undertaken work on in 1958, 19 years previously.

1920. It was not noted where the 'Overland' hub cap was found - whether this was in fact still

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attached to the hub on the trailer or whether it was among the 'junk' surrounding the trailer. If the latter is correct, then it is not stated how it was known that this hub cap had come from the trailer in question.

1921. Furthermore, the finding of this hub cap, which it is inferred came from the hub on this trailer, does not necessarily mean that the axle was an Overland model. It is possible that when this trailer was originally constructed, or prior to the axle and stub axles being separated by LOCKETT, an axle and stub axles were put together from different vehicle models.

1922. The affidavit supplied by BIRT also stated that in late 1977 he located James HAWKER, former manager of the CHENNELLS estate (later to become the CREWES' farm).[4932] BIRT stated that over the course of a number of interviews, he became aware that HAWKER had been shown an axle by police in 1970.[4933] HAWKER reportedly told BIRT that he had been shown this by Detective Inspector HUTTON who had travelled to HAWKER's home in Cambridge in the hope that he could identify it.[4934]

1923. A short time prior to 6 October 1970, Detective JOHNSTON visited HAWKER at his home in Cambridge in connection with Police Exhibit 293.[4935] Although it does not appear that a Police Jobsheet was submitted about this, it is noted that a statement was obtained from HAWKER on 28 September 1970, in which HAWKER commented upon axles or trailers which he had previously seen on the CHENNELLS estate and Lenard DEMLER's farm.[4936] As Detective JOHNSTON was the police officer tasked with identifying the axle, it is likely that he was the one who had shown HAWKER the axle.

1924. HAWKER reportedly told BIRT that he had not seen this axle before, except on television the night of, or within a few days of, Harvey's body being found.[4937] BIRT stated that after hearing HAWKER's description of the axle, he arranged for him to visit Doctor SPROTT's Auckland office where Police Exhibit 293 was being examined.[4938] BIRT claimed that in a subsequent visit, HAWKER told him that the axle he had seen at Doctor SPROTT's office was not the same axle shown to him by police in 1970.[4939]

1925. In an affidavit dated 13 December 1978, and during evidence given at the RCOI, HAWKER stated that soon after a picture of the axle was shown on television[4940] (in late 1970)[4941] Detective Inspector HUTTON brought an old axle to him in Cambridge.[4942] HAWKER stated that Detective Inspector HUTTON asked if he had seen the axle on the CHENNELLS farm during his time there as manager.[4943] HAWKER said he told Detective Inspector HUTTON that he had not seen the axle before[4944] (except on television).[4945] HAWKER stated that he was quite sure the axle brought to him by Detective Inspector HUTTON was the same axle that was shown on television on the night in question.[4946]

1926. Like Roderick LOCKETT, HAWKER believed that a still photograph of an axle had been shown on television.[4947] HAWKER stated that he took a 'quick look' at this, but that it was only for a fraction of time.[4948] This admission raises the question of how HAWKER could give an accurate description, or a reliable identification, of the axle many years later.

1927. In his affidavit, HAWKER stated that in early 1978, as a result of conversations with Chris BIRT and later with Allan THOMAS, he went with Allan to the laboratory of Doctor SPROTT.[4949] Here HAWKER stated that he was shown an axle with an OHMS (On Her Majesty's Service) label attached to it.[4950] HAWKER then said that in March 1978, he was shown two colour photographs of an axle which were produced by BIRT.[4951]

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1928. HAWKER stated that the axle he had seen on television had a 'shiny spot' close to a hole in it *"... which looked as though something had been attached to it and rubbing."*[4952] He said the axle on television had a king pin in one end and a piece broken out of the other end.[4953] HAWKER thought that it was possible this had been welded and the piece then broken or cut out.[4954]

1929. A document on the file (unknown author, unknown date) addressed points raised in HAWKER's affidavit. It was noted: *"Para [sic] 9 refers to the fact that the axle had a kingpin in one end and that a piece had been broken or cut out. This is correct."*[4955] However, it is noted that HAWKER's affidavit actually refers to a king pin in one end of the axle and that a piece was broken out of the other end.[4956] This differs to what is noted in the critiquing document and the actual condition of Police Exhibit 293. The end of Police Exhibit 293, which did not contain the king pin, was intact and there was not a piece broken out of it. This document also noted that this description of the axle seen on television by HAWKER conflicted with a further description given in a latter paragraph.[4957] However, it is noted that in the latter paragraph HAWKER was actually describing the axle from Doctor SPROTT's laboratory as he saw it in 1978 and how this differed to the axle he was shown in 1970.

1930. HAWKER stated that there was a similarity between the axle shown to him by police in 1970 and the axle he had seen on television.[4958] When asked to look at a photograph of Police Exhibit 293, HAWKER stated that this axle looked similar to, and could in fact be, the photograph he had seen on television.[4959] However, HAWKER did note that he did not get much of a view of the axle on television.[4960]

1931. At the RCOI, HAWKER stated that when Detective Inspector HUTTON visited him with the axle, he (Detective Inspector HUTTON) removed it from the boot of the police car and held it out in front of him.[4961] HAWKER stated that it was an ordinary car axle that was curled up at the ends[4962] and noted that it looked 'well cleaned'.[4963]

1932. HAWKER said that there was a king pin in only one end of this axle,[4964] but stated that he did not take a great deal of notice of this end, as it was the other end he was more interested in.[4965]

1933. HAWKER stated that it looked as if a bracket had been welded to the side of the axle eye (on the end without the king pin) at some time, which had later been cut away clean down the middle.[4966] He stated that this cut had been made with an oxyacetylene torch and had left a gap of approximately 3/8 of an inch (approximately 9.5 millimetres), or a bit wider.[4967] HAWKER stated that this gap in the axle eye allowed the light to pass through it when it was being held by Detective Inspector HUTTON.[4968]

1934. He also noted that there were two 'V' shaped marks, which were cleaner than the remainder of the axle.[4969] HAWKER stated that these marks had the appearance as though something had been tied to them, working in a pendulum like fashion.[4970] He stated that the marking on the left of the axle was clearer than the one on the right, which was barely visible.[4971] HAWKER was asked (at the RCOI) to look at a photograph of Police Exhibit 293 (photograph 13 of Book B)[4972] and he stated that these marks were similar to those on the right hand side of the axle he saw, but did not show the 'V' shape.[4973] HAWKER also commented that the photograph did not show the marks as clearly as they were when he saw them.[4974]

1935. HAWKER stated that to his knowledge the axle shown to him by Detective Inspector HUTTON did not have any tie rods attached.[4975]

1936. HAWKER said he was 'pretty certain' Detective Inspector HUTTON had told him the axle

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shown to him was that which had been recovered from the Waikato River along with Harvey's body.[4976]

1937. It is likely that the 'shiny spot' on the axle he remembered seeing on television (detailed in his affidavit) is the same as the 'V' shaped marks he later (at the RCOI) described seeing on the axle shown to him by police. However, due to the lack of description provided in his affidavit, this cannot be confirmed.

1938. HAWKER stated that there was a 'remarkable difference' between the axle at the RCOI and the axle he was shown by Detective Inspector HUTTON in 1970.[4977] HAWKER said these two axles were 'entirely different'[4978] and 'definitely not' the same.[4979] HAWKER commented: *"... they cld [sic] be identical off the same vehicle, but the eyes of the axle are different ['all caps' removed]."*[4980] However, he did say that the overall appearance of the two axles (Police Exhibit 293 and axle shown to him by Detective Inspector HUTTON) were 'very similar'.[4981]

1939. HAWKER noted differences between the axle he had been shown by police and that which was present at the RCOI hearings (Police Exhibit 293); the 1970 axle did not have a tie rod welded to the axle,[4982] whereas the 1980 (RCOI) axle did.[4983] Moreover, he said that the RCOI axle eye was completely enclosed.[4984]

1940. In respect of HAWKER's description of the welding present on the axle he had been shown by police, he agreed that the axle present at the RCOI (Police Exhibit 293) had also been welded, but said that this was only spot-welded.[4985]

1941. Regarding HAWKER's assertions, a report (unknown date) from Detective Chief Superintendent WILKINSON, CIB Regional Coordinator, to District Commander, Auckland, stated: *"There is little need to take this matter further as there is ample evidence to prove that the axle recovered with Harvey CREWE's body is the axle produced at the trials."*[4986] Another report, dated 7 May 1979, from (then) Commissioner WALTON to the Director-General of Television One[4987] stated: *"The history of the axle found in the Waikato River is well established and the claim by Hawker cannot be sustained."*[4988]

1942. In his affidavit, HAWKER stated that the photographs shown to him by Chris BIRT were clearly of the axle which he had seen at Doctor SPROTT's office.[4989] He then said: *"... I can say without doubt that the axle held by Dr. Sprott and produced in the Thomas trials is not the same axle which was brought to me by Inspector Hutton and shown on the television news."*[4990] HAWKER explained that the axle in the possession of Doctor SPROTT *"... had no end broken from it and that the axle brought by Inspector Hutton did have one end broken out."*[4991] HAWKER also commented that the axle shown to him in 1970 did not have a welded tie rod end, whereas the axle held by Doctor SPROTT did.[4992] HAWKER said that he had not come forward previously as he did not realise that the axle shown to him in 1970 and the one produced at the trials were two different axles.[4993]

1943. There is no record of Doctor SPROTT having possession of Police Exhibit 293 in early 1978. The only time Doctor SPROTT had Police Exhibit 293 during 1978 was between 13 December 1978 and 22 December 1978.[4994] Prior to this time, the axle was in possession of Doctor SPROTT between 9 September 1977[4995] and 4 November 1977.[4996] This means that either HAWKER was mistaken in saying that he saw Police Exhibit 293 at Doctor SPROTT's laboratory in early 1978, or the axle he was shown at this time was not Police Exhibit 293. However, HAWKER did state in his affidavit that the axle he was shown had an OHMS tag attached to it, the same type of tag with which Police Exhibit 293 and other exhibits were identified.

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1944. The colour photographs which Chris BIRT allegedly showed to HAWKER in 1978 were said by HAWKER to have been of the same axle he saw at Doctor SPROTT's office. As it is unknown what photographs were shown to HAWKER, this does not provide corroboration for the identity of the axle HAWKER viewed.

1945. HAWKER stated that he was certain the axle which was in Doctor SPROTT's possession in early 1978, and that which was produced in the trials, was not the same axle that had been shown to him by Police in 1970. He explained that he was able to say this because the axle that was in the possession of Doctor SPROTT did not have an end broken from it, unlike the axle he had been shown in 1970.

1946. Police Exhibit 293 was intact, in that no piece of the axle beam itself was broken or missing. However, there was a piece of the stub axle fork still attached to one of the axle eyes after it had been gas-cut to remove the stub axle from the axle. HAWKER's description of the axle shown to him in 1970 having *"... one end broken out"*[4997] may indicate that he was referring to one of the axle eyes being incomplete. This does not correlate with the appearance of Police Exhibit 293, but is consistent with Roderick LOCKETT's description of the axle he said he saw on television in 1970.

1947. HAWKER also commented that the axle he was shown in 1970 did not have a welded tie rod end present, whereas the axle in possession of Doctor SPROTT in 1978 did. Police Exhibit 293 did in fact have a portion of a tie rod welded to the axle.

1948. HAWKER stated that the axle present at the RCOI (Police Exhibit 293) was 'very similar' and was 'the same axle' as the one he saw at Doctor SPROTT's office.[4998]

1949. HAWKER agreed that when he made his affidavit he was casting his mind back eight years to the axle he had been shown when police visited him in Cambridge.[4999] Thus, it is apparent that HAWKER only became aware of a possible discrepancy, between the axle he was shown in 1970 and the axle produced in court proceedings in 1978, after discussions with Chris BIRT. It is likely that until this time, HAWKER had given the matter little thought, meaning that it was eight years after he had been shown the axle by police that he was attempting to recall its appearance. This alone reduces the credibility of HAWKER's assertions.

1950. Again, Detective Inspector HUTTON was said to be the police officer who presented the axle to the witness for identification. HAWKER also stated that there were two other detectives with Detective Inspector HUTTON at the time.[5000] However, HAWKER could not remember if Detective JOHNSTON was one of them.[5001]

1951. Chris BIRT's affidavit did not contain a description of Alick HORN's contribution to the material that BIRT had compiled, and there is no statement or affidavit on the file by this person. The full extent of HORN's claims is therefore unknown. However, a search of the file did locate a message sent from Waihi to Pukekawa Search Headquarters on 19 September 1970, which reported that HORN was of the opinion that the axle shown on television was from a 1925 Overland motor car.[5002]

1952. This evidence appears to have been used by BIRT to support his assertion that the axle shown on television was in fact from an Overland vehicle, not a Nash. This corresponds with the details in his affidavit pertaining to the discovery of an Overland hub cap on a Waihi farm. In his (1972) statement to police, Roderick LOCKETT said he did not note the make of the axle he worked on,[5003] but he later told the RCOI that this was an axle from an Overland unit.[5004]

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1953. At the time of the police appeal for help in identifying Police Exhibit 293, others including 'Mr KERR' and 'Mr FITZGERALD' contacted police with the opinion that the axle could have originated from an 'Overland' motor car.[5005] Others who came forward were of the opinion that the axle came from various other cars such as: Morris, Durant, Rugby, Whippet, Bedford, Studebaker, International, Hudson, Buick, Dodge, Essex, Chevrolet, Packard, and Chrysler. The identification of the part number on Police Exhibit 293 confirmed that this was a Nash axle.

1954. On 10 August 1978, the Secretary for Justice, G. ORR, reported to the Minister of Justice, D. THOMSON: *"If the evidence now offered by Mr Birt is to have any credibility that can only be on the basis that the axle found on the Thomas farm was at some time before the preliminary hearing substituted for the axle found under Harvey Crewe."*[5006] The Secretary for Justice noted that in order for this to occur, it would have necessitated the collusion of several police officers.[5007] He stated: *"This alone stretches credulity to breaking point."*[5008]

1955. Regarding the apparent evidence put forward by Chris BIRT, the Secretary for Justice said evidence that the axle was in fact from an Overland vehicle was *"... so weak there is in my view no real need to investigate the possibility that the axle offered in evidence was not the axle from the river."*[5009] He also commented that the reasons advanced as to why this evidence had only recently come to light *"... are far from convincing."*[5010] The Secretary for Justice concluded that there was nothing in the material supplied by BIRT that required further investigation.[5011]

1956. On 18 August 1978, the Minister of Justice subsequently wrote to BIRT stating that he had carefully considered the statements to the effect that the axle recovered from the Waikato River belonged to an Overland motor vehicle and not a Nash.[5012] He stated:*"... I am satisfied that the matters you have now raised are of insufficient weight to cast any doubt on the identity of the axle offered in evidence at the trials of Thomas."*[5013] The relevant material was then returned to BIRT.[5014]

Allegations by Peter GARRETT

1957. In *Beyond Reasonable Doubt,* (published in 1978) author David YALLOP stated that Peter GARRETT, a Pukekawa resident, had recently seen Police Exhibit 293 at Doctor SPROTT's laboratory.[5015] GARRETT reportedly told YALLOP that this axle was not the same axle that he had been shown by police in 1970, although GARRETT said: *"I can't swear to it, but I'm pretty sure ..."*[5016] GARRETT stated: *"The one that I saw at the laboratory has got one stub on and the other missing. The axle they showed me that afternoon at Pukekawa either had two stubs or none at all. In either event the ends were uniform."*[5017] YALLOP stated that he had shown GARRETT a number of police photographs of Police Exhibit 293, which GARRETT studied carefully before commenting: *"That is not the axle I was shown at Pukekawa by those police officers. These photographs are of a different axle."*[5018]

1958. A Police Jobsheet indicates that on 17 September 1970, GARRETT was shown the axle (Police Exhibit 293) by Detective Sergeant JEFFRIES.[5019] It was noted that GARRETT was unable to identify the axle.[5020] A report by Detective Sergeant JEFFRIES responding to the allegations in YALLOP's book stated that the axle shown to GARRETT in 1970 was the same axle which was later produced in court as Police Exhibit 293.[5021]

1959. If the axle that GARRETT was shown at Doctor SPROTT's laboratory was in fact Police Exhibit 293, then he is clearly mistaken in his description of one stub axle being present on the axle. GARRETT stated that the axle he was shown by police in 1970 either had two stub

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axles or none at all. This statement indicates that GARRETT's recollection of the axle he saw at that time is not particularly clear, but also corresponds with the appearance of Police Exhibit 293, in that Police Exhibit 293 did not have stub axles attached to either end.

1960. Although YALLOP claimed that he had shown GARRETT police photographs of Police Exhibit 293, this cannot be confirmed. GARRETT allegedly said that the axle in the photographs was not the axle he had been shown by police in 1970. However, the points of difference between the axles, on which GARRETT based his opinion, are not noted.

1961. GARRETT was not called to give evidence at the RCOI and there is no record on the file of him making an affidavit attesting to the above assertions. This indicates that Arthur THOMAS' defence counsel did not find his information to be reliable or accurate.

Allegations by the HASLEM brothers

1962. 'Ron R. HASLEM' and 'Jim HASLEM' appeared in a list of witnesses required to be called before the RCOI by Arthur THOMAS' defence counsel.[5022] On 14 July 1980, a letter from Howard KEYTE to John HENRY QC explained that the 'HASLEM brothers' suggested that the axle removed from the Waikato River was not the same axle that had subsequently been produced in court.[5023] However, KEYTE commented that he believed the evidence of David KERUSE would refute their assertions.[5024]

1963. The true identity of the HASLEM brothers is unknown. However, it is noted that the file contains a print out from the Police Law Enforcement System (LES) for Ronald David HASLEM (DOB [redacted])[5025] which could possibly be the same person noted as Ron R. HASLEM.

1964. J. F. HASLEM (DOB unknown) wrote to the Minister of Justice, Jim McLAY, and (then) Commissioner WALTON, with information regarding his opinion of the axle which he had viewed at Doctor SPROTT's laboratory.[5026] It is unknown what information he provided to Arthur THOMAS' defence counsel on that matter, as HASLEM did not give evidence at the RCOI.

1965. On 14 January 1980, J. F. HASLEM sent a letter to the Minister of Justice, in which he claimed that his own examination of the axle (Police Exhibit 293) indicated that this was not the axle removed from Allan THOMAS' trailer by Roderick RASMUSSEN.[5027] HASLEM stated that the right side (without king pin) eyes (of the stub axle) were 'uncut' top and bottom, meaning that the king pin did not fall out.[5028] He said that, in his opinion, the king pin had been driven out.[5029] HASLEM stated that the left side (the side with a king pin) of the axle (Police Exhibit 293) showed that it was not the 'RASMUSSEN' axle, and noted that the king pin remained rusted in place and was noticeably 'battered' on top from attempts to hammer it out.[5030] HASLEM stated that he was able to provide two additional[5031] points regarding the axle, but that these were more technical in nature.[5032] The Minister of Justice responded to the letter on 23 January 1980, advising that he had passed the information on to the Minister of Police for whatever action he deemed appropriate.[5033]

1966. It appears that HASLEM's description of the axle, when referring to the left or right side, is the opposite of that which was used during evidence given by Crown and defence experts on the matter. Thus, for the purposes of clarity in paragraph 1965 (above) each end has been described relating to the absence or presence of the king pin.

1967. HASLEM noted in his letter: *"the right side eyes are <u>uncut</u> ..."*[5034] Although not stated, it is believed that he was referring to the eyes of the stub axles, as opposed to the axle itself. This

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was confirmed in a second letter from HASLEM to Commissioner WALTON in which he said: *"... the eyes of the right stub are UNCUT ..."*[5035]

1968. HASLEM's opinion, that the king pin had been driven out, as opposed to have fallen out, of the axle eye (on the end of the axle without the king pin present), is consistent with Roderick RASMUSSEN's evidence regarding his method of removing this king pin. At the second trial, RASMUSSEN stated that the king pin was removed from the axle eye by hitting it 'rather sharply' with a hammer, causing the weld between the axle and stub axle to break.[5036]

1969. Although HASLEM claimed that the end of the axle containing the king pin showed that this was not the axle RASMUSSEN removed from Allan THOMAS' trailer, he did not provide an explanation as to how he arrived at this conclusion.

1970. On 15 January 1980, J. F. HASLEM sent a letter to Commissioner WALTON, in which HASLEM claimed that the under-oath identification of the axle found with Harvey CREWE's body as the 'THOMAS axle' was wrong.[5037] HASLEM further stated that Roderick RASMUSSEN's evidence at the second trial in fact proved that it was not the 'THOMAS axle'.[5038] HASLEM noted that RASMUSSEN repeatedly referred to the stubs in the plural, which indicated to HASLEM that both stub axles had in fact been cut from the axle by RASMUSSEN.[5039] HASLEM noted that both the top and bottom eyes of the right stub axle (without king pin) on Police Exhibit 293 were 'uncut', which meant that no king pin had fallen out as a result of cutting.[5040]

1971. With his letter, HASLEM enclosed a reproduction of RASMUSSEN's evidence at the second trial as demonstration of his assertion. As an example, HASLEM highlighted a question put to RASMUSSEN and his answer: *"Did you do anything to wheel stubs? Yes I gas-cut the king-pin eye on the stubs; one king-pin fell out."*[5041] HASLEM drew attention to the plural 'stubs' used in the question and RASMUSSEN's response that he gas-cut the eye on the 'stubs'.[5042] HASLEM also noted that the comment *"... one king-pin fell out"* 'implied plural', but it is unclear what he meant by this remark.[5043] The reference to 'one' king pin falling out appears to refer to the singular, not plural.

1972. The transcript of this evidence actually reads: *"Did you do anything to the wheel stubs, the stub axles which you had removed in the way you described? yes I gas-cut the king-pin eye on the stubs; one king-pin fell out, one king-pin wldnt [sic] come out, so I gas-cut the eyes."*[5044] The full answer provided by RASMUSSEN does perhaps allow for some confusion as to whether one or both stub axles were removed from the axle by way of a gas (oxyacetylene) cutting torch. However, if HASLEM was to read on further into RASMUSSEN's evidence, he would see that RASMUSSEN clearly negated the suggestion that he had cut both stub axles from the axle.

1973. While giving evidence, RASMUSSEN demonstrated to the court that the evidence of gas cutting on one stub axle matched the cut seen on the axle.[5045] RASMUSSEN was then asked to match the other stub axle to the axle and commented: *"This stub axle hasnt [sic] bn [sic] cut, the weld has been broken…"*[5046] RASMUSSEN then explained, regarding this stub axle: *"Being of a tensile metal the welds crystalise very easily and that weld I broke with a hammer just by hitt. [sic] the stub axle rather sharply."*[5047] The totality of RASMUSSEN's evidence at the second trial correlates with his statement dated 24 October 1970[5048] and evidence given at the RCOI[5049] - that only one stub axle was removed by being cut from the axle.

1974. HASLEM also put forward a further question and answer in which RASMUSSEN again used the plural 'stubs'.[5050] The trial transcript reads: *"What was your purpose - to make it lighter to*

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handle, and I was hoping Mr Thomas wld [sic] leave the hubs and stubs which I cld [sic] recondition and re-use."[5051] This was referring to both stubs which RASMUSSEN wished to retain and adds nothing to HASLEM's argument.

1975. HASLEM stated that, from his observations, it was clear that the right side king pin (end of axle without king pin) had been hammered out at some stage.[5052] He also noted that the eyes of the left stub axle (king pin present) had been cut at some stage, but that the king pin remained rusted in place.[5053] HASLEM stated that he saw that this king pin was 'well hammered' around the top from a previous attempt to remove it.[5054]

1976. HASLEM's observations of Police Exhibit 293 are all consistent with RASMUSSEN's evidence regarding him separating the stubs axles from the axle he removed from Allan THOMAS' trailer. However, HASLEM stated: *"... the formal identification of the produced axle as the Thomas-Axle, in fact, proved that it was NOT"*.[5055]

1977. On 23 January 1980, (then) Deputy Commissioner THOMPSON responded to HASLEM's letter.[5056] Deputy Commissioner THOMPSON stated that a study of the total evidence given by RASMUSSEN satisfactorily explained the point raised by HASLEM about the work done on the axle and stubs.[5057]

Allegations by Bert HARRIS

1978. In 1980, Bert Walter HARRIS (DOB unknown), owner of Te Kauwhata Welding Service, claimed that the axle he had been shown by police in 1970 was not the same axle that had been removed from the Waikato River.[5058] HARRIS said that in 1970 Detective Inspector HUTTON[5059] visited him asking if he had completed any work on an axle[5060] that was contained in the boot of the police car.[5061] Detective Inspector HUTTON allegedly told HARRIS that this axle had been attached to Harvey's body.[5062] HARRIS said he informed Detective Inspector HUTTON that he had not completed work on the axle in question.[5063] HARRIS noted that the axle he was shown at this time had stub axles attached to both ends which had 'deep brown rust' on them.[5064]

1979. A Police Jobsheet indicates that HARRIS was shown the axle by Detective JOHNSTON on 29 September 1970, but was unable to assist with the identification of the axle.[5065]

1980. While giving evidence at the RCOI, HARRIS said that although he was not sure, he thought the police officer who showed him the axle was Detective Inspector HUTTON.[5066] When informed of the police records relating to this enquiry, HARRIS said he believed the visit occurred before 29 September 1970, as it seemed to him to be very close to the time Harvey's body was found.[5067] HARRIS was shown a photograph of Detective JOHNSTON and asked if he was the police officer who had visited him with the axle.[5068] HARRIS replied that Detective JOHNSTON was not the police officer who had shown him the axle, and HARRIS added he was 'positive' he had never seen Detective JOHNSTON before.[5069]

1981. There is no reason to doubt the record of events submitted in Detective JOHNSTON's Police Jobsheet of his enquiries with HARRIS. HARRIS, on the other hand, was providing an account for the first time of a brief encounter 10 years previously. The length of time that had passed, and the existence of Detective JOHNSTON's Police Jobsheet, indicates that HARRIS' assertion that Detective Inspector HUTTON was the police officer involved is not likely to be accurate.

1982. Of the axle he saw in 1970, HARRIS said (in a statement, undated and unsigned) that *"there were no hubs on the stub and it didn't look as if they had been there for a while."*[5070] However at the

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RCOI, HARRIS stated that the axle he was shown had 'complete stubs' on both ends[5071] and he did not mention the missing hubs at all.

1983. HARRIS also said in his statement: *"There was a bright weld running down the end of the axle holding the stubs to the axle."*[5072] This implied that there was a weld at either end of the axle holding both 'stubs' on to the axle. However, at the RCOI, HARRIS stated that there was a bright weld at only one end of the axle where it ran down between the axle and stub axle.[5073]

1984. At the RCOI, HARRIS was asked to list the differences he noted between the axle he saw in 1970 and the axle present at the RCOI hearing (Police Exhibit 293).[5074] HARRIS stated: the axle in court looked heavier than the one he saw in 1970, the 1970 axle 'definitely' had stubs welded to it, and the axle in court was not as rusty as the 1970 axle.[5075] However, in his statement HARRIS also noted that *"there were no remains of axle rod on the axle which I saw."*[5076] This was not mentioned by HARRIS at the RCOI.

1985. HARRIS' recollection of the axle he saw in 1970 clearly conflicts with photographs of the axle being removed from the Waikato River on 17 September 1970, accounts by others who saw or examined the axle, and the axle that was produced in various court hearings.

1986. It is likely that in this statement HARRIS' description of an 'axle rod' is actually referring to the tie rod. This would therefore be another difference between HARRIS' description of the axle he saw in 1970, and Police Exhibit 293 (which has the remnants of a tie rod welded to its underside).

1987. At the RCOI, HARRIS said that the axle shown to him in 1970 had not been removed from the boot of the car.[5077] However, he explained that he knew immediately he had not done any work on the axle, as he would have cut a piece of steel and welded this between the hub and stub - this was not evident on the axle he was shown.[5078]

1988. In his statement, HARRIS said that he had not come forward with this information before, as he did not realise, until he saw a photograph of the axle on television on the evening of 31 July 1980, that Police Exhibit 293 (shown in court) was not the axle he had been shown by police in 1970.[5079] He went on to say that this television coverage on 31 July 1980 was the first photograph or film of the axle he had seen since he physically viewed the axle in 1970.[5080] However, HARRIS contradicted this statement during his evidence given at the RCOI.

1989. At the RCOI, HARRIS stated that he first recognised Police Exhibit 293 was not the axle he had been shown, when he read David YALLOP's book *Beyond Reasonable Doubt*, and saw the photograph contained within of the axle and detached stub axles.[5081] HARRIS stated that he did not read YALLOP's book until after Arthur THOMAS had been released from prison, and did not come forward with his information at this time as he did not think that there would be an enquiry.[5082] HARRIS stated that he first contacted someone (unknown who) about this matter after he saw the axle on television[5083] a fortnight prior to appearing before the RCOI.[5084]

1990. During questioning at the RCOI, HARRIS agreed that he had recognised the possible significance of his observations when he read YALLOP's book.[5085] But he also stated that he had not turned his mind back to his interaction with police in 1970 until very recently.[5086] HARRIS did not agree that he may have confused the mental picture he had of the axle he was shown in 1970.[5087]

1991. At the first trial, Charles SHIRTCLIFFE stated that the axle present in court that day (Police Exhibit 293) was the same axle he had been shown by police in October 1970.[5088] Later at the

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RCOI, Allan THOMAS was asked if the axle he was shown on 14 October 1970 by Detective JOHNSTON and Detective PARKES was the same axle that was present at the hearing.[5089] Allan stated that he believed it was the same axle.[5090]

1992. Again at the RCOI, Roderick CARLYON, Television News Editor for TVNZ, gave evidence relating to an interview he had had with Detective Sergeant JEFFRIES on 18 September 1970, where the axle was shown on television.[5091] CARLYON stated that the axle he saw on this date was rusty all over and there were several very[5092] recent rust marks around the axle in several places.[5093] CARLYON stated that these rust marks appeared to be more recent as they were lighter brown and were actually powdery, whereas the remainder of the axle appeared to be rusty as a result of the normal course of life.[5094] CARLYON was shown a photograph of marks on the spring pads of Police Exhibit 293 (photograph 13 of book B)[5095] to which he stated that these appeared to be one of the marks which he recalled.[5096]

1993. CARLYON stated that there were other distinguishing features of Police Exhibit 293 which he saw in 1970, which Detective Sergeant JEFFRIES highlighted during the course of the interview.[5097] He said the principal feature was that on one end of the axle the king pin was still attached and the axle had been cut, probably with a cutting torch.[5098] CARLYON also stated that from memory, on the end of the axle which contained the king pin, there appeared to be an inexpert welding job done.[5099] CARLYON stated that the filming of the axle concentrated on the end with the king pin and also on the piece of tie rod attached to the underside of the axle.[5100]

1994. CARLYON was shown the axle present at the RCOI hearing (Police Exhibit 293) and asked if this was the axle he had seen in 1970.[5101] He stated: *"Yes it is, but it had had a chunk taken out of it since then ['all caps' removed]."*[5102] This appears to be the only difference that CARLYON noted.

1995. CARLYON confirmed that this missing 'chunk' had been taken out of the weld along the end of the axle by the king pin, and he commented that it appeared as though someone had a go at it with a saw.[5103] This description corresponds with the sample Professor MOWBRAY took from the weld in this location[5104] *(see paragraph 1540).*

1996. Information given to the RCOI and contained within an unsigned statement on the file (possibly a brief of evidence for the RCOI) by David KERUSE, referred to KERUSE being shown an axle by police in 1970. KERUSE stated that two police officers brought an axle to him shortly after its discovery and asked if he could identify it.[5105] KERUSE subsequently identified the axle as a 1928/1929 Nash front axle *(see paragraph 1311).*

1997. KERUSE recalled that the axle shown to him was stripped[5106] and had a king pin welded[5107] to one end.[5108] He commented that underneath one of the spring perches (spring pad) was a 'small tab' which had been welded on.[5109] KERUSE also stated that he remembered there being a piece of wire attached to the axle[5110] and, although he was not 100 per cent sure,[5111] felt that when he was shown the axle he was also shown another small item.[5112] KERUSE could not remember what this other item was, but stated that it was not another car part, as he would 'definitely' remember that.[5113]

1998. It is unknown what KERUSE meant when he described the axle as 'stripped'. However, it is possible that KERUSE was referring to the absence of such parts as the stub axles, steering arms and a tie rod.

1999. During questioning at the RCOI, KERUSE agreed that the 'wire' he thought was on the axle

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could have been attached to a label.[5114] It is noted that Police Exhibit 293 had an 'OHMS' label attached to it which read: *"DAVID HARVEY CREWE AXLE"*,[5115] identifying it as a police exhibit. It is unknown precisely when this label was attached to the axle, but it is expected that this would have been done prior to the axle being shown to KERUSE on 19 September 1970.

2000. KERUSE's recollection that police may have shown him another item along with the axle is not accounted for in the Police Jobsheet completed by Detective Sergeant JEFFRIES of his visit to KERUSE that day (19 September). However, KERUSE did state that the axle was wrapped in a sack when it was brought to him.[5116] It is possible that this sack is the other item KERUSE remembered. Also, it is noted that KERUSE was able to identify the axle which was found attached to Harvey's body by comparing it to an axle that he had in his possession at the time.[5117] It is also possible that this is the additional item KERUSE remembered.

2001. At the RCOI, KERUSE stated that the axle present at the hearing (Police Exhibit 293) was the same axle police had shown him in 1970. [5118] KERUSE stated that it was his understanding that the axle shown to him had been recovered with Harvey's body. [5119]

2002. KERUSE's assertion, that the axle in court in 1980 (Police Exhibit 293) was the same as that shown to him by police in 1970, was supported by his description of a king pin welded to one end of the axle and the presence of a part of the tie rod (small tab) welded to the underside of the axle. However at the RCOI, KERUSE stated that the stub axles had been welded and one was possibly missing at that stage.[5120] While this description conflicts with the appearance of Police Exhibit 293, KERUSE qualified his answer by stating: *"... I cant [sic] recall that area too clearly I have since seen photos and I am a little confused ['all caps' removed]."*[5121]

2003. At the time Police Exhibit 293 was identified by KERUSE (19 September 1970), police obtained from him another 1929 Nash axle which belonged to him.[5122] This axle was in good condition[5123] and was 'completely stripped' with no king pins,[5124] cotter pins or other parts welded to it.[5125] This second axle was said to be used for the purpose of comparison and identification[5126] before being returned to KERUSE on 25 June 1971.[5127]

2004. A 14 December 1978 report by (then) Detective Sergeant KEITH stated that this second axle, obtained from KERUSE, was not the axle shown to Peter GARRETT by Detective Sergeant JEFFRIES.[5128] A further document on the file (unknown author) stated: *"This particular axle was not shown to witnesses as it was of no value for that purpose."*[5129]

2005. It was submitted by counsel appearing for the New Zealand Police before the RCOI that there could be no doubt that the axle produced as an exhibit at the trials and at the RCOI was the same axle which was recovered from the Waikato River with Harvey's body.[5130] It was noted that, aside from the positive identifications by (then) Superintendent GAINES, officer-in-charge of the search, retired Detective Inspector HUTTON and Constable ARNOLD, photographic evidence of the axle being recovered (from 16 September 1970) supported this.[5131] It was submitted: *"... that the evidence of [Roderick] Lockett and [James] Hawker suggested the contrary is simply not worthy of credence."*[5132]

2006. The RCOI report stated:

> *"... we are satisfied that the axle recovered from the river had in fact been used to weight the body, and that was the axle produced at the trials, and before this Commission, as an exhibit ... There is in our view no truth in various allegations which have been made that the Police produced at the trials an axle different from that found in the river."*[5133]

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New information

Allegation by [redacted] that the axle (Police Exhibit 293) was 'switched'

2007. On 15 October 2011, [redacted] (DOB [redacted]), previous owner of [redacted] located at [redacted], Auckland, told police that (in 1970) Detective Inspector HUTTON had taken a 1929 Nash axle to [redacted] for identification [redacted] claimed [redacted] later saw an axle at the address of Doctor SPROTT at [redacted] Auckland, and stated that this was not the same axle as that which [redacted] been shown by Detective Inspector HUTTON. [redacted] stated that his [redacted]', would remember this incident.

2008. On 16 March 2012, [redacted] told Detective Senior Sergeant LENDRUM that Detective Inspector HUTTON, accompanied by another person, had taken a 'very grotty' axle to [redacted] to see if it could be identified.[5134] [redacted] stated that [redacted], both looked at the axle and said it was similar to the 1936 model Nash LaFayett.[5135] [redacted] stated that they were then able to establish that a 1929 model of the same brand was also similar.[5136] When informed that Police Exhibit 293 had in fact been identified as a 1928 Nash axle, [redacted] stated that [redacted] said it was a 1929, but then said [redacted] identified this as a 1928 Nash LaFayett axle.[5137]

2009. [redacted] said that on 22 September 1977 [redacted] had made a note of this date, although did not say when) [redacted] gone to Doctor SPROTT's premises at [redacted], where he said all the exhibits were on display[5138] (Doctor SPROTT did in fact have possession of Police Exhibit 293 on this date). [redacted] had gone [redacted] also and, after seeing the axle on display, they excused themselves and went outside.[5139] [redacted] stated that both [redacted] said to each other that the axle on display was not the axle which they had identified for Detective Inspector HUTTON.[5140] [redacted] could not prove what they were saying and it would come down to their word against police.[5141]

2010. [redacted] first told Detective Senior Sergeant LENDRUM that it was too long ago for him to say that the axle photographed as it was removed from the Waikato River was the same as the one [redacted] shown by Detective Inspector HUTTON.[5142] However [redacted] appeared to suggest that the axle in the photograph (being removed from the Waikato River), the axle shown to him by Detective Inspector HUTTON, and the axle he saw at Doctor SPROTT's laboratory were all different.[5143]

2011. A Police Jobsheet (dated 23 September 1970) indicates that [redacted]. was shown Police Exhibit 293 on 17 September 1970 by Detective Sergeant JEFFRIES.[5144] It was noted that this person was unable to identify the axle.[5145] [redacted] claimed, in a statement made in 1971, that police approached [redacted] with an axle and asked for [redacted] assistance in identifying it. [redacted] statement does not mention that [redacted] was present at this time.

2012. There is no document on the file which relates to a further statement by [redacted], detailing [redacted] account of viewing the axle at Doctor SPROTT's premises in 1977, or his comparison of that axle with the one [redacted] shown by police in 1970. [redacted] assertions in this regard can therefore not be corroborated.

2013. Although [redacted] claimed [redacted] been shown three separate axles which were purported to be one and the same (two physical axles and one photograph of an axle), [redacted] not explain [redacted] reasoning behind this conclusion. Therefore, the alleged differences between

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these axles are unknown.

2014. The statement taken from [redacted] on 16 March 2012 indicates that [redacted] often confused when answering questions and admitted that things were not as clear for [redacted] as they used to be.[5146] At this time, [redacted] was [redacted] and it is possible that [redacted] age may have compromised his memory of events. In all, [redacted] assertion, that the axle shown to [redacted] by police in 1970 and the axle [redacted] in 1977 were not the same, is unreliable.

2015. In his book, *The Case of the Missing Bloodstain,* Keith HUNTER stated that 'Brian JOHNSTON' had provided him with information that the axle he had been shown by Detective Inspector HUTTON in 1970 was not the same axle that was produced at trial.[5147] [redacted].

Allegations of the axle (Police Exhibit 293) and/or stub axles (Police Exhibits 330 and 331) being planted by police

Findings of the Royal Commission of Inquiry

2016. The legitimacy of the stub axles was dealt with at the RCOI under Terms of Reference 1(a) - *"Whether the stub axles were planted in the Thomas tip by the Police."*[5148] By this time (1980) Detective JOHNSTON was deceased and evidence of the stub axles being located on Arthur THOMAS' farm was left to (then) Inspector PARKES, who was also present at the time.

2017. In his submissions to the RCOI, John HENRY QC explained that the suggested impropriety in relation to the stubs axles was that *"... the left hand stub axle was never part of the axle in a functional sense and was welded there, then broken away simply to enable the later demonstration of the stub as being part of the axle, presumably as some type of framing of Thomas."*[5149] HENRY QC contended that this suggestion was 'ludicrous' because:

- It is common ground that the left stub axle came from Allan THOMAS' trailer.[5150]
- It is common ground that the left stub axle was at some time welded to the axle (Police Exhibit 293).[5151]
- It was established that when the axle was removed from the Waikato River the welding was present (here HENRY QC referred to photographs taken on 16 and 17 September 1970).[5152]
- Therefore both stub axles had been welded to the axle at some point prior to it being put into the river.[5153]
- It is common ground that the right stub axle was attached to the axle as part of a functional assembly, and there is no evidence to suggest that police would have considered the left stub axle could be more positively traced to Arthur THOMAS than the right stub axle.[5154]
- There is no evidence from which it could be inferred that police had possession of the stub axles prior to 20 October 1970.[5155]
- It is inconceivable that police would knowingly produce the axle and stub axles in evidence which had been welded together, and then broken apart, only a few weeks prior to examination by the defence.[5156]

2018. Arthur THOMAS' counsel at the RCOI (it is unknown if this was Kevin RYAN or Peter

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WILLIAMS QC) contended that the welding connecting the axle and the left hand stub axle (Police Exhibit 331) would be consistent with someone wishing to connect the two parts together and then separating them to enable the parts to later be matched together.[5157] It was said: *"It also follows that this welding was effected to that axle after that axle had been parted with by the Thomas', that is left the possession of and use by the Thomas', and after it had been transferred to Rasmussen."*[5158]

2019. THOMAS' counsel thought it was significant that a stainless steel welding rod had been used to weld the stub axles to the axle, which meant that the welds could not be dated.[5159] They defence also thought it significant that a number of parts which should have been found on the Mercer Ferry Road farm (according to Professor MOWBRAY's assessment, had the parts been returned by Roderick RASMUSSEN) were not found.[5160]

2020. The RCOI report stated:

> *"Inspector Parkes very fairly agreed that it was an extraordinary piece of luck that the two stub axles, which were to become such significant exhibits, just fell into Detective Johnston's hands. We can only agree, particularly having regard to the fact that he had already searched the tip 5 days before. We find the circumstances in which the stub axles were located peculiar in the extreme."*[5161]

2021. However, the RCOI did acknowledge that, had Detective JOHNSTON been able to give evidence on the matter, *"... he may have been able to put forward a proper and innocent explanation of matters such as the finding of the stub axles from which the most serious of inferences can on the face of it be drawn."*[5162]

2022. The report continued:

> *"The circumstances in which the stub axles were found are so peculiar as to call for an explanation. This the Police are unable to provide, because of Mr Johnston's death. We expressly do not make a finding of impropriety or even suggest that one is appropriate, but we do say that an explanation is called for in the light of the following matters:*
>
> *(i) Detective Johnston was first shown the tip on 13 October by Mr A. A. Thomas, who told him that motor vehicle parts were dumped there. Mr Thomas would in our view not have been so open about the matter, and so co-operative with the Police, had he been the murderer and had taken the axle from the tip a few months earlier.*
>
> *(ii) Detective Johnston searched the tip for trailer parts on 15 October 1970 without finding the stub axles.*
>
> *(iii) The stub axles fell into Detective Johnstons' hands on 20 October 1970 with extraordinary ease."*[5163]

Keith HUNTER - The Case of the Missing Bloodstain

2023. In his book, *The Case of the Missing Bloodstain,* Keith HUNTER alleged that the axle (Police Exhibit 293) said to have been recovered with Harvey's body from the Waikato River was a 'fake'[5164] and was in fact planted by police,[5165] along with the stub axles.[5166] HUNTER contended that it was intended for this evidence to be planted to secure a conviction against Lenard DEMLER,[5167] but that subsequent circumstances led to the evidence instead being planted against Arthur THOMAS.[5168] HUNTER allocated a significant portion of the book to his theory about how these events unfolded. He noted: *"As in all cases where the evidence is solely circumstantial, the scenarios proposed are reasonably described as conjecture based on that evidence. They are, however, what I believe occurred."*[5169]

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2024. HUNTER claimed that Detective Inspector HUTTON gave in to the pressure to make an arrest for the CREWES' murders[5170] and, as he firmly believed that DEMLER was the offender,[5171] set about 'creating' evidence which could be used against him.[5172] HUNTER's theory suggests that some time after a Police Conference on 28 August 1970[5173] - when all other avenues had been exhausted - Detective Inspector HUTTON went on to DEMLER's property to find a weight which could subsequently be found with Harvey's body.[5174] It was suggested that Detective Inspector HUTTON found an old discarded axle[5175] and stub axles[5176] behind a shed on the property.[5177] One of these stub axles quite clearly was a match to the axle as an oxyacetylene torch had been used to separate the two.[5178] HUNTER contended that Detective Inspector HUTTON took the axle, leaving behind the stub axles which could later be located and linked to the axle, thus incriminating DEMLER.[5179]

2025. When Jeannette's body was recovered from the Waikato River it was bound in wire. HUNTER stated that Harvey's body would obviously be the same, so he alleged Detective Inspector HUTTON set about making scratch marks on the spring pad of the axle he obtained from DEMLER's property with a file.[5180] When Harvey's body was located, HUNTER said, these marks would be assumed to have been caused by wear from a piece of wire that once held the axle and the body together.[5181] It was alleged that Detective Inspector HUTTON then wrapped the axle and placed it in the river, where it would be left to rust until Harvey's body was discovered.[5182]

2026. HUNTER alleged that on the day Harvey's body was found, Detective Inspector HUTTON visited the site of the body before returning to land to organise its recovery.[5183] HUNTER alleged that on his return trip, Detective Inspector HUTTON took with him the axle concealed in the bottom of the boat.[5184] Before Harvey's body was removed from the water, HUNTER suggested that Detective Inspector HUTTON used a small pair of wire cutters to sever a piece of wire on the underside of the body's torso.[5185] This action would then allow the inference that the wire which connected the axle to the body had broken. HUNTER claimed that Detective Inspector HUTTON had taken the axle, wrapped in a roll of black polythene, on the boat with him.[5186] After the wire had been cut Detective Inspector HUTTON unrolled the polythene over the side of the boat, thus dropping the axle into the river in the vicinity of Harvey's body[5187] where it was soon located.

2027. HUNTER stated that his theory of the axle being planted was proven by the photographic record of the recovery of Harvey's body.[5188] He said this showed that *"... something new arrived on the scene ..."*[5189] between the time when the body was loaded into the cradle and the axle was found by Constable SPENCE - this 'something new' being a large sheet of polythene.

2028. HUNTER alleged that the black polythene visible in photographs of the recovery of the body was used by Detective Inspector HUTTON to facilitate the planting of the axle in the river. HUNTER cited (then) Superintendent GAINES' evidence at the RCOI,[5190] who had stated: *"Thats [sic] a piece of black polythene which we took with us and placed over the weed prior to the recovery action ['all caps' removed]."*[5191] HUNTER noted that the photograph sequence showed that the polythene was placed over the weed during the recovery action, not prior to it.[5192] He also cited Constable FROST's evidence at the deposition hearing, where Constable FROST stated that this polythene was *"... taken in that boat and was put over the side for exhibits."*[5193] When Constable FROST was asked whether he had in fact put items found in the water into this polythene he replied: *"No I handed the bedspread to Insp. Hutton."*[5194] HUNTER did not believe that this was in fact the purpose of the polythene stating: *"While the black polythene must have had a purpose in being there, it wasn't a receptacle for evidence."* [5195]

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2029. The intended purpose of this polythene at the recovery scene is unknown, as is the identity of the person who took it there. It is noted that the recovery operation posed some difficulties as, at that time the body had been in the Waikato River for three months, and the objective was to retrieve the body intact. To enable this, plastic netting was utilised inside a cradle[5196] which held the body *(see paragraph 1297)*. It is quite reasonable to suggest that a large piece of polythene had been taken to the scene in the event that this could have proved useful to the recovery operation.

2030. A Police Jobsheet for 16 September 1970 by Detective COOK, officer-in-charge of the body, noted: *"... I also received one motor vehicle front axle, and a bedspread and loose clothing wrapped in a black tarpaulin."*[5197] This indicates that the polythene was used for the transportation of the exhibits located in the river.

2031. It is noted that after the bodies of Harvey and Jeannette were recovered, the wire from their bodies was examined by the DSIR.[5198] One aspect of the examination was to try and match the cuts on the ends of the wires with pairs of pliers which had been taken from various properties.[5199] These comparisons were unable to be done because of corrosion caused by the immersion of the wires in water, which had caused loss of individual characteristic marks on the cut ends *(see paragraph 1195)*.[5200] This would indicate that there was not a fresh cut in the wire, as alleged by HUNTER.

2032. HUNTER theorised that the wire Detective Inspector HUTTON cut, from around the torso of Harvey's body, had in fact been attached to the bedspread (Police Exhibit 294) which was wrapped in galvanised wire, and also found in the Waikato River.[5201] It is almost certain that this bedspread, which was wrapped to form the shape of an open bag[5202] and contained hair consistent with that of Harvey,[5203] had been wrapped around the head of the body. HUNTER's theory, that Detective Inspector HUTTON cut the wire from around Harvey's body, is negated by the fact that the wire which was likely attached to the axle was copper, as opposed to the galvanised wire wrapped around the rest of Harvey's body and around the bedspread. This means that this wire could not have been separated from the bedspread wire with a cut, as they were of different metals.

2033. At the time that Detective Inspector HUTTON was claimed to have used wire cutters to cut wire underneath the body and deposit the axle in the river beneath the body, there were 11 other police officers present at the scene. HUNTER acknowledged that it would have been impossible to plant the axle in the river while a number of people looked on.[5204] However, he was able to explain this by saying the axle *"... must have been planted when no-one was looking or when everyone was preoccupied, and/or: the mechanism for the planting was somehow disguised or camouflaged."*[5205]

2034. Detective Inspector HUTTON was in a small boat with four other police officers[5206] with others looking on from in the water and a nearby boat. The suggestion that Detective Inspector HUTTON could remove and replace a pair of wire cutters he had secreted on himself, and conceal a sizable axle onboard the boat, is simply implausible.

2035. HUNTER's theory submitted that, after the news item featuring the axle on the evening of 18 September 1970, Detective JOHNSTON received a telephone call at home from a contact.[5207] HUNTER suggested that this contact was a man who dealt with machinery, *"... perhaps a welder, a mechanic, a second hand vehicle dealer, a trailer maker."*[5208] The contact, according to HUNTER, informed Detective JOHNSTON that he believed the axle shown on television was very similar to one he had previously worked on, and was on a trailer belonging to the

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THOMAS family from Pukekawa.[5209] HUNTER claimed that Detective JOHNSTON knew the THOMAS name was associated with one of the two rifles which could not be excluded as the murder weapon and immediately telephoned Detective Inspector HUTTON.[5210] HUNTER stated that Detective Inspector HUTTON, *"well aware of Johnston's level of integrity ... immediately appoints him to his team to handle axle inquiries."*[5211] The same evening, HUNTER stated, Detective JOHNSTON would have uplifted the axle from Detective Sergeant JEFFRIES.[5212]

2036. HUNTER stated that this matter would have been further complicated when Joseph Stephen MacKAY (DOB [redacted]), who previously worked on Lenard DEMLER's farm, contacted police claiming that the axle shown on television looked like one he had seen while working on DEMLER's farm.[5213] It was alleged that after a further attempt by police failed to establish DEMLER had access to a .22 firearm[5214] (which would have cemented the case against him), DEMLER was 'out of the frame' and Arthur THOMAS was the new target.[5215] HUNTER stated that Detective Inspector HUTTON *"... hides the now unwelcome statements ..."* obtained from MacKAY.[5216]

2037. Although HUNTER did not name Detective JOHNSTON's 'contact' in his book, it is clear he was suggesting [redacted] was the informant. HUNTER stated that the informant 'may well be' the person featured in an affidavit, dated 25 June 1980, by Noel OTTAWAY (DOB unknown), [redacted].[5217] HUNTER included an excerpt of this affidavit in his book with names removed.[5218] The name removed from this document was in fact [redacted].[5219]

2038. HUNTER's reference to Detective JOHNSTON's integrity relates to allegations, and the finding of the RCOI, that he was involved in the planting of Police Exhibit 350 in the garden on the CREWES' property. This finding naturally called in to question the validity of other exhibits that Detective JOHNSTON dealt with.

2039. MacKAY did not telephone police after seeing the news item as alleged. Police contacted MacKAY after the axle was discovered, as he had previously worked on DEMLER's farm. This was established as a result of Detective Sergeant TOOTILL speaking with MacKAY on 20 August 1970, and with DEMLER on 18 September 1970.[5220] Furthermore, MacKAY did not tell police that an axle he remembered from DEMLER's farm was similar to the axle on television - in fact MacKAY did not mention the axle on television at all.

2040. HUNTER stated that Detective Inspector HUTTON realised that the images of the axle shown on television on 18 September 1970 would not correspond with the appearance of the welding on the axle that was to be produced in court.[5221] To rectify this issue HUNTER claimed that Detective Inspector HUTTON *"... arranges, with little difficulty, for the clip to disappear from NZBC shelves."*[5222]

2041. It was suggested that, to prevent being caught out, Detective JOHNSTON took another axle (not that allegedly planted in the river by Detective Inspector HUTTON) to people for identification, as they did not want anybody to identify this as Lenard DEMLER's axle.[5223] He stated that the axle which was actually shown to various people was supplied by an informant who guaranteed that nobody would identify it.[5224] HUNTER stated that Detective JOHNSTON was carrying out this work *"... to fool the inquiry team into believing it was all genuine police work."*[5225] HUNTER also claimed that: *"to move things along and build up a lengthy list of interviewees as quickly as possible, from time to time Hutton takes and axle around himself. When he gets back he writes up job sheets for Johnston to sign as his own work."*[5226]

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2042. HUNTER's comment, regarding Detective Inspector HUTTON making enquiries but attributing them to Detective JOHNSTON, is likely to be in response to allegations made by various people that they were shown an axle in 1970 by Detective Inspector HUTTON *(see 'allegations of the axle being 'switched' by police).* While it is possible that Detective Inspector HUTTON accompanied Detective JOHNSTON, Detective Sergeant JEFFRIES or Detective PARKES (those primarily involved in the axle enquiries) on occasion, it is arguably more likely that the witnesses were mistaken.

2043. As the subject of the planted evidence turned from DEMLER to Arthur THOMAS, HUNTER stated that Detective JOHNSTON went on to DEMLER's property and collected the two stub axles left there by Detective Inspector HUTTON.[5227] It was suggested that one of these stub axles was discarded, and that Detective JOHNSTON kept only the right hand stub axle which could be matched to the axle by flame gouging marks.[5228] HUNTER claimed that Detective JOHNSTON acquired a further set of stub axles, *"... perhaps directly from his informant."*[5229] In order to make the separate components a completely matching assembly, HUNTER stated that Detective JOHNSTON had the matching stub axle from DEMLER's farm and one of the stub axles acquired from his informant welded on to the axle.[5230] The stub axle from his informant, that Detective JOHNSTON chose to have welded to the axle, contained distinctive welding on the wheel studs that Allan THOMAS would recognise as work he had had done on his trailer.[5231] Detective JOHNSTON then instructed his informant to break the welds, therefore separating the three components.[5232] HUNTER claimed that Detective JOHNSTON would have then put the stub axles in the river 'to age' in the short time until they would be needed.[5233]

2044. HUNTER is clearly trying to cover off a number of factors to fit with the evidence available. When considering what was known at the time (September/October 1970) his theory simply does not make sense.

2045. HUNTER's theory called for Detective JOHNSTON to discard one of the stub axles that matched the axle located on DEMLER's farm, retaining only the one which obviously matched. It was suggested that Detective JOHNSTON then obtained another set of stub axles from his informant – [redacted] - from which he used only one. HUNTER inferred that when RASMUSSEN completed the alterations to Allan THOMAS' trailer in 1965, he retained the old parts, including the stub axles, which were later given to Detective JOHNSTON. However, it was not known until the RCOI in 1980 that Allan could positively identify one of the stub axles located on Arthur THOMAS' tip as that which had previously been on his trailer. Therefore, in terms of HUNTER's theory, there would have been no reason not to use both stub axles which had been found with the axle.

2046. Contrary to HUNTER's assertion, it was in fact the wheel studs themselves, not distinctive welding on the studs, which allowed Allan to identify Police Exhibit 331 as one of the stub axles which had been attached to his trailer.

2047. Furthermore, HUNTER said that one of the stub axles located on DEMLER's farm could be matched to the axle due to the flame gouging marks (from an oxyacetylene torch). However, HUNTER suggested that this was welded back on to the axle before being cut off again. From the appearance of the axle (Police Exhibit 293) and the stub axle (Police Exhibit 330) in question this does not seem possible. The axle shows a weld attaching a portion of the upper axle eye and the stub axle fork, as well as both sides of the cut on the upper fork and one side of the cut on the lower fork. This was a reasonably clean job and, had there been a secondary welding job and another cut, it is likely that there would be visible evidence of this.

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2048. HUNTER stated that on 28 September 1970, Detective JOHNSTON took the axle that was planted in the Waikato River to Charles SHIRTCLIFFE, who had telephoned police and said that he had had a similar axle on a trailer he previously owned.[5234] HUNTER claimed that Detective JOHNSTON had to take this axle - with the new welding at either end - to SHIRTCLIFFE instead of the second axle (the axle that had allegedly been shown to people by Detective JOHNSTON, not the axle allegedly planted in the river by Detective Inspector HUTTON).[5235] This was because his informant told him that the SHIRTCLIFFE trailer had ended up with the THOMAS family.[5236]

2049. Again HUNTER seems to be ahead of himself. It was not established until 13 October 1970 that SHIRTCLIFFE's trailer was later owned by Allan THOMAS. Therefore, Detective JOHNSTON could not have been told in September by his alleged informant ( ) that this was the case.

2050. HUNTER alleged that Detective JOHNSTON's initial visits to Arthur THOMAS' farm on 13 October 1970[5237] and 15 October 1970[5238] were to find *"... a logical place to dump the two stub axles ..."* which, at that time, were waiting in the river.[5239] It was suggested that a day or two later, Detective JOHNSTON parked his car down the road and covertly crossed the paddock, with the two stub axles, on to THOMAS' property.[5240] HUNTER said that Detective JOHNSTON put the stub axles into the tip and covered them with a small amount of soil.[5241]

2051. HUNTER stated that while his theory (summarised above) *"... may have seemed unjustifiably fanciful"* he had uncovered proof that the axle was a 'fakery'.[5242] He stated that a close study of photographs of Police Exhibit 293, specifically the marks said to have been caused by wire, did not correspond with the axle having hung vertically under the body with the king pin end pointed upwards.[5243] Instead, he contended, that the marks where wire was said to have been attached to the axle were in the wrong direction, had the king pin end of the axle been that which Detective Inspector HUTTON felt.[5244] HUNTER stated: *"In short, gravity says the rust marks are fake. They are scratch marks. If they are scratch marks then they were scratched on the axle and the axle is fake evidence. If it is fake evidence then it was, somehow, planted."*[5245]

2052. HUNTER stated that, had there been evidence (markings) of wire attached to the spring pad at the other end of the axle, then the axle could have hung horizontally under the body.[5246] However, as there were only markings on the right hand spring pad, the axle must have been hanging vertically under the body.[5247] Referring to photographs 12[5248] and 13[5249] of Book B, which were presented at the various court hearings, HUNTER contended that the markings on Police Exhibit 293 were inconsistent with the angle of wire, had it been attached to the body.[5250] He stated: *"... the mark doesn't travel up towards the upper, lighter, kingpin end as it crosses the plate. It goes down. It goes the wrong way."*[5251]

2053. In his book, HUNTER included a diagram of how he thought the axle would actually hang from the body, if only attached by wire from one spring pad.[5252] The diagram depicts a piece of wire which formed a 'V' shape as it threaded through one of the holes in the spring pad and then attached to the body (presumably in two separate places).[5253] HUNTER stated that this method would leave *"no mark at all"*,[5254] unlike that which was present on Police Exhibit 293.

2054. As no wire was recovered with the axle, it is unknown whether there was a separate piece of wire missing or whether the copper wire connected to the galvanised wire around Harvey's waist, had been attached to the axle before snapping. The unknown length of this wire makes it difficult to reconstruct the possible ways in which it could have been attached to the

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axle, and then Harvey's body. If a reconstruction of this sort took place during the original investigation in 1970, it is not documented. Furthermore, due to the nature of the available black and white photographs of Police Exhibit 293, it is difficult to determine the differences between a mark left by wire rubbing against the metal axle, rust, or some other discolouration. Having said this, it is unlikely that HUNTER's proposal of how the axle would hang with wire through one hole in the spring pad is the only way that that axle could have been attached to the body.

2055. Of note: HUNTER referred to a mark on the underside of the axle (in photograph 12) as *"... a thin mark worn on the edge of the axle beam at the point where the axle begins to bend, just along from the piece of [tie] rod welded beneath the rust-marked plate."*[5255] He indicated, on a copy of photograph 12 in his book, where this mark was. The associated caption described this mark as: *"... on the axle's lower edge several centimetres to the right of the cut-off [tie] rod ..."*[5256] HUNTER stated that this, along with another mark on the underside of the axle and the markings on the spring pad, represent the same piece of wire wrapped around the axle.[5257] However, there does appear to be a disparity between HUNTER's identification of this mark and evidence of its position given by Detective Inspector HUTTON.

2056. At the deposition hearing, Detective Inspector HUTTON described a mark in photograph 12 (the underside of the axle) as *"... near the sawn off end of the tie rod ..."*[5258] At the first trial he stated: *"That marks [sic] is shown just in front of a short place [sic, piece] of tie rod welded to that axle."*[5259] Then at the second trial he said that *"... just to the right and close to the part of the tie rod welded to the axle wasa [sic] further similar mark to that shown in ph.13 ..."*[5260] These descriptions indicate that the mark to which Detective Inspector HUTTON referred is more likely to be a different mark to that which HUNTER believed it to be. It is likely that the mark referred to in court was in fact the circular mark seen in photograph 12 right next to the end of the tie rod, on the bottom edge of the axle (when looking from the side).

Chris BIRT - All the Commissioner's Men

2057. In his book, Chris BIRT did not suggest that the axle was planted by police. He instead stated that the axle located with Harvey's body was not the 'original THOMAS trailer axle'.[5261] He said: *"This can be determined with certainty because [of] the welding which ... had been done with stainless steel rod and amounted to no more than tack welds - had not been undertaken, at any time, on the axle of the trailer bought by Thomas (senior)."*[5262]

2058. However, BIRT did contend that *"there is now demonstrable evidence that [Detective] Johnston ... planted two stub axles on the Thomas farm dump which were then matched to a crucial axle found beneath Harvey Crewe's body."*[5263] He stated that the only viable explanation was that Detective JOHNSTON had taken the two stub axles to Arthur THOMAS' farm on 15 October 1970, after visiting Roderick RASMUSSEN.[5264] BIRT stated that, in addition to being the only police officer in THOMAS' farm tip that afternoon, Detective JOHNSTON *"... was able to show the axle and stub axles to Rasmussen and discuss the Thomases with him on 15 October ..."* In BIRT's view, this 'clearly demonstrates' that the stub axles *"... were yet another strand in the fabricated case against ..."* THOMAS.[5265]

2059. BIRT did not state whether he believed Detective JOHNSTON obtained the stub axles from RASMUSSEN, or from some other source. BIRT asserted that the original running gear from Allan THOMAS' trailer (including the axle, stub axles, wheels and tyres) was not returned to the THOMAS farm in 1965.[5266] He stated that the various parts had no further connection with the THOMAS family after this time, *"... other than a concocted one ..."*[5267] Having said this,

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it was accepted by Allan at the RCOI that one of the stub axles (Police Exhibit 331) produced by police was in fact been that which had been attached to his trailer, prior to the alterations by RASMUSSEN. If, as BIRT claimed, the parts were never returned, BIRT's theory would therefore require the stub axles Detective JOHNSTON obtained, and later planted on Arthur THOMAS' farm, to have been sourced from RASMUSSEN.

2060. BIRT claimed that Detective JOHNSTON showed the axle and stub axles to RASMUSSEN on 15 October 1970. This is simply not supported by the documentation on the file. Detective JOHNSTON's Police Jobsheet recorded that RASMUSSEN was shown the axle on 12 October 1970[5268] and probably also on 22 October 1970.[5269] The stub axles were not shown to RASMUSSEN until 22 October 1970.[5270]

2061. BIRT stated that the search of Arthur THOMAS' property by Detective JOHNSTON on 15 October 1970 required examination, because Detective JOHNSTON said he had been looking for the family trailer.[5271] BIRT said: *"This is an extraordinary statement - one which must be viewed with the utmost suspicion - because not only was Johnston advised that this trailer had been on the Matakana property since 1966, he had actually seen it in that locality the previous day."*[5272] Again, this assertion is not supported by evidence.

2062. Detective JOHNSTON recorded in a Police Jobsheet that on 15 October 1970 he visited Arthur THOMAS *"... after having the previous day seen his father [Allan THOMAS] at Matakana. The reason for the visit on this occasion was to ascertain if the trailer ex-SHIRTCLIFFE and used by his father was still on the farm."*[5273] It is clear that this visit to Arthur THOMAS' property was a direct result of the information Allan THOMAS had provided to Detective JOHNSTON the previous day. The record of information provided by Allan on 14 October 1970 established that he differentiated between his present trailer (in 1970) and the old trailer - originally owned by Charles SHIRTCLIFFE.[5274] It was noted that Allan told Detective JOHNSTON *"... as far as he could recall the old trailer (SHIRTCLIFFE'S) was left on the farm when he left and he thought it was down by the old cow shed."*[5275] Detective JOHNSTON commented that on 15 October, at Arthur THOMAS' property, he searched this area around the old cow shed but did not locate the trailer.[5276]

2063. If Detective JOHNSTON had been told about and/or shown a trailer which was claimed to be the trailer in question, it would still not have been unreasonable for him to make further enquiries to confirm this, i.e. look for evidence of the trailer in question on THOMAS' farm.

2064. BIRT stated that on 20 October 1970, while at THOMAS' property, Detective JOHNSTON 'inexplicably' broke off from his task of collecting wire to get into the farm tip where he located the two stub axles.[5277] It is quite possible that Detective JOHNSTON had not diverted from collecting wire at all. Instead of going to the tip to find the stub axles he had planted there, as inferred by BIRT, it is possible that Detective JOHNSTON was in fact looking for wire on the farm tip. Had this not been the case, and Detective JOHNSTON was actually looking for trailer parts, this does not suggest evidence had been fabricated at all, and could simply be Detective JOHNSTON being thorough.

Ian WISHART - Arthur Allan Thomas: The Inside Story

2065. In *Arthur Allan Thomas: The Inside Story*, Ian WISHART stated that while it was possible police had swapped the axle originally in the Waikato River with one *"... more evidentially favourable to their case ..."* he was not convinced that this was so.[5278] He went on to say that, if police had in fact been tipped off about Harvey's body (instead of the body been found by an

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observant Constable), this presented a number of possibilities as to the framing of Arthur THOMAS.[5279] WISHART suggested that if a 'rogue cop', such as Detective JOHNSTON, knew the identity of the offender, and was protecting them, he could also have known where the body was and *"... could also arrange for it to be found with important evidence."*[5280]

2066. One of the theories presented by WISHART proffered Detective JOHNSTON as the person responsible for the murders, although he stated that this was *"... entirely speculative on my part ..."*[5281]

2067. WISHART said the axle and other car parts had been taken from THOMAS' farm in 1965 by a group of boys[5282] and dumped on the side of the road near the CREWES' farm.[5283] He said: *"Clearly Johnston, in his police work in the area, had noticed the old axle and parts at some point"* and knew where to obtain the weights for the bodies.[5284] WISHART suggested that only the offender could have known where to obtain the stub axles which matched the axle used to weigh down Harvey's body.[5285] He said affidavits from the five boys involved in the removal of an axle from the THOMAS farm *"... destroyed the police fabrication that Arthur had ever possessed the axle."*[5286]

2068. None of the five people (Bruce EYRE, John MARTIN, Trevor SALMONS, Robert HILL and David BREWSTER) who submitted affidavits relating to the removal of an axle from Allan THOMAS' farm in 1965 suggested that a stub axle, or stub axles, had been removed from the property also.

2069. WISHART commented that Detective JOHNSTON's finding of the stub axles on Arthur THOMAS' farm now looked *"... impossibly out of place"* and said that the stub axles would have been dumped on the side of Highway 22, Pukekawa, with the axle.[5287] In WISHART's book, THOMAS expressed his belief that police planted the stub axles on his farm to set him up.[5288] WISHART agreed, stating that they were not on the tip when Detective JOHNSTON and THOMAS had previously searched it.[5289] WISHART commented:

> *"There are only two possibilities. Either Johnston was a corrupt cop looking for evidence to plant against Thomas and fluked it by finding the same ditch the killer had taken the axle from, and the cop just happened to find the exact stubs for it; Or, Johnston was the killer all along ... In finding those stubs so quickly and conveniently back on Arthur's farm, Len Johnston provides the best circumstantial evidence yet that he killed the Crewes."*[5290]

2070. WISHART stated that at the deposition hearing Crown Prosecutor David MORRIS tried to fit the stub axles (Police Exhibits 330 and 331) and wheels (Police Exhibits 393 and 394) to the axle (Police Exhibit 293), to demonstrate to the court that the components were once one unit.[5291] WISHART quoted a 1979 review of the case by Robert Wilfred COOMBRIDGE[xxxvi] (DOB [redacted]), who stated that MORRIS could not fit the wheels on to the bolt holes of the (stub) axle and, therefore, failed to link the axle as having come from THOMAS' property.[5292] WISHART stated that this 'serious weakness' was corrected by Detective Inspector HUTTON's evidence at the trials, when he stated that THOMAS had agreed that the stub axles and axle must 'go together'.[5293] WISHART said that at no stage was Detective Inspector HUTTON asked whether he could match the wheels to the stub axles or the stub axles to the axle.[5294]

2071. The allegation that MORRIS was unable to fit the stub axles and wheels together cannot be

[xxxvi] Robert COOMBRIDGE carried out his own enquiries into the CREWES' murders under the alias Robert J. WILLIAMS.

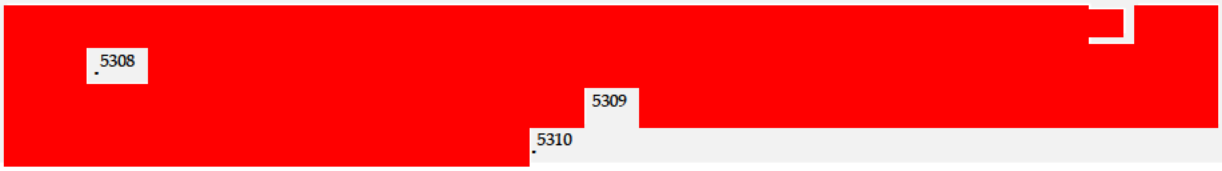
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confirmed, as this is not indicated in the hearing transcript. However, it is noted that at the deposition hearing Detective JOHNSTON produced the wheels as exhibits, and stated that Police Exhibit 394 (one of the wheels) was not interchangeable with both stub axles and would only fit Police Exhibit 330.[5295] The transcript reads: *"This stub axle fits this wheel but the other stub axle does not fit - indicates."*[5296] 'Indicates' refers to the fact that Detective JOHNSTON showed the court how these two items did or did not fit together. The fact that the stub axles and wheels could in fact be fitted together was again demonstrated by Detective JOHNSTON at the first trial[5297] and by Roderick RASMUSSEN at the second trial.[5298]

2072. It has never been disputed that the axle (Police Exhibit 293) and the stub axles (Police Exhibits 330 and 331) were at some time connected.

2073. COOMBRIDGE carried out his own enquiries into the CREWES' murders under the alias Robert J. WILLIAMS,[5299] and, at times, purported to be a police officer[5300] or to be working for THOMAS' defence counsel.[5301] COOMBRIDGE attended the first trial wearing a blonde wig and dark glasses so that he would not be recognised.[5302]

2074. In 1971, COOMBRIDGE brought a private prosecution against William James EGGLETON (DOB unknown), who gave evidence at the first trial, alleging that he had lied in court.[5303] The prosecution was dismissed.[5304] In 1979, COOMBRIDGE brought a private prosecution against retired Detective Inspector HUTTON for a charge of perjury and nine charges of perverting the course of justice relating to the second trial.[5305] Solicitor-General Richard SAVAGE stayed the prosecution.[5306]

2075. 

Bryan BRUCE - The Investigator, Who Killed the Crewes?

2076. In *The Investigator,* producer Bryan BRUCE stated that he had no doubt that the stub axles (Police Exhibits 330 and 331) were once connected to the axle (Police Exhibit 293).[5311] However, he did pose the question as to whether Detective JOHNSTON planted the stub axles on Arthur THOMAS' farm.[5312] BRUCE interviewed Roderick RASMUSSEN, who told him that two or three days after Detective JOHNSTON had first shown him the axle, he returned and showed RASMUSSEN two stub axles (and hubs).[5313] RASMUSSEN stated that these stub axles matched the axle he had previously been shown by police, and said these were the same axle and 'hubs' he had removed from Allan THOMAS' trailer.[5314]

2077. BRUCE referred to Detective JOHNSTON's Police Jobsheet, which noted that RASMUSSEN was first shown the axle on 12 October 1970, but had stated that he did not recognise the axle.[5315] BRUCE then said that on the second visit, on 15 October 1970, RASMUSSEN claimed that Detective JOHNSTON showed him the axle together with the stub axles.[5316] BRUCE pointed out that this was the same day that Detective JOHNSTON had gone to Arthur THOMAS' farm tip alone, and five days before the stub axles were recorded to have been found.[5317] BRUCE asked how Detective JOHNSTON could find the stub axles 'a week' after he had already shown them to RAMUSSEN.[5318] BRUCE acknowledged that there may have been some reasonable answer to this question, but stated that Detective JOHNSTON was now deceased and police would not give BRUCE access to his files.[5319]

2078. Detective JOHNSTON's Police Jobsheet, referred to by BRUCE, indicated that the axle was

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first shown to RASMUSSEN on 12 October 1970.[5320] During a second visit, on 15 October 1970, Detective JOHNSTON spoke to RASMUSSEN about the axle and a trailer owned by Allan THOMAS.[5321] It appears that BRUCE has assumed, from RASMUSSEN's comment, that he must have been shown the stub axles on this second visit, which was three days after the first. However, Detective JOHNSTON's Police Jobsheet reported that the stub axles were in fact shown to RASMUSSEN on 22 October 1970, 10 days after the first visit[5322] and two days after they were found on Arthur THOMAS' farm.

2079. BRUCE based his assertion, that Detective JOHNSTON had shown RASMUSSEN the stub axles on 15 October 1970, on RASMUSSEN's comment in 2012, 42 years after the event. It is not surprising that at this stage RASMUSSEN's memory of the estimated time frame between visits from police, and the detail of those visits, was flawed. There is no evidence that Detective JOHNSTON had in his possession the stub axles - which were located on THOMAS' farm tip on 20 October 1970[5323] - at that time.

The THOMAS family

2080. Desmond THOMAS compiled a report, dated 3 September 2007, which he sent to police.[5324] In his report, Desmond stated that the stub axles located on Arthur THOMAS' farm tip were never on Allan THOMAS' trailer.[5325] He further claimed: *"The only way that these stub axles got to the Thomas dump was by Detective Johnston."*[5326] Desmond explained that there were a number of factors on which he based this conclusion:

- Had these stub axles been returned to the farm by Roderick RASMUSSEN, the men who removed the axle (in 1965) would have also taken the stub axles.[5327]
- The stub axles would not have ended up in the Mercer Ferry Road tip if they had been returned, because this was inaccessible during winter.[5328]
- At least 12 people had looked over that tip between mid 1965 and 1970, and never saw the axle, stub axles, wheels or tyres from Allan's old trailer.[5329]
- Had the axle, stub axles and wheels been taken back to the THOMAS farm and thrown on the tip in 1965, there would have been five years of farm and household rubbish dumped on top of them.[5330] This would include the sick cow that Arthur THOMAS shot at the time of the CREWE homicide investigation.[5331]
- RASMUSSEN would not have made any profit on the alterations to Allan's trailer, had he not retained possession of the old parts.[5332]

2081. Desmond stated that on 15 October 1970, when Detective JOHNSTON visited Arthur THOMAS at his farm, he had the opportunity to plant the stub axles, which he had obtained that day from RASMUSSEN.[5333]

2082. Desmond's claim, that the stub axles located by police on Arthur THOMAS' farm tip were not those which were previously on Allan THOMAS' trailer, is inconsistent with Allan's evidence at the RCOI. At this time, Allan accepted that one of the stub axles in question (Police Exhibit 331) was in fact that which had been on his trailer, and was easily identifiable due to the studs *(see paragraph 1638).*

2083. On 27 October 2011, Desmond THOMAS wrote to Detective Superintendent LOVELOCK: *"Det Johnston had a hand in the movement of the stub axles from Rasmussen's workshop to the Thomas farm dump on Oct 15th 1970, where he later found them on his second search on the 20th Oct 1070[sic]."*[5334]

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2084. There is no evidence to support this claim.

Similar axle on Lenard DEMLER's farm

2085. After the axle (Police Exhibit 293) was found with Harvey's body, a number of enquiries were made to ascertain whether a 'similar' axle could be linked to Lenard DEMLER who, at the time, was the primary suspect for the murders. Joseph MacKAY, Lewis Maxwell NELSON (DOB unknown), Terrence Cuthbert Neill O'BRIEN (DOB unknown) and David James THOMAS[xxxvii] (DOB unknown) were identified as people who had previously worked on DEMLER's farm.[5335] They were spoken to by police in an effort to determine whether they had ever seen a similar axle on the property.[5336]

2086. Joseph MacKAY, who had worked for DEMLER from about 1958 to 1962/1963, was interviewed by police on 21 September 1970.[5337] MacKAY stated that DEMLER had had two trailers, one of which was a narrow, wooden homemade trailer.[5338] MacKAY said that the wheels on this trailer did not seem to fit with the rest of it, and that one of the wheels was a bit 'wonky' and would wobble a bit.[5339] He did not remember which side of the trailer this wheel was on.[5340] MacKAY stated that there was another axle on DEMLER's property which was used for holding down a tarpaulin that covered hay.[5341] He stated that he may be able to recognise this axle if he saw it again, as he remembered that there was no king pin in one end and rope from the tarpaulin was threaded through this point.[5342]

2087. On 24 September 1970, MacKAY made a further statement to police after he was shown Police Exhibit 293. MacKAY said Police Exhibit 293 was not the axle which had been used to hold down the tarpaulin on DEMLER's farm, but was similar to the one on the old home made trailer that DEMLER had.[5343] MacKAY described Police Exhibit 293 as similar in shape to the axle on DEMLER's trailer, further pointing out that DEMLER's trailer: *"... had a wonky wheel and looking at the king pin on the axle I have been shown, this appears to be where the wheel wasn't running true."*[5344] MacKAY stated that the axle on DEMLER's trailer had one or two bars running from the axle to the frame of the trailer.[5345] He also noted that Police Exhibit 293 had a lug welded on to the bottom, to which a bar like the one he remembered on DEMLER's trailer could be fitted.[5346]

2088. In his book, *The Case of the Missing Bloodstain,* Keith HUNTER alleged that Detective Inspector HUTTON hid the statements of MacKAY from everyone so that this evidence could not be used against DEMLER[5347] *(see paragraph 2036).* It is noted that both statements were taken by Detective PARKES[5348] and these enquiries were likely tasked to Detective PARKES by Detective Sergeant TOOTILL. Therefore, there were at least two other key individuals involved in the investigation who would have been aware of information contained within MacKAY's statements.

2089. HUNTER also alleged that MacKAY had telephoned police with this information in response to the television item showcasing Police Exhibit 293 on 18 September 1970 *(see paragraph 2036)*.[5349] This is incorrect.

2090. Lewis NELSON was spoken to on 22 September 1970.[5350] He stated that he had worked for Lenard DEMLER for approximately one year between March 1962 and March 1963.[5351] He said that there were possibly parts of an old car at the back of the garage under the trees on DEMLER's property.[5352] He also remembered an old car chassis that had been used as a dog kennel, and said that scrap iron was generally scattered about.[5353] NELSON also stated that

[xxxvii] David THOMAS was a brother of Peter THOMAS and cousin of Arthur THOMAS.

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surplus hay, which could not fit in the hay barn, was stacked under the pine trees by the house and covered with black polythene which was held down with wooden fence posts and pieces of scrap iron.[5354] Police Exhibit 293 was shown to NELSON, but he was unable to identify this as having been on DEMLER's property.[5355]

2091. On 21 September 1970, Terrence O'BRIEN made a statement saying that he had worked for DEMLER between April 1964[5356] and December 1965.[5357] He stated that there was a wooden trailer on the farm while he was there, but he did not remember it well.[5358] Detective PARKES' Police Jobsheet of the interview commented that this trailer appeared to be that which was still on the property.[5359] O'BRIEN further stated that he did not notice any axles or other trailer parts lying around the farm.[5360]

2092. David THOMAS had only worked on DEMLER's farm for a short period of time, from about 22 July 1970[5361] - after the disappearance of the CREWES.[5362] He was therefore not spoken to regarding trailers or axles on DEMLER's farm.

2093. Murray Frederick Charles COLEBOURN (DOB unknown), who had worked for DEMLER while he (DEMLER) was overseas from about April 1957 to November 1957, was also spoken to (on 23 September 1970).[5363] COLEBOURN did not remember any trailers on the farm.[5364]

2094. On 28 September 1970, it was further directed that stock agents who dealt with DEMLER or Harvey were to be spoken to in order to establish, amongst other things, whether either possessed a trailer or axle which could not be accounted for.[5365] Enquiries carried out by Detective PARKES on 1 October 1970 established that Jack BINSTEAD,[5366] John DAGG[5367] and Joseph MOORE[5368] did not know what trailers or axles were on either DEMLER's or the CREWES' farm. John GRACIE stated that he did not think Harvey had a trailer and did not know what DEMLER had in the way of trailers, nor did he know what axles were on either farm.[5369] It does not appear that Keith BROWN, who was included in a list of people to be spoken to,[5370] was in fact questioned about this.

2095. On 21 September 1970, police received information from an unknown source (who wished to remain confidential) that Selwyn George HAWTHORN (DOB unknown), the licensee of the Kaukapakapa Hotel, had been talking about the CREWE murders.[5371] HAWTHORN allegedly stated that he had owned a 1926 or 1929 Nash car while living on the farm next door to DEMLER years before, and had put the axle from this car on to a trailer.[5372] It was claimed that HAWTHORN said the axle found with Harvey's body could have been that which once belonged to him.[5373] HAWTHORN was alleged to have said that he was not going to report this to police as he was a close friend of DEMLER, and did not think that DEMLER was responsible for the murders.[5374]

2096. On 25 September 1970, HAWTHORN told police that he had previously (between 1946 and 1955) farmed the property then owned by Ian SPRATT.[5375] HAWTHORN said he had an old trailer while on this property - the axle and wheels of which were from an old stationary baler manufactured by Boothmac Limited.[5376] HAWTHORN stated that the trailer had been left on the farm when he sold it.[5377] He said that he had never owned a 1929 Nash.[5378] HAWTHORN confirmed that DEMLER used to have a trailer which he used behind his tractor, but was unable to elaborate upon this.[5379]

2097. Between 18 September 1970 and 6 October 1970, Detective JOHNSTON visited James HAWKER in connection with the axle enquiries.[5380] However, in an affidavit dated 13 December 1978, HAWKER stated that Detective Inspector HUTTON had taken the axle to show him within a week of it appearing on the television.[5381] According to HAWKER,

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Detective Inspector HUTTON asked if he had seen the axle on the CHENNELLS farm (later to become known as the CREWES' farm) during his time managing the property.[5382] HAWKER stated that he had not seen that axle on the farm.[5383]

2098. The visit to HAWKER between 18 September 1970 and 6 October 1970 is not documented. However, a Police Jobsheet (dated 7 October 1970) by Detective Sergeant J. FRASER stated that HAWKER had been visited by Detective JOHNSTON 'recently' (prior to 6 October 1970) in connection with the axle.[5384]

2099. In a statement to police on 28 September 1970, HAWKER said that when he moved on to the CHENNELLS farm in 1951 there were no trailers, only a konaki[xxxviii] with a straight, round 'blacksmiths' axle.[5385] He commented that there was an old axle on the property which appeared to have been broken in the middle or shortened, and had a metal strap on either side.[5386] HAWKER stated that Lenard DEMLER had two trailers,[5387] but he did not know what sort of axles were on either trailer.[5388] A Police Jobsheet relating to this interview stated that HAWKER said he had helped DEMLER store hay under the trees by his shed.[5389] The hay was covered by a tarpaulin which was held down by wire.[5390] The Jobsheet further noted that HAWKER *"... does not remember any axle being used in conjunction with the tarpaulin."*[5391]

2100. HAWKER's 28 September 1970 statement was made to Detective PARKES. A Police Jobsheet of the interview does not note that Detective JOHNSTON was present during these enquiries,[5392] thus it is likely that Detective JOHNSTON's visit to HAWKER was on a separate occasion.

New information

2101. Nil

[xxxviii] A farm vehicle with runners in the front and wheels at the rear.

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7. ALIBIS OF THE KEY PERSONS OF INTEREST FOR THE TIME PERIOD IN WHICH HARVEY AND JEANNETTE CREWE ARE BELIEVED TO HAVE BEEN MURDERED

Key findings

2102. During the time the CREWES were almost certainly murdered, between 7.00pm and 9.30pm on Wednesday 17 June 1970, Arthur THOMAS was allegedly at home with his wife Vivien THOMAS, and cousin Peter THOMAS.

2103. Arthur THOMAS stated that he had been in the implement shed on his farm from sometime after 4.00pm, calving sick cow number four. However, the period which THOMAS stated that he remained in the implement shed varied from between 6.00pm to 9.00pm. The assertion that Arthur THOMAS was tending to a sick cow was corroborated by Vivien, who stated that she had assisted Arthur THOMAS with the cow on this evening. However, the time period for which she had assisted is unknown, as the time Vivien joined Arthur THOMAS in the implement shed was not recorded. Vivien variously stated that she returned to the house between 6.15pm and 7.00pm, and that Arthur THOMAS followed between 7.15pm and 7.30pm. Peter confirmed that Arthur THOMAS tended to a sick cow on this evening and, was not sure, but thought he may have assisted Arthur THOMAS on this evening.

2104. After returning to the house and having dinner, Arthur THOMAS stated that he had a bath, dried the dishes and watched television, before he and Vivien went to bed at about 9.00pm. Vivien agreed with Arthur THOMAS' account of events after dinner that evening, but she gave varying times, of between 8.00pm and 9.30pm, at which she and Arthur THOMAS went to bed. Peter stated that he, Arthur THOMAS and Vivien all retired to bed between 9.00pm and 9.30pm.

2105. While it is almost certain that Arthur THOMAS had a sick cow that was in calf during the month of June 1970, the issue is whether or not he was tending to sick cow number four on the evening of Wednesday 17 June 1970.

2106. The overall impression gained from the accounts of Arthur, Vivien and Peter THOMAS was that they had a general idea of what they had been doing on the evening of Wednesday 17 June 1970. However, information suggests that their recollection was based upon what their usual routine entailed, rather than an actual recollection of that particular evening. This is to be expected as the THOMASES were not asked until October 1970 to relay their movements on 17 June 1970. Vagueness around the events of that evening is not only expected, but, it could be argued, adds credibility to Arthur THOMAS' alibi. Peter's assertions of what happened, and when, that evening are largely inconsistent and therefore not credible corroboration.

2107. Vivien claimed, although the times of which vary, that she had been with Arthur THOMAS during almost all of the two-and-a-half hour period during which the murders were almost certainly committed. Nonetheless, it remains a possibility that Arthur THOMAS could have left the house after Vivien fell asleep (after retiring to bed at about 9.00pm) and could have been at the CREWES' property (approximately 14 kilometres by road), shortly after 9.00pm.

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SENSITIVE

2108. Lenard DEMLER maintained that he stayed at home all day on Wednesday 17 June 1970. However, other than being at home alone, his activities during the period in which the CREWES were almost certainly murdered are unknown and cannot be confirmed with anyone else.

2109. Due to communication difficulties with John EYRE, his activities and whereabouts on the evening of Wednesday 17 June 1970 do not appear to have been fully investigated in 1970. Thus, his movements during the critical time period when the CREWES were almost certainly murdered are unknown.

2110. The police case contended that Harvey and Jeannette were murdered in their home at about 11.00pm on Wednesday 17 June 1970. However, as described by Robert ADAMS-SMITH QC in his second report: *"There is no evidence which with certainty establishes that the murders of Mr and Mrs Crewe were committed in the late evening of the 17th June 1970."*[5393] Thus, for the purposes of this document an analysis of the evidence indicating the time of death for Harvey and Jeannette was undertaken *(see chapter 3)*. This analysis identified that the time of deaths was almost certainly between 7.00pm and 9.30pm on 17 June 1970, rather than the original police contention of about 11.00pm.

2111. The key 'persons of interest' identified by the 1970 homicide investigation team were Lenard DEMLER and Arthur THOMAS. John EYRE, also a valid person of interest, was identified as such by THOMAS' defence at the second trial and this claim has also featured in numerous publications. The following discussion analyses the alibis of these three individuals, taking into account the likely time of the CREWES' death being between 7.00pm and 9.30pm on 17 June 1970.

Arthur Allan THOMAS

2112. Arthur THOMAS was recorded as having been spoken to by police on seven occasions, regarding his whereabouts on the evening of Wednesday 17 June 1970. These interactions occurred between 2 July 1970 (his first interaction with police regarding the CREWE murders) and 11 November 1970 (when he was arrested for the murders). Related information is also contained in evidence given by THOMAS at the first and second trials (in 1971 and 1973 respectively). General details of THOMAS' movements on the evening of 17 June were mentioned during the RCOI in 1980, but were not specific and added no value to the analysis of THOMAS' alibi at the time the CREWES were almost certainly murdered. Thus, information from these hearings has not been included in the analysis. THOMAS' wife Vivien THOMAS, and his cousin Peter THOMAS, who was boarding with them at the time, also gave statements and evidence pertaining to Arthur THOMAS' movements on the date in question.

2113. Arthur THOMAS was generally consistent in describing his movements on 17 June 1970, leading up to the CREWES' time of death. Although his activities in the morning are not documented, it appears that he was away from his property for most of the day from 12.00 noon, when he and Vivien went to their dentist in Pukekohe.[5394] This information was corroborated by Vivien[5395] and the Dental Surgeon, William Dunlop Garth BROWN (DOB unknown).[5396] Referring to his 'daily book', at the first trial, BROWN stated that Arthur and Vivien attended his office for routine dental treatment, and were there for approximately half an hour, between 12.00 noon and 12.30pm.[5397] It is not clear whether the dental

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appointment was for Arthur or Vivien, but Vivien's statement, dated 25 October 1970, made it clear that the appointment was for only *"one of us ..."*[5398]

2114. After giving evidence for the defence at the first trial, corroborating Arthur THOMAS' alleged trip to the dentist on 17 June 1970, BROWN wrote a letter to the Ombudsman, Sir Guy POWLES, dated 14 March 1972, which contained information that had not been included in his evidence.[5399] BROWN claimed *"... Mr Thomas refused an invitation I offered him to come home for coffee, because he had to rush back to his farm to attend a sick cow."*[5400]

2115. The THOMASES, who allegedly left the dentist at 12.30pm, stated that they returned to their Pukekawa farm between 3.00pm and 4.00pm. It could therefore be inferred that they did not 'rush back' to the farm. Accordingly, the need to attend to a sick cow (cow number four) was not likely to have been an accurate reason for declining BROWN's invitation to have coffee.

2116. BROWN gave evidence at the first trial[5401] as a defence witness and it is surprising that, had this information (contained in his letter to the Ombudsman) been known to Arthur THOMAS' Defence Counsel, Paul TEMM, it was not included in his questioning. The existence of a sick cow played a significant role in the evidence of THOMAS' activities on 17 June 1970. Therefore, BROWN's evidence would have been valuable to corroborate THOMAS' story. It is possible BROWN had not told THOMAS' defence counsel of this information at the time of the first trial, calling in to question the validity of the information. Alternatively, BROWN may have come forward with this information but it was assessed by TEMM to be unreliable and therefore was not presented in court.

2117. BROWN maintained this addition to his version of events while giving evidence at the second trial[5402] and, at this stage, this was corroborated by Vivien who gave evidence supporting BROWN's story.[5403] Arthur THOMAS did not comment on this matter during his evidence.

2118. Arthur and Vivien THOMASES' movements between their visit to the dentist and return home are largely unknown. Vivien described them shopping[5404] and carrying out 'ordinary business'[5405] in Pukekohe after the dental appointment.[5406] She stated that on this day she purchased material from 'Stan RYANS' - believed to be Ryan & Pollock Ltd, 187 King Street, Pukekohe - for Margaret STUCKEY's (Arthur' sister) birthday present.[5407] However, it was not until the first trial that Arthur THOMAS stated he also took his vehicle into Ornstien and Greenwell Ltd., West Street, Pukekohe, after their visit to the dentist.[5408] During Detective Inspector HUTTON's interview with THOMAS on 25 October 1970, he noted that he had asked THOMAS whether his vehicle had been serviced on 17 June 1970, to which THOMAS replied that he could not recall.[5409] An invoice (number 9460) dated 17 June from the garage confirmed that this did in fact occur, and work was undertaken on the vehicle. Work was completed on the clutch slave cylinder, overhaul master cylinder and the pipe and bleed system of THOMAS' vehicle, registration number CZ4661.[5410] It is not known how long this work took to complete, or whether the THOMASES remained at the garage during this time.

2119. Neither of the THOMASES appeared certain about the time they arrived home. Arthur THOMAS stated that they arrived home 'about 4.00pm',[5411] while Vivien indicated at different times that they returned home *"about the middle of the afternoon. I cannot be sure of the exact time"*,[5412] 'about 3.00pm',[5413] or 'round about 4.00pm'.[5414]

2120. There is a period of between two-and-a-half and three-and-a-half hours, while in Pukekohe, that Arthur THOMAS' movements are unknown.

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2121. Although this is not crucial to THOMAS' alibi, as the CREWES were still alive at this time, it would be useful to know what his movements were for the two-and-a-half to three-and-a-half hours between visiting the dentist and returning home. For example, it would be significant if in fact THOMAS had some form of interaction with either of the CREWES on the afternoon of 17 June 1970 that is not currently known.

2122. Beverley BATKIN said that she saw the CREWES drive past her home between approximately 4.00pm and 4.30pm on 17 June,[5415] from the direction of Pukekohe *(see paragraph 91)*.[5416] The positioning of her home at 1 Buckland Road, Tuakau, means that of three possible routes the CREWES could have taken home from the stock sale at Bombay, they took the longest - which led them through Pukekohe Township. It is, therefore, possible that the THOMASES and the CREWES had been in Pukekohe at the same time that afternoon, although Arthur THOMAS denied seeing Jeannette "*... at Pukekohe or any other place*" that day, it is not recorded whether or not THOMAS was asked if he had seen Harvey.[5417] It does not appear that Vivien was asked if she had seen either of the CREWES that day.

2123. Arthur THOMAS said that after he and Vivien returned home from Pukekohe, they: *"... had a cup of tea and then later after our cup of tea I went down to check cow No. 4."*[5418] Vivien said she stayed in the house and began preparing dinner while Arthur THOMAS 'did farm work', before she received a telephone call from THOMAS, who was in the implement shed, asking her to come and help him.[5419] Cow number four was allegedly having trouble calving and THOMAS stated that he spent *"an hour, or hour and a half"* with the cow while it gave birth.[5420] During an interview with Detective JOHNSTON on 15 October 1970, THOMAS stated the cow calved at about 6.00pm.[5421] Detective Inspector HUTTON noted, during his 25 October 1970 interview with THOMAS, that THOMAS had *"attended the sick cow 5pm to 6pm"* on 17 June 1970.[5422]

2124. Vivien told police that for *"at least a week to ten days before calving ..."* cow number four had been strung up in the implement shed with a 'block and tackle' to keep it off the ground.[5423] The cow was in calf and suffering from paralysis of its rear legs[5424] due to damaged abductor muscles.[5425]

2125. Arthur THOMAS claimed that this cow calved on the evening of 17 June 1970, thereby providing an alibi for part of the evening on which the CREWES were killed. There is no debate as to whether or not the THOMASES had a sick cow in June 1970. This was corroborated by Vivien's friend, David Bruce LEMAN (DOB unknown),[5426] who had gone to stay with the THOMASES between 23 May and 1 June 1970,[5427] and the local Veterinarian, Henry Adrian COLLETT (DOB unknown). While giving evidence at the first trial, LEMAN stated that while he was at the property: *"... we were attending to a cow at the time and she [a cow] came out of the herringbone shed and collapsed."*[5428] He stated that he attended to that cow until he went home.[5429]

2126. Frederick WELCH told police that Arthur THOMAS had ordered a cow hoist on 1 June 1970.[5430] Then on 4 June 1970,[5431] COLLETT attended to one of Arthur THOMAS' cows, which was paralysed as a result of the pre-calving process.[5432] This was likely to be cow number four. COLLETT advised that the cow should be kept off the ground[5433] and should be raised up and down at least two or three times a day.[5434]

2127. Peter THOMAS also confirmed the existence of a sick cow, stating that on two occasions he had assisted Arthur THOMAS with the cow.[5435] At the first trial Peter stated that he was not

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sure if he had helped Arthur THOMAS with the sick cow on the evening of 17 June 1970,[5436] but at the second trial, Peter stated that he had helped that night.[5437] Arthur THOMAS stated, during an interview on 25 October 1970, that Peter had helped him with the cow on the evening of Tuesday 16 June 1970, but was not sure whether Peter assisted on Wednesday 17 June 1970.[5438] It can be gleaned from Arthur and Vivien's statements on this matter that Peter may have gone down to the shed after the calving, but prior to Arthur THOMAS returning to the house that evening.[5439]

2128. It is noteworthy that in Peter's 26 October 1970 statement to police, he said that the second time he helped Arthur THOMAS with the sick cow was the same night Margaret STUCKEY telephoned, advising of the CREWES' disappearance.[5440] This would have to have occurred on or after Monday 22 June 1970. Therefore, Peter's statement infers that cow number four had not calved prior to the CREWES' deaths. However, in the same statement Peter also said that he had helped Arthur THOMAS the previous night (a Thursday), and said that THOMAS had told him that he had just bought the hoist that day.[5441] The purchase (as opposed to the ordering) of the hoist is believed to have occurred on about 8 June 1970.[5442]

2129. In a statement dated 25 October 1970, Vivien also described Richard THOMAS assisting Arthur THOMAS with the cow, when Richard visited the farm for two nights on 3 and 4 June.[5443] However, Arthur THOMAS said in an interview, dated 25 October 1970: *"... he could remember his brother Richard helping him about a week before 17-6-70."*[5444] It is possible that Arthur THOMAS was referring to the next occasion Richard visited their farm, which was on about 12 June 1970.[5445] Richard was spoken to by Detective PARKES on 22 October 1970, but he was not asked about Arthur THOMAS' sick cow as, at the time, Detective PARKES was not aware of the information relating to Richard's involvement.[5446] It does not appear that Richard was subsequently spoken to about this matter.

2130. It is accepted that one of Arthur THOMAS' cows was sick during this period, although the date on which this cow calved has been questioned. When interviewed by Detective PARKES on 7 September 1970, THOMAS stated that he was tending to a sick cow 'which was having trouble in calving' on the evening of Tuesday 16 June 1970.[5447] The THOMASES' shed sheets[5448] indicated that cow number four calved on Wednesday 17 June 1970, but this cannot be relied upon to corroborate the date of calving, as this information was handwritten on the form by Vivien. In the case of the 'calving record' from the Herd Improvement Association Inc., the date the cow was due to calve was typed on to the sheet as 17 June.[5449] The actual calving date was then to be written in by the THOMASES, but this was not done.[5450] The date the cow was due to calve was circled by Vivien before handing the document to Detective Sergeant TOOTILL on 25 October 1970.[5451] Vivien stated that she had not circled the date on the day the cow calved, and when questioned as to how she knew the cow calved on this date she said she could remember and 'that was that'.[5452]

2131. Whether or not this cow calved on Wednesday 17 June 1970 is relevant, because tending to the calving cow was the reason given by Arthur THOMAS for not attending the Pukekawa Rate Payers' Association Meeting that evening. When initially asked about the rate payers' meeting, both Arthur[5453] and Vivien[5454] stated that they did not recall the meeting on that night. It should be noted that on this occasion, 25 October 1970, Vivien appears to have been asked about a rate payers' meeting at Opuatia on 17 June,[5455] which would have caused confusion as the meeting in question was actually at the Pukekawa Hall on 17 June. Detective Inspector HUTTON noted, during Arthur THOMAS' 25 October 1970 interview:

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"He mentioned the fact that he always went to the local rate payers' meeting and felt that he had not gone to this particular meeting due to the fact that he and his wife were attending a sick cow in the implement shed."[5456] This meeting was in session from about 8.10pm to 10.40pm, a significant portion of the time frame in which the CREWES were almost certainly murdered.[5457] Thus, attendees at this meeting had alibis for this time period, which could be attested to by around 30 other people.

2132. On 4 August 1971, Peggy SPRATT told police that Arthur THOMAS had received a telephone call from his friend, Ivan George Mervyn CATHCART (DOB unknown), on Wednesday 17 June 1970.[5458] CATHCART was said to have told THOMAS that he was unable to attend the rate payers' meeting because he (CATHCART) had a sick cow.[5459] THOMAS allegedly told CATHCART that he and Vivien had a prior engagement and would also not be attending.[5460]

2133. There is no additional information to support this version of events [redacted].[5461] Enquiries were made in 1970 as to whether CATHCART had telephoned Arthur THOMAS regarding attending the meeting,[5462] but it is unclear if a telephone call between the two did occur. In the Police Jobsheet detailing SPRATT's information, Detective Inspector HUTTON commented: *"Similar information to this has been received from other sources and it may be necessary in time to re-interview CATHCART."*[5463] It is not known what 'similar information' Detective Inspector HUTTON is referring to, and the suggested re-interview of CATHCART does not appear to have occurred (CATHCART had earlier spoken to police on 23 October 1970,[5464] 29 October 1970,[5465] and 3 November 1970).[5466]

2134. In June 1980, Margaret Ann SMITH (DOB unknown) claimed that on 26 June 1970, Vivien THOMAS had told her that a sick cow had prevented her and Arthur THOMAS from going out on the evening of Wednesday 17 June 1970.[5467] SMITH's claim is somewhat dubious given that she only came forward with this information 10 years later. Given that SMITH's information would have assisted in supporting Arthur THOMAS' account of his movements, it seems unusual that she did not mention it when spoken to by police on 10 February 1971,[5468] if not prior. It could be speculated that SMITH probably would have done this had Vivien actually made this statement to her on 26 June 1970. This is because SMITH appears to have been proactive in her support of Arthur THOMAS - given that she petitioned for his retrial[5469] - and was known to be one of Vivien's close friends.[5470] As such, it is considered unlikely that Vivien did make this statement to SMITH on 26 June 1970.

2135. Detective Sergeant HUGHES stated that when he spoke to Arthur THOMAS on 2 July 1970, THOMAS said that he had been home on the evening of Wednesday 17 June 1970 but made no mention of a sick cow.[5471] This is not particularly significant, given that THOMAS was evidently not asked by Detective Sergeant HUGHES how he could remember his whereabouts or why he had been at home on this particular evening.

2136. An interview with Detective Inspector HUTTON on 27 October 1970, was the first occasion that the time Arthur THOMAS returned to the house (after tending to a sick cow), and the time he went to bed, were documented.[5472] THOMAS did not make a statement as a result of this interview, so the following details were instead obtained from Detective Inspector HUTTON's Police Jobsheet documenting the interview. Detective Inspector HUTTON commented that THOMAS said: *"... he and his wife had gone up to the house for tea. He told me that it was about 7pm when they arrived back at the house."*[5473] Detective Inspector HUTTON then

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evidently suggested to THOMAS that he would have had plenty of time to attend the rate payers' meeting, which went from 8.10pm to 10.40pm at the Pukekawa Hall on Wednesday 17 June,[5474] if he had wanted to: *"... he [THOMAS] then said that it could have been much later than 7pm and it may have even been nearer 9pm by the time they got up to the house."*[5475] Detective Inspector HUTTON also noted: *"... when asked what time he had gone to bed that night, THOMAS first of all said about 9pm and then changed this and said that they could have been a lot later that night owing to having to attend to the sick cow."*[5476]

2137. The only other documented occasions whereby THOMAS proffered a time that he returned to the house, and went to bed, was during his evidence at the first and second trials *(see paragraphs 2141-2142)*.

2138. Ngairie DUNLOP stated that on Monday 15 June 1970, she telephoned Vivien THOMAS, to invite her and Arthur THOMAS around for dinner on either Wednesday 17 June or Thursday 18 June 1970, although she could not remember which.[5477] Vivien allegedly said that they would not be able to go for dinner as they were going to a rate payers' meeting.[5478] This may indicate the intention of the THOMASES to attend the meeting, meaning that something, whether that was a calving cow or not, prevented them from doing so. However, it should also be noted that Vivien and DUNLOP were not close friends - the association appeared to stem from DUNLOP having earlier purchased a cat from Vivien, and DUNLOP was subsequently trying to strike up a friendship.[5479] Thus, it is possible that Vivien simply did not want to have dinner with DUNLOP and used the meeting as an excuse not to attend. DUNLOP stated that it was later decided between the two women that they would try and arrange dinner together after calving season, in about August or September, but this did not eventuate.[5480]

2139. Arthur THOMAS allegedly stated to Detective Inspector HUTTON that he 'always went to the local rate payers' meeting'. However, according to the Secretary of the Association, David PAYNE, THOMAS attended only occasionally.[5481] This information indicates that THOMAS not attending the meeting was not necessarily related to his sick cow calving, or any other event which prevented him from attending. It is possible that he never intended to go.

2140. At the first and second trials Rosemary Jeanette THOMAS (DOB unknown), Arthur THOMAS' aunt, stated that on the evening of Wednesday 17 June 1970, at approximately 7.30pm, she had telephoned and spoken with Vivien.[5482] Rosemary had offered Vivien a lift to the rate payers' meeting, as she was going past their gate.[5483] At the second trial, Rosemary recounted: *"... she sd [sic] they had bn [sic] delayed in the cowshed over a cow and they wld [sic] not be able to come to the Ratepayers meeting."*[5484] Again, this statement does not suggest that the THOMASES ever intended on going to the meeting, but merely confirms that at this time they were aware that a meeting was taking place. However, Rosemary's evidence does add weight to the contention that the THOMASES were tending to a cow on the evening of Wednesday 17 June 1970. That said one must also consider her relationship with Arthur THOMAS and her possible motivations behind giving this evidence.

2141. At the first trial, Arthur THOMAS stated that their usual evening meal was 6.30pm at that time of year but, on the evening of 17 June 1970, it was later due to cow number four calving.[5485] THOMAS said that they had had dinner in the house at about 8.00pm.[5486] Therefore, THOMAS would have had to return to the house at or before 8.00pm.

2142. At the second trial, Arthur THOMAS stated that he had returned to the house between 7.30pm and 8.00pm, and had dinner at about 8.00pm.[5487] This was somewhat corroborated by

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Vivien's evidence at the first trial, where she stated that she returned to the house at about 7.00pm, with Arthur THOMAS arriving 15 to 20 minutes afterwards, at which time she, Arthur and Peter THOMAS sat down for dinner.[5488] However, Vivien's evidence varied on other occasions. In a statement dated 27 October 1970, Vivien stated: *"I suppose it would be about 6.15p.m. to 6.45pm when we went up for tea."*[5489] While giving evidence at the second trial Vivien stated that they had tea: *"Oh round abt [sic] 6.30 or a little later."*[5490] This is also consistent with her evidence at the second trial, where Vivien stated that Arthur THOMAS came into the house at about 7.30pm.[5491]

2143. While giving evidence at the deposition hearing, Peter stated that Arthur THOMAS had had a sick cow that night and during the evening, and had been late coming in.[5492] Peter clarified that by 'late' he meant 7.30pm.[5493] The time Arthur, Vivien and Peter had dinner on Wednesday 17 June 1970 was not addressed with Peter at the first trial. At the second trial, Peter described helping Arthur THOMAS with the cow when he got home from work, at about 6.00pm or 6.15pm, and said he stayed in the implement shed for 'roughly about two hours' before going to the house for dinner.[5494] This would mean that dinner was at approximately 8.00pm that evening.

2144. After dinner Arthur THOMAS described having a bath[5495] and then drying the dishes[5496] for Vivien, while she had a bath.[5497] He stated that he then watched television[5498] and, at about 9.00pm, he and Vivien went to bed.[5499] Vivien agreed with the events after dinner as described by Arthur THOMAS.[5500] In statements made in October 1970, Vivien stated that she and Arthur THOMAS would have gone to bed between 8.00pm and 9.00pm.[5501] However, while giving evidence at trial this changed to; *"round agout [sic] 9.15 or 9.30 I cant [sic] remember exact time"*;[5502] and *"it wld [sic] be round abt [sic] 9 oclock [sic], perh. [sic] a little after."*[5503] Peter stated that he, Arthur and Vivien had all gone to bed between 9.00pm[5504] and 9.30pm[5505] on Wednesday 17 June 1970.

2145. It was not until four months after the CREWES' disappearance that Arthur THOMAS became the primary suspect. This meant that he was not pressed until October 1970 to provide details of his whereabouts on Wednesday 17 June. It is, therefore, reasonable to suggest that specific details (such as times) relating to his activities would have been difficult for him to recollect accurately. This could explain why THOMAS did not mention taking his car to the mechanic on the date in question until the first trial, and why much of his afternoon was left unaccounted for. It is noted that THOMAS was questioned by Detective PARKES on 7 September 1970 as to his whereabouts on the evening of 17 June. However, at this time THOMAS reportedly stated that he would have been at home with Vivien and Peter and did not go out.[5506] It does not appear that he was asked ro elaborate on his movements.

2146. When asked by Detective Inspector HUTTON, on 25 October 1970, how he could remember what he had been doing on the evening of 17 June in preference to other evenings, Arthur THOMAS replied that when they had heard of the CREWES' disappearance, he and Vivien discussed what they had been doing that night.[5507] This discussion was confirmed by Vivien and Peter[5508] and was alleged to have occurred about one week after the CREWES were reported to be missing.[5509] According to Peter, at the time of their discussion, he was able to remember the week of the CREWES' disappearance because they had attended Margaret STUCKEY's 21st birthday party on Friday 19 June 1970. Peter initially stated that he could not recall a sick cow or calving being discussed at that time,[5510] but later said that this was how Arthur and Vivien had been able to recall the date of the CREWES' disappearance.[5511] These

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claims do not coincide with the information Arthur THOMAS provided to Detective PARKES on 7 September 1970 (that the sick cow had calved on the evening of Tuesday 16 June 1970).

2147. It is clear from the THOMASES' statements about their evening activities that they were not entirely sure what they did on Wednesday 17 June 1970, but appeared to base their accounts on what would be expected, given their usual routine. It could be argued that this is how most people would recall their movements some time after the fact. It is also possible that this adds credibility to Arthur THOMAS' alibi as, if he indeed did need an alibi for this period, he may have been more likely to have a firm view in his mind of what he would say he did during that period. It may also be expected that Arthur THOMAS would encourage Vivien and Peter to be more definite about their accounts of events that evening.

2148. It is noted that Arthur THOMAS admitted going out shooting for possums or rabbits one night at about the time of the murders with his .22 rifle.[5512] He stated that although he could not remember which night this was, it was not Wednesday 17 June 1970.[5513] Detective Inspector HUTTON noted that THOMAS said that as far as he could remember he was on his own that particular time,[5514] and told Detective Inspector HUTTON: *"I often used to go out shooting at night with my .22 ..."*[5515]

2149. The times which THOMAS provided for his activities on the evening of Wednesday 17 June 1970 were generally consistent, with the exception of the 27 October 1970 interview with Detective Inspector HUTTON. On this occasion, THOMAS initially gave details consistent with his other accounts, but altered these when pushed further by Detective Inspector HUTTON. It should be noted that at this time Detective Inspector HUTTON was interviewing THOMAS as a suspect, with the view of obtaining an alibi for a much later period - around 11.00pm. THOMAS would have been under immense pressure from Detective Inspector HUTTON, who was suggesting that THOMAS was the person responsible for the CREWES' murders, and Detective Inspector HUTTON would have been trying to identify flaws in THOMAS' version of events. It is likely that THOMAS' explanation, that he possibly did not get back to the house until around 9.00pm, was an attempt to explain his movements for the later time period (when Detective Inspector HUTTON suggested he could have attended the rate payers' meeting).

2150. Throughout the various statements and evidence given by Arthur and Vivien THOMAS, they appeared to become increasingly confident of their movements on the evening of Wednesday 17 June 1970. This could be expected after their initial statements to police, when they were asked for the first time to recall their movements some time before, as it is reasonable to assume that after this time they would put more thought in to the matter and become firmer in their own minds as to their actions. However, years after the fact, their more definite explanations could be interpreted as the desire for these to be accepted. It is also possible that after going over their activities in their minds for an extended period, these thoughts then become their 'memory' of what occurred.

2151. At the second trial, Peter claimed that he would have heard something if Arthur or Vivien THOMAS had left the farm on the evening of Wednesday 17 June.[5516] However, this is questionable, as in October 1970, he stated: *"I usually fall fast asleep when I go to bed. It takes a lot to wake me up."*[5517] Given that Peter and Vivien would have been asleep at some stage after they retired to bed, it is possible that Arthur THOMAS left the house that evening without their knowledge.

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2152. In his book, *Justice Without Fear or Favour,* Defence Counsel Kevin RYAN stated that Peter had told him that on Wednesday 17 June 1970 that he *"... drove home and parked behind Arthur's car ... which was in the garage."*[5518] If true, this means that Arthur THOMAS could not have used his own vehicle to travel to the CREWES' property that evening to carry out the murders without first moving Peter's car. RYAN stated that he had expected Peter to give this evidence at the second trial[5519] but, when asked where he would park his vehicle when he returned home, Peter answered: *"Either at the gate going into his house section or in the carshed [sic]."*[5520] RYAN then asked: *"Wld [sic] he [Arthur THOMAS] be able to get his own car out if you parked yr [sic] car in those 2 posns [sic]?"*[5521] Peter answered in the affirmative.[5522]

2153. RYAN alleged that after Peter gave evidence, he (RYAN) asked Peter's mother, Hazel Joyce THOMAS (DOB unknown), why Peter had changed his evidence.[5523] Hazel allegedly told RYAN that she had told police of what Peter had previously said to RYAN.[5524] She then claimed the police officer said: *"If that is the position, Peter could be charged as he had access to the rifle and only his car could have been used."*[5525] RYAN inferred in his book that Peter changed his evidence because of the suggestion that this information, regarding blocking Arthur THOMAS' vehicle in, could result in Peter being charged with the murders rather than Arthur THOMAS.

2154. The homicide investigation file contains a transcript of an interview, the circumstances of which are unknown, in which Peter was asked about RYAN's allegations.[5526] The transcript indicates that the interview was on 1 July 1978, and although the interviewer's name is not cited, it does not appear to be a police interview. This is because at one stage the interviewer says *"... if I was a policeman ..."*[5527] Subsequently, the truth and reliability of the information contained within cannot be judged.

2155. In this 1 July 1978 interview, Peter allegedly commented: *"As far as Ryan was concerned he wanted me to say that my car was parked behind Arthur's"*, he went on to say: *"... he [RYAN] always went on that all he wanted was the truth and that was the truth that my car was never parked behind Arthur's, never, not on any occasion."*[5528] Thus, it could be gleaned that it was possible for Arthur THOMAS to drive his car out of the property on the night of Wednesday 17 June 1970.

2156. In June 1970, Peter THOMAS drove a 1961, blue 403 Peugeot.[5529] It is unknown where the ignition key to this vehicle was kept and whether Arthur THOMAS could have gained access to this vehicle on the evening of the murders.

2157. At the second trial, Ivan CATHCART gave evidence that it would not have been possible for Arthur THOMAS to go out on the evening of Wednesday 17 June 1970 without passing his (CATHCART's) property on Mercer Ferry Road.[5530] CATHCART also stated that THOMAS' vehicle had 'a distinctive whine' in the differential.[5531] Although not stated, it was inferred that CATHCART would have heard THOMAS' vehicle, had it past his property that evening.

2158. This evidence was also given by CATHCART at the RCOI[5532] where it was supported by the evidence of Eileen MURRAY (DOB unknown) who also lived on Mercer Ferry Road in 1970[5533] (approximately three-quarters of a mile from THOMAS' house).[5534] MURRAY described THOMAS' vehicle as having a 'whining noise' and said that she could identify THOMAS' car, as opposed to others in the district, when it drove past her house because of this.[5535]

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2159. MURRAY stated that on the evening of 17 June 1970 she had been at home and was awake until about 12.00 midnight when her husband, Brian MURRAY, returned from the Pukekawa Ratepayers' Meeting.[5536] Eileen MURRAY stated that she heard cars drive past her house that evening[5537] (between 9.30pm and 12.00 midnight),[5538] but said that this did not include THOMAS' vehicle.[5539] When asked at the RCOI, MURRAY stated that she had not given police this information during the investigation, the first trial or the second trial as she did not think that they would have taken notice.[5540]

2160. There is no mention on the original investigation file of the whining noise that could apparently be heard coming from THOMAS' vehicle in 1970. Although it is noted that on 17 June 1970, THOMAS' vehicle was taken to Ornstien and Greenwell Ltd. in Pukekohe for repairs, it is not apparent whether or not the differential on this vehicle was worked on *(see paragraph 2118)*.

2161. During the execution of a search warrant at the THOMASES' property on 23 October 1970, a letter was located.[5541] This was dated 17 June 1970 to Inter-plastics Ltd, Remuera (also known as Keretown Markets Ltd[5542]), and was signed A. A. THOMAS.[5543] The letter related to a payment that was due from the THOMASES and, unlike other firms who had indicated to them that payments could be made at a later date, Inter-plastics wrote that the matter would be placed in the hands of a solicitor unless payment was made by Saturday 20 June 1970.[5544] The Wednesday 17 June 1970 letter from Arthur THOMAS stated that part payment would be made.[5545]

2162. When spoken to on 27 October 1970, Detective Inspector HUTTON noted that Vivien THOMAS stated *"... she now recalled that she had not actually posted the letter ... relating to the account at INTER-PLASTICS."*[5546] However, while giving evidence at the second trial, Vivien did not remember telling Detective Inspector HUTTON this, and claimed that the letter had in fact been sent.[5547] It appears that if this letter was written on the date indicated, it was likely done by Vivien that morning.

2163. The letter from Arthur THOMAS to Inter-plastics Ltd, apparently written on Wednesday 17 June 1970, became relevant when THOMAS' financial position at the time of the murders was investigated. It was suggested that his apparent money troubles at that time may have contributed to a motive for murdering the CREWES.

2164. Vivien wrote all correspondence to firms to whom the THOMASES owed money, which were signed by Arthur THOMAS.

New information

2165. Nil

Lenard William DEMLER

2166. Lenard DEMLER was considered the primary suspect for the murders throughout the initial four months of the police investigation. However, there are only three documented occasions when he was asked to account for his movements on Wednesday 17 June 1970. These were 24 June 1970, 5 July 1970 and 17 February 1971 (while giving evidence at the first trial).

2167. DEMLER consistently maintained that he had stayed at home all day on Wednesday 17 June 1970.[5548] He stated that in the morning it was raining heavily[5549] and therefore, he did not get out of bed 'too early'.[5550] DEMLER described his activities thus: *"I did some correspondence,*

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wrote out some cheques for some accounts and gave the letters to the mail man."[5551] Although DEMLER did not indicate a time period in which this occurred, it is likely that this was prior to approximately 9.30am, when the delivery man, Emmett SHIRLEY, would have delivered (and collected) his mail. DEMLER stated that he collected the paper at 9.30am[5552] and wrote a letter to his daughter, Heather SOUTER, which he finished at about lunch time.[5553] He stated that he had lunch at 12.00 noon.[5554]

2168. DEMLER's movements that day were largely unable to be corroborated, given that he had lived alone since the death of his wife in February 1970, and was allegedly at home all day. Reports from the meteorological service confirmed that there was rain for most of the day on Wednesday 17 June 1970,[5555] as stated by DEMLER. Some aspects of what he claimed he did that day were able to be verified, but these were activities earlier in the day and did not cover the period of time in which the CREWES were almost certainly murdered.

2169. DEMLER claimed, in his statement dated 5 July 1970, that he 'gave letters to the mail man'. Police did not follow this up with SHIRLEY and, therefore, this interaction was not corroborated.

2170. Robert and Heather SOUTER confirmed that they had received a letter from DEMLER on Tuesday 23 June 1970, at their home address in California, USA.[5556] Robert believed this had been franked on Friday 19 June 1970[5557] and is therefore likely to be the letter DEMLER said he wrote on Wednesday 17 June 1970.

2171. DEMLER stated that this was the first time that he had written to Heather SOUTER in over 10 years.[5558] It could be viewed as suspicious that this contact with SOUTER coincided with the date of his elder daughter's murder. If DEMLER was in fact the offender, it is possible that by the time of writing this letter to SOUTER, he was already preparing for the events which were to unfold that evening. The tone and content of this letter is unknown as it does not appear that the original investigation team obtained a copy. Furthermore, enquiries by Detective Superintendent LOVELOCK and Senior Sergeant SPILLER with SOUTER on 20 November 2012 established that this letter no longer exists.[5559]

2172. Alternatively, it is possible that DEMLER had considered written communications with his daughters to have been his wife's domain. Heather SOUTER stated that after her marriage to Robert SOUTER in July 1969,[5560] May DEMLER had written to her *"... saying that she need not come home because she was marrying Bob"*[5561] and appears to have cut Heather SOUTER out of her life completely. Therefore, it is likely that May not only declined to have further communication with SOUTER, but also encouraged Lenard DEMLER to adopt the same approach. Thus, DEMLER not writing to SOUTER in 10 years could be of little significance.

2173. Given that May DEMLER died only a few months prior, in February 1970, it is possible that Lenard DEMLER now felt able to communicate freely with SOUTER. DEMLER stated that SOUTER had sent him some pyjamas and written three letters to him since May's death.[5562] These letters and the pyjamas would have been sent between 9 March 1970 and 25 June 1970. During a search of DEMLER's house on 25 June 1970, these letters from SOUTER were located in his bedroom.[5563] As such, it does not appear that DEMLER's correspondence to SOUTER, 'the first in 10 years', was out of the blue, but rather was in response to letters received by him. It is quite plausible that the date on which Jeannette was murdered was a coincidence.

2174. DEMLER told police, on 24 June 1970, and 5 July 1970, that he had intended to go to

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Hamilton to watch the Counties vs. Waikato rugby game but, as it was still raining, he decided to stay at home and listened to the match on the radio instead.[5564] DEMLER commented that he went and fed his dogs that day, [5565] but it is unknown when this occurred. DEMLER stated that he went to bed at about 9.30pm[5566] and did not go out that evening.[5567]

2175. Norman Wilfred GASKELL (DOB unknown), Opuatia resident, confirmed that a rugby game between Waikato and Counties was held in Hamilton on 17 June 1970.[5568]

2176. When police questioned DEMLER on 18 September 1970, he was found to have a note in his coat pocket detailing his movements between Monday 15 June and Sunday 21 June. 1970[5569] According to Detective Sergeant TOOTILL, DEMLER claimed: *"I wrote that out after I was interviewed so that I could remember what I said. You chaps keep asking things about what happened on different days and I wanted to know what I had said."*[5570]

2177. On the face of it, the fact that DEMLER recorded what he had told police could be viewed with suspicion. However, it is important to note that DEMLER was a murder suspect and was therefore subject to intense questioning as to his whereabouts. This was not only for the day in question, Wednesday 17 June 1970 - he was asked on at least six occasions to account for his movements on various days of that week.[5571] DEMLER was 61 years old in June 1970 and, although there is no documented evidence to suggest that DEMLER's memory was failing, it would not be unreasonable to suggest that he may have had trouble remembering a large number of details as time progressed. Furthermore, DEMLER was under the impression that police were 'trying to trap him' about what he said,[5572] which was somewhat confirmed by Detective Inspector HUTTON who, on 17 January 2012, described to Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM putting DEMLER through a 'torturous interview'.[5573] Thus, it could be considered reasonable that DEMLER created this record in order to prevent inconsistencies creeping in to his accounts of his movements.

2178. Given that prior to this note being found, on 13 July 1970, DEMLER had retained lawyers, Brian SHENKIN and Lloyd BROWN,[5574] it is also possible that DEMLER had been acting on their advice by keeping a record of what he had said to police.

2179. The list recovered from DEMLER's coat pocket simply stated, *"home all day"* under the heading of Wednesday 17 June 1970.[5575] In contrast, DEMLER provided a greater number of details regarding his movements for other days of that week.[5576] If he had collected the paper, written out cheques and correspondence, given letters to the mail man, listened to the football and fed his dogs as stated, it is reasonable to question why he did not itemise at least some of these activities - particularly as *"listen to football"* appeared under his list for Saturday 20 June and, collecting the paper appeared on his list for Tuesday 16 June, Thursday 18 June, Friday 19 June and Saturday 20 June 1970.[5577] As 17 June was the primary day in question, it is possible that DEMLER put more effort in to remembering his movements on this day without needing to be prompted by his notes. Nevertheless, the significance of this list cannot be determined.

2180. During the deposition hearing in 1970, DEMLER deviated from his previous statements by saying that he had visited the CREWES' farm on Wednesday 17 June 1970.[5578] Later the transcript of DEMLER's testimony reads: *"Oh, I have got that date wrong. I never went up there on the 17th. I never went there until Monday 22nd."*[5579] It is not clear whether DEMLER initially gave the date as 17 June or if this had been stated by Crown Prosecutor David MORRIS.

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During the RCOI, it was explained that a witness at deposition was led through their brief of evidence (prepared for them by police), and the court typist converted this question and answer in to a statement by the witness.[5580]

2181. It is almost certain that DEMLER was confused with the days he cited. In his evidence, DEMLER claimed that he went to the CREWES' property on Wednesday 17 June in response to telephone conversations he allegedly had with Joseph MOORE at 8.00am and Ronald WRIGHT at 12.45pm that day.[5581] DEMLER explained that MOORE and WRIGHT had told him that they had been unable to reach Harvey, and subsequently DEMLER went to the CREWES' property.[5582]

2182. This did not occur on Wednesday 17 June 1970. DEMLER,[5583] MOORE[5584] and WRIGHT[5585] made statements and gave evidence to the effect that these telephone calls occurred on Monday 22 June 1970. Furthermore, WRIGHT's telephone call was in relation to the transport of Harvey's sheep, which had been requested by John GRACIE.[5586] Given that GRACIE did not make this request until Thursday 18 June 1970,[5587] WRIGHT most certainly did not telephone DEMLER on 17 June in regard to this.

2183. Evidence DEMLER gave at the second trial further complicated his version of events. When asked by MORRIS: *"On the next day, Wed. [sic] 17th of June, did you get a ring from a Mr. Moore."* DEMLER appears to have mistakenly answered in the affirmative.[5588] The transcript then indicated that DEMLER said this telephone call would have occurred at about 7.00pm.[5589] Although the transcript of DEMLER's evidence shows that he answered: *"That wld [sic] be abt [sic] 7 pm I think"* it is possible this was an error and DEMLER had in fact indicated this occurred at 7.00am, which is closer to the time of the actual telephone call.

2184. According to DEMLER, Joseph MOORE had telephoned him because he had been unable to reach Harvey.[5590] DEMLER stated that he did not give this much thought until he received a similar telephone call from Ronald WRIGHT.[5591] DEMLER did not specify the date of this occurrence, but went on to say that he responded to WRIGHT's call by going to the CREWES' house, where he then discovered the scene.[5592] It is known that this occurred on Monday 22 June 1970. Thus, it is highly likely that at the second trial, DEMLER confused the date of MOORE's telephone call on 22 June, as he did at the deposition hearing. The incorrect date at the second trial can probably be attributed to the incorrect information contained within the question that was put to DEMLER by the Crown prosecutor. As he was giving evidence for the Crown, DEMLER would have likely thought that the questions put to him would be factually correct and, therefore, may not have paid particular attention to such details.

2185. In June 1980, DEMLER was quite explicit at the RCOI, in stating that he could not remember what he had said in his initial police statement, at the deposition hearing[5593] of the date on which he had received a telephone call from MOORE.[5594] At one point during the RCOI hearing, DEMLER remarked: *"I am blowed if I know, are you expecting me to remember 10 yrs [sic] ago ['all caps' removed]."*[5595] It is necessary to consider that DEMLER was aged 71 years at the time of the RCOI and was being asked to recall specific incidents which occurred 10 years previously.

2186. A Police Jobsheet (dated 17 July 1970) by Detective ABBOTT, gave details of a discussion with Graeme HEWSON.[5596] HEWSON stated that in the 'first day or two' when he was staying at DEMLER's farm (HEWSON travelled to Pukekawa after learning of the disappearance of the CREWES), the subject of the jubilee football game on Saturday 20 June

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1970 came up.[5597] HEWSON stated that DEMLER said to him: *"I rang Harvey up on the saturday [sic] morning to see if he was coming with me but I got no reply."*[5598]

2187. David YALLOP stated, in *Beyond Reasonable Doubt*, that HEWSON was asked to report to police about DEMLER's manner and what he had said during the time HEWSON was staying with him.[5599] Then, after Robert and Heather SOUTER went to stay with DEMLER and HEWSON moved to a hotel, HEWSON was apparently asked by police to report on family conversations.[5600]

2188. The information provided by HEWSON in this Police Jobsheet differs from a statement and evidence given by DEMLER on the matter. During an interview with Detective Inspector HUTTON on 8 July 1970, DEMLER stated, in respect of the double ticket he had for the football on Saturday 20 June 1970: *"... I thought of contacting Jeannette on the Thursday or Friday but I didn't get around to it."*[5601] DEMLER also reiterated this at the RCOI in 1980.[5602]

2189. This information was provided about one month after the discussion allegedly took place and it is possible that, at that time, HEWSON was mistaken in his recollection of the conversation. During the time HEWSON was staying with DEMLER, he reported (to police) comments made by DEMLER and observations of his behaviour. HEWSON was well aware that DEMLER was the prime suspect for the murders and provided information which he thought to be relevant to police enquiries.

2190. There is another Police Jobsheet on the file, completed by Detective DUNCAN on 10 July 1970, of a discussion between himself, HEWSON and DEMLER that day. The Jobsheet recorded that DEMLER was asked if he had intended on taking Harvey to the football game on Saturday 20 June 1970, to which DEMLER replied that was correct.[5603] There is no reference to a telephone call made by DEMLER about this game.

New information

2191. Nil

John Michael EYRE

2192. John EYRE does not appear to have been seriously considered by police as a suspect for the CREWES' murders, although his name arose after a series of firearms testing. EYRE has been nominated as a suspect by Arthur THOMAS' supporters, the details of which have appeared in various publications. EYRE is commonly referred to as 'Mickey', largely by media. However, information from his family indicates that EYRE was never called 'Mickey' and was instead known as John or Johnny.[5604]

2193. Police seized a .22 Remington pump-action rifle (Police Reference Number C3B) from the EYRE family, which was one of two that could not be excluded as the murder weapon[5605] (the other being that of Arthur THOMAS). Although this firearm was actually owned by Jack BREWSTER, it had been in the EYRE family's possession for between one and three years,[5606] including on Wednesday 17 June 1970. Those in the EYRE house who had access to this firearm on the evening in question were John's parents, Joff and Margaret EYRE, as well as his brother, Ross EYRE.

2194. Joff appears to have been discounted as a suspect for the murders as he was described by Detective Sergeant CHARLES as *"... elderly and a little deaf"*,[5607] although was only 60 years old[5608] and of similar age to Lenard DEMLER. Joff was also said by Margaret to have been

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sick on the evening of 17 June[5609] and *"... was in bed during the evening."*[5610] Ross appears to have been considered too young to commit the murders (he was 16 years old at the time), and it appears Margaret was not considered a suspect as she was female.

2195. The homicide investigation file does not contain any documentation indicating that John EYRE was spoken to by police during the investigation. However, when retired Detective Inspector HUTTON was spoken to by Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM on 17 January 2012, he stated that John EYRE had been interviewed at the time.[5611] Furthermore, an interview with John EYRE and his brother, Ross EYRE, by Detective Senior Sergeant LENDRUM on 25 January 2012,[5612] confirmed that police did call at the EYRE home to speak with John, and corroborated his alibi with family at the address.[5613] Ross believed that John was spoken to at this time, not because of the link with the firearm, but because police were interviewing all bachelors residing in the district.[5614]

2196. John EYRE was completely deaf since birth and, as a consequence, had severe speech difficulties, [5615] and could not write.[5616] When spoken to by Detective Senior Sergeant LENDRUM on 25 January 2012,[5617] it was noted that EYRE did not appear to comprehend the questions that were put to him.[5618] Similarly, Detective Senior Sergeant LENDRUM was unable to understand anything of what John had said in response.[5619]

2197. On 3 April 1973, Margaret was interviewed by police about John EYRE's whereabouts on the evening of Wednesday 17 June 1970. She stated, as she did at the second trial, that John had been at home with her and Ross.[5620] She further alleged during the interview, that John had watched television until 11.00pm on 17 June, as he normally did, and definitely did not go out that evening.[5621]

2198. It appears that there was another interview between Detective Sergeant CHARLES and Margaret, prior to April 1973. This is because Detective Sergeant CHARLES' Police Jobsheet commented that he: *"... reminded her of a previous interview I had had with her and without telling her what she had told me, she can still say the following concerning the night of June 17th, 1970."*[5622] However, this previous interview is not included in the homicide investigation file and, therefore, the information provided by Margaret to Detective Sergeant CHARLES at that time is unknown.

2199. It is possible that an attempt was made by police to speak to John EYRE during the course of the initial investigation. However, due to EYRE's disability it is likely that police would not have been able to communicate with him. As such, it is possible that the interviewing police officer did not record the conversation.

New information

2200. Nil

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8. [redacted]

Key findings

2201. [redacted]

2202. [redacted]

2203. [redacted]

2204. Similarly, assertions by others that THOMAS confessed to the murders cannot be considered reliable without corroborating evidence, which is currently not available.

[redacted] allegations

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2206. [redacted]



2207. [redacted]



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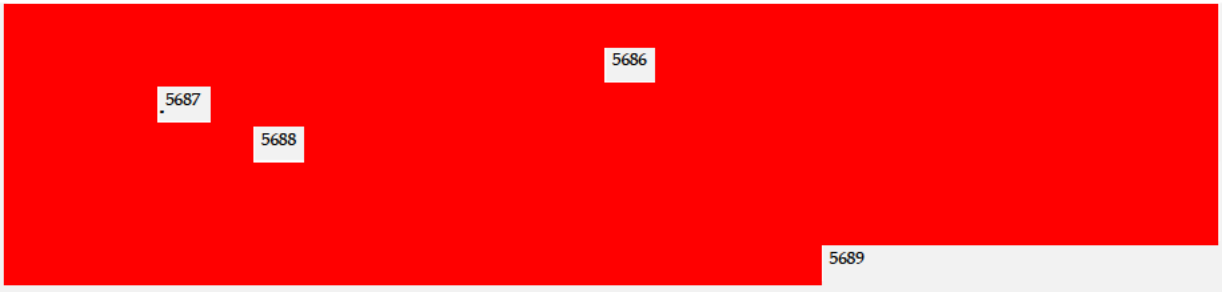
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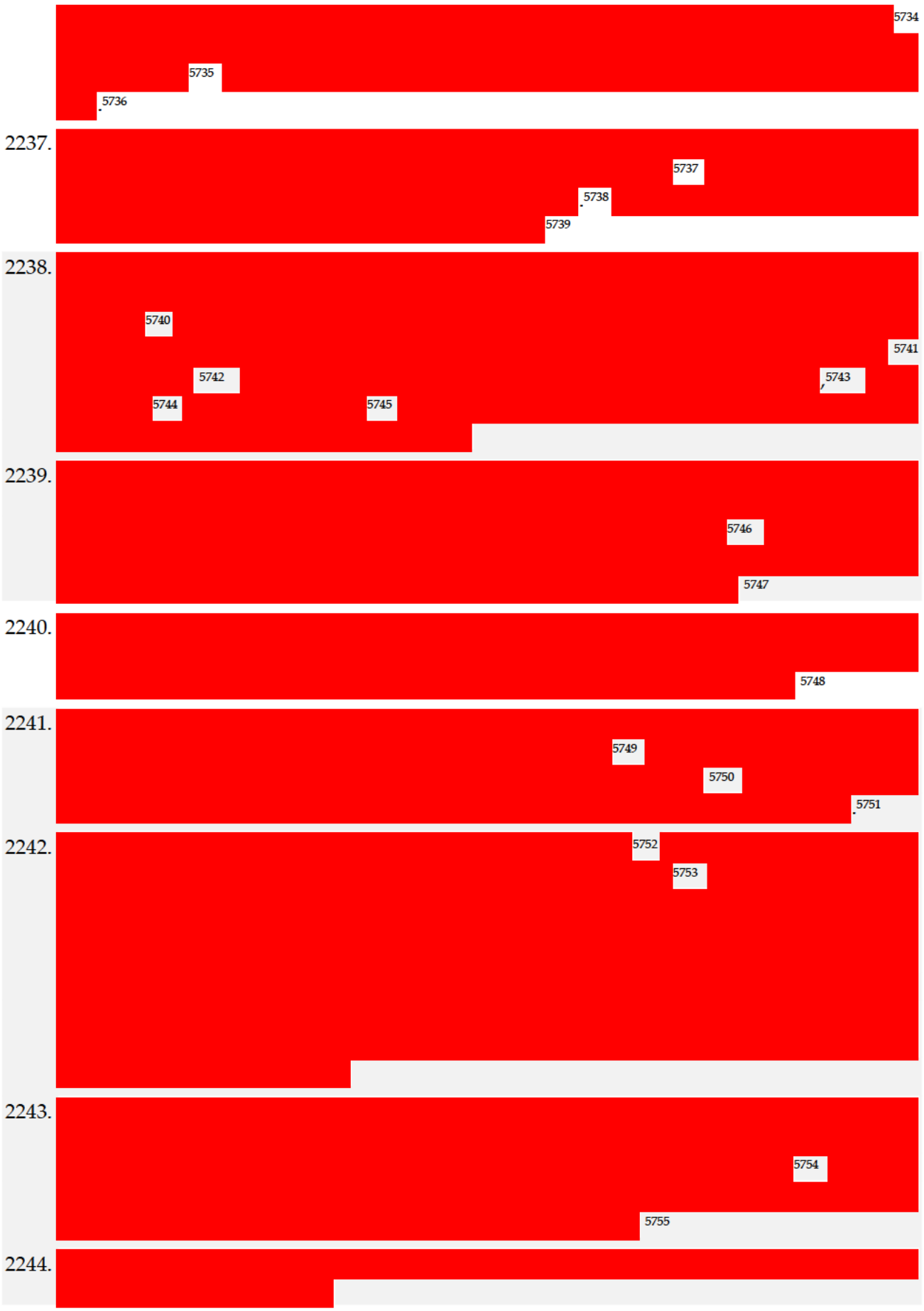
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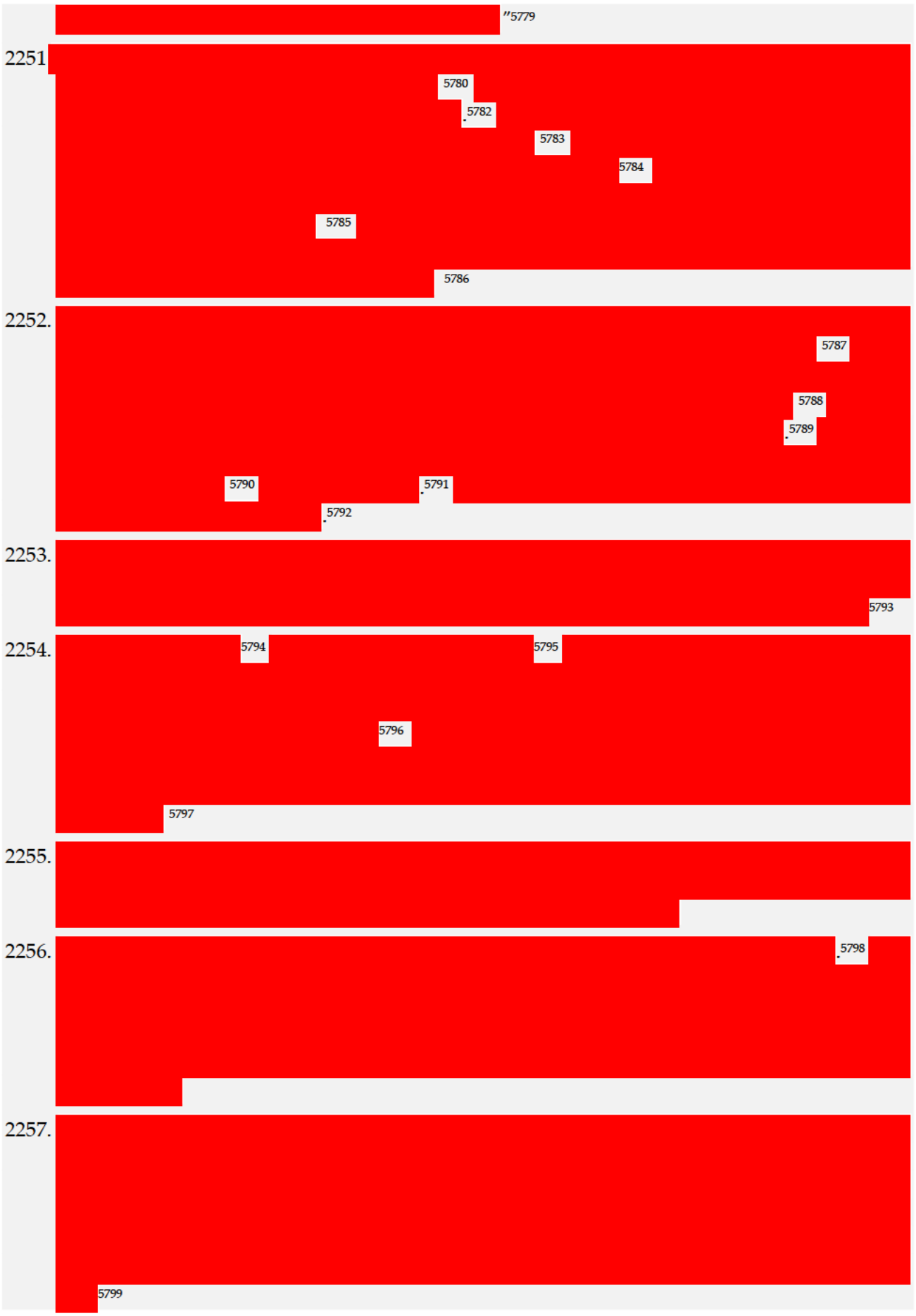
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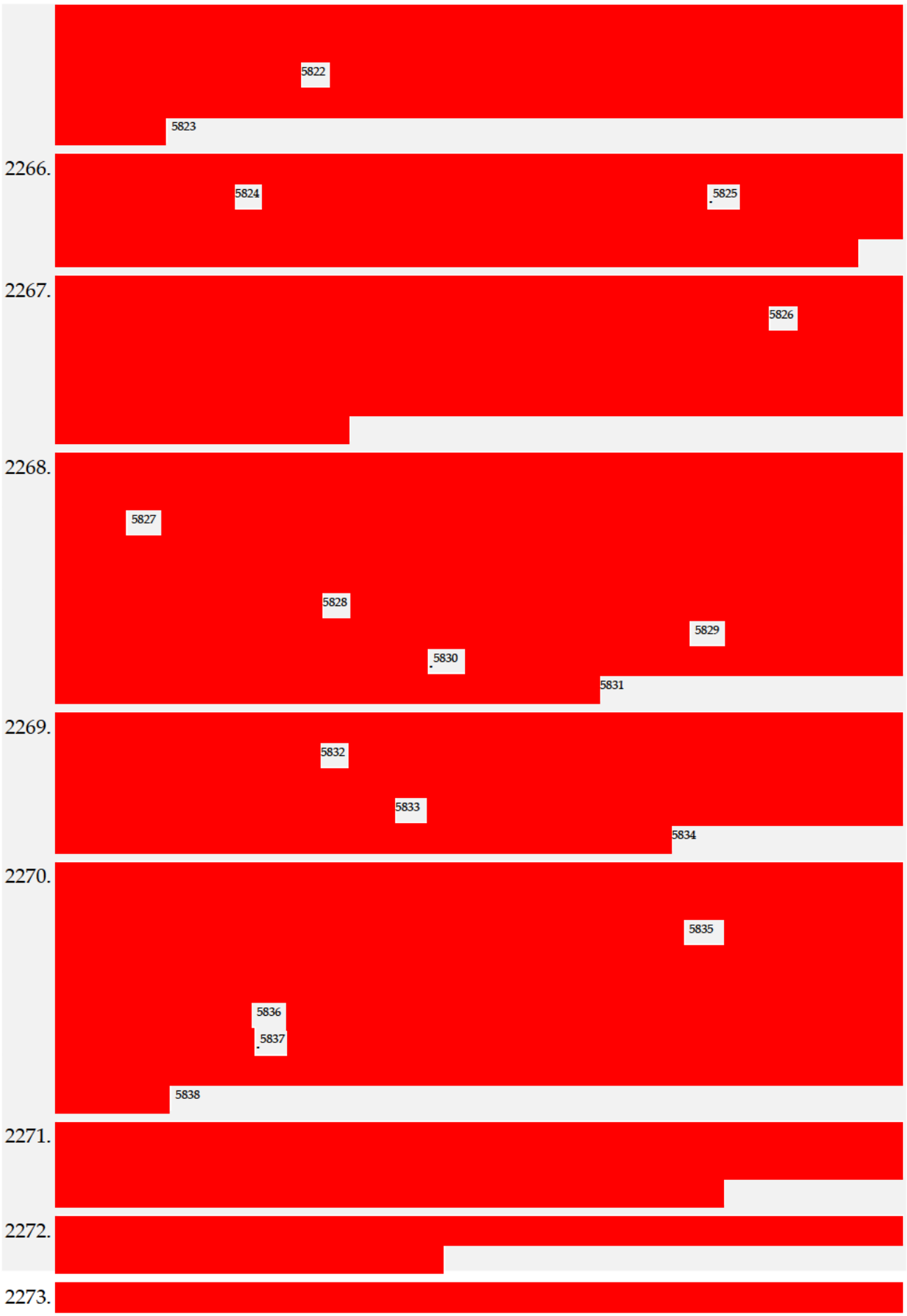
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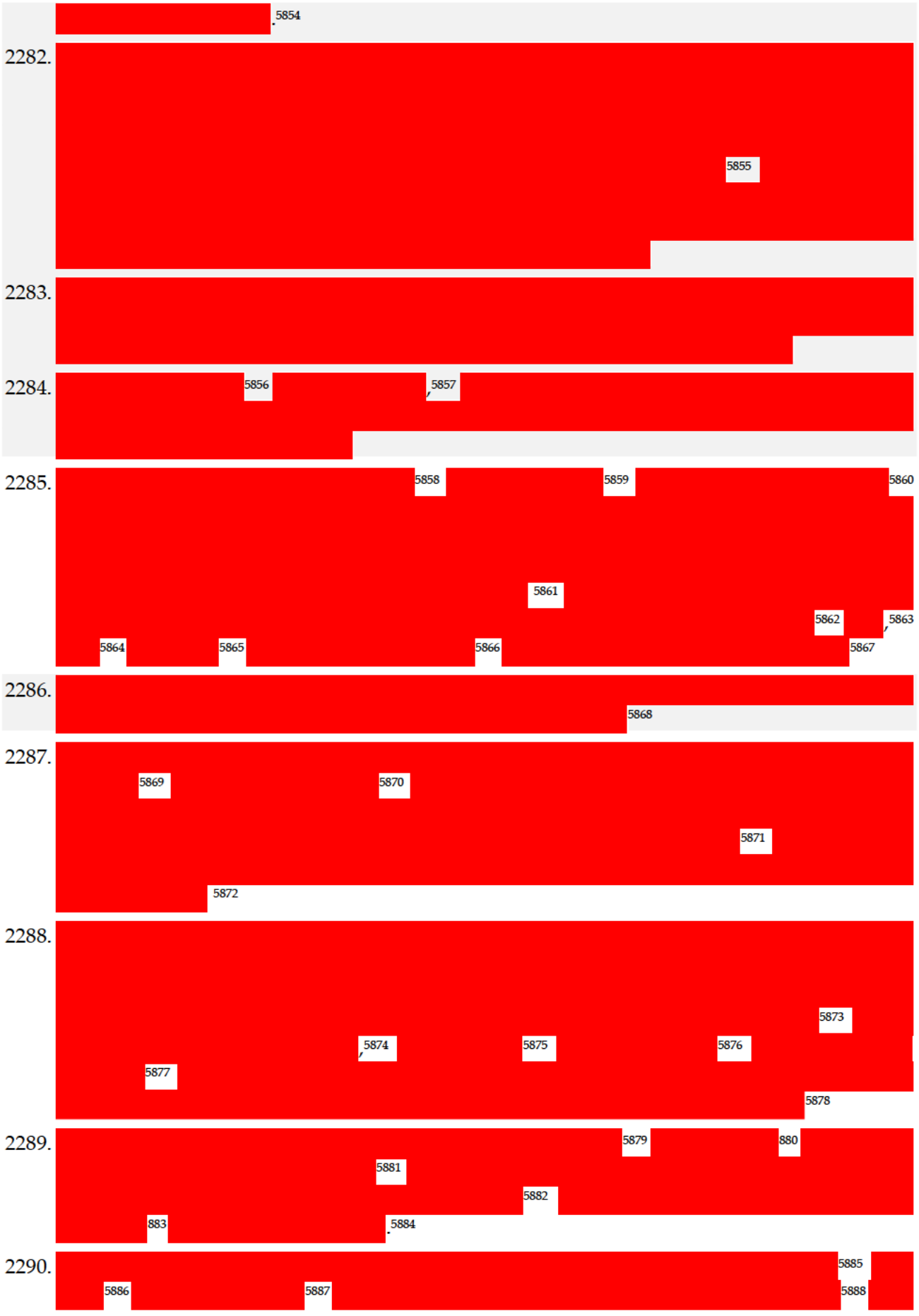
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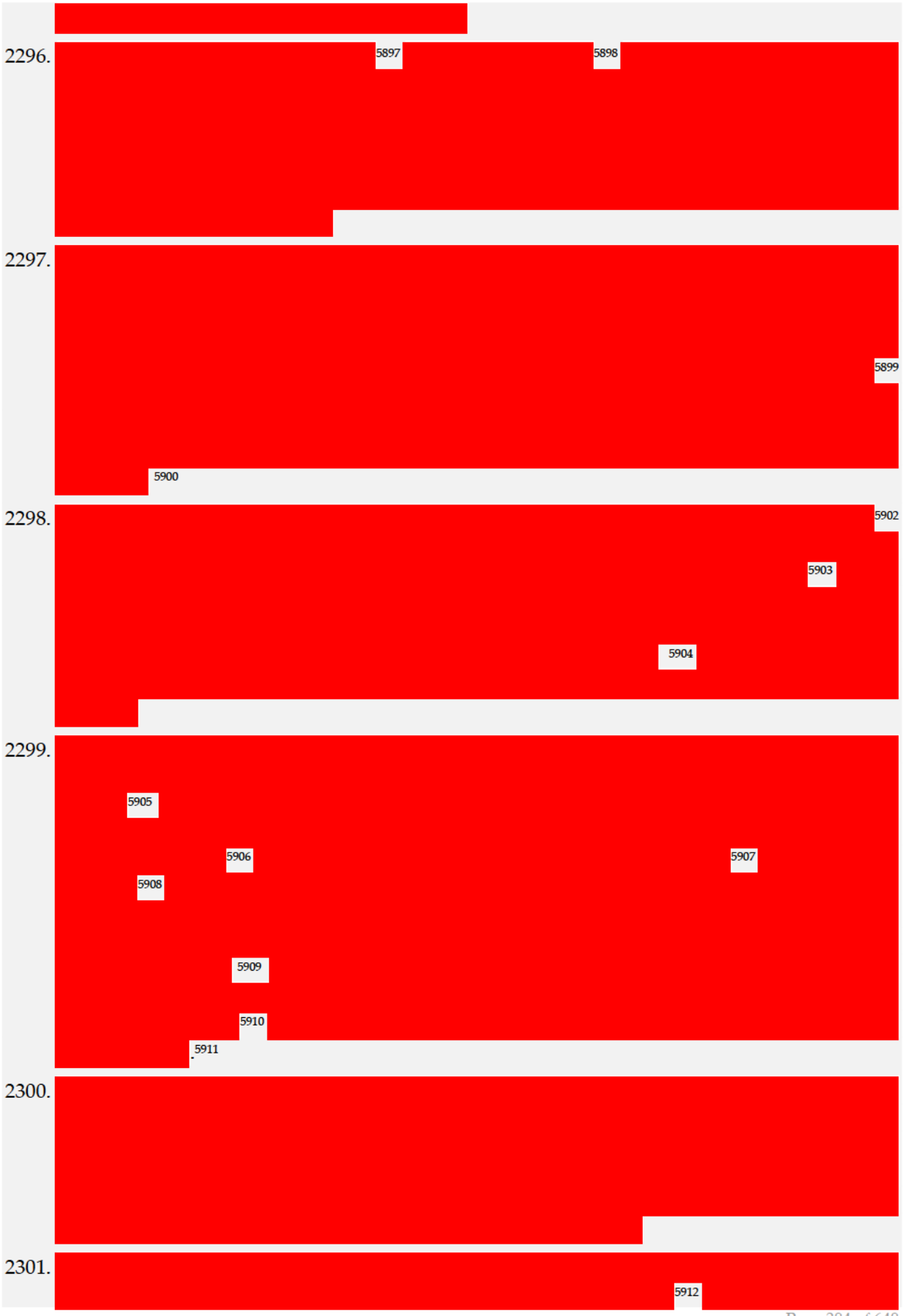
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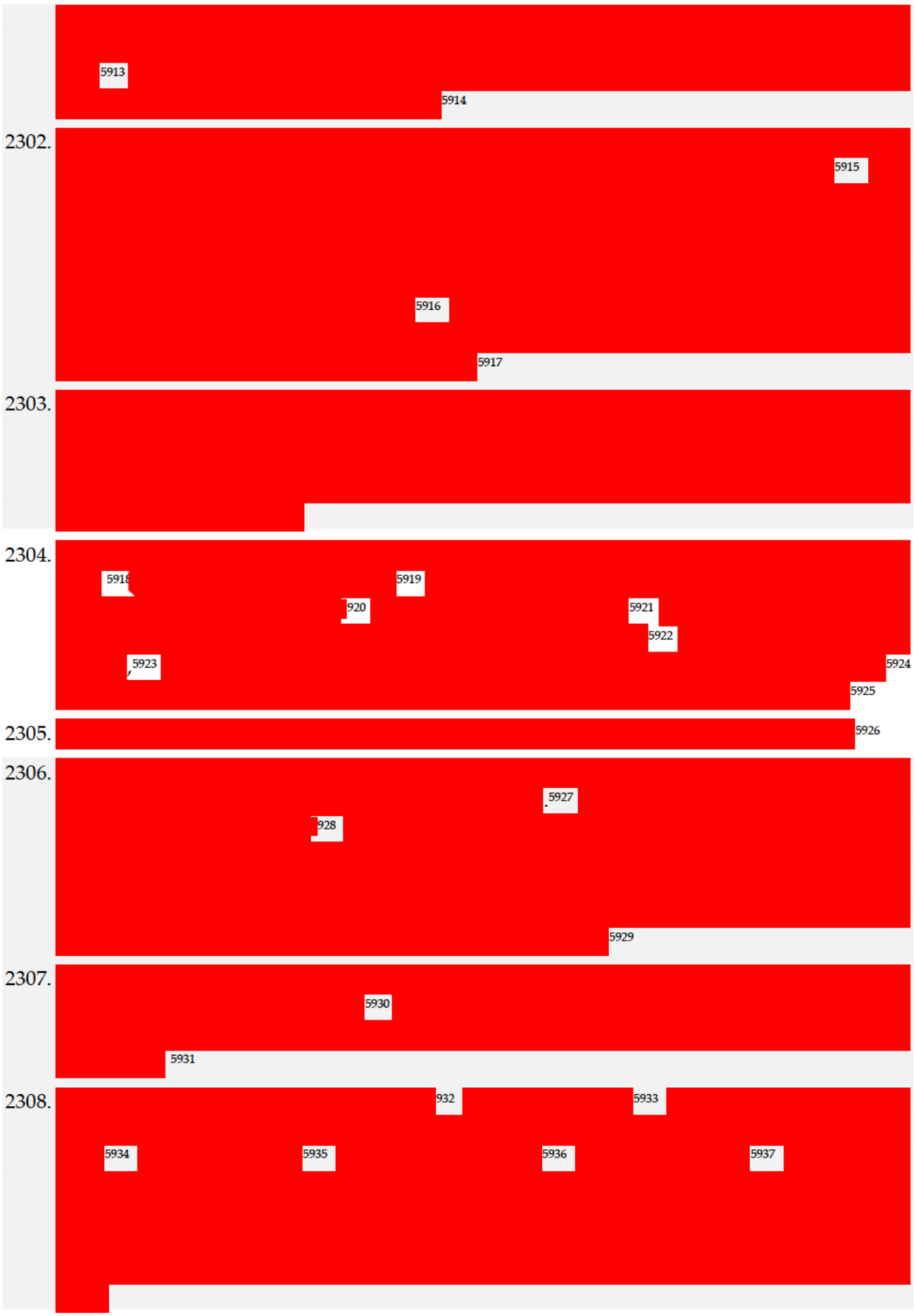
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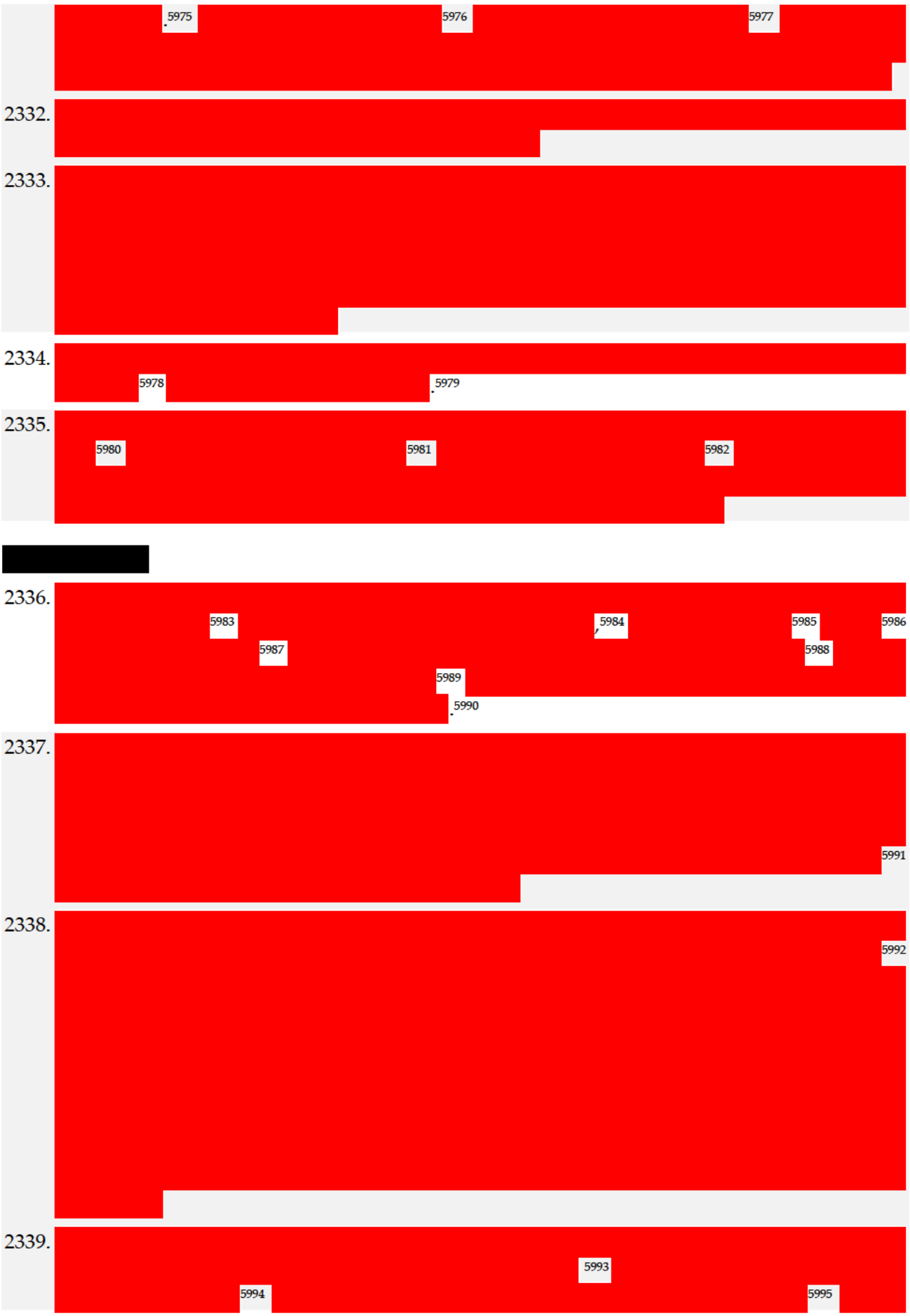
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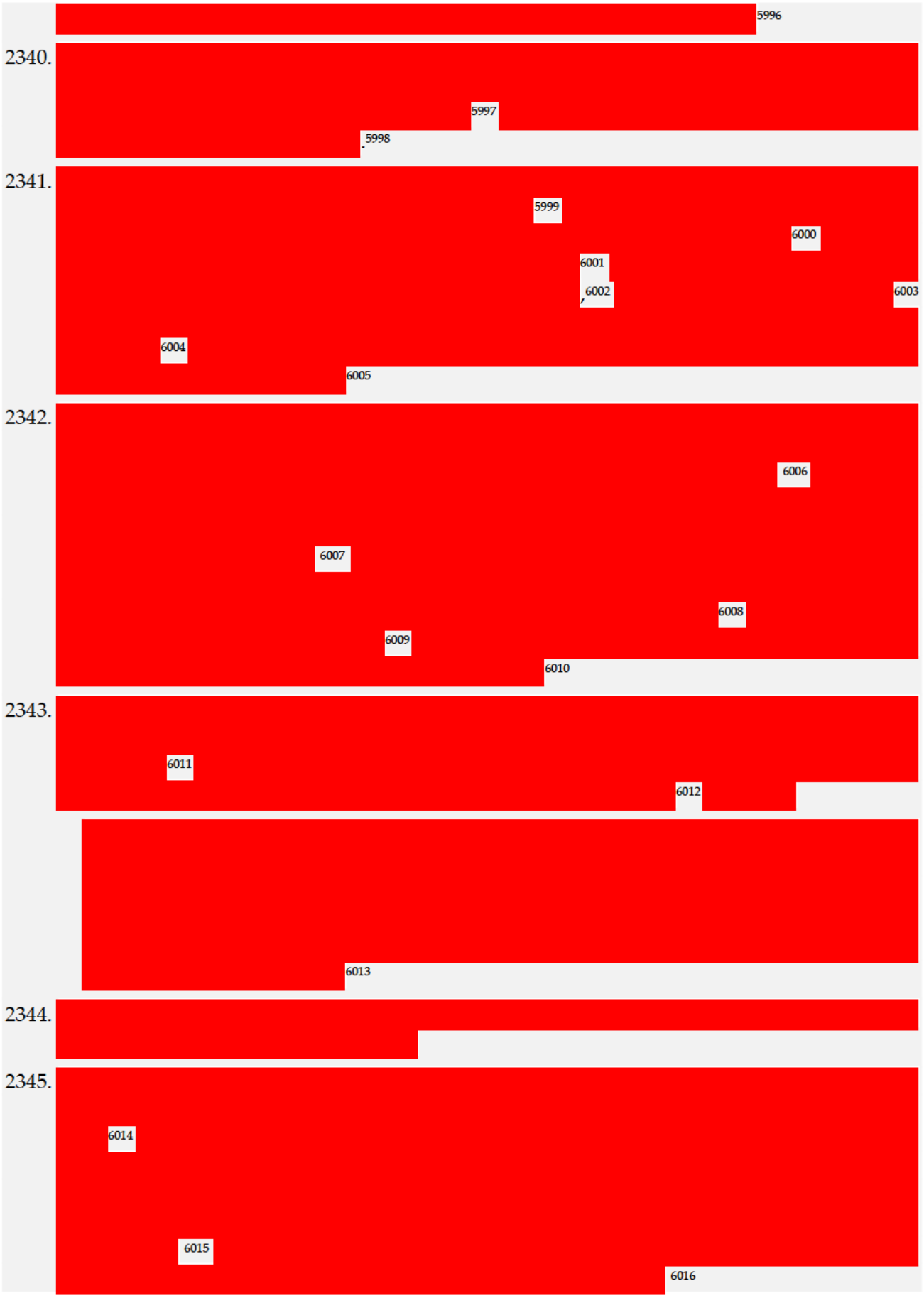
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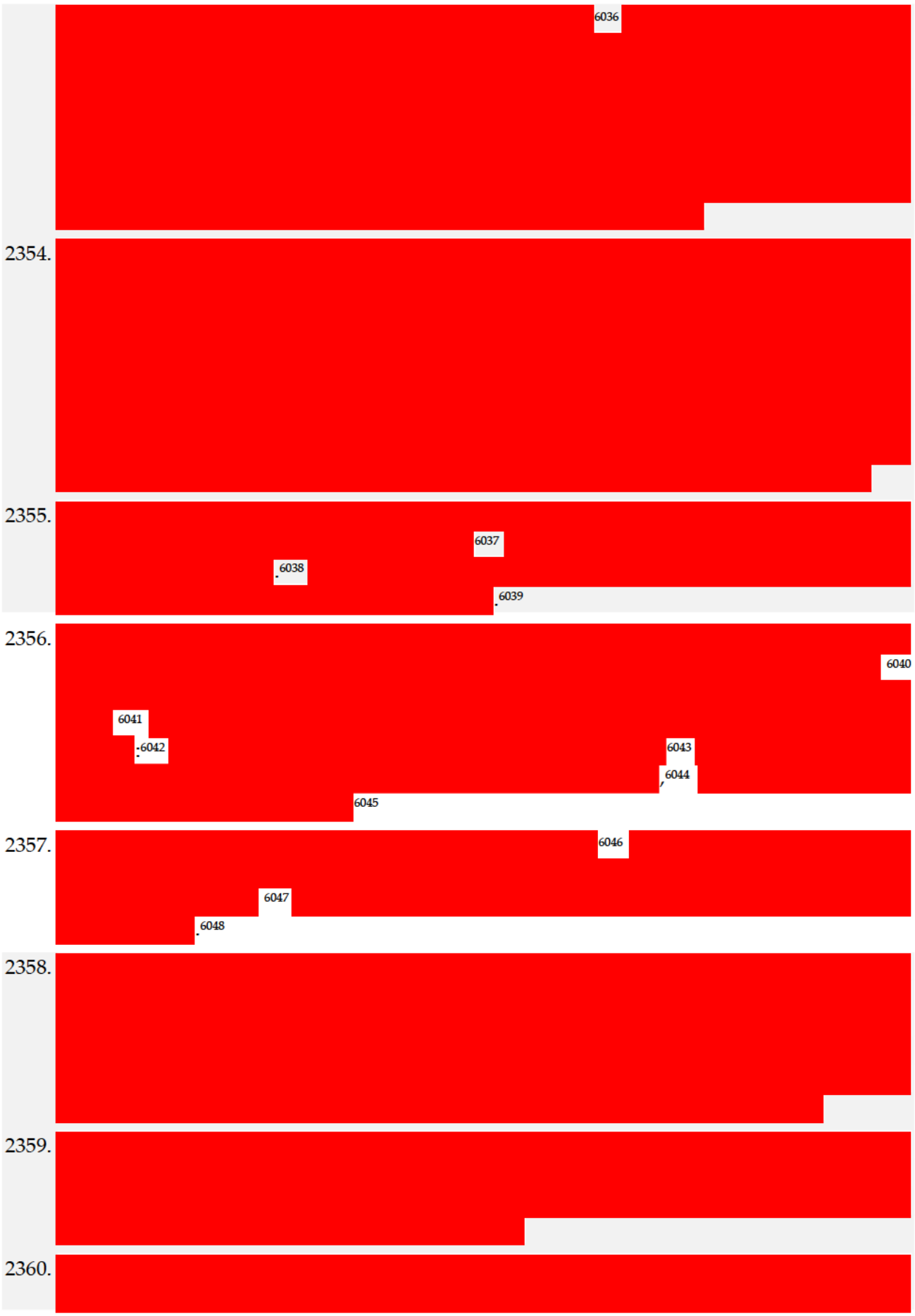
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2353. [redacted]

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8. [redacted]



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8. [redacted]

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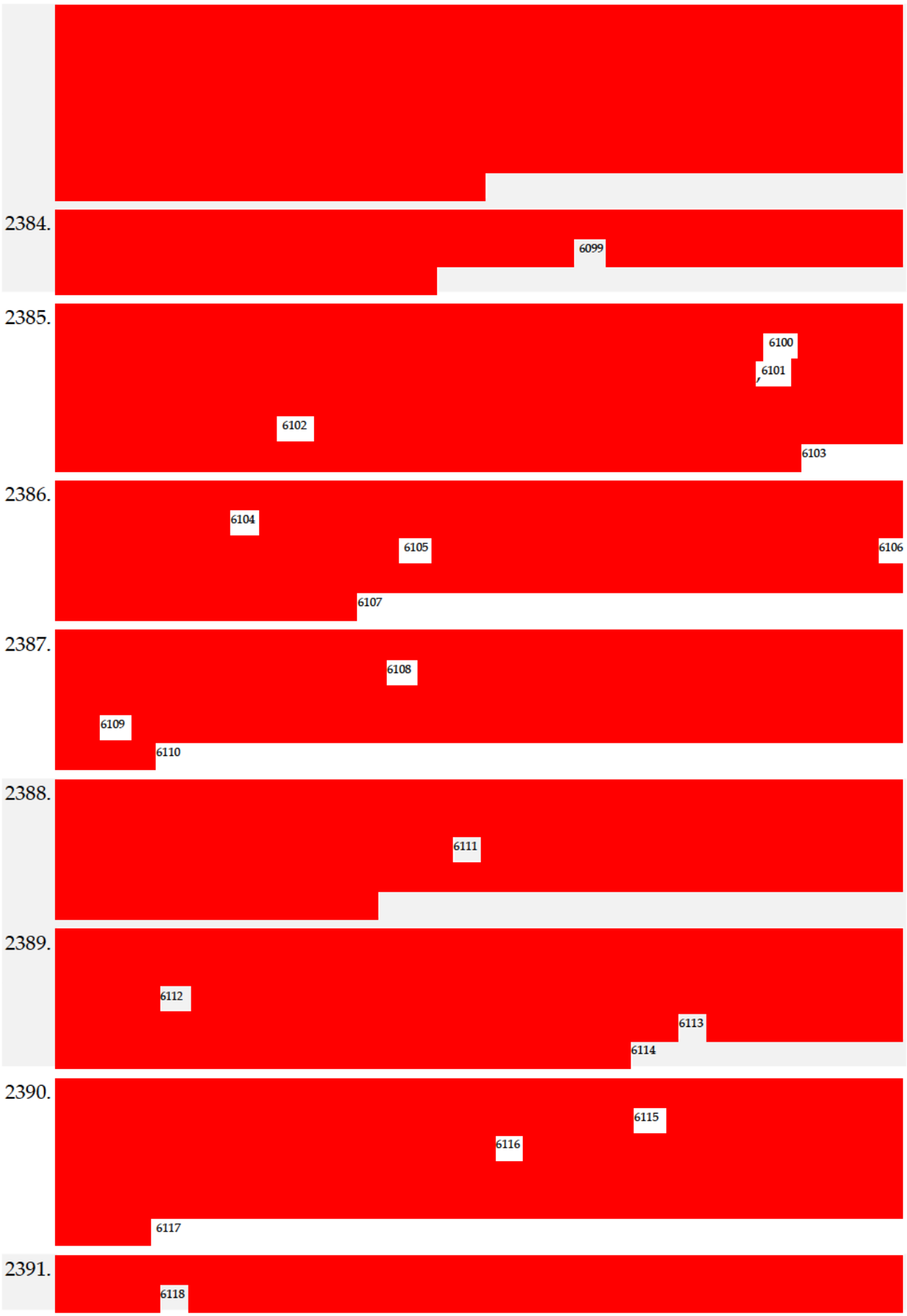
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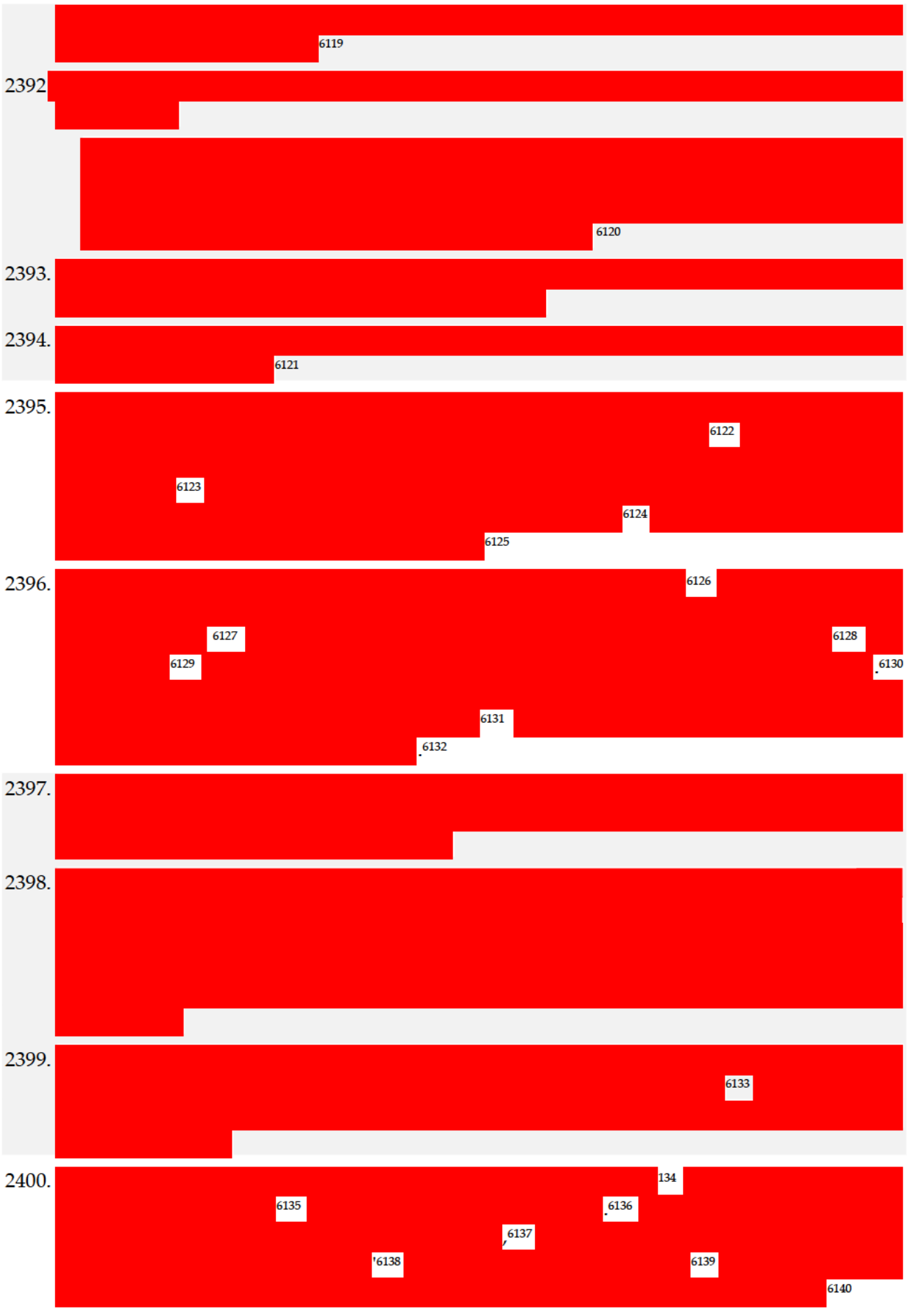
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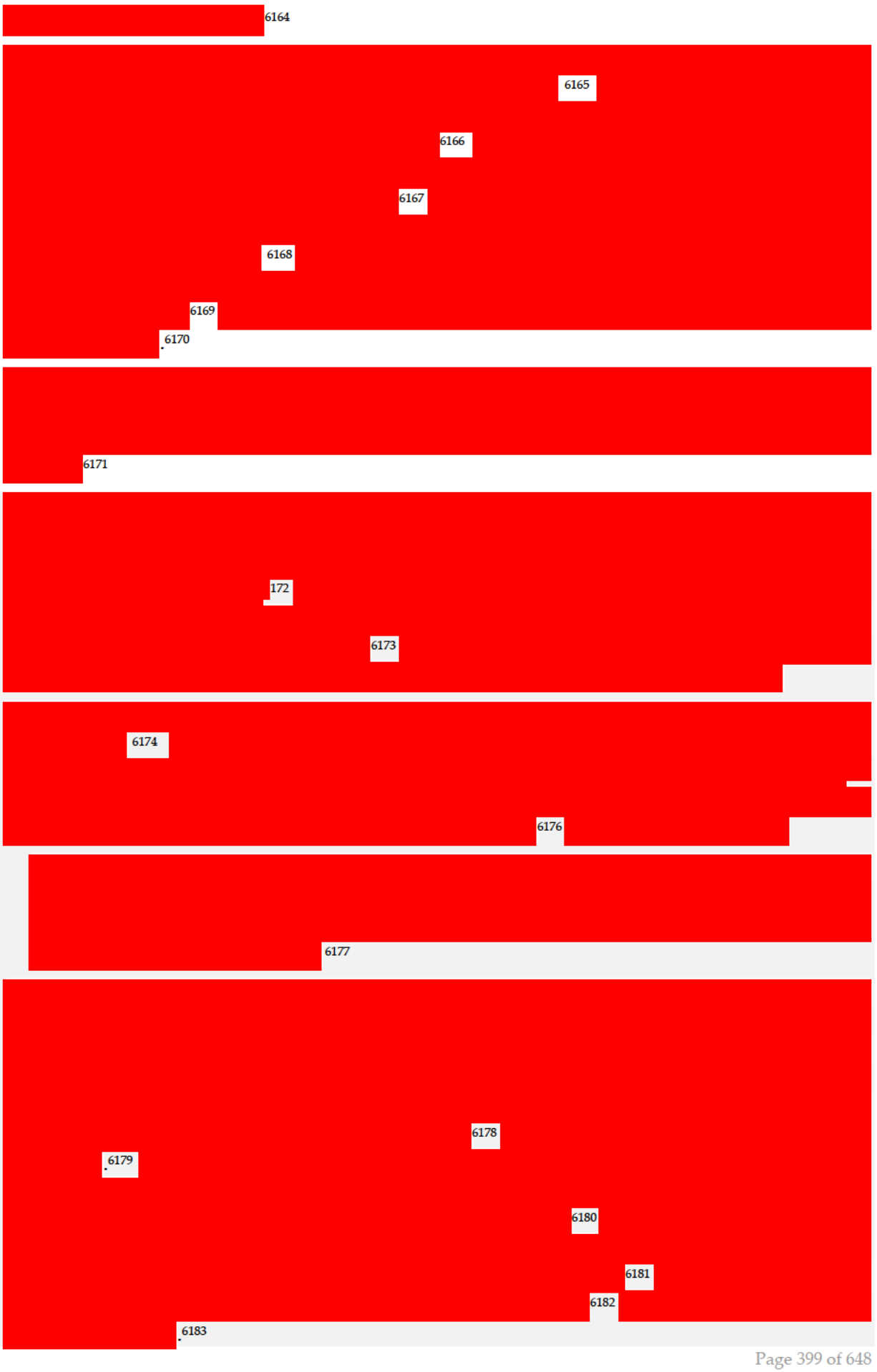
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8. [redacted]

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8. [redacted]

[redacted][6229]

2436. [redacted][6230][231]

2437. [redacted]

2438. [redacted][6232][233]

2439. [redacted]

2440. On 9 June 1980, [redacted] told police that 'well before the murders', [redacted] (DOB unknown) [redacted] THOMAS had informed his colleagues of an interaction between him and 'one of the DEMLER girls' (i.e. Jeannette or Heather).[6234] [redacted] reported that THOMAS allegedly stated that while at school, one of the DEMLER girls dropped her rubber on the floor and asked THOMAS to pick it up.[6235] When THOMAS did so, it was alleged that *"…he looked up and she opened the leg of her pants."*[6236] [redacted] stated that he had always remembered this incident, as had [redacted].[6237]

2441. A Police Jobsheet by (then) Detective Sergeant PARKES indicates that [redacted] was spoken to on 3 November 1970 and also referred to this incident.[6238] [redacted] stated that THOMAS had said that while at school 'one of the DEMLER girls' and another girl, possibly [redacted] (nee [redacted] DOB unknown), pulled down their pants and showed their bottoms to him.[6239] At this time, [redacted] told police that he had mentioned this incident to [redacted][6240]

2442. [redacted] and [redacted] respective versions of this story, as relayed to police, were markedly different. At the RCOI, (then) Detective Inspector O'DONOVAN stated that when he had gone to see [redacted] on 2 July 1980,[6241] he told [redacted] of the conversation he had had with [redacted] the previous month, and asked if it was a rubber that had been dropped.[6242] Detective Inspector O'DONOVAN stated that [redacted] was reluctant to provide information about this, but [redacted] he did agree it was in fact a rubber THOMAS had been talking about.[6243] Subsequently, in his brief of evidence for the RCOI, [redacted] added: *"I think that one of the girls may have kept dropping a rubber on the floor and getting THOMAS to pick it up."*[6244]

2443. When spoken to by police, [redacted] *"…strongly denied ever taking her pants down at school…"*[6245] However, she later admitted that this could have occurred but that she did not remember it happening.[6246] [redacted] did, however, say that she was sure she would not have done so with either of the DEMLER girls.[6247] She added that although she went to the

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8. [redacted]

same primary school as Jeannette, [redacted] was older and did not know her particularly well.[6248]

2444. Although [redacted] alleged that THOMAS regaled this story to other [redacted] the file does not contain information of [redacted] who were aware of this incident. [redacted] (DOB unknown), [redacted] was interviewed in 1980 and did not recall being told of the incident with the rubber.[6249] However, [redacted] did claim [redacted] had been interviewed by Detective JOHNSTON, prior to the second trial, in relation to this incident.[6250] There is no documentation relating to this interview on the file.

2445. At the RCOI, (then) Detective Inspector O'DONOVAN stated that in 1980, during the course of his enquiries in to the matter, he interviewed [redacted] (possibly [redacted], DOB [redacted]), [redacted], [redacted] (unknown name) and [redacted].[6251] However, the file only records [redacted] being spoken to in 1980.

2446. It is possible that the event as told by [redacted] did occur, but as the context around the girls 'showing their bottoms' to THOMAS is unknown this is difficult to comment upon. Furthermore, Jeannette was never identified by [redacted] or [redacted] as 'the DEMLER girl' involved in the alleged incident which could have instead involved the younger of the sisters, Heather SOUTER.

2447 [redacted][6252][6253][6254]

2448 [redacted]

2449. For example: [redacted] (DOB [redacted]), [redacted] (DOB unknown) and [redacted], THOMAS' [redacted] told of a container THOMAS had presented to them which, he alleged, contained pubic hairs of women he had had sex with.[6255] However, THOMAS claimed in an interview with Assistant Commissioner THOMPSON and (then) Detective Chief Inspector BAKER on 23 August 1977, that this container had been given to him by a man in Dargaville,[6256] who was described in *Beyond Reasonable Doubt* as an unnamed co-worker.[6257]

2450. THOMAS and Jeannette were in the same class at school between the ages of nine and fourteen-years-old, and seven and twelve-years-old respectively. Had this alleged incident occurred in the latter years, when THOMAS and Jeannette were older, one may question the

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8. [redacted]

sexual nature of this interaction, regardless of whether or not Jeannette was wearing underwear at the time. If such an event did occur, it was clearly significant enough for THOMAS to share with his peers in later life.

2451 [redacted] story implies some degree of involvement on Jeannette's part, asking THOMAS to pick up her eraser and opening the leg of her pants, indicating this version of events may not be true. The general picture of Jeannette gained from friends and family indicates that this would be uncharacteristic behaviour for her, as she was quiet, reserved and had little to do with the opposite sex until she was in her twenties. Thus, if this incident with the eraser did occur, it is unlikely that Jeannette played an active part in it. Furthermore, the allegation that Jeannette was not wearing underwear is questionable.

Other factors

Additional information in statements

2452. [redacted] 6258 6259 6260 6261 6262 6263

2453. [redacted]

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8. [redacted]

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8. [redacted]

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8. [redacted]

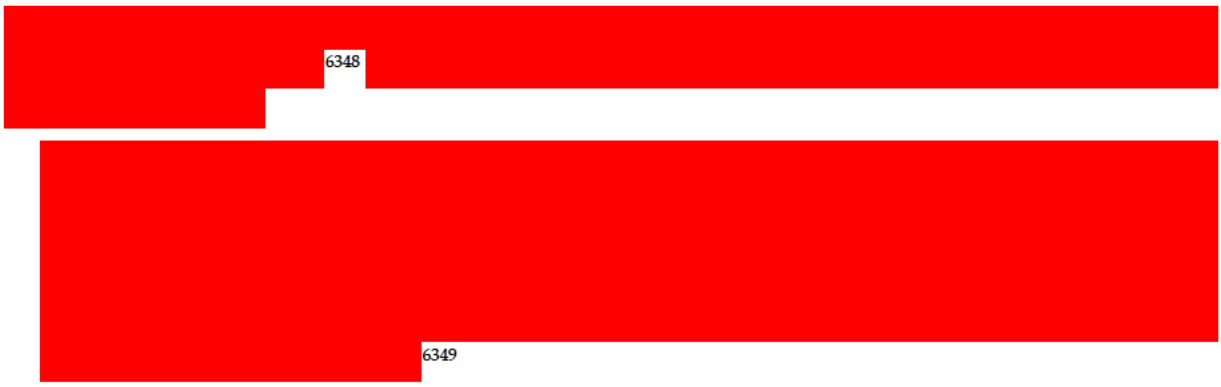
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2492. [redacted]



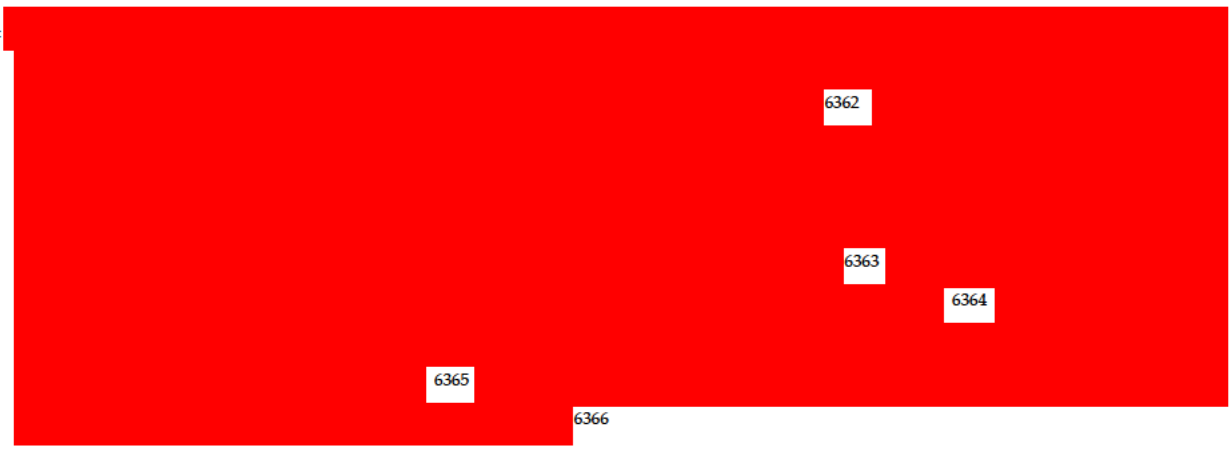
2493. [redacted]



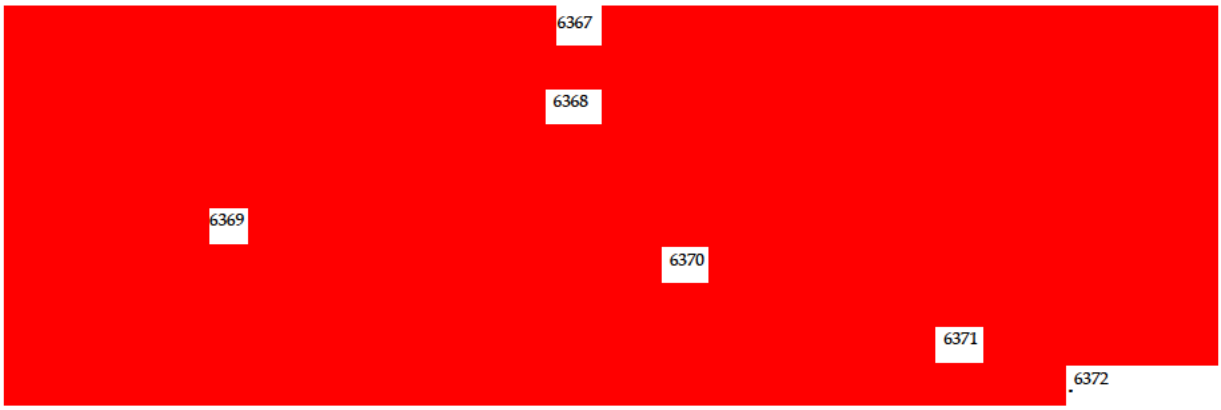
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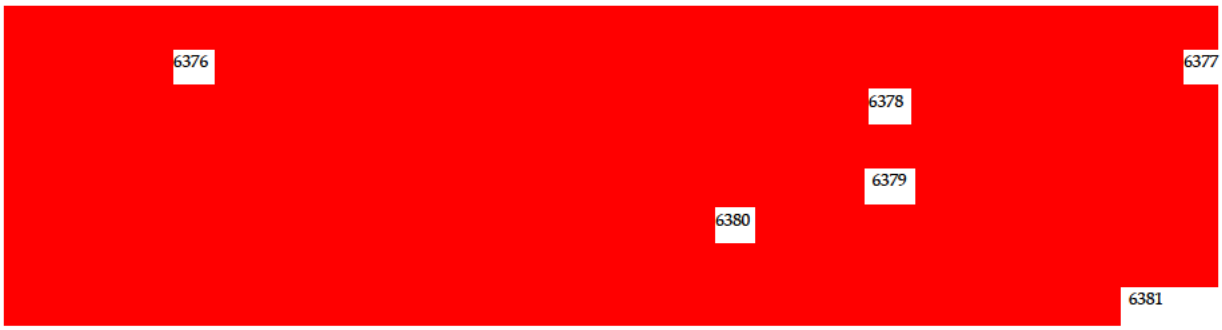
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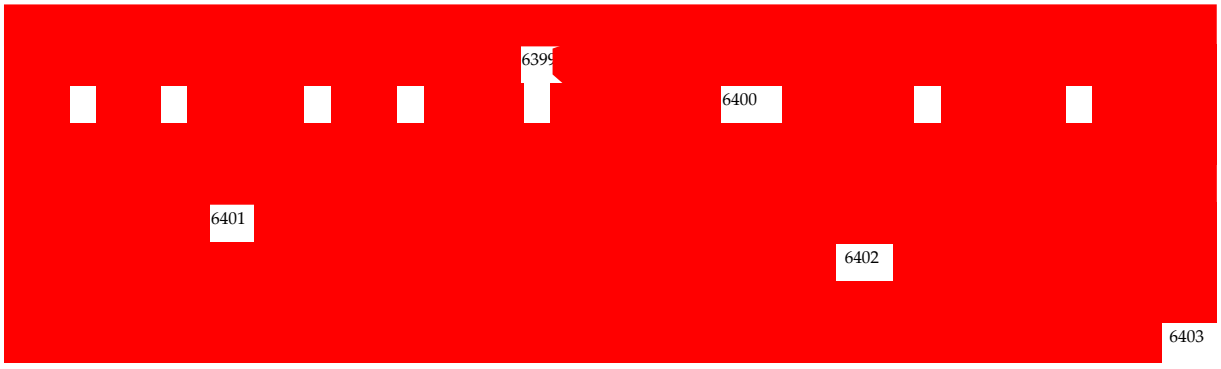
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8. [redacted]

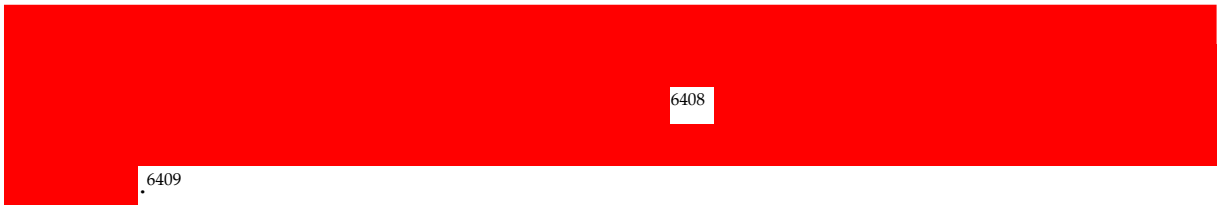
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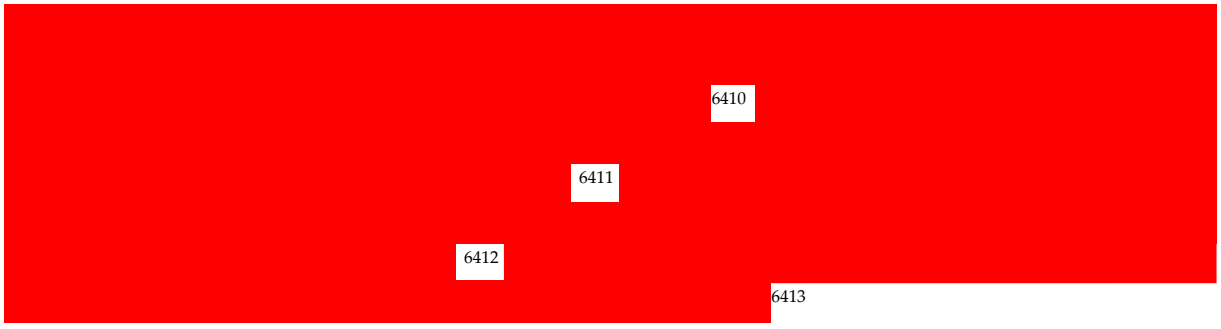
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2510. [redacted]



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8. [redacted]

[redacted][6419] [redacted][6420]

2511. [redacted][6421]

2512. The RCOI chose to hear the evidence of [redacted] and [redacted] in private as *"…the evidence was on the face of it highly improbable…"* and, after hearing the evidence, ruled that this would not be made public.[6422] During the hearing, Justice TAYLOR stated that [redacted][6423] and *"... no reliance whatsoever could be placed on his testimony."*[6424] The RCOI concluded:

> *"We are satisfied that the [redacted] confessions' never took place, and that the evidence of the two [redacted] was a tissue of lies. It causes us grave concern that very senior Police officers were so obviously ready to place credence on such unreliable, self-interested, and, in the case of the first [redacted] deluded evidence. It was but another instance of the Police being unwilling to accept the pardon."*[6425]

Information provided by [redacted]

2513. On 4 January 1980, Constable Mark LEYS reported that he had received a telephone call from [redacted] (DOB unknown).[6426] [redacted] reportedly told Constable LEYS that about eight years previously his son, [redacted] (DOB unknown), had been in a hospital bed alongside an inmate from Mount Eden Prison known as [redacted] and the two had become friendly.[6427] After being discharged from hospital, [redacted] visited [redacted] in prison and Arthur THOMAS was pointed out to him.[6428] [redacted] asked whether, in [redacted] opinion, THOMAS had committed the murders, to which he replied: *"Yes he did. He told us that he did it."*[6429]

2514. There does not appear to be any correspondence on the file indicating that this matter was taken further. There is no record of [redacted] being spoken to, or of enquiries to establish the identity of [redacted] It is noted that this information came to light after THOMAS had been pardoned and it is possible that this is why the matter was not investigated further.

Information provided by [redacted] and [redacted]

2515. On 28 August 1974, Detective Senior Sergeant SQUIRES sent a message to Detective Inspector HUTTON about enquiries that had been carried out at Paremoremo Prison.[6430] Detective Senior Sergeant SQUIRES commented that Arthur THOMAS and [redacted] (DOB [redacted]) were 'very friendly' in prison and THOMAS *"... possibly confided in this person before [redacted] was released."*[6431] [redacted] allegedly told the Superintendent of Paremoremo Prison, S. WARD, that THOMAS had discovered Harvey was having an affair with Vivien THOMAS and this was the reason for the murders.[6432]

2516. On 11 January 1980, Detective Chief Superintendent WILKINSON told Assistant Commissioner DALLOW the information had been received, which claimed that while in prison THOMAS made admissions of guilt to [redacted] and [redacted] (DOB [redacted]).[6433] Detective Chief Superintendent WILKINSON stated: *"It was alleged that [redacted] was 'hot' at Thomas [sic] pardon and was prepared to blow the gaff."*[6434] He reported that police had been seeking to obtain corroboration from [redacted] and [redacted] of claims made by [redacted]

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8. [redacted]

[redacted] and [redacted].[6435]

2517. Detective Chief Superintendent WILKINSON stated that [redacted] was interviewed at his home on 8 January 1980 by (then) Detective Inspector O'DONOVAN and (then) Detective Senior Sergeant KEITH.[6436] [redacted] freely discussed his association with THOMAS while in Paremoremo Prison and, although he claimed that THOMAS never made any admission of guilt to him, did provide an assessment of THOMAS.[6437] Detective Chief Superintendent WILKINSON noted that while this was interesting, there was nothing [redacted] could say of evidential nature.[6438]

2518. Detective Inspector O'DONOVAN and Detective Senior Sergeant KEITH travelled to Waikune Prison on 10 January 1980 to see [redacted].[6439] When the reason for the visit was explained [redacted] refused to say anything about THOMAS and demanded that the interview be terminated.[6440]

2519. [redacted][6441] [redacted][6442] [redacted][6443]

2520. [redacted] was serving a life sentence [redacted][6444] [redacted][6445] [redacted] (DOB unknown).[6446] [redacted] always denied being responsible for the murder.[6447]

2521. The background information and assessment provided by [redacted] does not appear to be contained within the file, thus comments made by him regarding THOMAS are unknown.

Information provided by [redacted]

2522. [redacted] (DOB [redacted]) was spoken to [redacted] by (then) Senior Sergeant CHARLES on 16 March and 20 March 1972,[6448] about comments allegedly made by Arthur THOMAS [redacted][6449] THOMAS [redacted][6450] THOMAS [redacted][6451] THOMAS [redacted][6452] THOMAS [redacted][6453]

2523. [redacted] also stated that some time after THOMAS' appeal had been dismissed THOMAS said: *"When I ejected the cartridge case"*, while simulating the action of working the mechanism of a rifle with his hands.[6454] [redacted] he interrupted THOMAS and said: *"Hang on, what do you mean - you?"*[6455] THOMAS reportedly said that he meant this was what police had alleged.[6456]

2524. [redacted][6457] [redacted] said he commented to Arthur THOMAS: *"Well, your wife is going to stick with you, anyway, Al"*, to which THOMAS replied: *"She had better."*[6458] [redacted] said he took this comment to mean that THOMAS was hiding something *"... and that he would say something if she left him."*[6459]

2525. [redacted] stated that there was no doubt in his mind that both Arthur and Vivien THOMAS were involved in the CREWES' murders.[6460] [redacted]

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8. [redacted]

[redacted][6461] was allegedly bringing this information to the attention of police *"... to bring to justice the other party involved. By this, I mean Vivienne [sic] THOMAS."*[6462]

2526. (Then) Senior Sergeant CHARLES [redacted][6463] Arthur Thomas [redacted],[6464] [redacted].[6465] Senior Sergeant CHARLES noted [redacted][6466] Senior Sergeant CHARLES stated that the comments allegedly made by Arthur THOMAS to [redacted] - as detailed in [redacted] statement - do not amount to an admission of guilt by THOMAS, but do infer that THOMAS was involved in the murders.[6467]

2527. [redacted] Arthur Thomas [redacted] Senior Sergeant CHARLES [redacted][6468] Senior Sergeant CHARLES [redacted][6469] [redacted][6470] [redacted] Arthur Thomas [redacted][6471]

2528. [redacted] had a substantial criminal history. [redacted].[6472]

2529. There is no documentation on the file relating to further correspondence with [redacted] Arthur Thomas [redacted]

Information provided by [redacted]

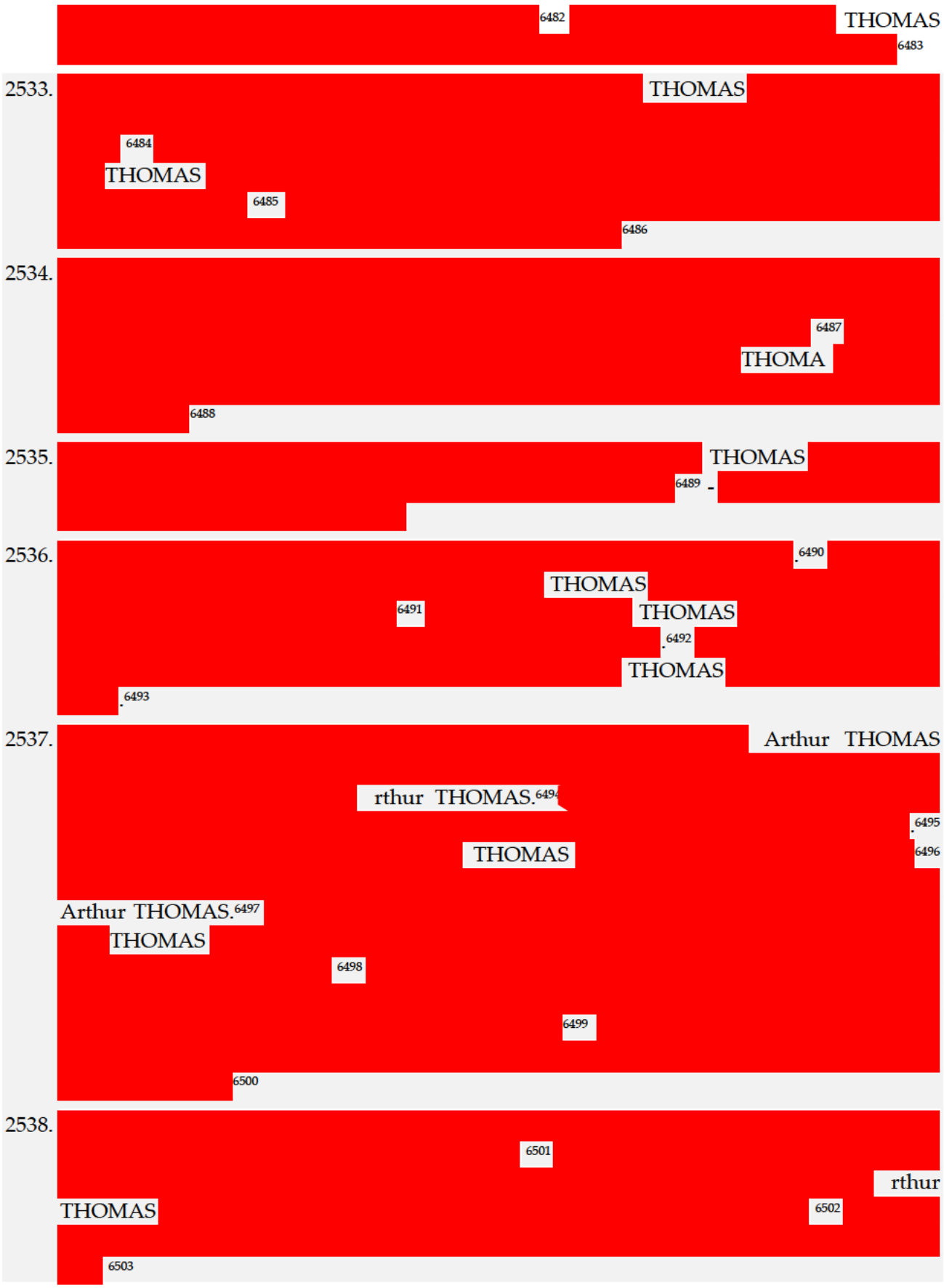
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2531 [redacted] THOMAS, [redacted][6478] THOMAS' [redacted] THOMAS [redacted][6479]

2532. [redacted] HOMAS [redacted][6480] [redacted] HOMAS,[6481] [redacted] THOMAS [redacted]

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8. [redacted]



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8. [redacted]

Information provided by Detective KEITH

2539. On 21 October 1970, Detective KEITH searched the garage used by Peter THOMAS on Arthur THOMAS' property.[6504] Detective KEITH's Police Jobsheet reported that while inside the garage he heard and saw Arthur and Vivien THOMAS talking outside.[6505] Detective KEITH stated: *"Although I could hear their voices I could not make out what they were saying, due to the wind blowing in the opposite direction and the fact that they were about 20 - 25 feet away."*[6506] He stated that during the couple's 20 minute conversation it appeared from Vivien's expression that she was not happy and was having a disagreement with Arthur.[6507] During this discussion Arthur was hoeing the garden and at one point moved closer to Detective KEITH's position (about four feet away).[6508] Detective KEITH stated that at this point Vivien said something - which he did not hear - and Arthur replied: *"If they think I am guilty, I am and thats [sic] that."*[6509] Detective KEITH did not hear any more of this conversation and he said that several minutes later Vivien went inside the house.[6510]

2540. Detective KEITH gave evidence to this effect at the deposition hearing,[6511] first trial[6512] and second trial.[6513] Under cross-examination by defence counsel at the deposition hearing, Detective KEITH was asked if what he heard was: *"From their point of view, if they think I'm guilty I am and that's that."*[6514] Detective KEITH answered in the affirmative, but was re-examined by the prosecution who highlighted the additional words ('from their point of view') added by the defence.[6515] At this time, Detective KEITH commented that the question put to him by defence counsel was ambiguous, and stated the words he heard were: *"If they think I am guilty, I am and that's that."*[6516]

2541. Arthur THOMAS denied that he had said what Detective KEITH allegedly heard[6517] and, at the second trial, commented: *"I may have sd [sic] if thats [sic] what the Police say thats [sic] it but I know I didnt [sic] do it; that was what I may have sd [sic] to Vivien; if I said that he only heard part of it."*[6518]

2542. At the first trial, Vivien THOMAS gave evidence confirming that she and Arthur THOMAS had a conversation in the garden while police were searching the property, but said she only remembered parts of it.[6519] Vivien stated that at this time she was annoyed that the floors inside the house were being walked over by police officers[6520] - it appears that she may have just washed them. During the conversation she said that she commented on the gardening Arthur was doing and wondered what police were doing there.[6521] Vivien stated that she had no recollection of Arthur saying what Detective KEITH alleged.[6522] At the second trial, Vivien stated that she did not hear her husband say what was alleged by Detective KEITH.[6523]

2543. Much was made of the comment noted by Detective KEITH, alleged to have been said by Arthur THOMAS, inferring that this was some kind of confession. Detective KEITH acknowledged that this was the only part of a lengthy conversation between Arthur and Vivien and the context of the conversation is unknown. It is quite possible that the excerpt heard by Detective KEITH was part of a sentence commenting upon police opinion - as alleged by Arthur THOMAS' defence counsel at the deposition hearing.

2544. Alternatively, had this comment been heard accurately and it was not in the context of police opinion, the words: *"If they think I am guilty, I am and that's that"* do not amount to a confession and quite plainly do not point to THOMAS' guilt or involvement in the murders whatsoever.

2545. In a statement on 31 May 1980, by [redacted] THOMAS' [redacted]

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8. [redacted]

[redacted] said that [redacted] and THOMAS had had an altercation [redacted].[6524] [redacted] THOMAS [redacted][6525] [redacted] THOMAS denied knowing what happened to [redacted][6526] but when confronted, stated: *"If you say I did it I must have done it."*[6527] [redacted] was 'quite certain' these were the exact words used by THOMAS.[6528]

2546. Later during one of THOMAS' trials (it is not stated which), [redacted] saw that these were the words Arthur THOMAS used when speaking to Vivien THOMAS.[6529] [redacted] allegedly drew [redacted] attention to the newspaper and commented that these were the same words Arthur THOMAS had used when speaking to [redacted].[6530]

2547. [redacted] THOMAS [redacted] THOMAS. The information provided by [redacted] may demonstrate that the comments allegedly heard by Detective KEITH were consistent with THOMAS' style of language, particularly when being confronted by an allegation as [redacted] reported.

2548. [redacted] THOMAS [redacted] of the alleged conversation overheard by Detective KEITH. It is possible that [redacted] recalled the comment made by THOMAS accurately, particularly because this was during an altercation that clearly stuck in [redacted] mind. However, it is also possible that [redacted] memory of the argument became skewed and was inadvertently influenced by reading in the newspaper comments which had been attributed to THOMAS.

2549. [redacted] did not approach police with this information after reading of Detective KEITH's evidence in the media. However, this is typical of others who had information relating to the case, but who waited for police to approach them before making a disclosure.

New information

2550. Nil

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9. CRIMES AND SIGNIFICANT EVENTS WHICH OCCURRED AT THE CREWES' PROPERTY AND IN THE PUKEKAWA AREA AFTER 18 JUNE 1966

Key findings

2551. At about 9.00pm on Saturday 29 July 1967, Harvey and Jeannette returned home to find that their house had been burgled. Items belonging to Jeannette (mainly jewellery) had been stolen. Detective JOHNSTON, who later worked on the homicide investigation, attended the house in response to the burglary complaint and the area where the property had been stolen from was fingerprinted. No fingerprints, other than Jeannette's were identified. No offender/s was ever identified and the stolen property was never recovered.

2552. Between 9.30pm and 10.20pm on Saturday 7 December 1968, while Jeannette was in hospital after giving birth to Rochelle, Harvey returned home to find that the house was on fire. The fire originated in a bedroom at the southern corner of the house and resulted in damage to 20 percent of the house. There were varying opinions by a fire officer and an insurance adjuster as to the cause of the house fire, although neither concluded that this was the result of arson.

2553. At about 9.00pm on Wednesday 28 May 1969, the CREWES' hay barn was found to be alight. The barn and 800 bales of hay were destroyed as a result. The cause of the hay barn fire was unknown and was attributed by the insurance assessor to be the result of spontaneous combustion.

2554. The CREWES believed that the two fires on their property (in 1968 and 1969) were arson. They believed these fires had been lit by the same person who committed the earlier burglary at their address (in 1967). It is apparent that both believed that they were the target of malicious acts and this is likely to be the primary reason why Jeannette was said to be scared to be in the house alone. This may also explain their reported behaviour towards unknown visitors at the house, for example tradesmen, after the house fire.

2555. There is no evidence to confirm that the fires were the result of arson. However, as there is limited information available about these events, the possibility cannot be ruled out.

2556. The Crown case contended that the burglary and two fires may have been committed by Arthur THOMAS, due to perceived envy or jealousy towards the CREWES.

2557. The fact that the CREWES were ultimately murdered in their home does raise a stronger likelihood that there is a common link. It is noted that the CREWES were victims of the above events during each year of their marriage/occupation of the Pukekawa farm (a burglary in 1967, a house fire in 1968, and a hay barn fire in 1969), with the murders committed on the eve of their fourth wedding anniversary on 17 June 1970.

2558. In 2013, David SCOTT, Criminal Profiling Unit, New Zealand Police (whose services were engaged by the Review Team), stated that he considered the burglary and two fires to be linked to the murders.

2559. Residential burglaries in Pukekawa in the 1960s were relatively uncommon, although not unheard of.

2560. There were two acts of arson in the South Auckland area reported between 1963 and 1969. However, as there is no information available regarding the circumstances of these incidents,

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SENSITIVE

it is not possible to determine if they had similar circumstances to the fires at the CREWES' property.

2561. The lack of information available regarding fires which occurred in the area prevents a comparison between the circumstances of these and the fires experienced by the CREWES.

Note:

2562. Events after 18 June 1966 have been examined because this was the day on which Harvey and Jeannette married and took up occupation of the Pukekawa farm located at 1405, Highway 22, Pukekawa, where they resided until their deaths. Incidents in which the CREWES were victims during their four years on the property were examined, as were similar occurrences in the area.

The CREWES' property

Burglary

2563. On the evening of Saturday 29 July 1967,[6531] Harvey and Jeannette had dinner at the neighbouring property of Jeannette's parents, Lenard and May DEMLER.[6532] After returning home at approximately 9.00pm, Jeannette telephoned the DEMLERS and informed them that her jewellery had been stolen.[6533] Jeannette's sapphire and diamond engagement ring,[6534] a set of pearls with a diamond and sapphire clasp,[6535] a set of cultured pearls,[6536] earrings,[6537] brooches,[6538] a watch[6539] and a brush and comb set[6540] were said to have been stolen, as was Jeannette's handbag[6541] containing her driver licence.[6542] These items were stolen from a dressing table drawer in the master bedroom (the only location in the house from which items were stolen).[6543] Entry was likely gained to the house through the back door.[6544] The house showed no signs of being searched.[6545]

2564. The offender/s in the burglary targeted the CREWES' house, although without further information an assessment cannot be made as to whether or not Jeannette's property was specifically targeted. The CREWES were well known throughout the district to be financially well-off. It was also common knowledge that Jeannette had inherited a significant share in her uncle, Howard CHENNELLS' estate. These factors may have made the CREWES burglary targets. The limited information available does not allow an analysis of trends relating to property stolen in burglaries at the time. However, jewellery remains an example of a commodity routinely targeted by burglars today.

2565. It is possible that the burglary was intended to be personal to Jeannette. It has been contended that Arthur THOMAS committed the burglary, taking Jeannette's brush and comb set, thus prompting her to use a brush set he had given her five years previously *(see paragraph 2820)*. Furthermore, a brush is a very personal item, and it is also possible that, had Jeannette been the target, this item was taken due to the intimate link she had to it.

2566. It is unknown if the back door was locked and entry forced. It was a common practice in the community at the time to not lock doors during short absences. If entry had been forced to the house one would expect there to be some comment on the homicide investigation file relating to this, but there is not.

2567. Detective JOHNSTON, who had an assigned responsibility for rural investigations, attended the CREWES' house on 30 July 1967 in response to the burglary complaint.[6546] Detective JOHNSTON took elimination fingerprints from Jeannette for comparison purposes[6547] and

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three exhibits from the house[6548] for examination by fingerprint specialists, namely: (i) a wooden drawer, (ii) a white comb with silver filigree, and (iii) a photograph.[6549] The only fingerprints identified on these items matched the comparison fingerprints taken from Jeannette.[6550] The stolen property has never been located and the offender/s never identified.[6551]

2568. Also in the master bedroom was a dressing table that contained money and other valuables, but none of these items were taken.[6552] According to Jeannette's good friend Beverley WILLIS, Jeannette felt that her property had been targeted and that the person who took the jewellery must have known what she had, as only the most valuable jewellery items were taken.[6553]

2569. Information provided by a number of the CREWES' family and friends indicated that after the burglary[6554] Jeannette was afraid,[6555] nervous[6556] and petrified[6557] to stay in the house alone,[6558] and would instead go around the farm with Harvey.[6559] Harvey was described, also by family and friends, to be upset[6560] and worried[6561] about the burglary and subsequent fires, and questioned why these things had happened to him.[6562] On 30 October 1970, in her statement to police, Jeannette's friend Beverley BATKIN stated that, after the burglary, Jeannette had told her that she thought they were being watched.[6563] Jeannette did not elaborate as to who she thought may have been watching them.[6564]

2570. The reliance that can be placed on this information from BATKIN is questionable. BATKIN's claims regarding her alleged sighting of the CREWES' car on Wednesday 17 June 1970 at Tuakau and the apparent conduct of Jeannette and Arthur THOMAS at dances raises concerns as to her credibility *(see paragraphs 91, 2746-2753)*.

2571. At the time the CREWES and DEMLERS spoke about who may have been responsible for the burglary. They came to the conclusion that it must have been someone who knew Harvey and Jeannette's movements and had watched them go out, as they had not been out of the house for very long.[6565] According to Lenard DEMLER, Harvey apparently suggested that a neighbouring farmer, Roy KILKOLLY (DOB [redacted]), could have known something about it.[6566] DEMLER could not explain the reason for Harvey's suspicions, but thought they arose as a result of Harvey and KILKOLLY having had the odd argument over stock[6567] [redacted].[6568] Furthermore, [redacted][6569]

2572. KILKOLLY was spoken to by police on 19 August 1970 and admitted that he had never got on with Harvey.[6570] Sergeant Nick MILSUM commented that he did not think KILKOLLY was in any way involved with the murders and KILKOLLY claimed that he had never owned a gun.[6571] However, it does not appear that Sergeant MILSUM questioned KILKOLLY about the burglary.[6572]

2573. David YALLOP claimed in his book, *Beyond Reasonable Doubt*, that May DEMLER asked the local newspaper editor, Ernie ALEXANDER, not to print details of the CREWES' burglary, to which ALEXANDER agreed.[6573] The source of this information is not cited and has not been corroborated or alluded to in any other publication, or in the police file.

2574. On 2 July 1970, Jack HANDCOCK told police that he recalled reading about the CREWES' burglary and the stolen jewellery in the newspaper.[6574] The Police Jobsheet of this interview with HANDCOCK did not specify which newspaper he recalled reading about this in;

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however, due to the subject matter it is almost certain that this would have been a local publication, as opposed to a regional or national newspaper. Arthur THOMAS also told police (on 15 October 1970) that he had read about the CREWES' burglary in the Franklin Times.[6575]

2575. HANDCOCK and THOMAS' recollection, that information of the CREWES' burglary was published in a newspaper, casts doubt on YALLOP's claim. Having said this, Detective Senior Sergeant LENDRUM viewed archived copies of the Franklin Times on 18 July 2013 and searched through papers dated 1 August 1967 (the first paper after the burglary on 29 July 1967), 3 August, 8 August, 10 August, 15 August, 17 August and 22 August 1967 and found no mention of the burglary at the CREWES' house.[6576]

2576. Lenard DEMLER and James McEwan MASON (DOB unknown), a friend of Harvey's, told police that a good table set was taken in the burglary,[6577] but they likely mistook this for the cutlery set stolen from the house at the time of the house fire *(see paragraph 2603)*.

2577. A common theme when speaking to Jeannette's associates was that she was frightened to be inside the house alone, with one friend stating that Jeannette believed she was being watched. This is interesting when considering that Jeannette had no form of covering over two windows in the main living area of her home. It seems likely that Jeannette would have the windows in the living area covered at night if she was afraid someone was watching them. The lack of coverings on the windows would make it very easy for someone to get close to their home, particularly at night when lights inside the house were on, and look inside without been seen from inside the house.

House fire

2578. On Saturday 7 December 1968,[6578] Harvey had a late dinner at Lenard and May DEMLERS' home,[6579] after visiting Jeannette at the Pukekohe maternity annex[6580] (Jeannette had given birth to Rochelle [redacted]). Harvey arrived at the DEMLERS' house at approximately 8.00pm and left for home between 9.30pm[6581] and 10.20pm.[6582] At this time, Harvey discovered his house was on fire.[6583] He entered the house to shut the bedroom door in order to contain the fire but, due to the amount of smoke inside the house, he had difficulty getting out.[6584] Harvey then went back to collect Lenard,[6585] taking him back to the house while May telephoned the fire brigade[6586] and neighbouring farmers.[6587]

2579. The fire had a fairly good hold[6588] on a spare bedroom[6589] at the southern corner of the house.[6590] In this bedroom the windows on the west side of the house had broken and windows on the south side broke while they were there.[6591] Harvey used a ladder to get on to the roof and Lenard DEMLER passed up buckets of water from the water tank[6592] in an attempt to contain the fire until the Tuakau Volunteer Fire Brigade arrived.[6593] By the time the flames had been extinguished, 20 percent of the total house was damaged[6594] and the fire had caused considerable damage to clothing, linen and other household effects.[6595]

2580. Edward Bently WILD (DOB unknown), Chief Fire Officer, Tuakau Fire Brigade, attended the scene of the CREWES' house fire the following day, to try and establish its cause.[6596] In August 1970, WILD commented that the tile roof had collapsed into the bedroom when the rafters burnt, making the reconstruction difficult.[6597] He said that a bedcover which had been badly burnt had been removed from the house prior to his arrival.[6598] Nonetheless, WILD reported that in his opinion the fire probably started on a dresser in the bedroom, burning down the dresser on to the floor and then up the wall.[6599] WILD described the dresser in the

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bedroom as having one leg burnt off and there was a hole burnt in the floor.[6600] He stated that the fire could have started from a cigarette left on the dresser, but Harvey denied smoking in that room.[6601] WILD was not prepared to say the fire was arson.[6602]

2581. WILD's opinion and descriptions, as related in August 1970, were given one year and eight months after the incident. The investigation file does not contain any reference to an original report completed by WILD about this fire and, therefore, no indication of what his opinion was at the time. WILD's suggestion that the fire burnt down the dresser on to the floor is disconcerting as fire burns upwards.[6603] The dressing table was against an interior wall of the house[6604] which would have allowed the fire to spread in this normal upwards direction.

2582. A report dated 21 February 1969 by Eric BARON (DOB unknown), Adjuster for the State Insurance Office, stated that the fire started above the ceiling, which was made of fibrous plaster, and that the fire appeared to be of electrical origin.[6605] Harvey had mentioned to BARON that during the winter rats were able to get up into the roof[6606] and, in BARON's opinion, rats had chewed through electrical wiring, causing a short circuit and the outbreak of fire.[6607]

2583. Conversely, Edward WILD stated that he was convinced the fire did not start in the ceiling and it was Harvey who had put forward this suggestion.[6608] WILD alleged that Harvey was obstructive and would not listen to any sound theory put forward.[6609]

2584. Lenard DEMLER first told police, in a statement dated 24 June 1970, that the cause of the house fire was electrical and that there was no talk of it being anything other than accidental.[6610] However he later stated, on 12 November 1970, that Harvey believed someone had deliberately set fire to the house.[6611] DEMLER said a piece of rimu wood over one of the back windows appeared to have been set alight and he thought that the fire had started 'up top'.[6612]

2585. In his report, BARON said that Harvey was anxious to have repairs completed in time for Jeannette's return from hospital (with Rochelle).[6613] BARON had arranged for Alfred JONES (DOB unknown), Painter and Paper Hanger, and employees, to clean down the walls and ceilings at the house.[6614]

2586. JONES informed BARON that while he was at the CREWES' house Harvey would not leave him alone for a moment and had complained about the efficiency of JONES' cleaning.[6615] JONES commented that he would have walked off the job if it had been a private one but, as much of his work came from the insurance company, he felt he should see it through.[6616]

2587. Harvey telephoned BARON's office two to three times a day, and even went to Auckland to see him in an effort to have repairs started immediately.[6617] However, this process was held up by late quotes from local builders whom Harvey had engaged.[6618]

2588. After the fire, Harvey telephoned an Electrician, Peter William GRAHAM (DOB unknown), and asked him to restore power to the house.[6619] GRAHAM renewed the mains which had been damaged by fire,[6620] and commented that the cable he replaced seemed to be in quite good condition.[6621] GRAHAM was of the opinion that there was nothing in the electrical wiring that could have caused the fire.[6622] He further stated that rats would not have been able to chew the wire and start a fire.[6623] GRAHAM subcontracted further work in connection with the fire damage to builder Harold REEVE (DOB unknown).[6624]

2589. REEVE went to the CREWES' house in December 1968 and provided a quote for repairs[6625]

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which was accepted.[6626] However, work did not begin until 19 March 1969.[6627] REEVE worked on the job for three days and his employees would have returned on at least two occasions to finish the job.[6628] The last occasion would have been in early 1970 when they replaced damaged flooring.[6629] REEVE said he found Harvey to be uncooperative, almost to the point of being obstructive.[6630] He said he could only work on the house when Harvey said it was okay, and Harvey would often say they could not because he (Harvey) was going out, or had shearers.[6631]

2590. REEVE sent his final account for the sum of $318 to Harvey, who would not sign it off, stating that the job was not finished.[6632] Harvey told REEVE that all the roof tiles had not been wired down and there was another job not finished.[6633] REEVE contacted Sturrock & Monteith Solicitors, who acted for the CREWES, to establish what jobs had not been completed, but they did not get back to him.[6634] A payment of $318 for the job remained outstanding at the time of their deaths.[6635] The money for payment was to come from the State Insurance office, but payment would not be made until Harvey approved it.[6636] Although not indicated on the file, it is likely that this debt was settled by the CREWES' estate.

2591. REEVE stated that he had considerable trouble with Harvey over the whole job and found him impossible to deal with.[6637] REEVE stated that a Painter, Brian HAGEN (DOB unknown), also had trouble with the CREWES - workers were apparently never welcome in the house and would have to climb through the window to get to the job even when the CREWES were home.[6638]

2592. Murray Lindsey BARBER (DOB unknown) was a subcontractor for REEVE and sanded the floor in the damaged area of the CREWES' house.[6639] BARBER stated that he went to the house in February 1970 and Jeannette asked him if he could get his equipment in through the bedroom window.[6640] BARBER said he could not and was then allowed to back his truck to the gate near the back door and access the bedroom via the house.[6641] BARBER was there for about one-and-a-half hours and said that Jeannette was there with him the whole time.[6642]

2593. Harvey later requested further repairs to be undertaken in relation to water damage in the middle bedroom (as a result of the hole in the roof caused by the fire).[6643] Eric BARON commented that the middle bedroom was used for storage and had been covered with mould on walls and ceiling when he had made his original inspection for fire damage.[6644] It was obvious to him that the room had been in this condition for a considerable time before the fire.[6645] BARON said he found Harvey most difficult to deal with and commented that Harvey expected repairs to be carried out instantly on a 'blank cheque' basis.[6646]

2594. Almost everyone who was involved in the assessment or repairs after the house fire commented on how difficult the CREWES were to deal with. However, accounts from others who had worked for the CREWES at other times do not support these statements, for example, comments by Ronald Geoffrey BROWN (DOB unknown), who painted and wallpapered two rooms in the house in 1968.[6647] Although BROWN commented that Harvey seemed unapproachable, they 'got on' and Harvey was satisfied with the job, paying straight away.[6648] BROWN stated that Harvey tried to engage him to complete repairs after the fire, but BROWN had other jobs on.[6649] Raymond YEARBURY, whom Harvey employed as a Shearer, told police that Harvey was quiet, but was all right once you got to know him and was good to work for.[6650] William YEARBURY, also a Shearer for Harvey, stated that Harvey was a good boss to work for, although he was particular about how the fleece was sorted.[6651]

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2595. At the time of the fire (or immediately after) a silver cutlery set worth approximately $100 was stolen. Edward WILD commented that smoke marks on the wall clearly showed where the set had been. This indicated that it was left in this position for some time after the fire started. If the fire was deliberately lit by someone, it is unlikely that they would have remained at the crime scene long enough for smoke marks to develop on the wall surrounding where the set had been. Therefore, it is more likely that the set was stolen subsequent to the fire.

2596. This could account for Harvey and Jeannette's attitude towards workmen in their home after the fire. If the CREWES believed that their property had been stolen after the fire, potentially by a member of the Volunteer Fire Brigade or neighbouring farmers who were called to assist, they would likely be wary of allowing people they did not know well into their home unsupervised.

2597. The fire caused significant damage to the CREWES' home and came at a stressful time in their lives. Jeannette was about to return home from the hospital after giving birth to Rochelle; Christmas and shearing season were also approaching, adding to understandable levels of stress on the part of both Harvey and Jeannette. These factors, coupled with Jeannette's nervous disposition, may have caused their interactions with tradesmen to be excessively abrupt with an emphasis on the task rather than fostering an agreeable relationship.

2598. Harvey and Jeannette were due to attend the wedding of Anthony EATON in Masterton on 17 January 1969, where Harvey was to be best man.[6652] However, a few days before the wedding Harvey telephoned and said they would be unable to attend because of the fire.[6653] This demonstrates the impact the fire had on the CREWES' lives at this time, as the decision to miss the wedding of Harvey's good friend was unlikely to have been taken lightly.

2599. David YALLOP claimed that, as with the burglary, May DEMLER asked Ernie ALEXANDER to suppress details of the fire in the house.[6654] YALLOP stated that ALEXANDER again obliged.[6655]

2600. YALLOP also alleged that a pile of baby clothes had been used to start the fire inside the house.[6656] Once again YALLOP's information source/s is unknown. Jack HANDCOCK told police (on 2 July 1970) that he had heard baby clothes were stolen in the house fire.[6657] Barbara WILLIS told Detective MARTIN and Detective Senior Sergeant LENDRUM (on 4 July 2013) that baby's clothing had been burnt in the CREWES' fireplace at the time of the house fire.[6658] It is unknown where HANDCOCK and WILLIS obtained this information. Any part Rochelle's clothing may have played in the house fire, whether they had been burnt or stolen, cannot be confirmed.

2601. It is possible that YALLOP had spoken to HANDCOCK and that he is the source of the information regarding the baby clothes. No other sources, including family or friends of the CREWES, stated that there was any involvement of baby clothes in the fire or items stolen thereafter.

2602. Ian WISHART's book, *Arthur Allan Thomas: The Inside Story*, questioned whether Detective JOHNSTON was responsible for the fires at the CREWES' property.[6659] There is no evidence to support this conjecture.

2603. Harvey and Jeannette told a number of family, friends and associates that at the time of the house fire some items had been stolen.[6660] One of these items was a set of silver cutlery.[6661]

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Edward WILD confirmed that a canteen of cutlery was taken by someone after the fire, as smoke marks on the wall clearly showed that the canteen had been on top of the dresser while the fire was burning.[6662]

2604. On 10 October 1969, Jeannette ordered a new 44 piece cutlery set, as well as 13 other items of cutlery, from Tuakau Stationary Centre to replace those stolen, the total value of which came to over $100.[6663] Jeannette commented to the shop assistant, David MITCHELL (DOB unknown), that the insurance money for this had been received.[6664]

Hay barn fire

2605. On Wednesday 28 May 1969, at approximately 9.00pm, the CREWES' hay barn was found to be on fire.[6665] Harvey had been in the wool shed at about 8.30pm, giving him a view of the hay barn, but he had not seen anything untoward.[6666] Later, a passing motorist, David FLEMING, told Harvey that the barn was on fire.[6667] It was not salvageable by the time Harvey got there, and the barn, including 800 bales of hay, was destroyed.[6668] Jeannette telephoned Lenard and May DEMLER informing them of the fire, but stated that there was not any point going to help, as the fire had too great a hold.[6669]

2606. A report dated 6 June 1969 by L. M. Bernard & Son, regarding the insurance claim for the hay barn fire stated that Harvey had no idea how the fire occurred.[6670] Spontaneous combustion[xli] was the only cause to which L. M. Bernard & Son could attribute the fire.[6671] However, it appears that this was listed as the cause due to no other valid explanation. Lenard DEMLER stated that he could not see any reason why the hay should have ignited, as he said it was in good order that year.[6672]

2607. The insurance report regarding the hay barn fire lists the cause as spontaneous combustion. However, the true facts are unknown due to the barn being completely destroyed. Harvey clearly believed that this was a deliberately lit fire (arson). Harvey was described by many as a good farmer[6673] and it is almost certain that he would know how to monitor the condition of his hay stack to identify any pending risk of spontaneous combustion occurring.

2608. Harvey allegedly commented to FLEMING: *"Who would have done this to me?"*[6674] This clearly indicated that Harvey did not believe that the cause of this fire was spontaneous combustion, but rather a malicious act.

2609. The insurance report highlighted the fact that Harvey was a very heavy loser as a result of the fire and was only insured for a small amount.[6675] The 800 bales of hay which were destroyed represented a loss of $480, but Harvey was only insured for $150.[6676] The barn itself was insured for $190, but L. M. Bernard & Son reported that, in 1969, the barn would cost between $800 and $900 to replace.[6677]

2610. It was reported by David YALLOP, in *Beyond Reasonable Doubt*, that the day after the hay barn fire, Owen PRIEST visited the CREWES' farm to offer assistance with clearing up.[6678] PRIEST allegedly said that Jeannette seemed scared and would not even open the fly screen door to him.[6679] These actions by Jeannette give some indication as to the effect the second fire had on her. PRIEST was a friend of her father's, and had been the CREWES' neighbour for the past four years, and yet Jeannette was clearly not comfortable and was even 'scared' to open the door to him. There has been no suggestion that either Harvey or Jeannette did

[xli] If hay is baled when it is too wet or too green and the temperatures of the hay during storage get too hot due to plant and mould respiration, this can result in spontaneous combustion of the hay stack.

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not get on with PRIEST, nor did they suspect him as having any involvement in the burglary or fires.

Were the burglary and fires linked?

2611. The burglary and fires which occurred at the CREWES' property in 1967, 1968 and 1969 have long been subject to speculation that they were linked, and that the fires were arson. These incidents occurred during each subsequent year after the CREWES' marriage on 18 June 1966. It is possible that these incidents cumulated in their murders on the evening of Wednesday 17 June 1970 - the eve of their wedding anniversary.

2612. The timing of the burglary and hay barn fire do not appear to correspond with any particular event, although they both occurred roughly one month either side of the CREWES' wedding anniversary. Various publications have incorrectly claimed that the hay barn fire occurred on 17 June 1969, providing an erroneous link between this event and the murders.[6680] The house fire occurred one week after the birth of Rochelle, which may have been the catalyst for this incident, if it was in fact arson.

2613. An analysis of these three events, together with the murders, identified that the first two incidents, the burglary and house fire, occurred on Saturday evenings, while the hay barn fire and murders occurred on Wednesday evenings. All occurred between 8.30pm and 10.20pm, with the exception of the burglary which, due to the fact that CREWES were out at the time, occurred sometime between 6.00pm and 9.00pm.

2614. Harvey and Jeannette clearly believed the fires had been deliberately lit[6681] and that the same person, a local,[6682] was also responsible for the burglary.[6683] Lenard DEMLER stated that in the last 10 years (1960 to 1970) he knew of no other fires - whether that be house or hay barn - that occurred in the district, or house burglaries where items had been stolen.[6684]

2615. Heather SOUTER told police that Jeannette was scared to be left at home during the day and spent most of the time on the farm with Harvey.[6685] SOUTER said that this was because of the burglary, and fires on the property.[6686] SOUTER said that Jeannette once told her *"someone must have something in for them"* but she did not know who.[6687] SOUTER commented that Jeannette was not someone who usually had a nervous disposition but, when SOUTER had visited in early 1970, Jeannette was definitely 'worried' about 'someone who had it in for them'.[6688]

2616. Perhaps supporting the assertions that Jeannette was frightened to stay in the home alone were her movements on the day of her death. On Wednesday 17 June 1970, Jeannette (with Rochelle) accompanied Harvey to a stock clearance sale where, due to the bad weather, she remained in their car with Rochelle for a period of approximately two hours *(see paragraph 86)*. Although, it is also noted that Jeannette had stayed at home with Rochelle earlier in the day when Harvey went to view a bull with John GRACIE *(see paragraph 77)*.

2617. SOUTER stated that she could not think of anyone who would have wanted to hurt Jeannette *"... as she was such a kind inoffensive person."*[6689] However, SOUTER did think that Harvey could be 'abrasive' and may have rubbed someone - like a tradesman - up the wrong way.[6690] SOUTER stated that she thought if Harvey had any idea who had it in for them he would have 'sorted them out'.[6691]

2618. Shortly after the CREWES' disappearance, Marie CREWE asked Lenard DEMLER what his theory was.[6692] He replied that he thought it was the same person who set fire to the house.[6693]

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It is believed that Harvey's family from Pahiatua held the same feelings as DEMLER - that the murders were the result of escalating events against the CREWES.[6694]

2619. It is noted that while Harvey owned a shotgun, which was kept in a canvas bag in the washhouse, it was not readily accessible at the time of their deaths. This may indicate that Harvey was not seriously concerned about their safety. Had he been, it could be speculated that Harvey would have kept his firearm loaded (it is unknown if this was the case when the crime scene was discovered), out of its bag and in a position where it could be accessed quickly and easily had the need arisen.

2620. During the original investigation, individual police officers were divided on the subject of whether the burglary and fires at the CREWES' property were linked, and whether they were also linked with the murders. The file does not suggest much work was dedicated to trying to establish if these events were linked and, as a result, there is limited information available to the Review Team regarding these other occurrences. The burglary offence report and associated file are not included in the homicide investigation file. Thus, the only documentation in relation to the burglary, which police attended, is the evidence of Detective JOHNSTON given during numerous court appearances and the minimal detail contained within the New Zealand Police fingerprint book. Contrary to the suggestion that police attended both fires at the CREWES' property,[6695] there is no evidence that either of these incidents were reported to police.

2621. At a Police Conference on 19 October 1970, Detective Senior Sergeant O'DONOVAN stated in respect of the murders, that he did not think that the burglary and fires could be ignored.[6696] Detective Inspector BAKER supported this opinion, citing the fact that these three incidents happened to only one farm in the neighbourhood.[6697]

2622. Detective Senior Sergeant SCHULTZ contested this view, stating that he did not believe the events were connected as they were too remote in time.[6698] It should be noted that Detective Senior Sergeant SCHULTZ considered that the last event occurred more than 18 months prior to the murders which, if including the hay barn fire, is incorrect.[6699] Detective Inspector HUTTON added that the dates bear no resemblance to Harvey and Jeannette's wedding anniversary.[6700]

2623. It is important to note that the above comments by Detective Senior Sergeant SCHULTZ and Detective Inspector HUTTON were made after Detective Senior Sergeant O'DONOVAN pointed out that, if all were connected, it would indicate that Lenard DEMLER had nothing to do with the murders.[6701] This is because, on at least one occasion, DEMLER was with the CREWES when the incident occurred.[6702] This is relevant, because at this stage in the investigation Detective Inspector HUTTON and his team were clearly focused on DEMLER being the offender.

2624. In his statement to the RCOI, Detective Inspector O'DONOVAN reiterated his opinion that the burglary and two fires had to be connected with the murders, and noted that these events occurred in subsequent years of the CREWES' marriage.[6703] He stated that for that very reason Detective Sergeant TOOTILL was requested to study the records to establish any similar events occurring in the area over that period, but found nothing.[6704]

2625. In his closing address at the second trial, Crown Prosecutor David MORRIS stated of the burglary and fires: *"It is reasonable to infer that all four were done not only for the same reason; but bytthe [sic] same person."*[6705] MORRIS continued: *"Indeed the absence of other reasons for the*

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killings must indicate a personal animosity of great depth, and if the other incidents are attributable to the same hand, of long standing."[6706] This clearly demonstrates that the case presented by the Crown to the jury at trial was that these incidents were likely linked to the murders.

2626. It is unknown if any other incidents of note occurred at the CREWES' property before their deaths. It is possible that this was the case, but that the CREWES' did not consider such events to be as serious and therefore were not communicated to family and friends. [redacted] Richard THOMAS, [redacted] Arthur THOMAS [redacted]

Arthur THOMAS' alibi

2627. The whereabouts of Arthur THOMAS at the time of the burglary and two fires occurred on the CREWES' property is unknown. He was not a police suspect for the burglary in 1967, although it does not appear that there were any suspects for this offence, and Lenard DEMLER stated that in his discussions with Harvey and Jeannette about the burglary, THOMAS' name was never mentioned as a possible suspect.[6707]

2628. When THOMAS was interviewed by Detective Inspector HUTTON on 25 October 1970, he was asked if he had been responsible for the burglary and fires.[6708] THOMAS stated that this was not the case.[6709] Detective Inspector HUTTON elaborated on this interview while giving evidence at the second trial. Here he stated that when THOMAS was questioned as to whether he thought it was strange that a burglary and two fires had occurred at the CREWES' property every year since their marriage, THOMAS *"... hung his head, lkd [sic] at the floor and made no answer."*[6710] Detective Inspector HUTTON stated that THOMAS' response, when asked if it was possible he was responsible for these events, was: *"No it isnt [sic]. I had no grudge against the man that married Jeanette [sic]."*[6711]

2629. In 1978, [redacted], who had met THOMAS in prison, told police[6712] that THOMAS confessed to setting a fire (using petrol as an accelerant) on the CREWES' property in 1968 or 1969 *(see paragraphs 2273-2274)*.[6713] This information could relate to the house fire in 1968 or the hay barn fire in 1969. Parts of [redacted] story are corroborated by [redacted] but, due to the characters of these individuals, the validity of the allegations was questioned and determined to be unreliable at the RCOI hearing.[6714]

2630. [redacted] had spent time in prison and 'mental hospitals' and was described by a range of psychiatrists as a paranoid schizophrenic who suffered from delusions.[6715] [redacted]

2631. [redacted] was described by prison authorities as a cunning shrewd con man[6717] who would constantly try to manipulate people to further his own means.[6718] However, Detective Inspector O'DONOVAN stated that he was convinced that [redacted] was telling the truth while corroborating [redacted] allegations.[6719]

2632. If these events at the CREWES' property were linked, it may suggest that events either in the life of the offender/s or in the lives of the CREWES prompted the offender/s to carry out

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these acts. At this point in time it is difficult to establish whether or not this was the case, as the events were either not investigated by police at the time or, as in the case of the burglary, there is very little information available. From the information at hand it is worth noting that there is some correlation between the happenings at the CREWES' farm and significant events in the THOMASES' lives. The following is conjecture, and does not prove that Arthur THOMAS was responsible for these occurrences. However, is interesting to consider in the context of this discussion.

2633. On 9 February 1968, Vivien THOMAS visited Doctor LIGHTBODY, as she had been off the contraceptive pill for six months and had not conceived a child.[6720] Then, sometime in December 1968 (the precise date is unknown), Arthur THOMAS visited Doctor LIGHTBODY to establish the cause of Vivien not becoming pregnant.[6721] As a result of an examination, Doctor LIGHTBODY concluded that there was no spermatozoa present in Arthur's semen.[6722] The couple visited a specialist, Bernard KYLE (DOB unknown), from the Grafton Medical Centre, who confirmed Doctor LIGHTBODY's diagnosis.[6723] It does not appear that police spoke to KYLE during the homicide investigation. Arthur and Vivien appear to have accepted the fact that they were unable to have children naturally and Vivien told police that they intended to adopt children.[6724] At the time of Arthur's arrest in November 1970, they had not commenced the adoption process.[6725]

2634. During the corresponding time period when the THOMASES were told that they would not be able to have children together, Jeannette gave birth to the CREWES' only child, Rochelle, on 1 December 1968.

2635. On 7 December 1968, before Jeannette and Rochelle returned from the maternity annex, the seat of the house fire began in the rear bedroom of their home and, although not commented upon in the file, may well have been the nursery prepared for Rochelle. It is noted that the rear two bedrooms had been refurbished with new paint and wallpaper by Ronald BROWN.[6726] However, at the time of her parents' death Rochelle's bedroom was situated at the front of the house.

2636. In December 1968, Allan THOMAS, as the owner of Arthur THOMAS' leased farm property at Mercer Ferry Road, made an application for a further loan to the State Advances Corporation of New Zealand (SAC) for $1,600.[6727] This was in addition to the $4,500 which had been approved and paid out in July 1968 for improvements to the farm occupied by Arthur THOMAS.[6728] Prior to the loan being paid out in May 1969 (the precise date is unknown),[6729] Vivien THOMAS wrote a letter to SAC asking that the loan be sped up as they were in considerable financial difficulty and were facing legal action for debts incurred.[6730] It was in May 1969, a time when the THOMASES were experiencing 'considerable financial difficulty' that the CREWES' hay barn burnt to the ground, resulting in a significant financial loss for the CREWES.

2637. [redacted] Criminal Profiling Unit, New Zealand Police, commented that in a scenario whereby Arthur THOMAS was the murderer, the *"destruction of hay just prior to winter could be interpreted as punishing Jeannette and Harvey ..."*[6731] [redacted] noted that the destruction of the CREWES' stock of hay would severely disrupt Harvey's farming and the family's income.[6732]

2638. While these observations are purely speculative, if it could be proved that THOMAS had some involvement in the events which occurred at the CREWES' property, it is possible that the above information may point towards jealousy on THOMAS' part. Conversely, it may be that these events have no bearing upon one another.

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Lenard DEMLER's alibi

2639. At the time of the burglary, Harvey and Jeannette were having dinner with the DEMLERS. On the evening of the house fire, Harvey was having dinner at the DEMLERS' house and upon his return home discovered his house on fire.

2640. Although this information was provided to police by Lenard DEMLER, it has been somewhat corroborated. While speaking to police, Beverley WILLIS inferred that the CREWES had been at Jeannette's parents' house having dinner when the burglary occurred.[6733] The State Insurance Office report by Eric BARON also commented that Harvey was having a meal with 'neighbours', and on his return home, found the rear bedroom on fire.[6734] Thus, it is likely that DEMLER's version of these events is true.

2641. Jessie Lorne SUISTED (DOB unknown), Harvey's godmother, told police that Harvey had said that when he called DEMLER for assistance with the house fire, DEMLER was very slow getting there to help.[6735] DEMLER's comments on the matter indicate that Harvey had driven back to the DEMLER house and told them of the fire, taking DEMLER back with him while May DEMLER telephoned the fire brigade. This does not indicate that Lenard DEMLER was slow in getting there to help and Harvey could instead have referred to DEMLER's speed of working with him to put the fire out.

2642. At the time of the hay barn fire, Jeannette allegedly telephoned and spoke to May DEMLER, who relayed this information to Lenard DEMLER. It is unknown where DEMLER was at the time the fire started, but it appears that he was home at the time of this telephone call.

New information

Allegations concerning Richard THOMAS

2643. On 18 October 2010, [redacted] told police that about 34 years prior, while visiting a friend, she had met Richard THOMAS.[6736] While drunk, Richard told [redacted] that he and Arthur THOMAS used to climb through a window (at the CREWES' house) and put back the brush and comb set that Arthur had given Jeannette.[6737] [redacted] described the brush and comb set being put 'back', but it is not known how Arthur and Richard allegedly obtained the set in the first place.

2644. On 24 December 2010, [redacted] provided further information about this incident, telling Detective Senior Sergeant LENDRUM and Detective Sergeant McPHERSON that in about April 1976 she attended a gathering with her friend [redacted] at a house in Beach Road, Papakura, owned by [redacted].[6738] There she met Richard THOMAS, who told her that he and Arthur THOMAS had entered the CREWES' house via a window and put the brush and comb set back on the dressing table.[6739]

2645. [redacted] did not know whether Richard said if this happened more than once.[6740] She did not think police knew of this information, but stated that she could not recall whether she thought police would not know, or whether Richard had said police did not know.[6741] [redacted] stated that she specifically remembered this gathering because Richard was drunk, and during the conversation he had made sexual comments to her, which horrified and embarrassed her.[6742]

2646. At the time, [redacted] assumed that Jeannette must have had a previous relationship with

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one of the brothers and given him back the brush and comb set.[6743]

2647. [redacted] was spoken to by police and confirmed that she had been a friend of [redacted] stated that she had visited [redacted] address in Beach Road, Papakura, a few times, but did not recall going with [redacted] could not recall ever meeting Richard THOMAS, or [redacted] mentioning him or any conversation she had had with him.[6746] [redacted] stated that she never considered [redacted] to be reliable or a close friend, as [redacted] told a few untruths at times or had said things that did not seem right.[6747]

2648. [redacted] confirmed to police that in the 1970s he lived at [redacted] Beach Road, Papakura.[6748] [redacted] stated that he had previously associated with [redacted] but did not have much to do with her.[6749] He did not remember [redacted] stated that Richard was his best mate and would often be at [redacted] parties.[6751] [redacted] stated that Richard never told him the story about climbing through the window of the CREWES' house and putting back a brush and comb set.[6752]

2649. [redacted] presence at a gathering with [redacted] and Richard could not be confirmed, but it must be appreciated that this event was said to have occurred 34 years previously. [redacted] confirmed that Richard visited his address over this period as they were close friends, thus it is possible that this meeting between [redacted] and Richard did occur.

2650. When speaking to Detective Sergeant McPHERSON, [redacted] was very embarrassed as to the sexual comments allegedly made to her by Richard, and she had found it difficult to repeat the words used.[6753] This may indicate a possible reason why [redacted] did not provide this information before. [redacted] may have been too embarrassed to tell anyone as this would have led to questions regarding what else Richard had said to her. However, comments made by [redacted], regarding her old friend's tendency to tell 'untruths', also points to the possibility that this information may not be true.

2651. [redacted] stated that he had not been told this information about the brush and comb set by Richard. However, he did say that Richard told him other stories about Arthur THOMAS which he happily relayed to police. It is possible that as Richard told [redacted] other derogatory stories about Arthur, [redacted] may have heard of the brush and comb set story. That said, it should be noted that the stories Richard told [redacted] about Arthur did not incriminate himself in these behaviours.

2652. Richard was allegedly drunk at the time he spoke to [redacted] Taking in to account other details of their conversation, if the allegation is correct, it is possible that Richard was trying to impress [redacted] or create some intrigue in an attempt to carry on a conversation with her.

2653. On 9 April 2014, Richard was told of [redacted] claim by Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM.[6754] Richard laughed and stated that there was absolutely no truth in what [redacted] had said.[6755] He denied ever being to the CREWES' house prior to their murders (Richard stated that the only occasion he had been to the property was after Arthur THOMAS' arrest).[6756]

2654. Historically, [redacted] she has previously provided inaccurate information, possibly to gain attention. On 21 November 2007, [redacted] telephoned a [redacted]

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[redacted]

2655. Having said this, Detective Senior Sergeant LENDRUM, who was present during [redacted] 24 December 2010 interview, commented that [redacted] was believable.[6757] He stated that [redacted] was trying to remember events, and be helpful, but was unable to recall much of the detail of the circumstances surrounding her alleged interaction with Richard.[6758] Detective Senior Sergeant LENDRUM commented that if [redacted] story was a fabrication, he would have expected her assertions to be a lot more elaborate and provide more specific details than she did.[6759]

Allegation that an attempt was made to sell Jeannette's stolen jewellery

2656. On 22 October 2010, Colleen CROZIER ([redacted]) told Detective Superintendent LOVELOCK that in about 1996, two boys, about 17 or 18 years old, visited CS McCARTHY jewellers shop in Victoria Street, Hamilton, which she and her husband used to operate.[6760] The boys wanted to sell some expensive jewellery which they said had been inherited from a grandmother.[6761] The jewellery was left at the shop for an appraisal to be completed and, in this time, CROZIER stated that she contacted Hamilton Police who subsequently took the boys to the station for questioning.[6762] CROZIER alleged that police told her the jewellery had been stolen from Arthur THOMAS and that one of the boys had worked for THOMAS or at a neighbouring farm.[6763] CROZIER thought the jewellery might have come from the burglary at the CREWES'.[6764]

2657. CROZIER stated that the jewellery consisted of a platinum brooch with sapphires and diamonds, valued between $6,000 - $7,000, and a pair of platinum drop-diamond and sapphire earrings.[6765] These items were a set and CROZIER stated that together they would have been worth about $12,000.[6766] CROZIER stated that a friend and former employee, Lisa KOBOVICH-SHAW (DOB unknown), could confirm the date that this occurred.[6767]

2658. KOBOVICH-SHAW was spoken to by Detective Superintendent LOVELOCK and recalled the incident described by CROZIER. She confirmed that this would have occurred in 1996, but did not recall any further details of the incident.[6768]

2659. There is no information in NIA regarding this incident. Nor is there any occurrence in NIA relating to a burglary, or theft of jewellery, from Arthur THOMAS. Furthermore, enquiries with the Hamilton Police records department could not identify any record of the alleged burglary file and enquiries with retired staff members from the area at the time of this incident revealed that none recalled this incident.[6769]

2660. The general description of the jewellery in the possession of the 'boys' is similar to that which was reportedly stolen from Jeannette, eg, a brooch and earrings. However, information from Stewart Dawson & Company (New Zealand) Limited, dated 29 June 1970, indicated that the value of jewellery owned by Jeannette (when it was replaced after the burglary in 1967) was much less than the jewellery valued by CROZIER. On 15 December 1967, a (replacement) sapphire and diamond ring was sold, to the value of $575, and a (replacement) pearl necklace was sold, to the value of $44.[6770]

2661. Unless further information in relation to the above information can be obtained, this cannot be taken any further.

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Allegation that the CREWES' vehicle's brakes were tampered with

2662. In October 2010, Ian WISHART wrote an article, *Killer Tried to Murder Crewes Twice*, claiming that two witnesses had come forward alleging that the brake lines in the CREWES' car had been cut in early 1969, soon after the house fire.[6771] WISHART stated that this was evidence of a prior attempt on their lives.[6772] The witnesses, a married couple, claimed that the wife had been in the maternity annex with Jeannette and the two became good friends.[6773] Jeannette allegedly told her of the brake lines being cut. [6774] The article also alleged that the couple had met Harvey, Jeannette and Rochelle at the stock clearance sale at Bombay on Wednesday 17 June 1970, and that Jeannette had invited the couple for dinner that evening.[6775]

2663. WISHART provided the witness names as Peter Donald DARBY (DOB 15 December 1929) and Jeanette Marie DARBY (DOB 31 December 1941).[6776]

2664. On 17 March 2011, Detective Senior Sergeant LENDRUM and Detective Sergeant McPHERSON visited the [redacted] was not happy about the police presence at their home[6778] and Detective Senior Sergeant LENDRUM commented that when they arrived at the address [redacted] could not initially be found.[6779] Both he and Detective Sergeant McPHERSON gained the impression that she was hiding from them.[6780] When [redacted] was eventually found she was clearly agitated and appeared quite upset that police were there to interview her,[6781] insisting that the matter had been dealt with and she had nothing further to say.[6782]

2665 [redacted] was spoken to by Detective Sergeant McPHERSON, during which time she expanded upon the information allegedly conveyed to WISHART. She stated that she had only known Jeannette CREWE for the 10 days they spent in [redacted] stated that Jeannette CREWE had told her about the brake lines in passing when they met at the chemist shop in Pukekohe.[6784] [redacted] first stated that this meeting was about three weeks after they had been tampered with, but later said it was three weeks after they had been home from the hospital.[6785] She denied telling WISHART that the brake lines had been cut, instead stating that they had been interfered with.[6786]

2666 [redacted] stated that they did not attend the stock sale in Bombay on Wednesday 17 June 1970, and that they were not actually going to go to the CREWES' house for dinner at all.[6787] [redacted] alleged that over the telephone she and Jeannette CREWE had arranged that they would meet in Pukekohe for fish and chips but, on the morning of Wednesday 17 June, [redacted] called to cancel.[6788] [redacted] stated that she had never been to the CREWES' house.[6789]

2667. [redacted] was spoken to by Detective Senior Sergeant LENDRUM and stated that Jeannette CREWE and his wife, [redacted], had met in [redacted].[6790] [redacted] could not remember if the two women had shared a room and did not recall speaking to either of the CREWES at this time.[6791] [redacted] said he had not seen either of the CREWES since the two women had been [redacted]

2668. With regard to the information about the CREWES' brakes being cut, [redacted] stated that he only knew what his wife had told him, and said that he thought this had happened while they were [redacted]

2669. [redacted] confirmed that he was not at the stock clearance sale on Wednesday 17 June and that they had been invited to have fish and chips with the CREWES on the night of the murders.[6794] However, [redacted] again commented that he only knew of this arrangement for

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dinner as it was what his wife had told him.[6795]

2670. The original homicide investigation file indicated that the [redacted] were spoken to by police [redacted] A Police Jobsheet by Detective ROBERTS noted that [redacted] was not able to assist with enquiries as he had never met either of the CREWES.[6797] This was confirmed by [redacted] when spoken to by police in 2011, but is contrary to the contents of WISHART's article.

2671. Detective ROBERTS also commented that [redacted] was only able to give rather limited information.[6798] She had told police the last time she saw Jeannette CREWE was about two months prior (in April 1970) at a chemist shop in Pukekohe.[6799] Before this she had only met Jeannette CREWE when she occupied the neighbouring [redacted] This provided a different picture of the relationship between the two women than that alleged in the article, and counters the suggestion that the CREWES and [redacted] had met at the stock clearance sale at Bombay.

2672. In 2011, [redacted] insisted that (in 1970) she had told Detective Inspector HUTTON and another police officer everything and did not think she could offer anything further.[6801] However, she did confirm to Detective Sergeant McPHERSON that Detective ROBERTS had accurately recorded what she had said in his Police Jobsheet, which was shown to her.[6802] [redacted] stated that it was in fact two Constables who visited their address (in 1970) and he had no recollection of telling police that the CREWES' brake lines had been cut.[6803] Detective Inspector HUTTON's name is well known as it has been connected with the CREWE homicide investigation since 1970. It is possible that [redacted] quoted his name due to his association with the case.

2673. If information had been provided to police in 1970, about possible tampering with the brakes in the CREWES' vehicle, this would certainly have been of interest to the investigation team. Therefore, it would have been documented and further enquiries most certainly would have been undertaken. On this basis, it is clear from Detective ROBERTS' Police Jobsheet and [redacted] statement in 2011 that this information was not provided to police in 1970.

2674. Similarly, if information had been provided to police in 1970 of the alleged dinner plans the [redacted] allegedly had with the CREWES on Wednesday 17 June, or of the alleged telephone call from [redacted] to Jeannette CREWE that morning, this would almost certainly have been documented and further questions asked of the [redacted]

2675. Detective Senior Sergeant LENDRUM commented that he had serious reservations about the accuracy of [redacted] assertions.[6804] Based upon an analysis of these witness statements, it is considered almost certain that the [redacted] did not have any knowledge of tampering with the CREWES' vehicle in 1970, the [redacted] did not meet Harvey and Jeannette CREWE at the stock clearance sale on Wednesday 17 June 1970, and they had not been invited for dinner with, or at, the CREWES' home on the evening of Wednesday 17 June 1970.

2676. [redacted] behaviour when police visited their address in 2011 indicated that her new version of events, as told to WISHART, may not simply be confusion of events which occurred 40 years previously, but rather [redacted] knew that this information was not truthful. Her conduct throughout the interview suggested that her information cannot be relied upon.

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Allegation of fire being set up outside the CREWES' house

2677. On 23 March 2012, Richard THOMAS provided the Review Team with information which he allegedly obtained from one of the shearers who had last worked on the CREWES' property.[6805] Richard stated that Harvey had told a shearer, whom Richard would not name, that he had come home from work one day to find a stack of wood stacked up like an 'Indian' fire underneath the corner of the house. Richard commented: *"... this is a fire ready to go by someone local, I believe."*

2678. This information was in the form of a tape recording that Richard had made speaking about his investigations in to the CREWE murders. The date on which this recording was made is not known.

2679. Richard was not willing to provide information relating to the shearer involved in this incident, thus the matter cannot be taken any further.

2680. This incident may be indicative of another strange event occurring at the CREWES' property, but at this time the validity of this information cannot be assessed.

Allegation that burglary complaint was false

2681. Ian WISHART suggested, in his book, *Arthur Allan Thomas: The Inside Story*, that the burglary complaint made by the CREWES was false and was actually a means to claim insurance money.[6806] WISHART also referred to publications by Robert COOMBRIDGE[xlii] which previously suggested this theory.

2682. The 'evidence' behind WISHART's assertion is testimony given during the murder trials by Detective JOHNSTON.[6807] WISHART claimed this testimony indicated that Detective JOHNSTON did not believe the burglary was genuine.[6808] WISHART commented: *"He [Detective JOHNSTON] refers to the stolen items as 'alleged' stolen items. He says burglars 'apparently' entered via the back door. He expresses surprise there was no sign of a search, and that actual cash in an adjacent drawer wasn't taken."*[6809]

2683. Detective JOHNSTON's testimony at the second trial[6810] does refer to 'alleged' stolen items, which WISHART clearly does not appreciate is very common terminology used by police officers. This should not lead to an assertion that Detective JOHNSTON did not believe the burglary complaint was genuine.

2684. Detective JOHNSTON was accurate in stating that the offender/s 'apparently' entered through the back door. It is unlikely that entry to the house was forced and the type of lock on the front door of the CREWES' house meant that, without a key, this door cannot be opened from the outside.[6811] As, at this time, people in Pukekawa did not often lock their doors, it is likely that the point of entry was through the unlocked back door.

2685. WISHART's comment, that Detective JOHNSTON 'expressed surprise' that no search was made, is irrelevant, as the written court transcripts from which he would have gleaned this information do not allow this conclusion to be drawn.

2686. Bruce JONAS (DOB unknown), AMP Agent of Bruce Jonas Ltd., stated that there had been no problems whatsoever in the payment for the CREWES' claim regarding the burglary.[6812] Although payment had been very slow, this was not attributed to any doubts about the

[xlii] Robert COOMBRIDGE carried out his own enquiries into the CREWES' murders under the alias Robert J. WILLIAMS.

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validity of the claim, but merely to inefficiency.[6813] It is likely that if the CREWES' insurance providers suspected that the claim was not legitimate, there would have been commentary on their file regarding this and potentially an investigation.

2687. There is no evidence which suggests the CREWES' burglary complaint was anything but genuine and, consequently, there is no basis for WISHART's claims.

Further enquiries - [redacted]

2688. In November 2012, the services of the New Zealand Police Criminal Profiling Unit were sought by the Review Team and a report dated 30 October 2013 was completed [redacted] The burglary and fires which occurred at the CREWES' property prior to their murders were among the aspects addressed by [redacted]

2689. Although [redacted] acknowledged the possibility that the fires were not deliberate malicious events he went on to say: *"Given the prevalence of rural crime in New Zealand in that era though, and the context of each event described, the likelihood of four…unrelated adverse events happening to one farming couple really confounds the odds."*[6816] [redacted] went on to say that, in his opinion, Harvey and Jeannette's fears were 'well founded' and [redacted] believed that the burglary, house fire and hay barn fire were precursor offences by the offender/s who murdered the CREWES.[6817]

Burglaries and fires in the Pukekawa area

2690. Information pertaining to burglary and arson occurrences was obtained from New Zealand Police 'fingerprint books' dated between 1963 and 1969. These books recorded occurrences where fingerprinting at a crime scene took place in an attempt to identify the offender/s. However, it is possible that there were other relevant occurrences, which were not recorded in this book, and therefore have not been considered.

2691. The fingerprint books did not record the date of the offence, but rather, the date on which the crime scene was attended by police for the purpose of fingerprinting. Furthermore, some pages within these books are illegible due to fire and water damage, meaning this data was not able to be included in the analysis.

2692. 'Occurrence' or 'arrest' books have not been located for the Pukekawa area from this time period (1963-1969). It is therefore possible that there are further relevant occurrences that were reported to police, and contained within these books, which have not been included in the following analysis.

2693. Information regarding fires in the area was obtained from Tuakau Volunteer Fire Brigade occurrence books. The area covered by this unit appears to have spanned approximately 40 kilometres between Mangatangi, Tuakau and Te Kauwhata.

Burglary/Arson

2694. Between 1963 and 1969 there were 117 burglaries and one attempted burglary in the South Auckland area. Records indicate that these occurrences spanned between Clevedon in the north and Te Kauwhata in the south, a distance of approximately 50 kilometres. Of the total 118 occurrences, 95 of these targeted commercial premises, and 21 were of residential properties. The scene type was unknown for two burglaries.

2695. The distinction between commercial and residential premises has been made based on

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whether the complainant was determined to be a company/business or an individual. Therefore, these figures are approximate and unconfirmed.

2696. Historical records indicate that residential burglaries in the South Auckland area during the 1960s were comparatively uncommon. Although residential burglaries did occur, commercial premises appear to have been primarily targeted.

2697. This was during a time when doors to houses were left unlocked without fear of burglary. It could be inferred that, during this time, committing a residential burglary would have seemed a greater crime to both offenders and victims.

2698. No burglaries, other than the CREWES', were listed in the Pukekawa area between 1963 and 1969. However, there were recorded burglaries in August 1967 at the Pukekawa Bowling Club, Tuakau, and Pukekawa Tennis Club, Tuakau. These are both located on Clark and Denize Road, Pukekawa, and are now considered to be in the Pukekawa area. It is unknown why these locations were listed as Tuakau in 1967. There were also a number of burglaries in neighbouring communities - Tuakau, Onewhero and Glen Murray.

2699. From the information available, there was a noticeable spike in the number of burglaries in 1967 and 1968, but it is not possible to comment on this as the data is known to be incomplete.

2700. In 1967, the same year the CREWES' house was burgled, there were 27 burglaries in the South Auckland area, only seven of which were of residential properties. Three burglary complaints were attended by police on 31 July 1967. These were: the CREWES' burglary, another residential burglary in Waiuku, and a commercial burglary at Te Kohanga (Te Kohanga Store). All three locations are within an area of approximately 26 kilometres. It is unknown when these latter two burglaries occurred, and it is possible that they were days apart.

2701. Fingerprints were found at the scene of the Te Kohanga Store burglary and the offender was identified as Benjamin RATU[xliii] ([redacted]). Fragmentary fingerprints were located at the Waiuku burglary, but these were not suitable for identification. The only fingerprints found at the CREWES' burglary scene belonged to Jeannette.

2702. RATU was charged with further burglaries after the one described but, due to recording practices at the time, it cannot be ascertained if these related to commercial or residential premises.

2703. There were only four other offenders, besides RATU, who were identified as being responsible for burglaries committed in the South Auckland area during 1967. These people were: Stuart RICHARDSON (DOB unknown), Owen KINGI ([redacted]), Roy Tai ANDREWS ([redacted]) and Keith Harwood Nelson BURNS (DOB unknown). All of these offenders targeted commercial premises in Pukekohe.

2704. At the time of the CREWE homicide investigation in 1970, police received information that John MARTIN was responsible for a burglary at the local bowling club about three years previously, for which he had been apprehended.[6818] Police records indicate that MARTIN was sentenced in the Pukekohe Magistrates Court on 16 December 1966 to two years' probation,[6819] but this does not correspond with a recorded burglary at a bowling club.

[xliii] Also known as Robert Henry PADDY.

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2705. Records indicate one 'burglary/arson' occurrence in May 1965 at a residential address in Pukekohe. Very little further information is available in relation to this. However, it is noted due to the possibility that the house fire at the CREWES' property was arson, and being mindful that property was also stolen around this time.

2706. There were two further acts of arson on record - a residential property on Dominion Road (unknown suburb) in April 1965, and a commercial property in Pukekohe in 1968.

2707. From the information available it is not possible to comment on whether the burglary at the CREWES' house could potentially be linked with any others that occurred in the area.

Fires

2708. The Tuakau Volunteer Fire Brigade attended between 10 and 13 fire callouts between 1962 and 1965. However, from 1966 to 1972, this number rose to between 19 and 31 callouts per year. Likewise, this period saw in increase in house fires in the area, from an average of four, to nine house fires per annum. This period saw only a small increase in the number of shed or barn fires - between 1966 and 1972 there were an average of three per year. Information is not available regarding the cause of the majority of these fires.

2709. An analysis of information available for 1962 - 1972 indicates that, although the occurrence of shed or barn fires were spread throughout the year, the majority (five) occurred during the month of June. Due to the limited information available, comment cannot be made as to the reason behind this.

2710. In Pukekawa, which spans approximately 17 kilometres, there were five house fires between 1962 and 1972, as well as six shed or barn fires. These house fires ranged in from damage to the kitchen area only, to total destruction of the home.

2711. During 1968, the same year as the CREWES' house fire, there were nine house fires in the area. Three of these caused 'total loss', meaning the houses were completely burnt down. One fire was in the vicinity of the kitchen and three were listed as chimney fires. There was one house fire during April 1968 in Tuakau, which appears to have caused similar damage to that of the CREWES' house fire in December 1968. This was listed as 'bedroom, shed and contents'.

2712. During 1969 there were three shed or barn fires in the area covered by the Tuakau Volunteer Fire Brigade. The hay barn fire at the CREWES' property was on 28 May 1969. The next such fire was on 27 June 1969 (a shed fire in Mercer), and the other was a shed and shrub fire in Tuakau on 19 December 1969.

2713. Over the 10 year period analysed, there were a number of repeat locations for fires, demonstrating that the occurrence of two separate fires at the CREWES' property was not unique. For example, there were two house fires, nine years apart, at the address of 'Mrs PETERS'.[xliv] The first was in June 1963 where the house and washhouse were completely destroyed. The second was in December 1972, of which details of the damage are not available, but it is assumed that this was a house which had been re-built after the first fire.

2714. Tuakau Volunteer Fire Brigade occurrence books note the location of the fire and the person who called the fire brigade. Sometimes the name of the address owner was included where it differed from the complainant. Analysis of repeat fires was completed by matching

[xliv] Identity unknown.

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addresses and complainants, as the majority of entries only list a street name and not the street number.

2715. During 1971 there were two fires in Harrisville Road, Tuakau, listed as 'AARTS Bros.' and 'G. AARTS'. From the information available it is likely that this was for the same premises. The first, a tractor fire, occurred in August, while a house fire was reported in December. Unfortunately, there is no further information in regards to these.

2716. The house of 'R. H. P. HOPKINS', Jellicoe Road, Tuakau, was subject to two fires five years apart, in May 1967 and January 1972. 'R. H. P. HOPKINS' was listed as the complainant in both house fires, but only one occurrence listed the location (Jellicoe Road, Tuakau) of the fire. One fire was described as being in an electric oven, and the other was in a hot water cupboard.

2717. In October 1968 and December 1970 there were two house fires at the 'RYAN' home in Whangarata Road, Tuakau (complainants were listed as 'Len RYAN' and 'Mrs RYAN' respectively). These had different circumstances to the CREWES' house fire. The first was a chimney fire and the second was caused by fat or butter on the electric stove, and on this latter occasion it was noted that no damage was caused.

2718. On 30 January and 31 January 1967, the fire brigade was called to fires at the house of 'H. WOOLLEY', Jellicoe Avenue, Tuakau. The first attendance at 9.30pm noted that the suspected cause was sparks from a rubbish fire. The following day at 3.30am another telephone call was received and this time the house was 'gutted'. It is likely that these were not two separate incidents, but rather the first fire was not put out entirely and reignited.

2719. There were also repeat locations for fires which would be considered commercial premises, but due to the different circumstances surrounding commercial fires, these have not been detailed.

2720. The quality of the available data does not allow for a comparison of residential burglary and fire complaints in order to establish if a location where a fire had occurred was also subject to a burglary.

2721. Although outside the time period analysed, it should be noted that between 1973 and 1975 there were allegedly three fires at the THOMAS farm in Mercer Ferry Road, Pukekawa.[6820] On 17 March 1973, prior to the second trial, there was a fire in a pump house on the property.[6821] It was reported that some time after the second trial an attempt was made to set fire to the house,[6822] and on 8 February 1975 a fire destroyed approximately 100 bales of hay and severely damaged a shed.[6823] This is another example of one property in the area being the scene of multiple fires. However, due to the timing of these occurrences (close to the trial in 1973 and the second appeal in 1975) it is likely that they were the result of arson in support of Arthur THOMAS' conviction for the CREWE murders and, as the Crown case goes, for the burglary and two fires.

2722. There is little information pertaining to these incidents, but it is noted on the file that a full investigation in to these fires was to be undertaken.[6824] An otherwise unknown individual known only as 'HILL', was suspected for these offences.[6825]

2723. It is also believed that there was another fire at the THOMAS property in about 1978 which was attended by police.[6826] However, there is no further information relating to this incident.

2724. The records obtained from both police and Tuakau Volunteer Fire Brigade quite clearly show

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that burglaries and fires in the area were not as uncommon as previously believed. Lenard DEMLER claimed he had not heard of fires - either house or hay barn - that occurred in the district or house burglaries where items were stolen.[6827] Detective Inspector O'DONOVAN told the RCOI that Detective Sergeant TOOTILL was requested to study the records to establish any such events occurring in the area over that period, and that *"there was nothing."*[6828]

2725. Ian SPRATT commented to police that in October 1969 he had been collecting for a family in the district whose house had burnt down and he had approached DEMLER for a donation.[6829] As a result of this approach by SPRATT, DEMLER would have been aware of at least this incident.

2726. We now know that these assertions by DEMLER and Detective Inspector O'DONOVAN are clearly incorrect. If Detective Sergeant TOOTILL was requested to examine the records as described by Detective Inspector O'DONOVAN, there is no record on the file of him having done so, or the process he applied to the task. Furthermore, if this had been done there is little doubt that the investigation team would then be aware that the CREWES were not the only ones in the district to experience such incidents.

New information

2727. Nil

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10. EVIDENCE OF ASSOCIATION BETWEEN JEANNETTE CREWE AND ARTHUR THOMAS

Key findings

2728. Arthur THOMAS admitted to police that while he and Jeannette attended Pukekawa Primary School together (between 1947 and 1952), he had a crush on her. Beverley BATKIN gave evidence that, between 1956 and 1960, Jeannette attended local dances where she was 'pestered' by THOMAS. BATKIN claimed that during these interactions, THOMAS displayed a 'passion' for Jeannette. THOMAS refuted BATKIN's claims, stating that he had never seen Jeannette at a dance, or even attended a dance himself until 1959.

2729. On 1 February 1960, Jeannette took up a teaching position at Mangatangi School and lived in the teachers' hostel in neighbouring Maramarua. On 8 February, THOMAS began working as a labourer for the Maramarua Forestry Station (where he was employed until October 1960) and rented a hut in the single men's quarters at Mill Village, Maramarua. The Crown case contended that THOMAS going to work at Maramarua, seven days after Jeannette began working there was not coincidental. At the second trial, THOMAS admitted that while in Maramarua the depth of his feelings for Jeannette was more than a school boy crush. THOMAS told police that he had wanted to court Jeannette, and telephoned and visited her at the hostel in an attempt to develop a relationship. However, THOMAS stated that Jeannette declined his advances.

2730. In January 1961, Jeannette left for England and spent almost two years travelling Europe and Canada with friends (returning in November 1962). After learning that Jeannette had gone overseas, THOMAS visited her parents and obtained her overseas address. THOMAS wrote to Jeannette a number of times and sent her at least one gift while she was away. Jeannette is known to have replied to some of these letters.

2731. After Jeannette returned to New Zealand (in November 1962), THOMAS visited her at her parents' home and presented her with a gift - a brush, comb and mirror set (Police Exhibit 347). THOMAS told police that at this time Jeannette told him that she already had a boyfriend did not wish for THOMAS to call on her. THOMAS stated that he believed (in 1970) that Jeannette had been referring to Harvey, when she told him she had a boyfriend. THOMAS stated that after this interaction, he did not visit Jeannette again.

2732. After working as a relief teacher at Maramarua District High School from February 1963 to mid April 1963, and at Papakura Intermediate from 17 April 1963 to late May 1963, Jeannette took up a position teaching at Whangaehu School, Wanganui. At the second trial, Lenard DEMLER gave evidence that Jeannette had moved to Wanganui to get away from THOMAS. However, it is clear that THOMAS was not the primary reason (if at all) for Jeannette's move to Wanganui.

2733. A friend of THOMAS', Charles LIDDELL, stated that he and THOMAS visited a fortune teller in 1963 or early 1964. LIDDELL claimed that the intention of the visit was so that THOMAS could enquire about his future with Jeannette.

2734. In January 1964, THOMAS met his wife to be, Vivien THOMAS, and the couple were married on 5 November 1964. On 1 June 1966, Arthur and Vivien THOMAS entered in to a contract to lease Arthur's father's farm at Mercer Ferry Road, Pukekawa.

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SENSITIVE

2735. On 18 June 1966, Harvey and Jeannette were married and moved on to the farm at Highway 22, Pukekawa, which they jointly owned.

2736. During the four years that the CREWES and the THOMASES lived in the Pukekawa district, Arthur THOMAS commented that he would see Jeannette on occasion in the street in Pukekohe and/or Tuakau, but they had only spoken once.

2737. There is no evidence that demonstrates THOMAS maintained an infatuation with Jeannette up to and including 1970. There does, however, remain the possibility that THOMAS and Jeannette had some additional interaction with one another that is unknown to police. This is because details of these interactions have largely come from THOMAS, and are unable to be corroborated by others.

Caveat:

2738. The purpose of this section is not to establish a possible motive for Arthur THOMAS, but to establish the nature of THOMAS and Jeannette's association prior to June 1970.

Childhood and school

2739. THOMAS and Jeannette grew up in Pukekawa, on farms that, 'as the crow flies', were approximately 11 kilometres apart. The THOMAS and DEMLER families were acquainted, given the small, rural nature of Pukekawa, but do not appear to have socialised together. However, it is believed that in 1935 Jeannette's father, Lenard DEMLER, attended the wedding of Arthur's parents, Allan THOMAS and Ivy THOMAS, who likewise attended DEMLER's wedding to May DEMLER in 1936.[6830]

2740. Arthur THOMAS and Jeannette were born two years apart, in 1938[6831] and 1940[6832] respectively. THOMAS commenced Pukekawa Primary School ahead of Jeannette but was held back to repeat his Standard One year.[6833] Subsequently, THOMAS was in the same class as Jeannette from 1947 to 1952.[6834] THOMAS admitted he had a 'school boy crush' on Jeannette when they attended school together.[6835]

2741. The only sustained contact THOMAS and Jeannette appear to have had was while attending primary school together. THOMAS admitted (to police on 25 October 1970 and during evidence at the second trial)[6836] that he had a 'crush' on Jeannette during this time, but he apparently was not the only one. Malcolm McARTHUR reportedly stated, during a public meeting of the Arthur Thomas Retrial Committee Inc. on 13 September 1973, that he too had a crush on Jeannette,[6837] and allegedly gave up the pleasure of riding to school on a horse, in order to sit next to her on the bus.[6838] However, the veracity of this information is unknown. McARTHUR was a close friend of THOMAS and was the Secretary of the Arthur Thomas Retrial Committee Inc. Therefore, it would be beneficial to the cause if McARTHUR could prove THOMAS was not the only person who had a 'crush' on Jeannette. Phillip EYRE (DOB unknown) was also reported (by Raymond THOMAS on 23 October 1970) to have had a crush on Jeannette.[6839] McARTHUR[6840] and EYRE[6841] had also attended school with THOMAS and Jeannette.

2742. A number of people provided information to police about an alleged incident that occurred between THOMAS and Jeannette while at primary school, at which time THOMAS looked up Jeannette's skirt *(see 'incident at school').*

2743. After completing his Form Two year, THOMAS left Pukekawa Primary School and worked on the family farm for the next three years.[6842] Jeannette, on the other hand, went to board at

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Saint Cuthbert's College in Auckland, and completed four years' secondary schooling from 1953 to 1956.[6843]

2744. After a period on the family farm between 1953 and 1955, THOMAS went to work on 'ROOSE's farm' at the beginning of 1955, for approximately six months[6844] before transferring to Roose Shipping Company in Mercer, where he remained for five years.[6845] While employed by Roose Shipping, THOMAS lived with his parents in Pukekawa.[6846]

2745. Mercer was approximately 23 kilometres by road from Pukekawa (prior to the Mercer Bridge being built), but was directly across the Waikato River from Mercer Ferry Road where THOMAS lived.

Local dances

2746. Between 1956 and 1960, Jeannette reportedly attended local dances[6847] at Pukekawa and Onewhero.[6848] It is believed that Jeannette, who was often escorted to these dances by her mother May DEMLER,[6849] would join in the company of her friend, Beverley BATKIN.[6850] BATKIN alleged that THOMAS also attended these local dances.[6851]

2747. BATKIN's claim, that THOMAS attended the same dances as Jeannette, was made in a statement dated 30 October 1970.[6852] BATKIN said that during their secondary schooling and at the beginning of their teachers' training (BATKIN and Jeannette attended different secondary schools and teachers' training colleges concurrently),[6853] she and Jeannette attended local dances.[6854] BATKIN alleged that at these dances THOMAS would make a 'beeline' for Jeannette and ask her to dance.[6855] BATKIN commented that THOMAS' actions meant that Jeannette did not have the opportunity to dance with other boys.[6856] BATKIN stated: *"I would say that he [THOMAS] had a passion for her [Jeannette]"*,[6857] and further claimed that Jeannette eventually stopped going to public dances in order to avoid THOMAS.[6858]

2748. In her statement dated 30 October 1970, BATKIN made the comment: *"Jeanette [sic] made no mention of having seen THOMAS in the streets when she dropped in to see me in the past few years but she is not the sort of person to discuss such things with me."*[6859] If, as BATKIN says, Jeannette would not have discussed with her seeing, or speaking with, THOMAS - the man who previously pursued her at dances and had such an effect on her that she ceased attending them - it then calls in to question whether Jeannette would have confided her feelings about THOMAS to BATKIN in the first place.

2749. It is noted that throughout BATKIN's statement (dated 30 October 1970) she appears to give her impressions or opinions, rather than detail of what was actually discussed between herself and Jeannette. For example, BATKIN commented: *"I would say that he had a passion for her"*,[6860] *"... it was quite obvious to me that she was not wanting his attention, but it did not seem to be obvious to him"*,[6861] *"He just had one or appeared as if he had one object in mind and that was Jeannette CREWE, and he wouldn't be shaken from it"*,[6862] and *"... it was quite obvious to me that his attention was not liked by her, but it wasn't at all obvious to him."*[6863] It is not considered that THOMAS was discussed between the two women to any degree, which would account for these vague comments made by BATKIN.

2750. BATKIN's credibility as a confidant of Jeannette's is weakened by David YALLOP's account, in *Beyond Reasonable Doubt,* that BATKIN allegedly said: *"They [Police] asked me if I had any knowledge of Thomas visiting Jeannette after she returned from overseas. I did not know if he had ever given her presents. I didn't know the significance of those questions until the trial was underway."*[6864] The fact that BATKIN did not know of the presents THOMAS had given Jeannette is

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significant. If BATKIN and Jeannette were close friends, as BATKIN alleged, it is likely that Jeannette would have spoken about these gifts, given that BATKIN knew of the alleged history between THOMAS and Jeannette at dances. Furthermore, it was established at the deposition hearing that BATKIN did not know that THOMAS had attended the same primary school as Jeannette.[6865] Again, this is unusual, given the significant impact THOMAS was alleged (by BATKIN) to have had on Jeannette.

2751. However, it is possible that while BATKIN and Jeannette had been friends, this friendship was not as close after Jeannette returned from overseas. This could account for BATKIN being unaware of presents THOMAS had given Jeannette *(see paragraph 2750)*.

2752. While giving evidence at the deposition hearing and the first trial, BATKIN stated that it would have been in 1956/1957 that she and Jeannette saw THOMAS at local dances.[6866] However, at the first trial BATKIN also explained that they had attended the dances when Jeannette was 16-17 or 17-18 years old,[6867] meaning it could have been during 1956/1957 or 1957/1958. Then at the second trial, this time period was extended further, with BATKIN commenting that she and Jeannette would have attended local dances right up until the time BATKIN was married in December 1960.[6868]

2753. This is an interesting sequence of events, as it was after BATKIN's evidence at the first trial that THOMAS claimed he *"... definitely did not go to one dance"* in 1956/1957 and in fact first went dancing in 1959.[6869] (This was also consistent with the evidence THOMAS gave at the second trial).[6870] THOMAS explained that he and an associate (Ivan CATHCART) learnt to dance at the Auckland Academy of Ballroom Dancing.[6871] THOMAS produced a card (at the first trial) which had recorded some of the dates on which he attended these lessons.[6872] THOMAS stated that he never attended a dance prior to attending lessons in 1959.[6873] THOMAS further commented that he had *"... never seen her [Jeannette] at a dance."*[6874] THOMAS read out a date on this card as 21 April 1969[6875] but, as the purpose for producing this was to confirm that he had attended dance lessons in 1959, it is almost certain that this was either a mistake on THOMAS' part or a typing error on the court transcript. Unfortunately the investigation file does not contain a copy of this card, which was presented as a defence exhibit in the first trial. Thus, it is not possible to confirm the dates of these lessons.

2754. THOMAS' evidence was followed by CATHCART's, who confirmed that he attended the dancing school with THOMAS in April/May 1959.[6876] CATHCART stated that he did not recall THOMAS taking any interest in Jeannette, nor did he remember seeing Jeannette at dances.[6877] This is also consistent with evidence CATHCART gave at the second trial.[6878]

2755. It was after this evidence was given at the first trial, that Beverley BATKIN then extended the time period in which she and Jeannette would attend dances, to the end of 1960. It is clear that her evidence attempted to diminish the significance of THOMAS and CATHCART's statements - that THOMAS did not attend a dance until 1959 - and attempted to place THOMAS and Jeannette at dances during the same time period.

2756. It is noted that there were inconsistencies in CATHCART's evidence regarding the dances. At the first trial, CATHCART stated that he first attended dances after learning to dance.[6879] However, at the second trial he stated that he occasionally attended dances prior to his dancing lessons in April 1959.[6880] Furthermore, at the first trial CATHCART commented that he and THOMAS went to dances together,[6881]but at the second trial he stated that he only remembered going to two dances where THOMAS was also present.[6882] This evidence,

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therefore, loses some credibility and adds little value to the evidence given by THOMAS.

2757. At the second trial the defence called Kenneth LINDBERG to give evidence. LINDBERG stated that he had seen THOMAS at dances during 1959 and 1960, but he had not seen THOMAS at dances prior to 1959.[6883] However, LINDBERG qualified this statement by saying that, prior to 1959, he himself had only attended school dances.[6884] These were different to the local Pukekawa dances and THOMAS was unlikely to have attended school dances as he was not a secondary school student.

2758. Heather SOUTER explained to Detective Superintendent LOVELOCK and Senior Sergeant SPILLER (on 20 November 2012) that there were two types of dances: Combined Boarders dances - attended by pupils from several schools such as Kings College, St Cuthbert's College and Epsom Girls Grammar - and also local dances at the Pukekawa Hall.[6885] SOUTER confirmed that she had gone to dances with Jeannette, but was unsure in which years this occurred.[6886] SOUTER stated that Arthur THOMAS *"... would have been present ..."* at the local dances, but she did not recall anything specific about THOMAS or him dancing with Jeannette.[6887]

2759. Raymond THOMAS also gave evidence in rebuttal to Beverley BATKIN's allegation, that Raymond and Arthur THOMAS *"... used to frequently come together"* to dances.[6888] Raymond stated that Arthur could have accompanied him to one dance, but that this would have occurred between mid 1960 and May 1961.[6889]

2760. However, on 19 March 1973, Wendy DENIZE (nee GIVEN, DOB unknown), who had attended dances, also told police that in about 1957 she remembered seeing Arthur and Raymond THOMAS at a Pukekawa dance.[6890] Although this information was obtained just prior to the commencement of the second trial (on 27 March 1973) DENIZE was not called to give evidence.

2761. On 27 June 1980, Allan JAMIESON, a former colleague of Arthur THOMAS' at Roose Shipping, made a submission to the RCOI in which he stated that he and Raymond THOMAS frequently attended local dances together in the Pukekawa, Mercer, Tuakau and Buckland areas between 1954 and 1957.[6891] JAMIESON stated that on the majority of occasions the pair would leave from the THOMASES' house, and on these occasions he would usually see Arthur THOMAS – unless THOMAS had gone to the pictures which, JAMIESON stated, was his usual form of entertainment.[6892] JAMIESON stated that despite asking THOMAS to join them on several occasions: *"At no time during this period did Arthur attend one of the dances with us. He was always shy and confessed that he could not dance."*[6893] JAMIESON further stated that between 1957 and 1959 he attended dances, although less frequently, and despite seeing THOMAS at parties held in Mercer he never saw THOMAS dance.[6894]

2762. JAMIESON's submission supports the assertion that THOMAS did not attend dances in Pukekawa (and surrounding localities) prior to 1959 – when THOMAS stated he first attended a dance. However, the credibility of this information could be questioned due to JAMIESON's delay in coming forward. JAMIESON commented that his submissions were in response to the evidence given by Beverly BATKIN at the trials, and one might presume that due to his previous association with THOMAS,[6895] JAMIESON would have taken an interest in the trials and should have been aware of this information prior to 1980.

2763. David YALLOP was critical of BATKIN's evidence, commenting that it was significant *"... that the information about the 'pestering' and about 'the passion' had not been given to the police*

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when they had first interviewed Mrs Batkin in June 1970."[6896] When originally spoken to by police on 26 June 1970, BATKIN appears to have been asked questions relating to: (i) the CREWES' marriage, (ii) the possibility of Harvey or Jeannette losing their temper, and (iii) Lenard DEMLER.[6897] It cannot be expected that, immediately after their disappearance, BATKIN would think her reaction of Jeannette's interactions with THOMAS when they were teenagers would be a significant topic on which to report, nor is it likely that she was asked.

2764. At the deposition hearing, BATKIN explained that she had only provided this information to police after she heard that parts of the trailer had been found on THOMAS' property.[6898] At the second trial, BATKIN expanded upon this further, stating that at the time she did not know which 'THOMAS' farm the items had been linked to, as there were many THOMASES in Pukekawa.[6899]

2765. It is plausible that hearing the THOMAS name linked to the enquiry prompted BATKIN to come forward with information, which, until that point would have been a distant memory. Furthermore, although Arthur THOMAS was spoken to by police before the recovery of the stub axles on his property, it was no secret that Lenard DEMLER was the primary suspect for the murders. Thus, the information which BATKIN later provided about THOMAS would have seemed immaterial to her (and possibly even to police), before the investigation changed its focus to THOMAS.

2766. Clare Maureen MacGEE (DOB unknown), with whom Jeannette boarded while living in Wanganui, was another of Jeannette's friends who provided information to police of THOMAS' 'infatuation' with her. In a statement dated 16 March 1973, MacGEE said that Jeannette had discussed THOMAS with her: *"... how if she was at a dance he would always ask her to dance, and she would dance with him, but she would never go out with him."*[6900] MacGEE also claimed that Jeannette had told her THOMAS was infatuated with her and used to bother her at dances.[6901]

2767. MacGEE gave similar evidence at the second trial, and explained that THOMAS came up in conversation as MacGEE had been having similar trouble with a man.[6902] MacGEE commented that Jeannette *"... didnt [sic] appreciate his [THOMAS'] attentions."*[6903] In her evidence, MacGEE stated that she had not initially remembered the name of the man who Jeannette spoke about, but knew he was the same person who gave Jeannette the brush set[6904] *(see paragraph 2767).* MacGEE stated: *"... I later knew it was the same man as Arthur Allan Thomas."*[6905]

2768. MacGEE's statement from 1973 contained a number of inaccuracies. For example, MacGEE claimed: *"Mrs [Jeannette] CREWE did tell me that while she was overseas for 2 years, prior to her coming to stay with me, THOMAS wrote to her on two occasions, but she did not answer the letters."*[6906] This is known to be incorrect, as a letter from Jeannette to THOMAS, thanking him for a package while she was overseas, was presented in court. MacGEE also claimed that THOMAS had given Jeannette the brush set *"the Christmas before Mrs [Jeannette] CREWE got married ..."*[6907] This is also incorrect; both THOMAS[6908] and Lenard DEMLER[6909] gave evidence that this in fact occurred around (and is likely to have been prior to) Christmas in 1962.

2769. When MacGEE was first spoken to by police on 2 July 1970[6910] she did not provide any details of this man who had previously bothered Jeannette. As with Beverley BATKIN's first interaction with police, it would be unreasonable to suggest that MacGEE should have disclosed this information, when it appears that she was not asked, until 1973, about Jeannette's previous boyfriends. However, as the information from BATKIN was first given

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to police in 1973, it is therefore possible that her statements regarding a man's infatuation with Jeannette, and later linking this to the same person who gifted Jeannette the brush set, was influenced by her knowledge of THOMAS' conviction for the murders.

2770. The information most strongly supporting BATKIN's claim about THOMAS' alleged behaviour at dances was that provided by Jeannette's closest friend, Beverley WILLIS. In a statement, dated 30 June 1970, WILLIS said that when Jeannette was based at Maramarua she told WILLIS in letters[6911] *"... of a young man who caused her some concern ..."*[6912] The time period to which WILLIS was referring is unknown, as she claimed that this occurred prior to 1960 when Jeannette was teaching at Maramarua School.[6913] However, it is known that Jeannette taught at Mangatangi School, while boarding at Maramarua in 1960, and later, taught at Maramarua District High School, while boarding at Maramarua in 1963.

2771. In this statement and again at the deposition hearing, WILLIS claimed that Jeannette used to be telephoned and asked out by this man, who was often present at social functions that Jeannette attended.[6914] WILLIS said: *"This man was verypersistent [sic] and this distressed Mrs [Jeannette] Crewe considerably, as she had developed an intense dislike for him."*[6915] WILLIS initially said that Jeannette had told her the man's name was 'Murphy' (it is unknown whether 'Murphy' was a first name or surname) and that he was a resident of the Pukekawa district.[6916] However, WILLIS did say: *"... I could possibly be wrong with the manIs [sic] name. I could not actually swear that his name was Murphy."*[6917]

2772. As a result of WILLIS' information, Lenard DEMLER and Heather SOUTER were spoken to, to determine the identity of 'Murphy'.[6918] Neither knew any person by that name, or had heard of any other person pestering Jeannette during this time.[6919] A Police Jobsheet by Detective Sergeant HUGHES, dated 3 July 1970, reported that there was no doubt that this person ('Murphy') was in fact Arthur THOMAS.[6920] When interviewed, THOMAS admitted that he had telephoned and written to Jeannette during this period.[6921]

2773. Thomas Ashe MURPHY (DOB unknown), a Pukekawa resident, is the only man who appears in the file who could be described as 'Murphy'. During the homicide investigation, MURPHY's rifle (Police Reference Number P10B) was collected by police for test firing as he lived within a five mile radius of the CREWES' property.[6922] No further information about MURPHY is known, including whether he had any association with either Harvey or Jeannette.

2774. It is significant that Beverley WILLIS made a statement early in the investigation about Jeannette's concern regarding a Pukekawa man pursuing her while at Maramarua. Unlike Beverley BATKIN and Clare MacGEE, WILLIS appears to have been thoroughly interviewed by police about her association with the CREWES, and therefore provided much more information. WILLIS' statement was made prior to THOMAS being identified as a suspect and, therefore, prior to any media attention about BATKIN and MacGEE's statements. It is also noted that WILLIS resided in Wellsford (approximately 145 kilometres north of Pukekawa) and would, therefore, not have been privy to local gossip and speculation. Based on these observations, it could be deduced that WILLIS was not influenced by hearsay and was indeed quite credible.

2775. At the deposition hearing, WILLIS stated that Jeannette had told her the man who was 'very persistent' in his attentions towards her was named 'THOMAS', and WILLIS maintained this thereafter.[6923] WILLIS did not give evidence at the first trial, but at the second trial she said, for the first time, that Jeannette had told her she and this man had gone to primary school

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together.[6924] She also expanded on her previous statements that this man was often at social functions Jeannette attended[6925] by stating that Jeannette *"... saw him from time to time when she went to dances and that he wld [sic] ask her to dance and she wasnt [sic] very keen."*[6926] The same weight that can be placed on WILLIS' first statement cannot be applied to these additions, as they came after evidence (of THOMAS' association with Jeannette) given in court by others, and after media coverage of the case. Therefore, it cannot be discounted that this may have influenced some of WILLIS' evidence at the second trial. WILLIS' other evidence given at the second trial was generally consistent with what she had previously said.

2776. THOMAS was not named by Beverley BATKIN, Clare MacGEE or Beverley WILLIS until after he had been identified as a suspect for the murders. Although the incidents of 'pestering' and 'bothering' that were described may in fact be entirely accurate, one could speculate that the naming of THOMAS as a suspect, coupled with the interactions THOMAS admitted occurred between himself and Jeannette, could have in some way influenced their recall of events. Furthermore, David YALLOP claimed in his book that MacGEE told him: *"I didn't know until the police came and told me, that the man she had been referring to was Arthur Thomas. I don't recall her mentioning him by name."*[6927] This indicates that police may have, based upon their analysis of information available, deduced that this man was likely to be THOMAS and informed MacGEE of such - who took this to be fact.

2777. If believed, BATKIN's evidence goes further than providing a clear picture of THOMAS liking Jeannette - it demonstrated that he actively pursued her. On the one hand, this information shows that THOMAS simply liked Jeannette and at dances would seek her out. BATKIN also acknowledged that Jeannette *"... was not an unkind person and she wouldnt [sic] be rude to him ..."*[6928] and that Jeannette did in fact dance with THOMAS,[6929] indicating that THOMAS' attentions were not plainly discouraged by Jeannette. On the other hand, BATKIN presented an argument that THOMAS' liking for Jeannette was visibly displayed as a 'passion' and THOMAS made Jeannette so uncomfortable with his attentions and alleged isolation from other boys, that she ceased attending dances.

Early work history

2778. In February 1957, Jeannette commenced two years' training at Ardmore Teachers College,[6930] where she is believed to have boarded.[6931] While giving evidence at the first trial, Lenard DEMLER stated that Jeannette's initial teaching post was at Pukekawa School.[6932] While there is no Department of Education record of this appointment, it is possible that Jeannette taught there as part of her training. While questioning DEMLER, Crown Prosecutor David MORRIS alluded to the probationary nature of this teaching position,[6933] thus it is possible that Jeannette was evaluated as a teacher at Pukekawa School during her training.

2779. Upon leaving Ardmore Teachers College, Jeannette was employed as a teacher at Pukekohe North Primary School (approximately 20 kilometres north of Pukekawa) for one year, commencing 1 February 1959.[6934] During the week Jeannette boarded with a 'Mrs KERR',[xlv] returning home to Pukekawa on weekends.[6935]

2780. Edith JUDGE, who taught at Pukekohe North Primary School with Jeannette in 1959, could not recall Jeannette mentioning anything about being 'pestered' by THOMAS.[6936] JUDGE stated that Jeannette did tell her that boys used to annoy her at dances, but JUDGE took from this that Jeannette was speaking of the young Pukekawa men in general.[6937] Jeannette

[xlv] The full identity of this person is not known.

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reportedly described them as a 'strange lot'.[6938]

2781. Likewise, Grace Dora HESSELL (DOB unknown), who boarded with Jeannette in 1960, alleged that Jeannette spoke of the dances she attended at the weekends, but never mentioned THOMAS specifically.[6939] This information was sourced from *Beyond Reasonable Doubt* and is not contained within the police file.

2782. On 1 February 1960, Jeannette took up a teaching position at Mangatangi School (approximately 38 kilometres north-east of Pukekawa) and lived in the teachers' hostel in neighbouring Maramarua for the duration of her employment.[6940] Once again, Jeannette would spend her weekends in Pukekawa.[6941]

2783. Other women with whom Jeannette boarded during 1960 (other than those previously mentioned) did not recall her speaking of THOMAS or mentioning him pestering her.[6942] However, Janet Isobel SUTHERLAND (nee KING, DOB unknown), who boarded with Jeannette in Maramarua, stated that when Jeannette returned from Pukekawa at the weekends she would mention a boy who kept calling at the DEMLER farm to see her and Heather SOUTER.[6943] SUTHERLAND thought this boy's name was 'BOOTH' and stated that Jeannette considered him to be a 'confounded nuisance'.[6944] SUTHERLAND commented: *"The boy apparently was equally interested in Heather and Jeanette [sic]."*[6945]

2784. Derrick BOOTH was a former boyfriend of SOUTER's[6946] and also took Jeannette out during the time SOUTER was overseas.[6947] According to BOOTH, this was when Jeannette was living 'out Mangatangi way'.[6948] Given that SOUTER was overseas between 1962 and 1964,[6949] it is likely that BOOTH took Jeannette out while she was based at the Maramarua Hostel early in 1963, as opposed to her first posting in the area in 1960. In addition, BOOTH claimed that he took Jeannette to Jocelyn Anne BURLEY's (DOB unknown) 21st birthday party (Jeannette and BURLEY were cousins).[6950] As BURLEY was two years younger than Jeannette,[6951] this was likely to have been in 1963. It does not appear that there was a relationship between Jeannette and BOOTH, although BOOTH did tell police that he had visited Jeannette in 1965 while he was in Wanganui for work purposes, and that they spent the evening together.[6952]

2785. SOUTER told Detective Superintendent LOVELOCK and Senior Sergeant SPILLER (on 20 November 2012) that after Jeannette had returned to New Zealand (in 1962), SOUTER contacted BOOTH and asked him to take Jeannette out as she felt that Jeannette did not have a social life and she 'never went out'.[6953]

2786. While it could be gleaned that BOOTH had paid Jeannette some attention in 1963, there is no information to suggest that he had spent time in her company prior to this time. That said it is unknown when BOOTH's association with SOUTER began. Janet SUTHERLAND told police that she and Jeannette had remained good friends, corresponding with and visiting with each other.[6954] Therefore, it is possible that Jeannette did share this information with SUTHERLAND, but that it was not in 1960 as SUTHERLAND remembered.

2787. On 8 February 1960,[6955] seven days after Jeannette began teaching at Mangatangi (and living in Maramarua), Arthur THOMAS began working as a labourer for the Maramarua Forestry Station and rented a hut in the single men's quarters at Mill Village,[6956] just off the Pokeno/Thames Highway.[6957] The distance to the teachers' hostel where Jeannette was residing was approximately two miles (3.2 kilometres).[6958] According to THOMAS, he visited Jeannette at the teachers' hostel on about two occasions.[6959]

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2788. The Crown case contended that it was not coincidental that THOMAS went to work in Maramarua during 1960, at around the same time as Jeannette moved there.[6960] At the second trial, THOMAS stated that the depth of his feelings for Jeannette while at Maramarua was: *"... more than a s/boy [sic, schoolboy] crush, I was more fond of her at the time."*[6961] THOMAS had previously said that he telephoned Jeannette[6962] and visited her on about two occasions[6963] while at Maramarua.[6964] According to THOMAS, he had wanted to court Jeannette[6965] and stated that he had asked her to go out with him.[6966] However, she had declined, telling him that she had another boyfriend.[6967] There is no information to support Jeannette's claim that she had a boyfriend at this time. Although this is possible, it is also possible that this was an excuse on Jeannette's part for not wanting to go out with THOMAS without having to say so directly.

2789. While it could be speculated that THOMAS relocated to Maramarua in order to be closer to Jeannette while attempting to court her, THOMAS stated that he had wanted a change from Roose Shipping and a break from living in the crowded family home (THOMAS had eight siblings, seven of whom, along with his parents, would have been living in the three bedroom family home in 1960).[6968] THOMAS explained that he did not know Jeannette had gone to Maramarua until he attended a dance at Pukekawa where he danced with, and spoke to, Heather SOUTER.[6969] THOMAS alleged that it was at this time he learned of Jeannette working and residing at Maramarua, further stating that SOUTER told him that he should 'look Jeannette up'.[6970]

2790. On 24 November 2012, SOUTER told Senior Sergeant SPILLER that she may have told THOMAS, while at a dance, that Jeannette was teaching in Maramarua, but she did not remember this occurring.[6971] SOUTER stated that she did not dance with THOMAS *"... because he was interested in Jeannette."*[6972] Given that Lenard DEMLER[6973] and SOUTER[6974] commented that SOUTER used to tease Jeannette about THOMAS being interested in her, it is possible that SOUTER was being mischievous when suggesting THOMAS 'look up' Jeannette.

2791. Given that THOMAS appeared to be quite transparent regarding his interest in Jeannette at Maramarua, there is some support for the argument that his evidence was truthful, i.e. that he did not pursue Jeannette at dances, or did not recall pursuing her as such. It is difficult to reconcile why THOMAS would lie about showing an interest in Jeannette at the public dances when he had admitted to showing an interest in her while she was staying at the teachers' hostel in Maramarua. Conversely, it is possible that THOMAS felt the allegations about him 'pestering' Jeannette at dances would look bad for him and denied this to reduce the perceived intensity of his supposed 'passion' for Jeannette.

2792. While attempting to court Jeannette at Maramarua, THOMAS was also allegedly involved with other women. In *The Fate of Arthur Thomas, Trial by Ambush,* Pat BOOTH reproduced extracts from a list, allegedly written by THOMAS, of his previous girlfriends.[6975] The list suggested that THOMAS took out three women, 'Diana', 'Lorna' (possibly Lorna SCHOFIELD, unknown DOB) and 'Margaret' during the seven to eight month period that he was at Maramarua. The identity of these women is unknown\unconfirmed.

2793. THOMAS allegedly commented that he took out one of these women, 'Lorna', whom he had met not long after arriving in Maramarua: *"... most of the time I was working at Maramarua ..."*[6976] This was supported by three letters from Lorna to THOMAS dated: 13 September 1960, 7 December 1960, and 5 February 1961, which were located during a search of THOMAS' property.[6977] The dates of these letters indicate that the pair were at least corresponding while

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THOMAS was based at Maramarua and afterwards, while he was working for Glen Murray Top Dressing. A Christmas card is also contained within the file from Lorna to THOMAS, the date of which is unknown, which indicated that she had given him a present.

2794. David YALLOP, in his book *Beyond Reasonable Doubt,* and Ian WISHART, in his book *Arthur Allan Thomas: The Inside Story,* claimed that THOMAS had fathered a child in the early 1960s.[6978] It does not appear that this information was known by police during the original investigation. Margaret STUCKEY, Arthur THOMAS' sister, told Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM (on 13 August 2013) that the mother of this child was Lorna, and she had had a boy who she named John.[6979]

2795. Aside from the women mentioned above, THOMAS also indicated that other girlfriends of his had been: 'Gert', 'Joan', 'Margaret', 'Audrey' and 'Gaylene'.[6980] However, these women were believed to have had a relationship with THOMAS outside of the period he was at Maramarua.[6981]

2796. It does not appear that during the investigation police enquired in to THOMAS' previous girlfriends, therefore none of the women listed above are believed to have been spoken to by police. This was identified as a flaw in the investigation in a report by Detective Chief Superintendent WILKINSON, dated 22 February 1980. Detective Chief Superintendent WILKINSON commented: *"The letters from girlfriends of THOMAS should have been investigated further by the Enquiry Team."*[6982] However, it was alleged by Detective Inspector HUTTON that enquiries were undertaken by Defence Counsel Kevin RYAN in relation to the women.[6983] Detective Inspector HUTTON reported (on 30 August 1973) to Assistant Commissioner WALTON that one of these women told RYAN that THOMAS had raped her.[6984] The identity of this woman is unknown.

2797. Had THOMAS moved to Maramarua intent on pursuing a relationship with Jeannette, one would question why he then proceeded to date a number of other women, apparently entering in to a relationship with one (Lorna). Conversely, it is known that after being knocked back by Jeannette on this occasion, and apparently pursuing other relationships, THOMAS still 'held a candle' for Jeannette and again attempted to court her later in 1961 and 1962 while she was overseas, and after her return to New Zealand.

2798. THOMAS left the Maramarua Forestry Station in October 1960[6985] and spent the next five months working as a loader driver for Glen Murray Topdressing syndicate in Pukekohe.[6986] It is not known where THOMAS resided during this time.

Jeannette CREWE's overseas travel and correspondence with Arthur THOMAS

2799. Jeannette left for England in January 1961 with her friend from St Cuthbert's College, Diana Sibley ANDREWS (nee WOOLCOTT, DOB unknown).[6987] She met with Beverley WILLIS[6988] and Diane Clare AMBLER (nee BRIDGER, DOB unknown) in London and proceeded to tour the continent with AMBLER, ANDREWS and Patricia Ann LANE (DOB unknown).[6989] Jeannette's movements and lifestyle while travelling are largely unknown.

2800. After learning that Jeannette had gone overseas,[6990] THOMAS visited the DEMLER home and obtained her address from her father.[6991] THOMAS wrote to Jeannette[6992] and received at least one reply to those letters.[6993]

2801. The investigation file contained a card from THOMAS to Jeannette, which reads: *"Best Wishes for a Pleasant Trip.*[6994] Inside is the printed message, *"Wherever you journey And whatever you do The best of good wishes Will travel with you!"*[6995] Underneath is a handwritten message: *"To*

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Jeanette [sic]. From your School Friend Arthur."[6996] The date of this card is unknown but, due to the content, it is likely to have been given or sent to Jeannette prior to, or during, her trip overseas in 1961/1962. It is unknown whether this was given to Jeannette by THOMAS in person or was one of the items he sent to her while she was overseas. It is unknown where this card was later located, but it is likely that this was found somewhere in the CREWES' home after their disappearance.

2802. A two-and-a-half page letter (Police Exhibit 346) from Jeannette to THOMAS, dated 24 February 1961, was produced at the deposition hearing.[6997] This appeared to be in response to a gift of a writing compendium which THOMAS had sent to Jeannette while she was in England.[6998] The letter stated: *"Thank you for your very kind thought in sending me that beautiful writing compendium and pen."*[6999] Jeannette wrote that she had a very enjoyable trip on the ship and had the opportunity to sunbathe, swim and play deck tennis and table tennis on the ship's deck.[7000] She stated that during the five week voyage, the ship docked at Tahiti, Panama and Jamaica before arriving at Southampton, England.[7001] She also gave details of activities that she and her travelling companion (Diana ANDREWS) undertook in these various locations.[7002] Jeannette indicated her intended plans to work in London before travelling Europe.[7003] The letter concluded: *"Once again, many thanks for the lovely compendium and pen. Yours sincerely, Jeannette."*[7004]

2803. From this letter, a small insight was gained into Jeannette's activities while in London. Jeannette wrote that she and her companions had found themselves a flat (in London), but she had not yet obtained a job.[7005] She commented: *"We intend to work in London for a while before going across to the Continent."*[7006] Heather SOUTER also told Detective Superintendent LOVELOCK and Senior Sergeant SPILLER (on November 2012) that while in the United Kingdom, Jeannette worked at a coffee bar in London.[7007]

2804. The tone of the letter is polite and friendly and is obviously in response to the gift sent by THOMAS. The extent of the detail provided by Jeannette is somewhat surprising if in fact she did not want anything to do with THOMAS. Jeannette not only provided details of her previous activities but also her current situation - *"... we have found ourselves a flat"* - and her intended future plans while overseas. From all accounts, Jeannette was well mannered and would not want to appear rude towards THOMAS but, if her goal was to thank him for the gift without further encouraging him, it could be speculated that she would not provide him with information about her future movements. However, it is noted that the letter did not contain any questions directed to THOMAS which would elicit a reply. This may indicate that while Jeannette was gracious in her response to the gift from THOMAS, she was not keen on encouraging further correspondence between them.

2805. Pat BOOTH reproduced text in *The Fate of Arthur Thomas, Trial by Ambush* which was allegedly contained in a Christmas card sent from Jeannette to THOMAS.[7008] The card was said to be dated 11 December 1961 and sent by Jeannette while in England.[7009] The content was as follows:

> *"Dear Arthur, What a surprise to find a present of beads and stockings at the O.V.C. Thank you very much. The beads were lovely and you were a good guess with the size of the stocking. You certainly seem to be seeing lots of different parts of the North Island with working at Barr Brothers. Life is still just as hectic as ever over here. I am stopping work to go for a skiing holiday in Austria early next year. Yours sincerely, Jeanette [sic]."*[7010]

2806. The card appears to be in response to further correspondence from THOMAS to Jeannette, as

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Jeannette allegedly commented upon THOMAS' travels while working for Barr Brothers Limited. BOOTH claimed that police were in possession of this Christmas card throughout the first trial[7011] but, if so, there is no mention of this in the file which is very surprising given its content.

2807. A gift of stockings would have been considered rather risqué in 1961 and probably indicative of a more personal relationship in existence between Jeannette and THOMAS. Thus, if this card had been in the possession of police it is almost certain that it would have been used as evidence against THOMAS of his intimate feelings towards Jeannette.

2808. The spelling of Jeannette's name in the transcription is incorrect. It would be expected that BOOTH would transcribe Jeannette's name precisely, had he sighted this card. Although, it is noted that BOOTH believed Jeannette's name was only spelt with a single 'n', (BOOTH spelt Jeannette with a single 'n' throughout his book). Therefore, it is possible that he did not pay close attention to the spelling of the name on the card and simply transcribed it as he expected it to be written. The above message also featured in *Arthur Allan Thomas: The Inside Story*[7012] and *Beyond Reasonable Doubt*[7013] where Jeannette was spelt correctly with two 'n's. However, BOOTH is the only author who claimed to have seen this card and it is likely that the other authors sourced this information from BOOTH's book.

2809. The card referred to Jeannette collecting the present from THOMAS from the Overseas Visitors Club (OVC). This was the return address on the letter from Jeannette to THOMAS dated 24 February 1961 which confirms that she, or Lenard DEMLER, had informed THOMAS of this address. There is no information available to corroborate the 'skiing holiday in Austria' allegedly mentioned by Jeannette. Heather SOUTER told Detective Superintendent LOVELOCK and Senior Sergeant SPILLER (on 20 November 2012) that she did not think Jeannette had gone to Austria on a skiing trip, as Jeannette did not ski.[7014] SOUTER stated that she herself had gone skiing in Austria.[7015]

2810. Jeannette's alleged comment regarding THOMAS being a good guess with the size of the stocking, taken in the context of 1961, is not only thought to be out of character for Jeannette, but contrary to their relationship as described by THOMAS and others. As this card, or any reference to it, cannot be located within the police file, the authenticity of such cannot be confirmed. If this card is in fact genuine, it paints a very different picture of the relationship between THOMAS and Jeannette than that indicated by existing evidence.

2811. Pat BOOTH was spoken to by Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM on 29 January 2014 and, at this time, did not recall this card,[7016] but stated that he had given all of his material to the RCOI at the time of the hearings but had not received any of these documents back.[7017]

2812. In approximately March 1961,[7018] THOMAS began work as a loader driver for Barr Brothers Limited,[7019] a topdressing company[7020] (THOMAS' start date with Barr Brothers cannot be confirmed). It appears that THOMAS was initially based at Ardmore[7021] for an unknown period, before moving with the firm to Dargaville. After this time, THOMAS returned to Barr Brothers Ardmore, but it is not known when this occurred.

2813. While THOMAS was employed by Barr Brothers he visited the CHENNELLS estate (later to become the CREWES' farm), as aerial topdressing was carried out on the property.[7022] At the time, the estate was managed by Jack HANDCOCK (who was employed as such from approximately 1 September 1961 to 1 April 1966). According to HANDCOCK's wife, Moira Jane HANDCOCK (DOB unknown), THOMAS would have been inside the house on a

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number of occasions.[7023] This was confirmed by THOMAS, who stated that this was likely to have occurred between 1961 and 1963.[7024] The relevant client card indicated that aerial spraying was carried out at the property between these times on 6 February 1961, 27 July 1961, 9 March 1962, 29 August 1962, 11 March 1963 and 4 September 1963.[7025]

2814. THOMAS admitted at both trials that during the early 1960s he had been to the CHENNELLS estate while working for Barr Brothers[7026] and had been inside the house.[7027] Detective Sergeant HUGHES' Police Jobsheet, regarding his 30 June 1970 interview with THOMAS, noted that:

> *"THOMAS said that he had been to the CREWE home while working for one of the local Agriculture Contractors when sowing manure. He had met Harvey then who appeared to him to be a decent type of bloke. He had morning and afternoon teas in the home. This would have been as late as 3 or 4 years ago."*[7028]

2815. This evidence was given by Detective Sergeant HUGHES at both trials[7029] and Crown Prosecutor David MORRIS expanded upon the implications of this in his closing address at the second trial:[7030]

> "*You may think it significant that Thomas now denies telling [Detective Sergeant] Hughes these things which would both involve a closer association with Harvey Crewe than he is now prepared to admit and also a continuing relation with both the farm and Jeanette [sic], who was no doubt present on the farm at this particular time."*[7031]

2816. This extract was taken from a typewritten document which, judging from its content, is almost certainly the closing address given by MORRIS at the second trial. However, it is noted that this is likely to be from his prepared submissions which were then presented verbally to the court. It is, therefore, possible that what is written and what was said may differ.

2817. The Crown case contended that THOMAS had been inside the CREWES' home more recently than between 1961 and 1963 as THOMAS stated. The above statements by Detective Sergeant HUGHES and MORRIS are incorrect and were used to suggest to the jury that THOMAS would have been familiar with the layout of the CREWES' home, which would have then been useful when he returned to the property on the evening of Wednesday 17 June 1970. THOMAS had indeed been to the property, but this was when it was known as the CHENNELLS estate and was being managed and lived in by John and Moira HANDCOCK. Available information indicates that THOMAS had not been to the CREWES' property (since Harvey and Jeannette moved in).

2818. It is not accepted that THOMAS would have said this to Detective Sergeant HUGHES. Whether this was a deliberate attempt by Detective Sergeant HUGHES to connect THOMAS to the property while the CREWES were living there, or an indication of Detective Sergeant HUGHES' lack of attention when recording his interview with THOMAS is not certain. It appears that MORRIS simply used the information that was made available to him by police and given in evidence to best advantage.

Jeannette CREWE returns to New Zealand

2819. In July 1962, Jeannette travelled from England to Canada with Beverly WILLIS and Diane AMBLER.[7032] The three returned to New Zealand by air, via Hawaii and Fiji, in November 1962.[7033]

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2820. One evening during the following month, December 1962, THOMAS called to see Jeannette at the DEMLER farm.[7034] Both THOMAS and Lenard DEMLER commented that Jeannette spoke with THOMAS for about 20 minutes outside the house,[7035] where THOMAS gave her a present[7036] of a brush, comb and mirror set (Police Exhibit 347). THOMAS stated that Jeannette thanked him for the gift[7037] but told him that she had a boyfriend and did not wish for THOMAS to call on her.[7038] DEMLER claimed that he suggested Jeannette should return the gift to THOMAS, as she had no intention of going out with him.[7039] Clare MacGEE stated that before accepting the gift from THOMAS, Jeannette asked if there was anyone else he could give it to; THOMAS apparently said there was not.[7040]

2821. The brush, comb and mirror set (Police Exhibit 347) was located in the CREWES' house after their disappearance and was noted to be neatly wrapped.[7041] Attached to the gift was a Christmas card.[7042] The front of the card reads: *"A Christmas Thought"*, inside a printed message, *"A thought of you at Christmas and a friendly wish to say - may hours of happiness be yours today and every day"*, handwritten was: *"To Jeanette [sic], best wishes also for a happy New Year. From Arthur."*

2822. THOMAS stated that when he gave Jeannette this gift it was with the intention of courting her.[7043] He disclosed to Detective Inspector HUTTON that he had paid about £4 to £5 for the gift,[7044] which is equivalent to about $160 - $200 today.[7045] This was arguably a significant sum of money to spend on a gift for a woman who he had not even gone out with yet, and indicated that he was particularly keen on her. It is likely that knowing Jeannette's family were reasonably well off, THOMAS sought to give a fitting gift. At the second trial, THOMAS stated that he had also given presents to other girlfriends of his,[7046] although this was not elaborated upon.

2823. THOMAS explained that when he gave Jeannette the brush set: *"She thanked me for it and she did tell me in a nice way she had a boyfriend and she wld [sic] rather leave it that way."*[7047] (Then) Detective Sergeant PARKES gave evidence that THOMAS had said that because Jeannette had done this in such a nice manner he had not been put out by her response.[7048] Nonetheless, it is reasonable to deduce that as this was apparently the third gift THOMAS had given to Jeannette (the others being a writing compendium – *see paragraph 2802* - and an alleged gift of beads and stockings – *see paragraph 2805*), and he was very fond of her, there would have been some degree of disappointment as a result of her rejecting his advances.

2824. THOMAS stated that he believed Jeannette had been referring to Harvey when she told him that she had a boyfriend.[7049] This is incorrect, as Harvey and Jeannette entered in to a relationship after her move to Wanganui in May 1963.[7050] Rather, it is likely that Jeannette was being untruthful to THOMAS, when she claimed that she had a boyfriend, as alleged by Beverley WILLIS.[7051] This inference is supported by information supplied by Beverley BATKIN and Clare MacGEE, in which it is claimed that Jeannette was not one to be unkind[7052] and had let THOMAS down in a nice way.[7053]

2825. After this interaction between the two, THOMAS claimed that he did not visit Jeannette again[7054] and there is no evidence to suggest that he pursued a further relationship with her. Approximately five months later, Jeannette moved to Wanganui where she resided for the next three years. However, there is information which suggests THOMAS sustained an interest in Jeannette during this time *(see paragraph 2831)*.

2826. Upon her return from overseas, Jeannette secured a relief teaching position at Maramarua District High School and taught there from the beginning of February to mid April 1963.[7055]

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During this time, she again lived at the Maramarua teachers' hostel.[7056]

2827. Jeannette went on to relieve at Papakura Intermediate for five weeks commencing 17 April 1963,[7057] before moving to Wanganui where she began teaching at Whangaehu School on 27 May 1963.[7058] While in Wanganui Jeannette initially stayed with Beverley WILLIS and her parents.[7059] After a few months,[7060] Jeannette went on to board with Clare MacGEE.[7061] It was while in Wanganui that Jeannette met Harvey.[7062]

2828. While giving evidence at the second trial, Lenard DEMLER stated that Jeannette told him she moved to Wanganui: *"... to get well away from where he [THOMAS] was I think."*[7063] Under cross-examination by the defence, DEMLER was asked why he had not given this evidence at the two previous hearings (deposition hearing and first trial).[7064] DEMLER stated that he did not mention this as he did not think he had to.[7065] When asked if he had told a police officer this information, DEMLER replied: *"No I didnt [sic] worry abt [sic] tell. [sic] anyone abt [sic] that."*[7066] Crown Prosecutor David MORRIS then referred to this evidence in his closing address at the second trial, stating: *"... it is plain from her father's evidence that she complained to him about Thomas, and he was the reason for her leaving Mangatangi mid year and travelling south ..."*[7067]

2829. It is clear from Department of Education records that Jeannette's teaching positions at Maramarua (4 February 1963 to 16 April 1963), and Papakura Intermediate (17 April 1963 to 21 May 1963), were relieving positions only[7068] - not permanent. Although not included on the file, information included in David YALLOP's book suggested that Jeannette moved to Wanganui to be closer to her friend, Beverley WILLIS. YALLOP wrote that Grace HESSELL said: *"When she [Jeannette] returned [from overseas] she was at a bit of a loose end and took this relief teacher position at Maramarua District High."*[7069] HESSELL then commented that Jeannette *"... wanted to join her friend Beverly [sic] in Wanganui."*[7070] YALLOP also interviewed Clare MacGEE on the matter, who explained: *"The only reason she [Jeannette] came down here was to be with Beverly [sic]. She had no friends in Pukekawa. Going to St Cuthbert's had cut her off from girls of her own age at home who, having gone to different schools, had established different friendships."*[7071]

2830. It is likely that THOMAS was not the primary reason (if at all) for Jeannette's move to Wanganui, nor did she leave a permanent teaching position mid-year to move there.

Arthur THOMAS visits fortune teller

2831. During 1963 or early 1964,[7072] THOMAS, Charles LIDDELL, Babette NICOLLE (DOB unknown) and Majorie Clare HORAN (nee McANNALLEY, DOB unknown) visited a fortune teller, Agnes JAMIESON (DOB unknown, now deceased), in Whenuapai.[7073] According to LIDDELL, the visit was intended for THOMAS to enquire about his future with Jeannette.[7074]

2832. The deposition evidence of LIDDELL, a former Barr Brothers colleague of THOMAS', alleged that THOMAS had spoken to him about a girl named Jeannette who was a school teacher.[7075] LIDDELL said THOMAS had told him that he had been 'going with her', but she had *"... thrown him over for another chap ..."*[7076] LIDDELL claimed that THOMAS said Jeannette had gone down south, possibly to the Wairarapa, to teach and that THOMAS told him he was waiting for her to come back so he could win her back.[7077] LIDDELL also claimed that THOMAS had ideas of marrying Jeannette.[7078] This information was also reiterated in LIDDELL's statement dated 21 March 1973.[7079]

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2833. THOMAS' alleged comments about Jeannette 'throwing him over' for another man correspond with what Jeannette told THOMAS when he gave her the brush, comb and mirror set. Furthermore, it was after this incident that Jeannette moved down to Wanganui (near the Wairarapa region), albeit after short stints in Maramarua and Papakura.

2834. LIDDELL's evidence at the deposition hearing was damning to THOMAS' denial of a continued infatuation with Jeannette. The transcript of LIDDELL's evidence read: *"On most occasions when Arthur spoke of Jeanette [sic], he told me that he loved her very much and wanted to marry her, and it was plain that she was the only girl in his life, and he was completely infatuated about her."*[7080]

2835. LIDDELL alleged that in about 1963 he, THOMAS, Babette NICOLLE and Majorie HORAN visited fortune teller Agnes JAMIESON, as THOMAS had said that Jeannette was coming back[7081] and he wanted to find out what his relationship with her would be.[7082] It is highly likely that LIDDELL was truthful in stating that he, THOMAS, NICOLLE and HORAN visited a fortune teller. Not only was this corroborated by NICOLLE[7083] and HORAN,[7084] but it was also confirmed by THOMAS[7085] that the four of them had visited JAMIESON. However, the reason behind the visit, as alleged by LIDDELL, do not appear to have been communicated with NICOLLE and HORAN and were therefore not corroborated. THOMAS stated that although he had mentioned Jeannette to LIDDELL, he denied the purpose of the visit to JAMIESON was to enquire about his possible future with Jeannette.[7086]

2836. There is no record of a statement made by LIDDELL prior to him giving evidence at the deposition hearing. Prior to the second trial (LIDDELL did not give evidence at the first trial), LIDDELL made two statements to police on 21 March 1973.[7087] The first of these statements included information which was never given as evidence by LIDDELL, either prior to, or after, this time.

2837. LIDDELL allegedly claimed that THOMAS had told him Jeannette was going to get engaged to another person whom THOMAS named as Harvey.[7088] It is almost certain that this claim is false. The actual date of this visit to the fortune teller is unknown. Likewise, is it not known when in 1963 Harvey and Jeannette entered in to a relationship, but it is not believed that there had been any indication in 1963 that Harvey and Jeannette would become engaged three years later. It is also unlikely that THOMAS would have known Jeannette was in a relationship with Harvey as early as 1963. Of note, the file does not contain a signed copy of this statement by LIDDELL, thus it cannot be confirmed that LIDDELL signed and therefore accepted the contents of this statement. However, if this is a legitimate statement given to police, and if LIDDELL did sign a copy (not held on file), it would cast doubt upon the validity of the totality of LIDDELL's evidence.

2838. LIDDELL's description of when the visit to the fortune teller occurred ranged from between '1963',[7089] 'about 10 months before THOMAS got married' (January 1964)[7090] and 'early 1963'.[7091] Conversely, THOMAS claimed that the visit to the fortune teller had taken place in 1962 and that it was around this time (1962) he had spoken to LIDDELL about Jeannette.[7092] Majorie HORAN was the only one of the women to comment on when this occurred, saying they went in 'late 1963 or early 1964'.[7093]

2839. One might question how, when HORAN was first asked of this event in 1973 - approximately 10 years later - she would be able to isolate the year in which this incident occurred. However, it was noted that HORAN related this time period to significant events in her life. HORAN stated that a friend of her's died in July 1964 and they had only been to

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the fortune teller a few months prior to this.[7094] That said, it is noted that HORAN visited this fortune teller on more than one occasion. HORAN further commented that she and her husband separated at the end of December 1963,[7095] which she appeared to use as an indication of her first meeting with THOMAS (at the time of the visit to the fortune teller).

2840. If THOMAS' alleged comments to LIDDELL are correct, then around the time of the visit to JAMIESON THOMAS was telling him about Jeannette moving down south. It is known Jeannette's move did not occur until May 1963 and, therefore, THOMAS would be incorrect in his claim that this occurred in 1962. This is supported by HORAN's claim who, like LIDDELL, claimed the date to be after 1962. Although THOMAS first stated it was possible that he had told LIDDELL that Jeannette had gone down south to Wairarapa,[7096] he later claimed: *"I didnt [sic] tell Liddell anyth. [sic] abt [sic] the girl [Jeannette] going down south."*[7097] It is possible that this change in evidence reflected the implications of the date of this event, if it had in fact occurred after Jeannette's move south which would not correspond with THOMAS' 1962 date.

2841. While it is accepted by all parties that the visit to JAMIESON did occur, the reason THOMAS allegedly gave to LIDDELL cannot be corroborated by a third party. Furthermore, a thorough assessment cannot be made of LIDDELL's claims, as the circumstances around his unsigned statement dated 21 March 1973 remain unclear.

2842. In a statement to police on 21 March 1973, LIDDELL said that according to THOMAS, JAMIESON said THOMAS would marry Jeannette.[7098] THOMAS denied the allegation (at the second trial) that he had expressed an interest to LIDDELL in marrying Jeannette.[7099] However, if LIDDELL's claims are to be believed, this provides an indication of the strength of THOMAS' feelings for Jeannette, and that he would undoubtedly have been hurt when these feelings were not reciprocated. However, it is noted that there is no evidence THOMAS again tried to pursue a relationship with Jeannette. It is unknown whether there was in fact further contact with Jeannette prior to his engagement to Vivien.

2843. The file also contains a statement (dated 25 March 1973) from Philip Theodor CHINNERY-BROWN (DOB unknown) who claimed that he and THOMAS had visited the same fortune teller with Babette NICOLLE and either Majorie HORAN or Barbara DUANE (DOB unknown).[7100] CHINNERY-BROWN did not state the year in which this occurred, nor did he comment on the purpose of this visit. However, CHINNERY-BROWN did state: *"I have an idea that he [THOMAS] did mention a girl named Jeanette [sic] and he said that he was hopping [sic] to marry her."*[7101] CHINNERY-BROWN also stated that he was not sure on this point,[7102] which perhaps indicates the credence which can be applied to his assertions. When police spoke with NICOLLE and HORAN about their visit to JAMIESON with THOMAS and Charles LIDDELL, they were not asked about the visit with CHINNERY-BROWN and, as such, this occurrence was not verified.

2844. Agnes JAMIESON died in 1969 and the happenings which occurred during her 'readings' with THOMAS are, therefore, unable to be corroborated. Police spoke to JAMIESON's daughter, Isobel Elizabeth MIDGLEY (DOB unknown), who recalled her mother saying that THOMAS was going to marry a nurse from Dargaville Hospital.[7103] A member of THOMAS' extended family (an aunt) was friends with JAMIESON,[7104] thus it is possible that JAMIESON had taken note of her dealings with THOMAS and later discussed him with MIDGLEY. It is noted that THOMAS confirmed he had dated a woman named 'Gaylene' who worked at Dargaville Hospital and, at one stage, thought he would like to marry her.[7105] It is possible that Gaylene was the nurse from Dargaville of whom JAMIESON had spoken, and it is

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perhaps significant that JAMIESON had spoken to MIDGLEY of THOMAS' association with Gaylene, but not of his association with Jeannette (had THOMAS expressed a similar interest in her).

2845. It is also noted that in a submission to the RCOI, Patricia Robyn THOMAS (DOB 22 December 1939), wife of Arthur THOMAS' brother Raymond THOMAS, stated that about this time (from April 1962 to March 1965) she and Raymond were leasing a sheep farm at Tuakau.[7106] Patricia stated that during those years Arthur THOMAS was often a guest at their home, spending many weekends with them *"... and often bought [sic] a woman friend with him."*[7107] It is unknown who the woman was.[7108]

Association after the THOMAS and CREWE weddings

2846. In January 1964, Arthur THOMAS met his wife to be, Vivien THOMAS.[7109] At the time, Vivien was residing in Wellsford with her aunt, Joyce VESEY (DOB unknown), and uncle, Pat VESEY.[7110] The couple were married on 5 November 1964 in Wellsford.[7111] Arthur THOMAS continued working as a loader driver for Barr Brothers in Ardmore until May 1965.[7112]

2847. After their marriage, the THOMASES moved to Papakura.[7113] It is not known if this occurred while Arthur THOMAS was still working for Barr Brothers or when he took employment on the Papakura farm of Frederick KING.[7114] THOMAS worked for KING for approximately six to nine months[7115] after leaving Barr Brothers.[7116] He then went to work on Hugh POLLOCK's Clevedon farm.[7117] THOMAS was employed by POLLOCK for a six month period,[7118] and then on 7 February 1966,[7119] he went to work on Keith McROBBIE's farm[7120] in Kingseat.[7121] Arthur and Vivien occupied houses on KING,[7122] POLLOCK[7123] and McROBBIE's[7124] properties while Arthur THOMAS was employed on their respective farms.

2848. THOMAS' employment with McROBBIE was terminated on 30 May 1966, when he was allegedly fired[7125] for refusing to milk a newly calved cow.[7126] On 1 June 1966, THOMAS entered in to a contract for the lease of his father's farm at Mercer Ferry Road, Pukekawa[7127] where he and Vivien took up residence.

2849. Although it cannot be established precisely when the CREWES entered in to a relationship, it is known that they became engaged in Wanganui over Easter in 1966.[7128] Sometime between Easter and June 1966 (when the CREWES were married), Arthur THOMAS stated that he saw Harvey and Jeannette at an Onewhero Golf Club ball.[xlvi][7129] The CREWES were married in Auckland two months later, on 18 June 1966,[7130] before taking up residence at their Pukekawa farm.

2850. The matter of THOMAS and Jeannette both relocating to Pukekawa in June 1966, may simply be a coincidence. THOMAS gave evidence at the second trial that he had applied for a job share milking in Dargaville.[7131] He stated that he had been interviewed by the farm owner and was offered the job, but a few days later his father, Allan THOMAS, asked him to take over the Pukekawa farm.[7132] Allan confirmed this, stating that he wanted to move to Matakana to farm pigs with a friend of his, but could not do so until there was someone to take over his Pukekawa farm.[7133] Allan subsequently approached Arthur with this proposition.[7134]

2851. Arthur THOMAS stated that he did not know Harvey and Jeannette were married or would

[xlvi] It is believed that there was a ball at the Onewhero Golf Club on about 11 June 1966.

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be farming in Pukekawa until he moved on to his father's farm.[7135] However, THOMAS did know that Harvey and Jeannette were engaged when he saw them at the Onewhero Golf Club Ball in 1966.[7136] It could be that at this time the CREWES' plans to move to the Pukekawa farm would have been known by others in the district. It is therefore possible that THOMAS could have been aware that the CREWES would soon return to the area.

2852. The circumstances described by THOMAS, regarding him turning down a job in Dargaville, cannot be verified by anyone other than his father, as it does not appear that this Dargaville farmer was ever spoken to.

2853. During the four years that the CREWES and the THOMASES lived in the Pukekawa district, Arthur THOMAS commented that he would see Jeannette on occasions in the street in Pukekohe and/or Tuakau,[7137] but they had only spoken once.[7138] According to THOMAS, this occurred at the end of 1969 at Alfred Buckland Limited in Tuakau.[7139]

2854. THOMAS maintained that during the four year period he and Jeannette (and their spouses) lived in the Pukekawa area, he had seen her in Pukekohe and/or Tuakau from time to time.[7140] A Police Jobsheet by Detective PARKES, dated 7 September 1970,[7141] and the evidence of Detective Inspector HUTTON at the second trial,[7142] both suggested that THOMAS had stopped and spoken to Jeannette on the street on multiple occasions. However, THOMAS claimed otherwise. THOMAS stated at both trials that he had seen Jeannette a couple of times on the street,[7143] but had only spoken to her once.[7144] THOMAS estimated that on this occasion they would have spoken for about 15 minutes.[7145] Detective Inspector HUTTON reported in a Police Jobsheet dated 29 October 1970, referring to an interview with THOMAS on 25 October 1970, that he had asked THOMAS why he had never approached Jeannette when Harvey was with her.[7146] THOMAS allegedly *"... shrugged his shoulders and said 'I just didn't bother."*[7147]

2855. On 9 January 2014, Carolyn CHITTY told Detective Senior Sergeant LENDRUM that she, Jeannette and Julie PRIEST were members of the Young Wives Association, Tuakau,[7148] which they attended together, and that the group sometimes organised speakers or demonstrations.[7149] CHITTY recalled one occasion, in about March 1970, when the group organised a demonstration; she had telephoned Jeannette to inform her of this, but said that she would have to telephone back and let Jeannette know where it was to be held.[7150] At this stage, CHITTY stated that Jeannette indicated that she would be attending.[7151] CHITTY stated that when she telephoned back to tell Jeannette that the demonstration was to be held at Vivien THOMAS' home, Jeannette told her that she would not be going.[7152]

2856. When CHITTY was told of Jeannette's reported fearfulness, she stated that the telephone call (above), when Jeannette said she would not go to the demonstration, indicated to her that there was no way Jeannette would go near the THOMASES' house.[7153]

2857. It is likely that the demonstration held at the THOMASES' house was the same event as that described to Detective Sergeant McPHERSON by Yolande WILSON ([redacted] on 13 January 2011.[7154] WILSON stated that in 1970 she had been working in the cosmetics section at Smith & Pulman Pharmacy in Pukekohe when she was asked to give a demonstration to a group of women at Vivien THOMAS' house – just prior to the CREWES' murders.[7155]

2858. Jeannette was considered to be quiet and reserved and, according to Lenard DEMLER, did not show interest in boys until her twenties.[7156] Heather SOUTER shed some light on a potential reason for this. SOUTER stated that Jeannette was a 'big girl' at school and was

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quite self-conscious, but lost a lot of weight when she met Harvey.[7157] Jeannette seems to have led a quiet social life and it does not appear that she had any significant relationship until meeting Harvey in 1963. Although, it does not appear that police made adequate enquiries in 1970 about Jeannette's previous relationships. Police were aware of three men who were said to have been Jeannette's former boyfriends: Gary BROUGHTON (DOB unknown) and Tim SEVILLE (DOB unknown) both of whom were local boys living in the Glen Murray/Tuakau area,[7158] and Alec LANGMEAD (DOB unknown, now deceased), with whom Jeannette possibly associated while in Wanganui.[7159] Surprisingly, there is no record of any of these men being spoken to at the time of the homicide investigation, and no evidence of enquiries being made by police to establish the nature of these relationships.

2859. THOMAS, conversely, claimed that he had a number of girlfriends prior to marriage,[7160] some of whom he was involved with while attempting to court Jeannette. Notwithstanding the fact that THOMAS may have had an ongoing desire to win Jeannette's heart, he clearly elected to engage in other personal relationships, culminating in his engagement and marriage to Vivien THOMAS.

New information

Edward MICHAEL

2860. On 17 November 2010, Edward Austen MICHAEL, known as Austen, ([redacted]) approached Mount Manganui police with information about the CREWE murders.[7161] On 15 February 2011, MICHAEL was spoken to by Detective Sergeant McPHERSON and Detective Sergeant FRANICH.[7162] MICHAEL stated that during the first trial, a 'Mrs KENNEDY' told him that she had gone to Ardmore Teachers Training College with Jeannette.[7163] KENNEDY had also allegedly gone to dances with Jeannette, where she would see Arthur THOMAS at all of the dances that she and Jeannette attended.[7164]

2861. KENNEDY allegedly told MICHAEL that THOMAS would *"... wear a black singlet showing under an open neck white collared shirt and that he would just stand in the door way and stare at Jeannette all the time."*[7165] KENNEDY had described Jeannette 'shuddering' and not wanting to look at THOMAS.[7166] MICHAEL said KENNEDY believed THOMAS would go around all of the dances in the area until he found which one Jeannette was at: *"she described his behaviour as being much like stalking."*[7167]

2862. KENNEDY was identified as Matilda Margaret KENNEDY ([redacted]) and was also spoken to by Detective Sergeant McPHERSON and Detective Sergeant FRANICH.[7168] KENNEDY stated that she remembered talking to MICHAEL about the CREWE murders, but did not recall talking to him about Jeannette being 'stalked' by THOMAS.[7169] KENNEDY stated that she did not know Jeannette well, as she had only seen her at dances, nor did she know THOMAS personally, although she stated: *"We had the odd dance ..."*[7170] KENNEDY said that she remembered THOMAS stood out to her as he would always wear a black singlet under a white shirt while at dances.[7171] She told police that some people called THOMAS 'Arthur' while others called him 'Allan'.[7172] KENNEDY stated that she never attended Ardmore Teachers Training College.[7173]

2863. The combination of a black singlet under a white shirt worn by Arthur THOMAS was addressed during William EGGLETON's evidence at the deposition hearing.[7174] EGGLETON described THOMAS taking a watch for repair to his Pukekohe jewellery shop.[7175] It was inferred by the Crown that this watch had been damaged during the murder of the

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CREWES. EGGLETON described THOMAS wearing a black singlet under an open necked white shirt.[7176] THOMAS asserted that EGGLETON was mistaken in his identification of him and said: *"the only time I wld [sic] wear a black singlet when I go to town wld [sic] be under shirt and tie; I wld [sic] never wear a black sx [sic] singlet to Tuakau or Pukek. [sic] where it is exposed."*[7177] THOMAS stated that there may have been the 'odd occasion' where he wore a black singlet under a shirt and tie, but never would it be exposed.[7178] Beverley BATKIN,[7179] Barry Kingford LOGAN (DOB unknown),[7180] Ian SPRATT,[7181] Lindsay Howard DEIHL (DOB unknown)[7182] and Lloyd FOOTE[7183] all told police that they had seen THOMAS wearing a black singlet under an open necked shirt.

2864. It may be that KENNEDY had seen THOMAS wearing a black singlet under a white shirt at dances. However, it is also possible that KENNEDY picked up on this issue during the trials and it somehow became part of her knowledge of the CREWE murders, which she then relayed to others.

2865. There is no indication as to the year/s in which KENNEDY allegedly attended the same dances as THOMAS and Jeannette. There is no indication on the file, or in various media publications, that THOMAS was ever called, or known by, his middle name – Allan (which was also his father's first name).

2866. KENNEDY's information, if true, adds little to what has already been claimed about THOMAS and Jeannette's attendance at dances.

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11. ANALYSIS OF ENQUIRIES COMPLETED BY ROBERT ADAMS-SMITH QC IN TO THE CREWE MURDERS

Key findings

2867. In 1978 Prime Minister Robert MULDOON commissioned Robert ADAMS-SMITH QC to enquire in to and report upon the CREWE murders. ADAMS-SMITH QC's first report (submitted on 16 January 1979) concluded that Bruce RODDICK was not confused as to which day his sighting of a woman on the CREWES' property occurred (Friday 19 June 1970). ADAMS-SMITH QC stated that, in his view, RODDICK had seen a woman at the property that day, but concluded that RODDICK was unable to identify this woman. Furthermore, ADAMS-SMITH QC stated that there was no proper basis for David YALLOP's assertion that he knew the identity of this woman.

2868. ADAMS-SMITH QC also concluded that Queenie McCONACHIE was not confused as to the day on which she saw a child on the CREWES' property (Saturday 20 June 1970). He stated that, in his view, McCONACHIE had seen a child at the property that day.

2869. In this report, ADAMS-SMITH QC questioned the Crown's assertion that the CREWES were murdered on the evening of Wednesday 17 June 1970. ADAMS-SMITH QC cited the quantity of milk in the CREWES' house and the contents of their delivery box (in addition to the sightings by RODDICK and McCONACHIE) as the basis behind his concerns. However, ADAMS-SMITH QC did not have all available information and was incorrect in his assessment of the quantity of milk and bread in the house and delivery box.

2870. As a result of his first report, the Prime Minister asked ADAMS-SMITH QC to undertake further enquiries. ADAMS-SMITH QC's second report (submitted on 17 December 1979) dismissed his previous suggestion - that the proposed time of death could not have been correct due to the quantity of milk and bread in the house. This time, ADAMS-SMITH QC focused on the CREWES' last meal as the basis behind his assertion that they were not murdered late at night. He asserted that their last meal was more likely to be a breakfast or late lunch. However, an analysis of all information now available indicates that this is unlikely to be the case.

2871. ADAMS-SMITH QC stated: *"There is nothing arising as the result of my investigations which establishes in my opinion, that Arthur Allan Thomas is innocent of the murders ..."* However, he concluded that the contention the murders were committed late at night was a serious flaw in the Crown's case. As a result, although he acknowledged that he had not investigated all aspects of the murders, ADAMS-SMITH QC stated: *"... I have real doubt whether it can properly be contended that the case against Thomas was proved beyond all reasonable doubt."*[7184]

2872. ADAMS-SMITH QC's second report also addressed the identity of the woman allegedly seen by RODDICK on 19 June 1970. He concluded that there was no basis to suspect that Norma DEMLER was involved in the murders, as she was not associated with the Pukekawa district in June 1970. However, with regards to Heather SOUTER, ADAMS-SMITH QC reported that he was unable to come to any satisfactory conclusion regarding her possible involvement, due to documentary evidence from overseas agencies being unavailable.

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SENSITIVE

Robert ADAMS-SMITH QC's first report

2873. David YALLOP's book, *Beyond Reasonable Doubt*, was published in October 1978,[7185] at which time he sent a letter to Prime Minister MULDOON.[7186] Enclosed with the letter was a photograph of Heather SOUTER and the statement *"... I believe that this is the woman that [Bruce] Roddick saw on the Crewe farm ..."*[7187] YALLOP stated that Bruce RODDICK had positively identified the woman in the photograph as being the woman he had seen.[7188] Also accompanying the letter were affidavits relating to the axle (Police Exhibit 293) located beneath Harvey's body.[7189]

2874. The letter from YALLOP regarding the identification of the 'mystery woman' was accompanied by affidavits from five individuals relating to the axle:[7190] Bruce EYRE, John MARTIN, Trevor SALMONS, Robert HILLS, and David BREWSTER. Although these affidavits were provided to the Prime Minister by the same source (YALLOP) and, in conjunction with the alleged identification of 'the woman', could potentially raise doubts as to the guilt of Arthur THOMAS, the affidavits relating to the axle were not included in the investigation commissioned by the Prime Minister.

2875. These affidavits alleged that in 1965[7191] an axle similar[7192] to Police Exhibit 293 had been taken from Allan THOMAS' farm,[7193] later to become Arthur THOMAS' farm, at Mercer Ferry Road, Pukekawa *(see 'an axle removed from the Mercer Ferry Road farm in 1965')*. This information inferred that the axle used to weigh down Harvey's body was not in the possession of Arthur THOMAS in June 1970 and, therefore, he was not the person who murdered the CREWES.

2876. On 24 October 1978, the Prime Minister met with YALLOP,[7194] and the following day released a press statement acknowledging receipt of information relating to the identity of the woman.[7195] The Prime Minister stated that he felt obliged to have any new information examined and that he had engaged a lawyer for that purpose.[7196] He also disclosed that YALLOP had handed him a number of affidavits relating to the axle which he was going to pass on to the appropriate authorities.[7197]

2877. On 26 October 1978, ADAMS-SMITH QC was directed by the Prime Minister to conduct an enquiry[7198] and report specifically upon four points, namely:

> *"i. The identification of the woman named by Mr. Roddick as having been at the Crewe farm on the Friday morning;*
>
> *ii. Any other material that either supported or detracted from the identification;*
>
> *iii. Whether he [ADAMS-SMITH QC] was satisfied as to the reliability of the identification;*
>
> *iv. Any other material bearing upon the question which he [ADAMS-SMITH QC] considered should be explored."*[7199]

2878. This report was submitted on 16 January 1979[7200] and examined both Bruce RODDICK's sighting of a woman on the CREWES' property on the morning of Friday 19 June 1970 *(see paragraph 149)*, and Queenie McCONACHIE's sighting of a child on the CREWES' property on the afternoon of Saturday 20 June 1970 *(see paragraph 377)*.

2879. ADAMS-SMITH QC interviewed RODDICK and found there to be no confusion on RODDICK's part about the day on which the sighting occurred.[7201] ADAMS-SMITH QC stated that in his view there was a woman as described by RODDICK at the CREWES' house on Friday 19 June.[7202] However, ADAMS-SMITH QC concluded that RODDICK was unable

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to identify this woman from that sighting, and *"there was no proper basis for Mr Yallop to state in his book ... that he knew who fed the Crewe child or that he knew the identity of the woman that Bruce Roddick saw on Friday the 19th June 1970."*[7203]

2880. An assessment (unknown author, unknown date)[7204] of the first report commissioned by the Prime Minister identified that ADAMS-SMITH QC had determined the position of the woman seen by RODDICK as standing outside the garden fence.[7205] The author goes on to say that RODDICK's statements to police identified that the woman was 'inside the fence'[7206] or 'inside the fenced area'.[7207] However, a full analysis of RODDICK's statements and evidence given do not give an adequate description of where the woman was on the property *(see paragraph 167)*. It is likely that RODDICK confirmed the actual position to police, but that this was not adequately documented. It must be noted that there were numerous fenced areas on the CREWES' property - there was a fenced paddock which led from the road to another fenced enclosure around the house. A person could be standing 'inside' one fenced area and therefore be 'outside' the other fenced area. Having said this, it is almost certain that the woman was standing inside the fenced paddock - as indicated on a photograph by RODDICK at the RCOI - and was, therefore, outside the fenced garden as described by ADAMS-SMITH QC. Furthermore, RODDICK often described the woman standing near a car,[7208] which could not have been inside the fenced house enclosure.

2881. ADAMS-SMITH QC also interviewed Queenie McCONACHIE and found that there was no confusion on her part about the day on which the sighting occurred.[7209] In his view, there had in fact been a child on the CREWES' property on Saturday 20 June 1970.[7210] In light of these findings, ADAMS-SMITH QC recommended that further enquiries were necessary in respect of this aspect of the case.[7211]

2882. The assessment (unknown author, unknown date) of ADAMS-SMITH QC's first report[7212] also noted that ADAMS-SMITH QC determined that McCONACHIE saw a *"... small child on the path to the house, close by the garden gate."*[7213] An analysis of McCONACHIE's statements and evidence given clearly shows that she said she saw the child near the gate at the roadside, not the gate by the house ('garden gate'). While this incorrect finding by ADAMS-SMITH QC did not impact upon his overall assessment of McCONACHIE's sighting, he put the child at a location approximately 45 metres (147 feet)[7214] further away from McCONACHIE at the time of the sighting. Furthermore, if the vehicle was parked across the house gate, as described by McCONACHIE, she would not have been able to see the child at the house gate. This inaccuracy in ADAMS-SMITH QC's report could impact on opinions drawn as to the accuracy of McCONACHIE's description of the child.

2883. There were further errors in ADAMS-SMITH QC's report relating to the sightings by RODDICK and McCONACHIE. However, these were contained within supporting information and do not appear to have had an effect on the conclusion drawn, although would have misled the reader somewhat.

2884. ADAMS-SMITH QC commented: *"I am concerned not to trespass beyond the bounds of this enquiry but as the sighting of Mr Roddick and Mrs McConnachie [sic] inevitably involved a consideration of the time of the deaths, I have felt obliged to give some consideration to that aspect of the case."*[7215] ADAMS-SMITH QC questioned the Crown's assertion that the CREWES were murdered on the evening of Wednesday 17 June 1970[7216] and referred to the fact that the time of death was fixed by way of circumstantial evidence, rather than scientific.[7217]

2885. ADAMS-SMITH QC drew attention to milk and bread in the CREWES' delivery box, and

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milk found inside the house when the crime scene was discovered, as a basis for questioning the time of death.[7218] He also stated that the evidence given by RODDICK and McCONACHIE of their sightings may be explained if in fact Harvey and Jeannette had not been murdered until the afternoon of Saturday 20 June 1970.[7219] ADAMS-SMITH QC did, however, acknowledge that this would not account for the failure of the CREWES to clear their delivery box on Thursday 18 June, Friday 19 June, and Saturday 20 June 1970.[7220]

2886. Referring to police photographs, ADAMS-SMITH QC reported that there appeared to have been delivery of at least three loaves of bread and five bottles of milk. He commented: *"The contents of the box suggest that deliveries for the 18th, 19th and 20th were made rather than only the two days mentioned by His Honour Mr Justice North in the Court of Appeal."*[7221]

2887. While it is not entirely clear what conclusions ADAMS-SMITH QC drew from this remark, it should be noted that a total of five bottles of milk, three full loaves and two half loaves of bread had been put into the CREWES' delivery box on Thursday 18 June and Friday 19 June 1970.[7222] Milk and bread were not delivered to the CREWES on Saturdays and, as there was no other mail for the CREWES on Saturday 20 June 1970, the *New Zealand Herald* newspaper was thrown out of the delivery man's vehicle on this day as he went past.[7223]

2888. ADAMS-SMITH QC reported: *"The suggestion that the deaths occurred during the evening possibly does not accord with the quantity of milk apparently in the house at the time of the deaths."*[7224] He stated that police photographs showed two full bottles and one half full bottle of milk and suggested that Jeannette would not have been wasteful and, logically, would control the quantity of milk delivered to the home. ADAMS-SMITH QC stated that if the deaths occurred during the evening, he would have expected the quantity of milk remaining in the house to be reasonably low, as a new delivery would be received the next day.[7225]

2889. In fact, at the time the crime scene was discovered, police photographs show that there were five full bottles of milk (two on the kitchen bench and three inside the refrigerator) and one partially full bottle of milk (on the kitchen bench). The quantity of milk in the house suggests that ADAMS-SMITH QC's presumption that Jeannette would only have enough milk delivered to last the day is not supported by the evidence. Furthermore, the inventory of the CREWES' house indicates that there was a large amount of stale bread in the kitchen cupboard (seven loaves and eighteen part loaves).[7226] It is apparent that Jeannette did not limit her order of milk and bread to last only until the next delivery.

2890. Prime Minister MULDOON requested that three recommendations from ADAMS-SMITH QC's report be further investigated and reported upon.[7227] A report by Solicitor-General Richard SAVAGE identified these lines of enquiry as: (i) the time of the murders, (ii) Heather SOUTER's whereabouts at the time of the murders, and (iii) Norma DEMLER's possible involvement.[7228]

Robert ADAMS-SMITH QC's second report

2891. ADAMS-SMITH QC's second report was submitted on 17 December 1979,[7229] most of which was dedicated to an investigation of the time of the CREWES deaths. ADAMS-SMITH QC stated:

> *"I feel that the Crown's contention that it was late at night that Thomas came upon this couple by stealth is not warranted by the evidence as I believe it to be. This is so serious a flaw in the Crown's case, a case based mainly on circumstantial evidence, that I have real doubt whether it can properly be contended that the case against Thomas was proved beyond all reasonable doubt."*[7230]

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2892. He further stated that a great deal of significance had been attached to the evidence of Arthur THOMAS and his whereabouts on the evening of Wednesday 17 June 1970, and ADAMS-SMITH QC believed that this point was 'largely irrelevant' as the actual time of death had not been established.[7231]

2893. ADAMS-SMITH QC argued: *"It is of course possible that the fish meal was the dinner of the 17th June but the evidence is equally, if not more, persuasive that the meal was a breakfast. Indeed it might even have been a late lunch ..."*[7232] According to his analysis, the CREWES could have been murdered in the afternoon of Wednesday 17 June 1970, or the morning of Thursday 18 June 1970.

2894. In his second report to the Prime Minister, ADAMS-SMITH QC acknowledged that two saucepans on the kitchen bench would suggest the cooking of vegetables, but concluded that as the remains of food on the plates in the dining room consisted exclusively of fish, this was all they had eaten at this meal.[7233] The meal consisting only of fish persuaded ADAMS-SMITH QC that the meal was breakfast, or even a late lunch.[7234]

2895. It is known that the CREWES' dining table was clear prior to Jeannette serving tea for Thyrle PIRRETT between 10.30am and 12.00 noon on Wednesday 17 June 1970.[7235]

2896. An examination of the saucepans (Police Exhibits 34 and 120) located on the kitchen bench found that they contained diluted blood stains,[7236] and it has been suggested that these had been used after the murders by the offender/s in an attempt to clean up blood stains on the carpet in the lounge. Nonetheless, it is likely that these were first used by Jeannette in the preparation of a meal, as potatoes[7237] and peas were also cooked.[7238]

2897. After the CREWES' bodies were located, their stomach contents, along with the remains of the fish meals found at the house, were examined by the DSIR. It was found that the only recognisable food present in the stomach contents of both victims were green peas, although the fats present in the stomach of both were identical with that present in the remains of the fish meal.[7239]

2898. The inventory of the CREWES' house indicates that there was a small packet of frozen peas[7240] in the freezing cabinet of the refrigerator and a packet of 'Surprise' peas[7241] (believed to be dried) in a kitchen cupboard. Although the documentation does not indicate if these packets had been opened, it is possible that either of these were the source of peas for their meal.

2899. On the kitchen bench was a potato peeler[7242] and three cooked potatoes on a saucer,[7243] alongside items which had been used to prepare the fish. This indicates that, along with peas, the CREWES had eaten potatoes with the flounder meal. The combination of flounder, potatoes and peas is inconsistent with what would be considered a usual breakfast meal and it is unlikely that this would be considered a light meal, thus, it is almost certain that this was their dinner on Wednesday 17 June 1970. This conclusion is supported by a statement from Lenard DEMLER, that flounder would be a typical evening meal for the CREWES, rather than having flounder for lunch or breakfast.[7244]

2900. In 1980, police also spoke to a number of shearers who had worked on the CREWES' farm, and whose breakfasts and lunches were prepared by Jeannette. John HANDCOCK, Gustavua Forbes HANDCOCK ( ), Raymond Trevor RUSSELL ( ), Mark Hatrick PASSAU ( ) and Leonard Estcourt IRVING ( ) all stated that they had never been served fish for breakfast at

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the CREWES' farm.[7245] Furthermore, all confirmed that in the farming community having fish for breakfast would be unusual.[7246]

2901. ADAMS-SMITH QC believed that the flounder meal was cooked by Jeannette, but felt that he needed to look in to this aspect in more detail. This was due to the fact that (then) Commissioner WALTON, had written to the Prime Minister's Department on 8 February 1979, attributing a key to the date of death being a flounder meal purchased on Wednesday 17 June 1970 from a take-away shop in Pukekohe. This was an error on the part of Commissioner WALTON, and this information had not formed part of the reconstruction of events by police. After further enquiries, including interviewing the witnesses alleging the sale of the fish, ADAMS-SMITH QC was satisfied that the CREWES had not purchased the flounder meal from these witnesses.[7247]

2902. ADAMS-SMITH QC stated: *"Wednesday the 17th June was a wet winter's day with a cold wind blowing from the east."*[7248] However, reports from the Meteorological Service indicated that in Auckland City (the nearest recording station to Pukekawa) between 6.00pm and 12.00 midnight on Wednesday 17 June 1970 there was an unstable north-westerly airflow, occasionally northerly or around to the west/south-west.[7249] It appears that ADAMS-SMITH QC obtained his information regarding the wind direction from Robin DUNLOP, who had apparently told ADAMS-SMITH QC that this was his recollection of the weather nine years previously.[7250]

2903. ADAMS-SMITH QC acknowledged that, at the time of his first report, he considered the quantity of milk found in the house could provide some indication as to the time of death.[7251] However, it appears that since that time he had examined further information regarding the actual quantity of milk found at the house and subsequently came to the belief that it did not assist in establishing the time of death.[7252]

2904. His second report also examined the possible identity of the woman seen on the CREWES' property on Friday 19 June 1970. ADAMS-SMITH QC concluded that there was no basis to suspect Norma DEMLER as being implicated in the murders, as she was not associated with the district at the time.[7253] He was unable to come to any satisfactory conclusion regarding the possible involvement of Heather SOUTER in the murders,[7254] due to documentary evidence from overseas agencies being unavailable.[7255]

2905. In conclusion, ADAMS-SMITH QC stated: *"There is nothing arising as the result of my investigations which establishes in my opinion, that Arthur Allan Thomas is innocent of the murders of Mr and Mrs Crewe"*.[7256] He acknowledged that he had not investigated all aspects of the case and was not aware of what evidence there may be to establish that Arthur THOMAS had the opportunity to commit the murders earlier in the evening of Wednesday 17 June 1970 or the morning of Thursday 18 June 1970.[7257] However, he went on to say: *"... I do not consider that the weight of the evidence establishes the Crewes were murdered late in the evening of the 17th June, and, as this may bear on the conviction of Thomas for the murders, I feel I have a duty to bring this to the attention of the Prime Minister."*[7258]

2906. Contrary to ADAMS-SMITH QC's finding, that he did not believe the weight of evidence established the murders occurred late in the evening of Wednesday 17 June 1970, it is noted that the finding of the RCOI did not question the timing of the murders *(see paragraph 844).*

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Arthur THOMAS pardoned

2907. After receiving ADAMS-SMITH QC's second report, the Prime Minister requested that Solicitor-General SAVAGE comment upon it, and canvass the courses of action open to him.[7259] In a report dated 10 December 1979, SAVAGE suggested there were three options for consideration: (i) pardon or release Arthur THOMAS, (ii) decline to take any action, or (iii) offer to refer the points raised by ADAMS-SMITH QC to the Court of Appeal for the opinion of the court.[7260]

2908. The Solicitor General, in respect of option one stated:

> *"I feel to pardon or release Thomas on the basis of this report would be to make a mockery of our system of justice. Mr. Adams-Smith refers to nothing new; nothing that was not before the Courts on the many occasions that the case has been there. To substitute his opinion, which has been formed as he says without investigating all aspects of the case, for that of the juries and the Courts would in my opinion be quite wrong."*[7261]

2909. The Solicitor-General, in respect of option two stated: *"I recognise that to decline to take any action is probably unacceptable, though in my view it would be justified."*[7262]

2910. The Solicitor-General, in respect of option three stated: *"This course has already been taken before in respect of Thomas. If it were followed then the Government would be acting on the opinion of the Court of Appeal in any action it took and not that of one man who, of necessity, could not hear the opposing points of view argued."*[7263]

2911. The Solicitor-General then suggested:

> *"It could be announced that the Government had received advice from its own legal advisers on the matter but considered that if Thomas felt that he wanted the point raised by Mr. Adams-Smith to be explored then he should apply for the exercise of the prerogative of mercy and the Governor-General would be advised to refer the matter to the Court of Appeal."*[7264]

2912. The report by Solicitor-General SAVAGE highlighted the fact, which was acknowledged in ADAMS-SMITH QC's first report, that he had not examined all of the evidence relating to the time of death.[7265] Furthermore, ADAMS-SMITH had hesitated in raising the matter, appreciating that any trial jury must deal with the totality of the evidence.[7266] The Solicitor-General commented that ADAMS-SMITH QC in fact undertook just what he had cautioned himself against doing, by not considering the totality of the evidence.[7267] The Solicitor-General commented: *"... he [ADAMS-SMITH QC] does not seem to have explored what evidence there was as to whether or not it made a substantial difference to the case against Thomas whether the killing was early evening, the middle hours, or late evening."*[7268]

2913. As a direct result of ADAMS-SMITH QC's report to the Prime Minister,[7269] and despite Solicitor-General SAVAGE's strong recommendation to the contrary, Arthur THOMAS was granted a free pardon on 17 December 1979 by Governor-General Keith HOLYOAKE.[7270] The effect of the free pardon was that THOMAS was *"... deemed never to have committed that offence ..."* - being the murders of Harvey and Jeannette.[7271]

2914. It is significant that ADAMS-SMITH QC decided to enquire in to the time of death of the CREWES. He explained that as the sightings of the woman and child on the CREWES' property inevitably raised the question as to the time of death, he felt consideration of this was required. However, it is clear that sufficient information was not sought by ADAMS-SMITH QC to make a proper assessment of this matter based upon evidence, leading to conclusions drawn which are unsupported by the evidence.

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2915. Furthermore, ADAMS-SMITH QC's comments and suggestions as to why the murders may not have occurred at the time proposed by the Crown were based solely on information that had already been put before the two juries.[7272]

2916. This is concerning as it appears to be ADAMS-SMITH QC's advice to Prime Minister MULDOON on this matter, that the murders occurring in the late evening of Wednesday 17 June 1970 *"... is not warranted by the evidence ..."*,[7273] was the basis for the pardon of Arthur THOMAS being granted. In 1979, the Honourable Martin FINLAY, Minister of Justice in 1973, stated that he was surprised a pardon had been granted as *"it goes beyond Mr Adams-Smith's findings"*.[7274]

2917. There has been ongoing speculation as to why the Prime Minister became involved in the case. Questions around what prompted ADAMS-SMITH QC's investigation to have been ordered have even included speculation as to the timing of subsequent general elections. Newspaper articles from 9 November 1978 (after the first report by ADAMS-SMITH QC was ordered) show that David YALLOP was urging the public to make Arthur THOMAS' case an 'election issue'[7275] and that it was an *"... acute test of credibility of the Prime Minister"*.[7276] On 29 October 1978, an unknown Brisbane Sunday newspaper ran a story commenting: *"With a general election only a month away, this may well be the right time to catch votes with just such a grand act of mercy - and Mr. Muldoon is never slow in judging the vote-worthiness of well-publicised gestures."*[7277]

2918. The next general election was held on 25 November 1978 (prior to the first report by ADAMS-SMITH QC being submitted), after which the National party, led by Prime Minister MULDOON, retained power.[7278] It is not known what effect, if any, the Prime Minister's involvement in the case had on the election.

2919. In his book, *Justice Without Fear or Favour*, Defence Counsel Kevin RYAN confirmed that the Prime Minister had more than a passing interest in THOMAS' case. RYAN reported that between the time of the report by Sir George McGREGOR in February 1972 and August 1972, the Prime Minister had approached RYAN wanting to discuss the case.[7279] RYAN stated that he was *"... staggered by the depth of his knowledge of the THOMAS case"* and described the Prime Minister as 'sympathetic'.[7280] RYAN claimed that on the Prime Minister's advice, he re-submitted a petition, with amendments, to the Governor-General which was successfully referred to the Court of Appeal.[7281]

2920. Furthermore, on 7 August 2013, Peter WILLIAMS QC, who acted as defence counsel for Arthur THOMAS, phoned *Radio Live* and stated that he and Kevin RYAN had spent an evening with Prime Minister MULDOON, where they drank a bottle of whiskey and discussed THOMAS' case in detail.[7282] WILLIAMS QC stated that subsequent to this, the Prime Minister and the Attorney-General, Jim McLAY, waited until the Minister of Police, Frank GILL, (who apparently would have been opposed to this action) was overseas before passing a resolution that THOMAS should be granted a pardon.[7283] He stated that this was then passed by unanimously Cabinet and the Governor-General then granted the pardon.[7284]

2921. Prime Minister MULDOON reported, in his memoir, that while he felt the wrong man had been convicted, (then) Attorney-General McLAY *"... considered that the right man had been convicted by a poor process."*[7285]

2922. Information available does not suggest that the investigation by ADAMS-SMITH QC was ordered for any reason other than the publicity gained by David YALLOP's book and his subsequent meeting with the Prime Minister. It is also known that THOMAS' supporters,

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and members of the public who felt strongly about the case, had been writing to the Prime Minister and Members of Parliament for many years, requesting the Government's intervention.

2923. Questions appear to have been asked, within police ranks, about ADAMS-SMITH QC's suitability to conduct the enquiry. An internal letter dated 15 February 1980 from Detective Inspector M. DERECOURT to Detective Chief Superintendent WILKINSON[7286] detailed ADAMS-SMITH QC's association with an outspoken and active campaigner in the THOMAS case.[7287] It was established that ADAMS-SMITH QC's brother-in-law was Nicholas Lyon GRESSON (DOB 19 December 1939)[7288] who firmly believed that Lenard DEMLER was the person responsible for the murder of the CREWES.[7289]

2924. Furthermore, on 24 June 2000, retired Detective Inspector HUTTON was quoted in a *New Zealand Herald* article commenting upon Prime Minister MULDOON's involvement in the RCOI.[7290] He allegedly stated that Justice TAYLOR's findings were *"... totally governed by interference by [Prime Minister] Muldoon during the hearing."*[7291] It was further reported that HUTTON believed the Prime Minister conferred privately with Justice TAYLOR *"... to ensure that the commission's findings supported the pardon and to divert attention away from the economy."*[7292] It was not detailed what HUTTON based this belief on.

New information

Chris BIRT

2925. In his book, *All the Commissioner's Men,* Chris BIRT claimed that the Commissioners appointed to sit on the RCOI in 1980, Justice TAYLOR,[7293] The Right Honourable John GORDON and The Most Reverend Allen JOHNSTON, Anglican Archbishop of New Zealand,[7294] 'knew' that Police Exhibit 350 had been planted by police before opening its formal proceedings.[7295] BIRT reported: *"... the Royal Commission had gone into its inquiry armed with a crucial piece of evidence, in the form of an alleged 'confession' - more aptly perhaps, an admission - from the late [Detective] Len Johnston as to his part in the planting of exhibit 350."*[7296]

2926. BIRT alleged that the account of this 'admission' had been relayed to him many years later.[7297] He claimed that six months prior to his death, and knowing that he was dying, Detective JOHNSTON confided to Reverend Michael Richard HOUGHTON (DOB 22 August 1929, now deceased) *"... about his involvement in the cartridge case aspect of the Crewe investigation, particularly focusing on his part in securing the conviction of Arthur Thomas."*[7298] BIRT alleged that this information was conveyed to Prime Minister Robert MULDOON after Detective JOHNSTON's death.[7299]

2927. BIRT reported that Gerald RYAN, who was part of Arthur THOMAS' defence team during the second trial, somewhat supported this claim.[7300] Gerald reportedly said to BIRT that his brother, Defence Counsel Kevin RYAN, had heard of the alleged admission and he believed that Kevin had spoken to Reverend HOUGHTON, or someone close to him, about it.[7301] Gerald is also reported to claim that *"quite a few people in legal and political circles in Auckland knew about it at that time ..."*[7302]

2928. BIRT addressed this matter, noting that the appointment of Reverend JOHNSTON to the RCOI had always been viewed as an 'oddity', suggesting that the information regarding this alleged 'confession' to a church Minister may explain his involvement.[7303]

2929. Then, in *The Investigator* programme, Bryan BRUCE interviewed Gerald who stated that he

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had heard a rumour the person involved in the planting of the cartridge case, *"... before he passed away, pointed out that he went to help Bruce [HUTTON]."*[7304] BRUCE commented that the only other person involved in the planting was Detective JOHNSTON and asked Gerald if he was saying that this person was Detective JOHNSTON.[7305] Gerald stated that he was dead now and could not answer for himself, but he had heard that this person said he did it because he was certain that Detective Inspector HUTTON was right and wanted to help his friend.[7306]

2930. Reverend HOUGHTON died on 7 July 2010, thus this version of events cannot be corroborated or refuted by him.

2931. On 31 October 2012, Detective Superintendent LOVELOCK spoke with former Detective JOHNSTON's wife, Margaret Ethel JOHNSTON ([redacted]) about the allegation made by Chris BIRT.[7307] Margaret was unaware that BIRT had published a book which contained claims that Detective JOHNSTON had made a death bed confession, but stated that she had previously heard this rumour.[7308] Margaret said that in about 1979 she had been told, possibly by someone who had worked with Detective JOHNSTON, that a party had been held - possibly by Kevin or Gerald RYAN.[7309] Someone at this party had allegedly said that Detective JOHNSTON made a death bed confession that he had planted the cartridge case (Police Exhibit 350).[7310] Margaret stated that she was 'absolutely horrified' and telephoned Reverend HOUGHTON who, she said, was also horrified.[7311]

2932. Margaret confirmed that Reverend HOUGHTON was their local vicar and indicated that Detective JOHNSTON was not a regular church goer.[7312] However, Reverend HOUGHTON became close with the family around the time that Detective JOHNSTON was ill.[7313] Margaret stated that Reverend HOUGHTON would visit the family about once a week at this time.[7314] She said that when Reverend HOUGHTON visited Detective JOHNSTON she was always present also, commenting that Detective JOHNSTON never had a private conversation with him.[7315]

2933. Margaret said that at the time of their discussion Reverend HOUGHTON assured her that the alleged death bed confession did not happen, that Detective JOHNSTON never said such a thing.[7316] Margaret stated that she did not need this reassurance as she knew that Detective JOHNSTON did not plant the cartridge case.[7317]

2934. Margaret's account of this rumour surfacing corresponded with the later suggestion by Gerald RYAN that Kevin RYAN was aware of this 'confession'. On 29 January 2013, Gerald told Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM that he did not know where Kevin had heard this rumour, and that Kevin had never told him that he had spoken directly to Reverend HOUGHTON.[7318]

Retired Detective Inspector HUTTON

2935. An article published in the *New Zealand Herald*, dated 29 May 2010, detailed an account by retired Detective Inspector HUTTON of a conversation with the former Governor-General, Sir David BEATTIE.[7319] HUTTON alleged that BEATTIE once took him aside at the Trentham racecourse and said: *"Bruce, I just want you to know that having to sign that pardon for [Arthur] Thomas was the hardest thing I've ever had to do in my life. I just want you to know that [Prime Minister] Muldoon insisted."*[7320]

2936. This information was reiterated by HUTTON on 17 January 2012, when he was spoken to by Detective Superintendent LOVELOCK and Detective Senior Sergeant LENDRUM.[7321]

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2937. It was in fact Governor-General Keith HOLYOAKE, acting upon the advice of the Minister of Justice Jim McLAY, who granted a free pardon to Arthur THOMAS on 17 December 1979.[7322] Sir David BEATTIE was appointed Governor-General later, in 1980,[7323] and therefore could not have been responsible for issuing the pardon.

2938. The information allegedly provided by HUTTON in this regard is not supported by facts and is not considered to be reliable.

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Appendix 1 List of people referred to in this document

A

[redacted]	[redacted]
Detective Graham ABBOTT	Officer-in-charge of exhibits for the CREWE Homicide Investigation
Joseph Charles ADAMS	One of two men who located Jeannette CREWE's body in the Waikato River
Robert ADAMS-SMITH QC	Commissioned by Prime Minister Robert MULDOON to enquire in to the CREWE Homicides
D. ALEXANDER	Pukekawa resident
Ernie ALEXANDER	Editor of the *Franklin Times*
Ida Murial ALEXANDER	Former teacher of Bruce RODDICK at Onewhero District High School
Doctor M. ALLSOPP	Specialist Psychiatrist, Tokanui Hospital, Te Awamutu
Diane Clare AMBLER (nee BRIDGER)	Friend of Jeannette CREWE
[redacted]	[redacted]
James ANDERTON	Former neighbour of Roderick RASMUSSEN; husband of Margaret ANDERTON
Margaret Audrey ANDERTON	Former neighbour of Roderick RASMUSSEN; wife of James ANDERTON
Diana Sibley ANDREWS (nee WOOLCOTT)	Friend of Jeannette CREWE
Roy Tai ANDREWS	Burglary offender (1967)
Constable Alan ARNOLD	Police Photographer
Janet AVERY	Friend of Harvey and Jeannette CREWE; wife of William AVERY
William Norman AVERY	Friend of Harvey and Jeannette CREWE; husband of Janet AVERY

B

Detective Constable Edmund BAILEY	Worked of CREWE Homicide Investigation
Detective Inspector A. BAKER	Conducted a review of the CREWE Homicide Investigation in 1970
[redacted]	[redacted]
James Thomas BANKS	Manager of Banks & Moore Ltd (in 1970)
David BARAGWANATH	Counsel assisting Crown Prosecutor David MORRIS
Murray Lindsey BARBER	Subcontractor for Harold REEVE
Trixie BARKER	Vintage car enthusiast
Eric BARON	Adjuster for the State Insurance office
Beverley Joan BATKIN (nee STANDISH)	Friend of Jeannette CREWE
Sir David BEATTIE	Governor-General (in 1980)
Bruce BEETHAM	Social Credit League Leader
Frank Edward Henry BENNETT	Worked on the CHENNELLS estate between about May 1950 and February 1951
Diane BERRY	Typist at Otahuhu Police Station
John Frederick ('Jack') BINSTEAD	Stock Agent for National Mortgage Association, Tuakau

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SENSITIVE

Nancy BINSTEAD	Wife of Jack BINSTEAD
Stephen James BIRD	Member of the Arthur Thomas Retrial Committee Inc.
Christopher ('Chris') BIRT	Author of *The Final Chapter* published in 2001 and *All the Commissioner's Men* published in 2012
[redacted]	[redacted]
Derrick George BOOTH	Former boyfriend of Heather SOUTER
Erle Bryant BOOTH	Client of Dalgety New Zealand Ltd., Palmerston North
Patrick ('Pat') BOOTH	Author of *The Fate of Arthur Thomas: Trial by Ambush* published in 1975
Sergeant BOWMAN	Police Officer in Waihi
G. S. BOWRON	Manager of Dalgety New Zealand Ltd., Tuakau
Clifford BOYD	Technical Officer at New Zealand Industrial Gases Ltd.
Percy Anthony Matthews BRANT	Retired firearms instructor from the New Zealand Army
David Edgar BREWSTER	Shearer on CREWE farm
Jack Britten BREWSTER	Pukekawa resident; owner of the rifle known as C3B
Commissioner Howard BROAD	Commissioner of Police (in 2010)
Irwin BROPHY	Pukekawa resident
Gary BROUGHTON	Alleged former boyfriend of Jeannette CREWE
E. C. BROWN	Possibly visited Ronald CHITTY's farm on Tuesday 9 June 1970
Keith McKenzie BROWN	Stock Agent for Wright Stevenson & Co.
Lloyd BROWN	Solicitor for Lenard DEMLER
Ronald Geoffrey BROWN	Painter and paper hanger employed by Harvey and Jeannette CREWE
William Dunlop Garth BROWN	Pukekohe Dentist
Bryan BRUCE	Producer of *The Investigator* documentary *Who Killed The Crewes?* screened on 17 July 2012
Bruce BUDGE	Employed by Ronald CHITTY
Lindsay Albert BUDGE	Pukekawa farmer; assisted Ronald CHITTY in sowing grass seed
Jocelyn Anne BURLEY	Cousin of Jeannette CREWE
Keith Harwood Nelson BURNS	Burglary offender (1967)
Commissioner Ken BURNSIDE	Commissioner of Police (in 1977)
Detective Sergeant BUTTERWORTH	Shared office with Detective KEITH

C

Doctor Francis CAIRNS	Pathologist
Graham CALVERT	Pukekawa farmer
Detective Sergeant D. CANTELO	Fingerprint examiner
Rodney CARLETON	Nominated his step-father, Roderick RASMUSSEN, as the offender
Roderick Collin CARLYON	Television news editor for TVNZ
Henry Richard CARVER	Possibly same as Peter CARVER
Peter Richard CARVER	Member of the Arthur Thomas Retrial Committee Inc.
Ivan George Mervyn CATHCART	Pukekawa resident; friend of Arthur THOMAS
Doctor Ronald CAUGHEY	Consulting Children's Physician; made an assessment of Rochelle CREWE's condition in 1970

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SENSITIVE

Allan Tom CHADWICK	Accountant at Bank of New Zealand, Tuakau
James CHAPMAN	Former employer of Karl LOBB and Peter COOKSON
Detective Sergeant Michael CHARLES	Worked on the CREWE Homicide Investigation
Howard Geoffrey CHENNELLS	Uncle of Jeannette CREWE; former occupant of CREWES' property
Philip Theodor CHINNERY-BROWN	Associate of Arthur THOMAS
Carolyn Jane CHITTY	Nearest neighbour of Harvey and Jeannette CREWE; wife of Ronald CHITTY
Ronald James CHITTY	Nearest neighbour of Harvey and Jeannette CREWE; husband of Carolyn CHITTY
Keith Hilton CHRISTIE	Former work colleague of Arthur THOMAS at Barr Brothers
Raymond Arthur CLOSEY	Vintage motorcycle enthusiast
Doctor David CLOUSTON	Porirua Mental Hospital
Murray Frederick Charles COLEBOURN	Former employee of Lenard DEMLER
Michael COLGAN	Auckland University Psychologist
Henry Adrian COLLETT	Local veterinarian
Din COLLINGS	Collings and Bradey Gunsmiths, Karori
Minister of Police Michael CONNELLY	Minister of Police (in 1974)
Detective Matthew COOK	Officer-in-charge of Harvey CREWE's body CREWE Homicide Investigation
Peter Frank COOKSON	Provided information to Police in 2012
Robert Wilfred COOMBRIDGE	Carried out own enquiries in to the CREWE Homicides
Detective Senior Sergeant Grant COWARD	New Plymouth Police
Heather Irene COWLEY	Step-daughter of Charles SHIRTCLIFFE
Superintendent Graeme ('Ted') COX	
Minister of Police Bill CRABTREE	Minister of Police, Australia
Margaret CRAWFORD	Participated in identification parade on 30 October 1970
Nancy CRAWFORD	Onewhero District Nurse
Michael CREW	Counsel assisting the RCOI
David Harvey ('Harvey') CREWE	Victim
Jeannette Lenore CREWE (nee DEMLER)	Victim
Marie Lal CREWE (nee HARVEY)	Mother of Harvey CREWE
Rochelle Janeane CREWE	Daughter of Harvey and Jeannette CREWE
William David Candy CREWE	Father of Harvey CREWE
Muriel CRONIN	Mother of Julie PRIEST
James Robert CROTTY	Saw CREWES on Wednesday 17 June 1970
Colleen CROZIER	Provided information to Police in 2010
Barry CRUMP	New Zealand Author
Malcolm CURLEY	Former work colleague of Arthur THOMAS

D

John Elliot DAGG	Stock Agent for National Mortgage Association, Tuakau
Assistant Commissioner DALLOW	Assistant Commissioner (in 1980)
[redacted]	[redacted]

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[redacted]	[redacted]
Detective Sergeant Mervyn DEDMAN	Officer-in-charge of the Fingerprint and Photographic Sections at Auckland
Lindsay Howard DEIHL	Provided information to Police to dispute Arthur THOMAS' evidence
Lenard William DEMLER	Father of Jeannette CREWE
May Constance DEMLER (nee CHENNELLS)	Mother of Jeannette CREWE
Norma Isabel DEMLER (nee THOMAS, previous married name EASTMAN)	Second wife of Lenard DEMLER
Rae DEMPSEY	Provided information to Police in 2011
Robert William DEMPSEY	Husband of Rae DEMPSEY
Wendy DENIZE (nee GIVEN)	Attended Pukekawa dances
Detective Inspector M. DERECOURT	
Ian DEVEREUX	Defence expert; partner of T. J. Sprott & Associates
Luke De VILEGER	Associate of Roderick RASMUSSEN
George DIXON	Proprietor of Pukekohe Car Wreckers (in 1965)
June Gray DONAGHIE	Psychic; visited Bruce RODDICK on behalf of David YALLOP
Detective Senior Sergeant P. DOONE	Previously dealt with Ivan PERKOVICH
Detective Inspector Brion DUNCAN	Conducted interviews in relation to the CREWE Homicide Investigation in 1977
Carolyn Ann DUNCAN	Employee of solicitor's office, Tuakau
Robin William DUNLOP	Pukekawa resident; husband of Ngairie DUNLOP
Ngairie Anne DUNLOP	Pukekawa resident; wife of Robin DUNLOP
Kathleen DODDRELL	Participated in identification parade on 30 October 1970
Fay DOUCHERTY	Wife of William DOUGHERTY
John William DOUGHERTY	Part-owner of Pukekawa Motors Limited
William DOUGHERTY	Owner of Pukekawa Store Limited
Richard Warnock DRAPER	Photographer for the defence
Barbara DUANE	Associate of Arthur THOMAS

E

Anthony John EATON	Friend of Harvey CREWE's from Masterton
Alan EGGLETON	Pukekawa resident
William James EGGLETON	Pukekohe Jeweller
Arthur Donald EGLINTON	Pahiatua resident
John Fred Hinton ELGA	Employee of Hinton's Camera Shop, Pukekohe
Len ELLIOTT	Employee of Brian Jackson (N.Z.) Ltd., Mount Wellington, Auckland
Doctor Robert ELLIOTT	Professor of Paediatrics from the University of Auckland; made an assessment of Rochelle CREWE's condition in 1970
Doctor Albert ELLIS	Director-General, DSIR
Mervyn EVANS	Owner of Owen Evans Limited, Service Station and Garage, Buckland
Annesley Seymour ('Joff') EYRE	Pukekawa resident; father of John EYRE
Bruce Richard EYRE	Pukekawa resident (in 1965)
Colin Ross ('Ross') EYRE	Pukekawa resident; brother of John EYRE
David Alexander EYRE	Brother of John EYRE

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SENSITIVE

Desmond Leonard EYRE	Brother of Bruce EYRE
Henry Annsely Robin EYRE	Stock Agent for Wright Stephenson & Co., Pokeno
John Michael EYRE	Pukekawa resident; had access to rifle C3B on Wednesday 17 June 1970
Margaret Ruth EYRE (nee BROWN)	Pukekawa resident; mother of John EYRE
Phillip EYRE	Brother of John EYRE

F

Dawn Patricia FENNING	Sister of Phillip HEASLIP
Professor Emeritus W. ('George') FERGUSON	Department of Engineering at Auckland University; engaged by the CREWE Homicide Investigation Review Team
Bob FIELD	Friend of Rae DEMPSEY; husband of Margaret FIELD
Margaret FIELD	Friend of Rae DEMPSEY; wife of Bob FIELD
The Hon. Martin FINLAY	Minister of Justice (in 1973)
Robert FISHER	Counsel appearing for the New Zealand Police at the RCOI
David Ross FLEMING	Pukekawa resident; husband of Joceyln FLEMING; father of Robert FLEMING
Jocelyn Alaire FLEMING	Pukekawa resident; wife of David FLEMING; mother of Robert FLEMING
Robert Gordon FLEMING	Eight-year-old Pukekawa resident; son of David and Jocelyn FLEMING
Vivian Joyce FLINTOFF	Participated in identification parade on 30 October 1970
[redacted]	[redacted]
Lloyd Westwood FOOTE	Pukekawa resident; husband of Mary FOOTE
Mary Currie FOOTE	Pukekawa resident; wife of Lloyd FOOTE
Sharon FOWLER	Senior Forensic Scientist, National Ballistics Intelligence Service, Greater Manchester Police, United Kingdom
Lillian Mayfield FOX	Pukekawa resident; wife of Raymond FOX
Raymond Leslie FOX	Pukekawa farmer; property boarded CREWES' property
Doctor Thomas FOX	Children's Physician to the Auckland Hospital Board; made an assessment of Rochelle CREWE's condition in 1970
Detective Sergeant Mark FRANICH	Worked on the CREWE Homicide Investigation Review
Detective Sergeant J. FRASER	Worked on the CREWE Homicide Investigation
Detective Sergeant David FRENCH	Took a statement in relation to the CREWE Homicides in 2006
Constable Arthur FROST	Police Diver
Craig Millais FULTON	Glen Murray resident

G

Everard Charles ('Peter') GARRETT	Pukekawa resident; made alterations to Allan THOMAS' trailer
Norman Wilfred GASKELL	Opuatia resident
Detective Kevin GEE	Worked on the CREWE Homicide Investigation
Detective Chief Inspector P. GENTRY	Auckland CIB
Pauline Margaret GERAGHTY	Employee of Sturrock & Monteith Solicitors, Tuakau

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John Henry GERBOWITZ	One of two men who located Jeannette CREWE's body in the Waikato River
Senior Assistant Commissioner Bruce GIBSON	Officer-in-charge of the Ballistics Unit, Scientific Investigation Section, New South Wales Police, Australia (in 1980)
The Right Honourable John GORDON	A Commissioner of the RCOI; former member of the National Party and former Minister of Labour and State Services
John William GRACIE	Stock buyer for W & R Fletcher Limited
Jim GRAHAM	Employee of D. R. Howells Engineering Limited
Peter William GRAHAM	Electrician employed by Harvey and Jeannette CREWE
Nicholas Lyon GRESSON	Brother-in-law of Robert ADAMS-SMITH QC
[redacted]	[redacted]
James GROUT	Industrial Technologist and Chemist
Detective Inspector Mark GUTRY	Counties Manukau Police

H

Brian HAGEN	Painter who worked on Harvey and Jeannette CREWES' house
Prudence Donaldson HALL	Accompanied June DONAGHIE to visit Bruce RODDICK
Warren HAMLET	Employee of Smith & Caughey's, Auckland
Gustavua Forbes HANDCOCK	Employed as a shearer on CREWE farm
John Raymond ('Jack') HANDCOCK	Employed as manager of the CHENNELLS Estate between about 1 September 1961 and 1 April 1966
Moira Jane HANDCOCK	Wife of Jack HANDCOCK
Grant HANSEN	Unknown
Bert Walter HARRIS	Owner of Te Kauwhata Welding Service
Tony HART	Supplied parts to Charles SHIRTCLIFFE
Anne HARVEY	Participated in identification parade on 30 October 1970
J. F. HASLEM	Possibly provided information regarding Police Exhibit 293
Ronald David HASLEM	Possibly provided information regarding Police Exhibit 293
Dorothy May HAWKER	Wife of James HAWKER
James Gordon HAWKER	Employed as manager of the CHENNELLS Estate between about 1651 and 1961
Kenneth John HAWKINS	Employee of Pukekawa Motors Ltd.
Sonia Mariee HAWKINS	Tuakau resident
Selwyn George HAWTHORN	Licensee of the Kaukapakapa Hotel
Brent Noel HEASLIP	Nominated suspect for woman who was seen on the CREWES' property on Friday 19 June 1970
Phillip Norma HEASLIP	Father of Brent HEASLIP
Peter Lucas HEMI	Pukekawa resident
John HENRY QC	Counsel appearing for the New Zealand Police at the RCOI
Justice Trevor HENRY	Judge who presided over the first trial (in 1971)
John Reginald HENSON	Employee of Erle BOOTH
Grace Dora HESSELL	Boarded with Jeannette in 1960
Robyn HEWLAND	Consultant Psychiatrist
Graeme Robert HEWSON	Eketahuna resident; friend of Harvey CREWE
Detective Constable Leslie HIGGINS	Worked on the CREWE Homicide Investigation
[redacted]	[redacted]

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Stephen Lorenze HILL	Fellow prison inmate of Arthur THOMAS
Lyrice May HILLS (nee THOMAS)	Sister of Arthur THOMAS; wife of Robert HILLS
Robert William HILLS	Mercer resident (in 1965); husband of Lyrice HILLS
John ('Jack') HOBSON	Superintendent of Paremoremo Prison
Tutu HOETA	Pukekohe resident
Governor-General Keith HOLYOAKE	Governor-General (in 1979)
Majorie Clare HORAN (nee McANNELLEY)	Associate of Arthur THOMAS
Allan HOSKING	Grandson of Frederick HOSKING
Brian Frederick HOSKING	Pukekawa farmer
Emily HOSKING	Pukekawa resident; wife of Frederick HOSKING
Gaye Marie HOSKING	Granddaughter of Frederick HOSKING
Frederick George HOSKING	Pukekawa farmer
Kevin Brian HOSKING	Grandson of Frederick HOSKING
Alick HORN	Gave information to author Chris BIRT in regarding the axle
Reverend Michael Richard HOUGHTON	Howick Presbyterian Church
Constable D. HOWARD	Worked on the CREWE Homicide Investigation
Edward John HOWARTH	Friend of Harvey and Jeannette CREWE
Rona HOWARTH	Friend of Harvey and Jeannette CREWE
Ruth HOWARTH	Daughter of Rona and Edward HOWARTH
Heather Angus HOWE	Wife of Richard HOWE
Richard Wayne HOWE	Former employee of Fletchers
Douglas HOWELLS	Owner of D. R. Howells Engineering Limited
Dianne HUGHES	Participated in identification parade on 30 October 1970
Detective Sergeant John HUGHES	Officer-in-charge of suspect in the CREWE Homicide Investigation
Keith HUNTER	Author of *The Case of the Missing Blood Stain* published in 2012
Margaret HUNTER	Glen Murray resident; wife of Milton HUNTER
Milton Keith HUNTER	Glen Murray resident; husband of Margaret HUNTER
Detective Inspector Bruce HUTTON	Officer-in-charge of the CREWE Homicide Investigation

I

Mr IMPERATRICE	Solicitor acting for Bruce RODDICK
Anthony Baker INSOLL	Owner of a green Chrysler Valiant
Alexander Harling Reid IRVINE	Glen Murray farmer
Leonard Estcourt IRVING	Employed as a shearer on CREWE farm

J

Minister of Justice Roy JACK	Minister of Justice (in 1972)
[redacted]	[redacted]
Agnes JAMIESON	Fortune Teller
Allan Frederick JAMIESON	Possibly same as Alan JAMIESON
Beverly JAMIESON	Employee of Ryan & Pollock Limited, Pukekohe
Detective Sergeant Murray JEFFRIES	Officer-in-charge of the crime scene on the CREWE Homicide Investigation
Paul Gregory JELLICK	Son of Beverly MULLINS

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Professor Carole JENNY	Professor of Paediatrics at the Warren Alpert Medical School of Brown University, Rhode Island, USA; engaged by the CREWE Homicide Investigation Review Team in 2012
The Most Reverend Allen JOHNSTON	A Commissioner of the RCOI; Anglican Archbishop of New Zealand
Detective Lenrick JOHNSTON	Worked on the 1970 CREWE Homicide Investigation
Margaret Ethel JOHNSTON	Wife of Detective JOHNSTON
Bruce JONAS	AMP Agent of Bruce Jonas Ltd.
Alfred JONES	Painter and paper hanger employed by Harvey and Jeannette CREWE
Detective Inspector Philip JONES	New Zealand Police Liaison Officer, Sydney, Australia
Edith May JUDGE	Friend of Jeannette CREWE

K

Detective Stanley KEITH	Worked on CREWE Homicide Investigation
Eunice Elvie KELE	Provided information to Police in 2010
Sergeant B. KEMP	Worked on the CREWE Homicide Investigation
Matilda Margaret KENNEDY	Provided information to Police in 2010
Keith Harold KENYON	Glen Murray resident; husband of Marie KENYON
Marie Isobel Barbara KENYON	Glen Murray resident; wife of Keith KENYON
David Simon KERUSE	From Birkdale, Auckland; identified the axle (Police Exhibit 293) as a Nash model
[redacted]	[redacted]
Howard KEYTE	Counsel assisting the RCOI
Roy KILKOLLY	Former neighbour of Harvey and Jeannette CREWE
Frederick Charles KING	Former employer of Arthur THOMAS
Owen KINGI	Burglary offender (1967)
Joan KNIGHT	Friend of Anne RASMUSSEN
Lynn KNIGHT	Participated in identification parade on 30 October 1970
Maude KNOX	Friend of Marie CREWE
Lisa KOBOVICH-SHAW	Former employee of Colleen CROZIER
Bernard KYLE	Specialist, Grafton Medical Centre

L

Patricia Ann LANE	Friend of Jeannette CREWE
Alec LANGMEAD	Alleged former boyfriend of Jeannette CREWE
Beverley Margaret LAPWOOD (nee WRIGHT)	Provided information to Police in 2010
Norman Bernard LAPWOOD	Tuakau resident
Alfred Warren LAWRENCE	Employee of Ornstien & Greenwell's Garage and Service Station, Pukekohe
Odette Vivienne LEATHER	Claimed her telephone had been tapped
David Bruce LEMAN	Friend of Vivien THOMAS
Detective Senior Sergeant Gary LENDRUM	2IC of CREWE Homicide Investigation Review
Constable Mark LEYS	Enquiry Office, Auckland Central

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Charles Henty Rupert LIDDELL	Former work colleague of Arthur THOMAS
Doctor John LIGHTBODY	Tuakau based doctor
Jean Christina LIND (previous married name RASMUSSEN)	Wife of Roderick RASMUSSEN (in 1970)
Kenneth John LINDBERG	Pukekawa resident
Karl Courtney LOBB	Pukekawa Resident (in 1970)
Iris Rosamond LOCKETT	Wife of Roderick LOCKETT
Roderick Ernest Barnett LOCKETT	Retired engineer; husband of Iris LOCKETT
John Campbell McGregor LOCKHART	Bombay resident; held stock clearance sale on Wednesday 17 June 1970
Barry Kingford LOGAN	Provided information to Police to dispute Arthur THOMAS' evidence
Mervyn LORIGAN	Taxi Driver
Detective Superintendent Andrew LOVELOCK	Officer-in-charge of the CREWE Homicide Investigation Review
Doctor Samuel LUDBROOK	Crippled Children's Society; made an assessment of Rochelle CREWE's condition in 1970
David LYE	The CREWES' Dentist

M

Dianne MACASKILL	Of Archives New Zealand
Joseph Stephen MacKAY	Previous employee of Lenard DEMLER
Clare Maureen MacGEE	Friend of Jeannette CREWE
Helen MAGEE	Former owner of hair salon 'Hairsay', Howick
Christina Margaret MANSFIELD (nee DICK)	Former hairdresser at 'Hairsay', Howick
Alwyn MARSHALL	Employee of D. R. Howells Engineering Limited
David Charles MARSHALL	Had flat tyre on Highway 22, Pukekawa on Sunday 21 June 1970
Jill Christine MARSHALL	Employee of D. R. Howells Engineering Limited
Winifred Ann MARSHALL (nee RHIND)	Wife of David MARSHALL
Detective Charlotte MARTIN	Counties Manukau Police
Graeme Frewin MARTIN	Papatoetoe resident
John Lyall MARTIN	Pukekawa resident
James McEwan MASON	Friend of Harvey CREWE
Kenneth Ian MAY-SOMERVILLE	Employee of Glen Murray Motors Ltd.
Judith Ann McANALLY	Employee of NIMU Insurance Company, Pukekohe
Malcolm Sutherland McARTHUR	Secretary of the Arthur Thomas Retrial Committee Inc. (in 1972)
Inspector Robert McCARTHY	New South Wales Police Ballistics Section
Maurice Dale McCONACHIE	Pukekawa resident; allegedly saw a child on the CREWES' property on Saturday 20 June 1970; husband of Queenie McCONACHIE
Queenie McCONACHIE (nee TONGA)	Pukekawa resident; allegedly saw a child on the CREWES' property on Saturday 20 June 1970; wife of Maurice McCONACHIE
Ian McDONALD	Director, Chemistry Division, DSIR
Sir George McGREGOR	Retired Supreme Court Judge

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J McGREGOR	Ministry of Foreign Affairs
Ella Veronica McGUIRE	Wife of George McGUIRE who was Mayor of Tuakau
George Abraham McGUIRE	Mayor of Tuakau
Laurence Francis McGUIRE	Pukekawa resident
John Charles McKENZIE	Field Supervisor with the Franklin County Pest Destruction Board
Peter McKINNON	Accompanied June DONAGHIE to visit Bruce RODDICK
Justice McMULLIN	One of five Judges who presided over the second referral hearing
Minister of Justice Jim McLAY	Minister of Justice (in 1980)
[redacted]	[redacted]
Detective Sergeant Veronica McPHERSON	Worked on CREWE Homicide Investigation Review
[redacted]	[redacted]
Detective MEIKLE	
Senior Sergeant G. MELVILLE	Worked on CREWE Homicide Investigation
Detective Constable Brian METCALF	Worked on the CREWE Homicide Investigation
Constable Alan ('Ross') MEURANT	Worked on the CREWE Homicide Investigation
[redacted]	[redacted]
Isobel Elizabeth MIDGLEY	Daughter of Agnes JAMIESON
Matthew Robson Scott MILBURN	Stud Stock Agent for Dalgety New Zealand Ltd., Palmerston North
E. MILLER	Allegedly purchased tyres from Roderick RASMUSSEN
Constable H. MILLER	Police Diver
Ian MILLER	Deputy Registrar at the Auckland Supreme Court
Doctor Neville MILLER	Group leader of the Engineering Materials Group, DSIR, Auckland
Detective Sergeant MILLS	Made enquiries relating to the CREWE Homicide Investigation
Sergeant Nick MILSUM	Worked on the CREWE Homicide Investigation
David MITCHELL	Employee of Tuakau Stationary Centre
Douglas Gillies MONTEITH	Partner in firm Sturrock & Monteith Solicitors, Tuakau
David Lindsay MONTGOMERY	Pukekawa resident
Joseph Gerald MOORE	Stock Agent for National Mortgage Association, Tuakau
Crown Prosecutor David MORRIS	Crown Prosecutor at depositions hearing, first trial (in 1971) and second trial (in 1973)
Doctor Paul MORROW	Forensic Pathologist, National Forensic Pathology Service, New Zealand; engaged by the CREWE Homicide Investigation Review Team in 2013
Professor Neil MOWBRAY	Consultant in forensic and general matters of professional engineering
The Right Honourable Robert MULDOON	Prime Minister of New Zealand (1980)
Beverly MULLINS (previous married name JELLICK)	Former neighbour of Roderick RASMUSSEN; wife of Maurice MULLINS
Maurice MULLINS	Former neighbour of Roderick RASMUSSEN; husband of Beverly MULLINS
Thomas Ashe MURPHY	Pukekawa resident

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Brian Frederick MURRAY	Pukekawa resident
Randolph Stuart MURRAY	Director of Churchill Atkin Grant & Lang Limited, gun makers of England

N

Solicitor-General Paul NEAZOR	Solicitor-General of New Zealand (in 1981)
Doctor Donald NELSON	Government Analyst, Chemistry Division, DSIR
Lewis Maxwell NELSON	Former employee of Lenard DEMLER
Robert NGAMOKI	Officer-in-charge of the Police Armoury
Detective Senior Sergeant P. NICKALLS	Made enquiries relating to the CREWE Homicide Investigation
Babette NICOLLE	Associate of Arthur THOMAS
Detective Ivan NU'U	Present when exhibits examined on 22 August 1972

O

Terrence Cuthbert Neill O'BRIEN	Former employee of Lenard DEMLER
Detective Senior Sergeant Patrick O'DONOVAN	Reviewed the CREWE Homicide Investigation in 1970
Detective O'NEILL	Made enquiries relating to the CREWE Homicide Investigation
Phillip Ross ORNSTIEN	Proprietor of Ornstien & Greenwell Ltd., Pukekohe
Secretary for Justice G. ORR	Secretary for Justice (in 1977)
Joy ORR (nee RASMUSSEN)	Sister of Roderick RASMUSSEN
Noel OTTAWAY	Former colleague of Roderick RASMUSSEN
Assistant Commissioner Bill OVERTON	Assistant Commissioner (in 1978)

P

Judge PAIN	Sentenced Ivan PERKOVICH in 1980
Constable John PANOHO	Worked on CREWE Homicide Investigation
Robert Hugh PARKER	Former colleague of Arthur THOMAS
Detective Bruce PARKES	Worked on CREWE Homicide Investigation
Detective Kristjana PARKES	Completed enquiries on behalf of the CREWE Homicide Investigation Review
Alfred John PARTRIDGE	Proprietor of Tuakau Wreckers
June Rose PARTRIDGE	Provided information to Police in 2011
Mark Hatrick PASSAU	Employed as a shearer on CREWE farm
Valerie Dawn PAULSEN (nee CROUCH)	Attended Pukekawa Primary School
Constable Lester PAYN	Worked on CREWE Homicide Investigation
David John Francis PAYNE	Pukekawa resident
Denby PEAKE	Waihi farmer
Ellis Joseph PENNEY	Friend of Desmond THOMAS
[redacted]	[redacted]
Justice Alan PERRY	Judge who presided over the second trial (in 1973)
Detective Superintendent Nick PERRY	National Crime Manager
James Hamish PIRRETT	Husband of Thyrle PIRRETT; friend of DEMLER family

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Thyrle Daisy Amon PIRRETT	Acquaintance of Harvey and Jeannette CREWE
Virginia PIRRETT	Daughter of James and Thyrle PIRRETT
Dennis George POLLARD	Husband of Willy-Maryke POLLARD
Willy-Maryke ('Willy') POLLARD	Friend of Beverly MULLINS; wife of Dennis POLLARD
Hugh Arnold POLLOCK	Former employer of Arthur THOMAS
Governor-General Sir Arthur PORRITT	Governor-General (in 1971)
Nicholas POWELL	Forensic & Industrial Science Limited
Ombudsman Sir Guy POWLES	Ombudsman (in 1970)
Peter PRESCOTT	Principal Scientific Officer, Head of Ballistics Section, Home Office Forensic Science Laboratory, Nottingham, United Kingdom
George PRICE	Principal Scientific Officer, Head of Ballistics Section, Home Office Forensic Science Laboratory, Nottingham, United Kingdom
Gregory PRIEST	Son of Owen and Julie PRIEST
Julienne Merle PRIEST 'Julie'	Near neighbour of the CREWES; allegedly heard shots on the evening of Wednesday 17 June 1970
Owen Lawrence PRIEST	Near neighbour of Harvey and Jeannette CREWE; husband of Julie PRIEST
Hendrikis van der PUTTEN	Proprietor of the vegetable stall used by Jeannette CREWE

Q

David John QUINN	Nephew of Maurice McCONACHIE

R

Lynnette Jean RAMSEY	Pukekawa resident
Detective Senior Sergeant David RANSOME	Forensic Ballistics Section, Scientific Investigation unit, New South Wales Police, Australia (in 1980)
[redacted]	[redacted]
Ken RASMUSSEN	Son of Roderick RASMUSSEN
Rick RASMUSSEN	Son of Roderick RASMUSSEN
Roderick McLeod RASMUSSEN	Removed axle (Police Exhibit 293) from Allan THOMAS' trailer in 1965
Benjamin RATU	Burglary offender (1967)
Harold REEVE	Builder employed by Peter GRAHAM
Edna Dorothy RENTON	Glen Murray resident
Lindsay Stuart RICHARDSON	Burglary offender (1967)
Brian ROBERTS	Fellow prison inmate of Arthur THOMAS
Detective John ROBERTS	Worked on the CREWE Homicide Investigation
Allan Leslie ROBINSON	Previously employed on Ronald CHITTY's farm
Allan Edwin RODDICK	Brother of Bruce RODDICK
Bruce Michael RODDICK	Employed on Ronald CHITTY's farm on Friday 19 June 1970; allegedly saw a woman on the CREWES' property on this day
Elsa RODDICK	Mother of Bruce RODDICK
Francis William RODDICK	Father of Bruce RODDICK
Graham RODDICK	Brother of Bruce RODDICK

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Brian ROONEY	Solicitor acting on behalf of Desmond THOMAS
Detective Superintendent Malcolm ROSS	Auckland CIB
Raymond Trevor RUSSELL	Employed as a shearer on CREWE farm
Gerald RYAN	Defence counsel assisting Kevin RYAN at the second trial; brother of Kevin RYAN
Kevin RYAN	Defence counsel for Arthur THOMAS at second trial in 1973 and acted on his behalf at RCOI
Detective RYAN	Worked in the Auckland Central CIB in 1970

S

Trevor John SALMONS	Pukekawa resident (in 1965)
[redacted]	[redacted]
Solicitor-General Richard SAVAGE	Solicitor-General of New Zealand (in 1976)
Doctor SAVAGE	Oakley Hospital, Auckland
Cesteven Cother SAXTON	Te Kauwhata resident
David SCHNAUER	Counsel acting for the DSIR and Justice Department at the RCOI
Lorna SCHOFIELD	Former girlfriend of Arthur THOMAS; mother of THOMAS' first child (unconfirmed)
Detective Senior Sergeant Leslie SCHULTZ	2IC of the CREWE Homicide Investigation
Detective Chief Inspector Bruce SCOTT	
[redacted]	[redacted]
Leonard Rex SCOTT	Matira resident
Stewart Alan SCOTT	Accompanied June DONAGHIE to visit Bruce RODDICK
Detective Sergeant Philip SEAMAN	Worked on the CREWE Homicide Investigation
Tim SEVILLE	Alleged former boyfriend of Jeannette CREWE
Trevor John SIMONS	Employee of Lawson Hunter Motors Limited, New Plymouth
Brian SHANAHAN	Assistant to Brian SLY
Rory SHANAHAN	Scientist, Chemistry Division, DSIR
Peter Campbell SHEFFIELD	Colleague of Keith CHRISTIE
Brian SHENKIN	Solicitor for Lenard DEMLER
Claude Ernest SHEPHERD	Glen Murray resident
Emmett SHIRLEY	Local delivery man who distributed bread, milk and mail in Pukekawa
Charles Eric SHIRTCLIFFE	Te Puke resident; built trailer later owned by Allan THOMAS
Brian SLOANE	Son of Claude SLOANE
Claude SLOANE	Provided information to Police in 1980
Brian Keith SLY	Registered Surveyor for the Lands and Survey Department
Robert SMELLIE QC	Counsel appearing for the DSIR and the Justice Department before the RCOI
Allan Leslie SMITH	Provided information to Police in 2010
Edward Albert SMITH	Pukekawa resident
Margaret Ann SMITH	Friend of Vivien THOMAS
Ruben Abbotsford SMITH	Sold flounder to Harvey CREWE on Sunday 14 June 1970

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Diane Heather ('Heather') SOUTER (nee DEMLER)	Sister of Jeannette CREWE
Robert Burns SOUTER	Husband of Heather SOUTER
Constable Paul SPENCE	Police Diver
Senior Sergeant Wendy SPILLER	Worked on the CREWE Homicide Investigation Review
Ian Dick SPRATT	Near neighbour of Harvey and Jeannette CREWE
Peggy Myrtle SPRATT	Near neighbour of the CREWES; wife of Ian SPRATT
Alison Margaret SPROTT	Secretary of Doctor Jim SPROTT
Doctor Thomas ('Jim') SPROTT	Scientist working with Arthur THOMAS' defence team
Detective Senior Sergeant SQUIRES	Takapuna CIB
John STANSELL	Farm appraiser for State Advances Corporation of New Zealand
Ronald Arthur STABLER	Inspector for the Franklin Electric Power Board
Doctor John STAVELEY	Medical Officer-In-Charge of the Auckland Blood Transfusion Service Forensic Blood Group Unit
Theodorus STEENKAMER	Former business partner of Roderick RASMUSSEN
Detective C STERLING	Transported exhibits relating to the CREWE Homicide Investigation
Constable Barry STEVENS	Police photographer
Audrey STEVENSON	Friend of Norma DEMLER; wife of Jack STEVENSON
Jack STEVENSON	Friend of Norma DEMLER; husband of Audrey STEVENSON
[redacted]	[redacted]
William Henry STEVENSON	Resident of Ellerslie, Auckland
Henry Roger ('Buster') STUCKEY	Brother-in-law of Arthur THOMAS; husband of Margaret STUCKEY
Margaret Esther STUCKEY (nee THOMAS)	Sister of Arthur THOMAS; wife of Buster STUCKEY
Colin Rankin STURROCK	Solicitor of Sturrock & Monteith, Tuakau
Jessie Lorne SUISTED	Godmother of Harvey CREWE
William Robert Richmond SUISTED	Friend of the Pahiatua CREWE family
Janet Isobel SUTHERLAND (nee KING)	Boarded with Jeannette in Maramarua

T

Rakena TAI	Pukekohe resident
The Honourable Robert TAYLOR	Chairman of the RCOI; retired Judge of the Supreme Court of New South Wales, Australia
Stuart Charles TAYLOR	Friend of the Pahiatua CREWE family
Paul TEMM	Arthur THOMAS' defence counsel at the first trial (in 1971)
Allan Glyndwr THOMAS	Father of Arthur THOMAS
Arthur Allan THOMAS	Convicted of the murders of Harvey and Jeannette CREWE
Clarence Meredith THOMAS	Father of Peter THOMAS
David James THOMAS	Former employee of Lenard DEMLER
Desmond Lance THOMAS	Brother of Arthur THOMAS
Grant Richard THOMAS	Pukekawa resident
Hazel Joyce THOMAS	Mother of Peter THOMAS
Ivy Florence THOMAS (nee WILKINS)	Mother of Arthur THOMAS
Joyce THOMAS (nee PENNEY)	Ex-wife of Richard THOMAS

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Lloyd Paul THOMAS	Brother of Arthur THOMAS
Noelene Peggy THOMAS (nee DEMLER)	Sister of Lenard DEMLER
Patricia Robyn THOMAS	Wife of Raymond THOMAS
Peter Renton THOMAS	Cousin of Arthur THOMAS; boarding with Arthur and Vivien THOMAS in June 1970
Raymond Brian THOMAS	Brother of Arthur THOMAS
Richard John THOMAS	Brother of Arthur THOMAS
Rosemary Jeanette THOMAS	Aunt of Arthur THOMAS
Theo Brian THOMAS	Brother of Norma DEMLER
William Gladstone Colin THOMAS	Uncle of Arthur THOMAS
Vivien Susan THOMAS (nee CARTER)	Wife of Arthur THOMAS
James Selby THOMPSON	Former employee of Roose Shipping
Assistant Commissioner K. THOMPSON	Assistant Commissioner (in 1977)
Minister of Justice D. THOMSON	Minister of Justice (in 1976)
Susan Diana THOMSON	Owner of hair salon 'Hairsay', Howick
Harry TODD	Scientist, Chemistry Division, DSIR, Wellington
Donald TONGA	Pukekawa farmer
Emma TONGA	Pukekawa resident
Gordon TONGA	Pukekawa farmer
Jack TONGA	Brother of Donald TONGA
Detective Sergeant James TOOTILL	Worked on the CREWE Homicide Investigation
Betty TURNER	Friend of Jeannette CREWE
Beverly Elizabeth TURNER (nee CREWE)	Sister of Harvey CREWE

U

V

Detective Superintendent Win van der VELDE	National Crime Manager (in 2006)
George Patrick Field ('Pat') VESEY	Uncle of Vivien THOMAS; member of the Arthur Thomas Retrial Committee Inc.; husband of Joyce VESEY
Joyce VESEY	Aunt of Vivien THOMAS; wife of Pat VESEY
Neil VESEY	Son of Pat and Joyce VESEY

W

Murray WAINWRIGHT	Employee of D. R. Howells Engineering Limited
Inspector John WALKER	National Forensic Services Advisor
Kevan WALSH	Case Manager, Physical Evidence, Institute of Environmental Science & Research Limited
William James WALTERS	Proprietor of Chapman's Garage
Assistant Commissioner Robert WALTON	Assistant Commissioner (in 1970)
Superintendent S. WARD	Superintendent of Paremoremo Prison
[redacted]	[redacted]
Gerhard WEAVERS	Employee of the Institute of Environmental Science & Research Limited
Brain WEBB	Defence counsel assisting Paul TEMM at the first trial (in

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	1971)
Beverley WEBSTER	Participated in identification parade on 30 October 1970
Frederick Thomas WELCH	Manager of National Mortgage Association, Tuakau
John WEST	Document Examiner, New Zealand Police
David Ririkore WHAREPOURI	Fellow prison inmate of Arthur THOMAS
Aileen WHITEMAN	Plunket Nurse
Doctor WHITTINGTON	Psychiatrist
Gordon Alan WHYTE	Pukekohe resident; previous owner of Allan THOMAS' trailer
Patricia WHYTE	Wife of Gordon WHYTE
Constable Dennis WILBY	Police Officer in Waihi
Edward Bently WILD	Chief Fire Officer, Tuakau Fire Brigade
Detective Chief Superintendent Brian WILKINSON	Regional Coordinator, Auckland CIB (in 1980)
David John WILLIAMS	Pukekawa resident
Gary WILLIAMS	Principal Technologist, Slabmaking, New Zealand Steel
Peter WILLIAMS QC	Counsel acting on behalf of Arthur THOMAS at the RCOI
Anthony George WILLIS	Husband of Barbara WILLIS
Anthony John WILLIS	Husband of Beverley WILLIS
Barbara Florence WILLIS	Pukekawa resident; cared for Rochelle CREWE after she was found on Monday 22 June 1970
Beverley Ann WILLIS (nee BARRY)	Friend of Jeannette CREWE
Gerard WILLIS	Pukekawa resident
Stan WILSON	Husband of Yolande WILSON
Yolande WILSON	Held cosmetics demonstration at Arthur and Vivien THOMAS' home
Constable J. WINNARD	Made enquiries on behalf of the CREWE Homicide Investigation
Ian WISHART	Author of *Arthur Allan Thomas: The Inside Story* published in 2010
Detective Constable George WOOD	Worked on CREWE Homicide Investigation
Neville WRAN	Premier of New South Wales, Australia
Ronald James WRIGHT	Transport Foreman of Tuakau Transport Limited
Constable Gerald WYLLIE	Worked on the CREWE Homicide Investigation
Nola WYLIE	Participated in identification parade on 30 October 1970

X

Y

David YALLOP	Author of *Beyond Reasonable Doubt* published in 1978
Raymond Frank YEARBURY	Employed as a shearer on CREWE farm
William John YEARBURY	Employed as a shearer on CREWE farm

Z

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Appendix 2 Intelligence gaps

Below is a list of intelligence gaps identified during the course of the review. This list is by no means exhaustive, but gives an example of questions that remain unanswered.

- Who killed Harvey and Jeannette CREWE?
- Was there more than one offender?
- Who was the primary target, Harvey or Jeannette CREWE, or both?
- Why was Rochelle CREWE not killed also?
- What was the contents of the letter Jeannette CREWE wrote to Beverley WILLIS on 13 June 1970?
- What time of day did Carolyn CHITTY borrow potatoes from the CREWES (about 10 days prior to the murders)? What had the CREWES been doing at this time? What was their response to her unexpected arrival at the house? Did CHITTY return to the property to replace the potatoes she borrowed?
- Why was Jeannette CREWE making enquiries about reducing the insurance for their vehicle?
- How often did Lenard DEMLER join the CREWES for dinner?
- Did Beverley BATKIN telephone the CREWES' house on Wednesday 17 June 1970 as she alleged?
- Did Harvey and Jeannette CREWE stop off at Pukekohe on their way home from the stock clearance sale on Wednesday 17 June 1970?
- Did Harvey and/or Jeannette CREWE see Arthur and/or Vivien THOMAS in Pukekohe on Wednesday 17 June 1970?
- Was Bruce RODDICK's sighting of a woman on the CREWES' property on Friday 19 June 1970 accurate? If so, who is this woman? Why was she there?
- Did Police check Ronald CHITTY's wage book in 1970 for references to days which Bruce RODDICK was employed?
- What clothing was Thyrle PIRRETT wearing at the time she visited the CREWES' home on Wednesday 17 June 1970?
- When did Lenard DEMLER and Norma DEMLER begin a relationship?
- What were Norma DEMLER's movements on Friday 19 June 1970?
- Could Peter THOMAS have fitted the description of the woman seen on the CREWES' property on Friday 19 June 1970?
- Was Queenie McCONACHIE's sighting of a child on the CREWES' property on Saturday 20 June 1970 accurate?
- Was Rochelle CREWE the child seen by Queenie McCONACHIE on Saturday 20 June 1970? If so, who was present to facilitate Rochelle leaving the house and changing her clothes? What was the purpose of this?
- Were Harvey and/or Jeannette CREWE intending to attend the rate-payer's meeting at the

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SENSITIVE

Pukekawa Hall on the evening of Wednesday 17 June 1970?

- What is the identity of the vehicle that visited the CREWES' property and left tyre impressions in the mud, as seen by Frederick HOSKING on Wednesday 17 June 1970 or Thursday 18 June 1970?
- What type of vehicle did the delivery man, Emmett SHIRLEY, drive?
- Is Karl LOBB's reported sighting of Arthur THOMAS' car and trailer outside the CREWES' home on Thursday 18 June 1970 accurate?
- Who did Raymond FOX allegedly see driving on Thursday 18 June 1970, whom he identified as Jeannette CREWE?
- Who else in the area owned a similar car to that owned by Harvey and Jeannette CREWE?
- What is the identity of the vehicle and occupant/s seen by Gordon TONGA outside the CREWES' property on the evening of Friday 19 June 1970?
- What is the identity of the vehicle and occupant/s seen by Tutu HOETA outside the CREWES' property on Saturday 20 June 1970?
- Was the CREWES' car put away in the garage by either Harvey or Jeannette CREWE on the evening of Wednesday 17 June 1970, prior to their deaths?
- Did anyone drive the CREWES' car after Harvey and Jeannette CREWE were dead?
- What is the identity of the vehicle and occupant/s seen by Milton and Margaret HUNTER in the layoff near the CREWES' property on Sunday 21 June 1970?
- Why was the outside light at the CREWES' house on (when the crime scene was located on Monday 22 June 1970)? Who turned this on?
- Was there a light in the wool shed on the CREWES' property?
- Why did the offender/s attempt to clean up blood stains at the crime scene? Was this done by one or more people?
- Did the offender/s attempt to clean up immediately after the murders, or did they return to the crime scene later to do this?
- What item did the offender/s use to wipe up the blood? What happened to this?
- Why did the offender/s burn a cushion and a mat in the fireplace?
- Was it usual for the key to the CREWES' back door to be located in the outside of the lock? If not, why was it there when the crime scene was discovered? Where was the key usually kept?
- Was the back door to the CREWES' house locked when the crime scene was discovered on Monday 22 June 1970?
- What time of the day did the CREWES' usually collect bread and milk from their delivery box?
- Was Rochelle CREWE fed during the period between her parents' murders and the time she was discovered? If so, who fed her? What was she fed?
- Was the shot that killed Harvey CREWE fired through the kitchen louvre window?
- Who opened the louvre window in the kitchen and why?

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- What happened to the cartridge cases from the fatal bullets?
- How long had the CREWES' clothes dryer been on? Why was it on?
- Is the positioning of furniture in the CREWES' house as seen in photographs identical to the positioning when the crime scene was discovered?
- Was there a welcome visitor to the CREWES' house on the evening of their murders?
- Was there more than one set of keys for the CREWES' car? If so, where is the second set?
- What were the details surrounding the bedspread located in the CREWES' car, handed to Police by Graeme HEWSON?
- At the time of their murders, were Harvey and Jeannette CREWE watching television, sitting in front of the fire, both, or neither?
- Who do the unidentified fingerprints in the CREWES' home belong to?
- What was the material located outside the CREWES' home near the wheelbarrow? Was this the property of the offender? Did this have some purpose during the commission of the crime? What happened to this material?
- How long were the bodies left in the house before being moved?
- How were the bodies transported to the Waikato River?
- When were the bodies dumped in the Waikato River?
- Where were the bodies dumped in the Waikato River?
- What time did Harvey and Jeannette CREWE eat dinner on Wednesday 17 June 1970?
- Were there three gun shots at the time Harvey and Jeannette CREWE were killed, as described by Julie PRIEST?
- Why was Arthur THOMAS' rifle returned to the THOMASES on 8 September 1970?
- Why was the rifle used by the EYRE family returned to them on 8 September 1970?
- Where was Arthur THOMAS' rifle located on the evening of Wednesday 17 June 1970?
- Which night 'about the time' of the murders did Arthur THOMAS go shooting at night alone? What were the circumstances regarding this?
- Did Justice TAYLOR take ballistics exhibits to Australia for testing? If so, what are the circumstances surrounding this? What were the results of this testing?
- What is the meaning of the entry 'HELD (JOHNSTON)' in the exhibit register? When was this entry made?
- Which other farms were samples of wire take from by Police?
- Did Arthur THOMAS' defence team have samples of wire tested in Australia? If so, what were the results of these tests?
- What was the item used to weigh down Jeannette CREWE's body in the Waikato River?
- What were the items located during a search of the Waikato River?
- Did Arthur THOMAS' cow (number 4) calf on the evening of Wednesday 17 June 1970?
- Which of the THOMASES (Arthur or Vivien) had a dentist appointment on Wednesday 17

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June 1970?

- What were the contents of the letter written by Lenard DEMLER to Heather SOUTER on Wednesday 17 June 1970?
- Was John EYRE interviewed by Police in 1970?
- What were the circumstances regarding the burglary of the CREWES' home in 1967?
- Did the Police have any suspects for the burglary in 1967?
- Was the fire in the CREWES' house in 1968 deliberately lit?
- Was the fire in the CREWES' hay barn in 1969 deliberately lit?
- Were there any other crimes or unusual events which happened to the CREWES?
- Were the burglary and two fires the actions of the same person/s who murdered Harvey and Jeannette CREWE?
- Why were Harvey and Jeannette CREWE murdered on Wednesday 17 June 1970? Is there any significance in the fact that this was the day before their fourth wedding anniversary?
- What was Arthur THOMAS' alibi during the burglary and two fires at the CREWES' property?
- Who is the woman that alleged that Arthur THOMAS raped her? What are the circumstances relating to this?

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Appendix 3 Photograph of the exterior of the CREWES' house

Photograph of the exterior of Harvey and Jeannette CREWES' house showing the windows visible from the road, taken by Constable Barry STEVENS on 22 June 1970.

NB: This photograph was not taken for the purpose of demonstrating the positioning of curtains in the CREWES' house when the crime scene was discovered. As such, in this photograph there are no curtains covering the far left window. It is noted that when the crime scene was discovered on Monday 22 June 1970, there were curtains drawn across this window.



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Appendix 4 Photograph of CREWES' property

Photograph of Harvey and Jeannette CREWES' house, and its immediate surroundings, taken by Constable Barry STEVENS on 24 June 1970.



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Appendix 5 Photograph of CREWES' lounge

Photograph of the lounge at Harvey and Jeannette CREWES' house, taken by Constable Barry STEVENS on 23 June 1970.

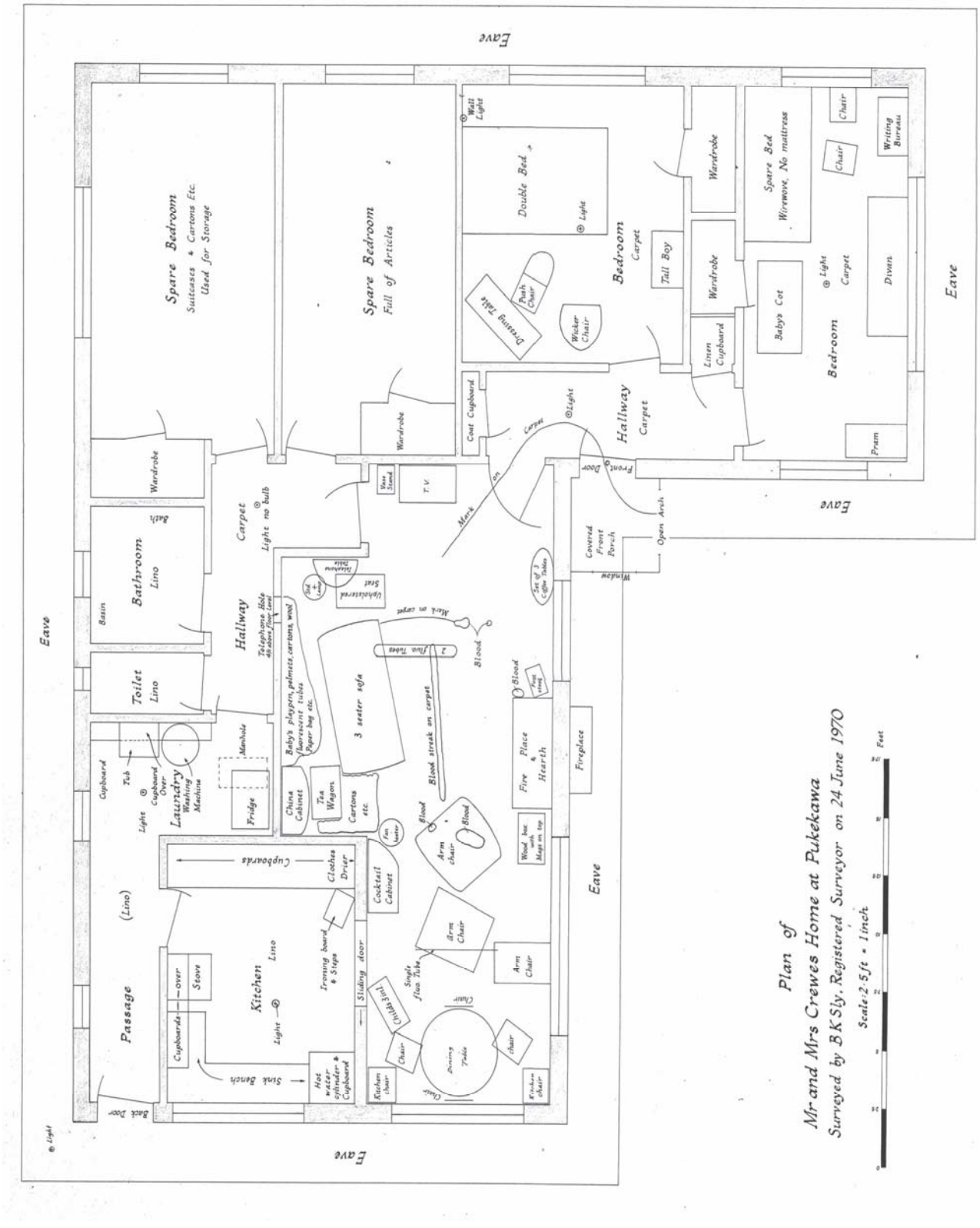


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Appendix 6 Plan of CREWES' house

Plan of Harvey and Jeannette CREWES' house, drawn by Brian SLY, a registered surveyor for the Lands and Survey Department, on 24 June 1970.



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Appendix 7 Medical professionals' conclusions regarding Rochelle CREWE's condition

Medical professional	Date Rochelle examined	Could Rochelle have survived?	Likelihood	Evidence relied upon
CREWE Homicide Investigation - 1970				
Doctor Thomas FOX	23 June 1970, 26 June 1970, 16 July 1970	Yes	*"…Rochelle had been unattended for approximately forty-eight hours with a maximum of seventy-two hours prior to 1430 hours on Monday, 22nd June, 1970."*	Three examinations of Rochelle. Discussions with Barbara WILLIS who had been caring for Rochelle.
Doctor Samuel LUDBROOK	1 July 1970	Yes	*"…a well-nourished, healthy child could withstand starvation for at least 10 days in cool weather."*	Report by Doctor FOX.
Doctor Ronald CAUGHEY	1 July 1970	Yes.	*"…her clinical state was consistent with her not having been fed."*	Report by Doctor FOX.
Professor Robert ELLIOTT	Nil	Yes	*"…I am of the opinion that she was without intake for a period of less than 48 hours before 13.30 hrs. on the 22n June."*	Report by Doctor FOX, other (unknown) information from the police investigation file, viewed CREWES' house.
CREWE Homicide Investigation Review – 2013				
Professor Carole JENNY	Nil	Yes	*"The child's state when found was clinically incompatible with complete starvation and lack of fluid for five days."*	Reports by Doctors FOX, LUDBROOK and CAUGHEY and Professor ELLIOTT. Documentation from the 1970 investigation file relating to observations of Rochelle and the condition she was found in.

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Appendix 8 Items examined by Sharon FOWLER

Schedule of items sent to Sharon FOWLER, Senior Forensic Scientist, National Ballistics Intelligence Service, Greater Manchester Police, United Kingdom, in October 2012 for examination.

Item Number	*Description*
1	RCOI Exhibit 201, a bullet purportedly test-fired in the Browning rifle (Police Exhibit 317) by Doctor NELSON on 18 August 1970.
2	Two bullets purportedly test-fired from the Browning rifle (Police Exhibit 317) by Rory SHANAHAN on 26 June 1970.
3	One bullet purportedly test-fired from the Browning rifle (Police Exhibit 317) by George PRICE in July 1972 for comparison with samples sent to him by New Zealand Police.
4	Eleven bullets purportedly test-fired from the Browning rifle (Police Exhibit 317) by George PRICE in July 1972 for comparison with samples sent to him by New Zealand Police.
5	One bullet and one cartridge case purportedly test-fired from the Browning rifle (Police Exhibit 317) by Peter PRESCOTT on 27 October 1980.
6	One bullet and one cartridge case purportedly test-fired from the Browning rifle (Police Exhibit 317) by Peter PRESCOTT on 27 October 1980.
7	One bullet and one cartridge case purportedly test-fired from the Browning rifle (Police Exhibit 317) by Peter PRESCOTT on 27 October 1980.
8	One bullet and one cartridge case purportedly test-fired from the Remington rifle (C3B) by Rory SHANAHAN on 15 October 1980.
9	One bullet and one cartridge case purportedly test-fired from the Remington rifle (C3B) by Rory SHANAHAN on 15 October 1980.
10	One bullet and one cartridge case purportedly test-fired from the Remington rifle (C3B) by Rory SHANAHAN on 15 October 1980.
11	One bullet and one cartridge case purportedly test-fired from the Remington rifle (C3B) by Rory SHANAHAN on 15 October 1980.
12	One bullet and one cartridge case purportedly test-fired from the Remington rifle (C3B) by Rory SHANAHAN on 15 October 1980.
13	One bullet and one cartridge case purportedly test-fired from the Remington rifle (C3B) by Rory SHANAHAN on 15 October 1980.
14	One bullet and one cartridge case purportedly test-fired from the Remington rifle (C3B) by Peter PRESCOTT on 15 October 1980.
15	One bullet and one cartridge case purportedly test-fired from the Remington rifle (C3B) by Peter PRESCOTT on 27 October 1980.
16	One bullet and one cartridge case purportedly test-fired from the Remington rifle (C3B) by Peter PRESCOTT on 27 October 1980.
17	RCOI Exhibit 209, a bullet purportedly test-fired from the Remington rifle (C3B) by Peter PRESCOTT on 27 October 1980.
18	Comparison photographs purporting to show comparisons between a test-fired bullet from Police Exhibit 317 and Police Exhibits 234 and 289. (Origin: Home Office, Midlands, Forensic Science Laboratory records, George PRICE).

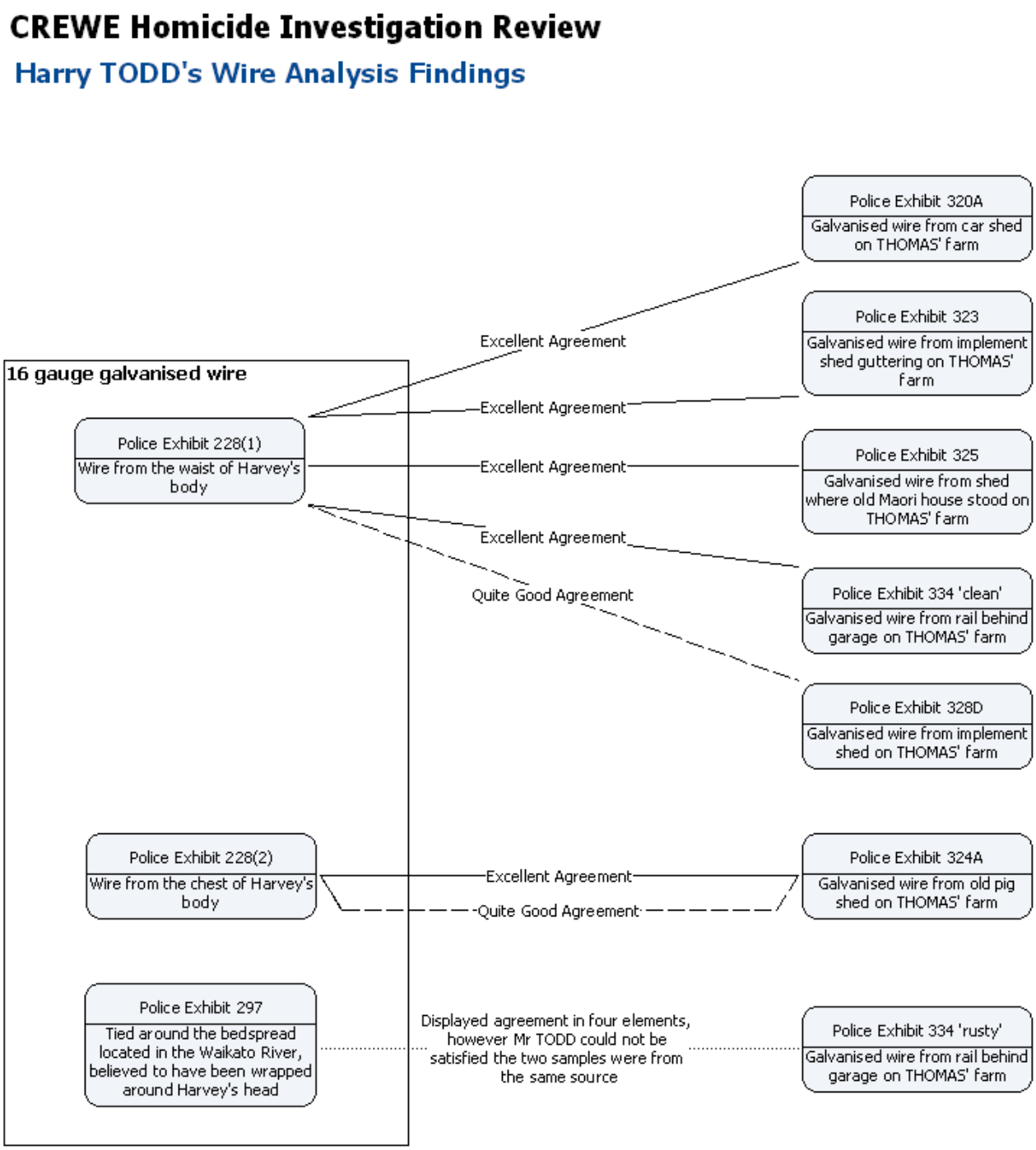
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19	One cartridge case purportedly test-fired from the Remington rifle (C3B) by Rory SHANAHAN on 15 October 1980.
20	One cartridge case purportedly test-fired from the Remington rifle (C3B) by Rory SHANAHAN on 15 October 1980.
21	One bullet and cartridge case purportedly test-fired from the Browning rifle (Police Exhibit 317) by Peter PRESCOTT on 27 October 1980.
22	One bullet and cartridge case purportedly test-fired from the Remington rifle (C3B) by Peter PRESCOTT on 27 October 1980.
23	Five bullets purportedly test-fired from the Remington rifle (C3B) by Kevan WALSH on 13 March 2006.
24	Five cartridge cases purportedly test-fired from the Remington rifle (C3B) by Kevan WALSH on 13 March 2006.
25 to 84	A number of bullets and cartridge cases purportedly test-fired between 18 August 1970 and 6 October 1970 from various firearms collected by Police from (i) Pukekawa residents; or (ii) associates of Harvey and Jeannette CREWE.
85	CD of photographs depicting items 1 to 84 outlined above.
86	Remington rifle (C3B).

Source: CREWE Homicide Review, Forensic Examination by NaBIS, Detective Senior Sergeant Gary LENDRUM, 19 October 2012

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Appendix 9 Harry TODD's wire analysis findings



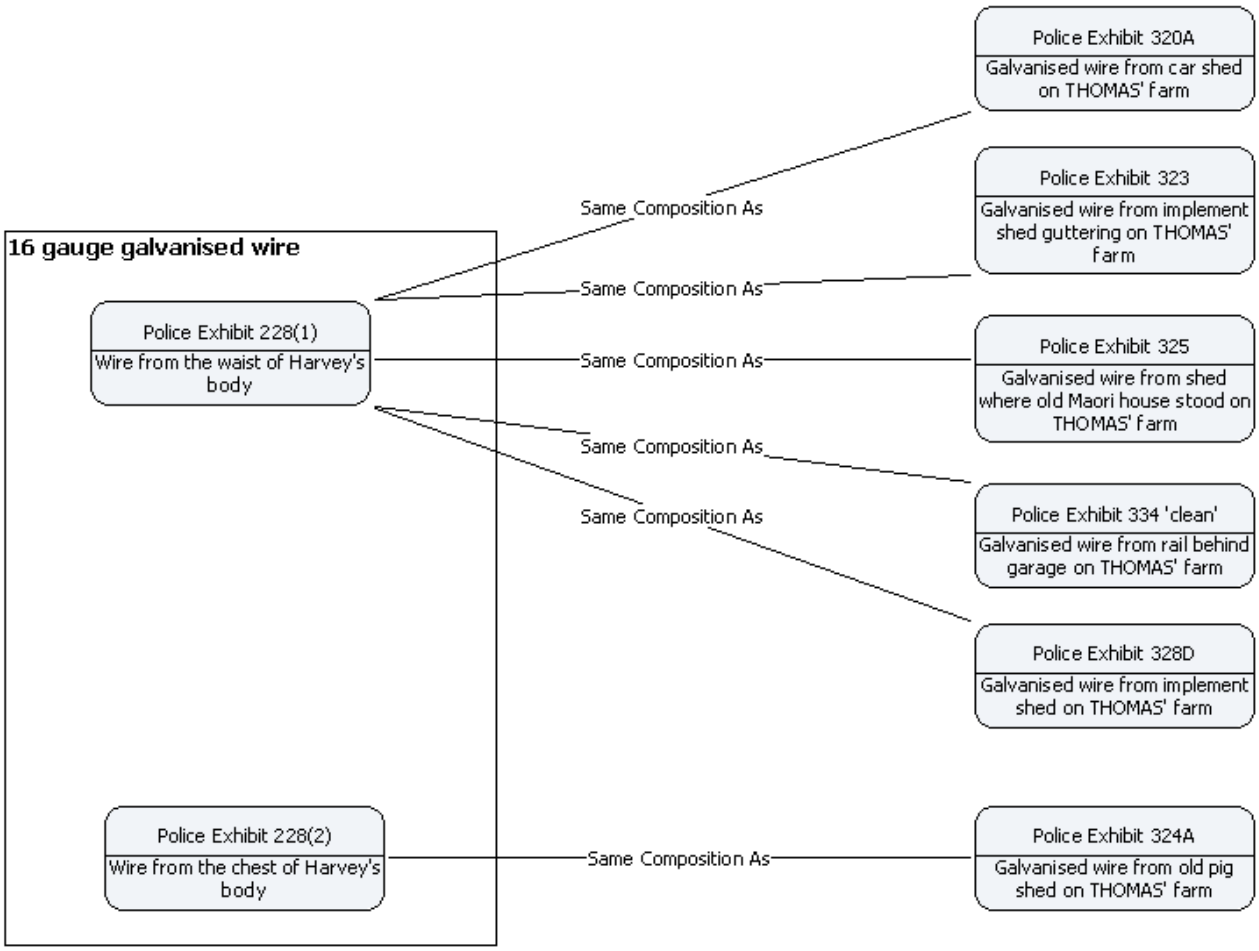
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Appendix 10 Professor FERGUSON's wire analysis findings

CREWE Homicide Investigation Review

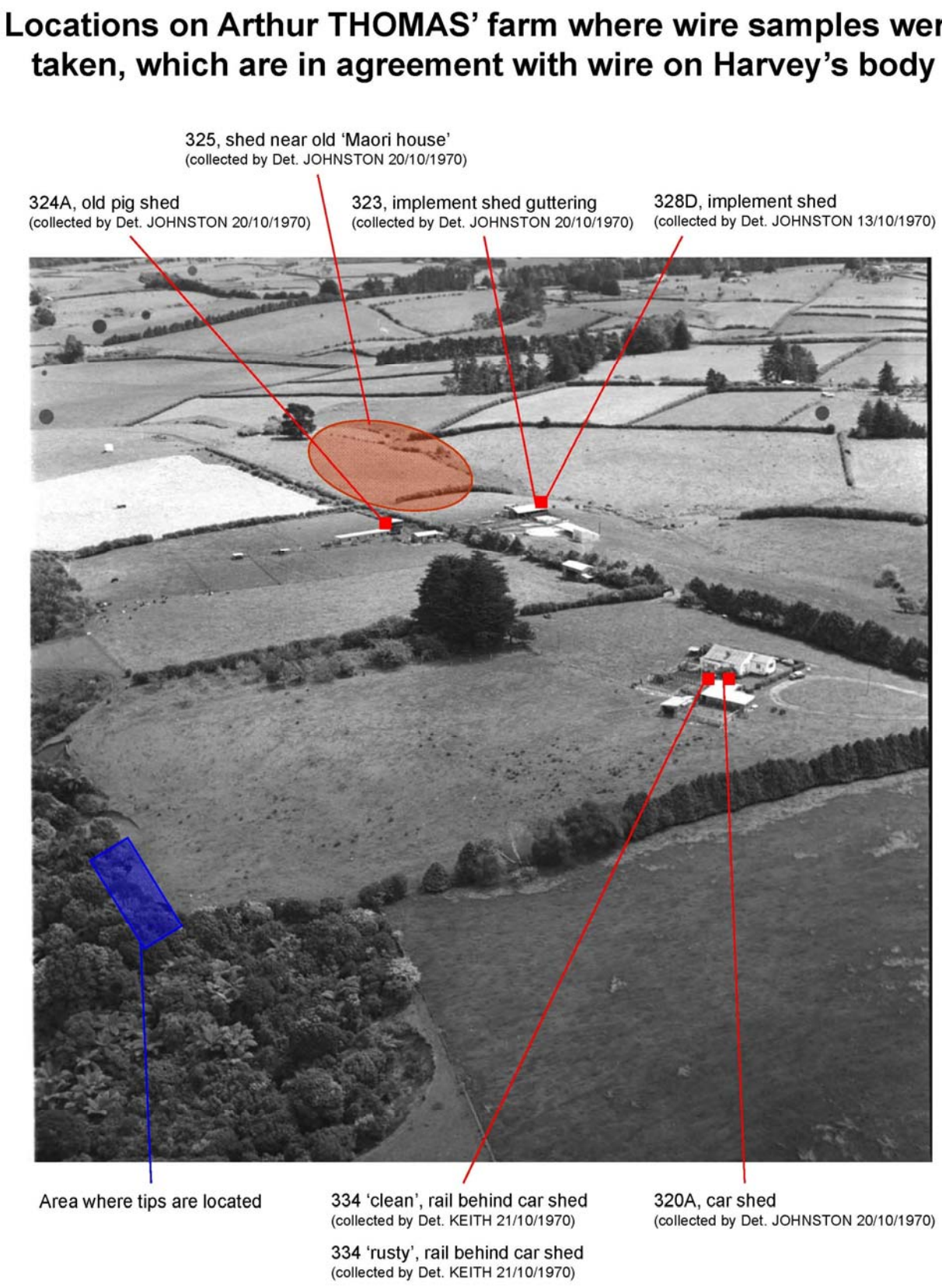
Professor FERGUSON's Wire Analysis Findings



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Appendix 11 Location of wire samples from Arthur THOMAS' farm



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Appendix 12 Photograph of Police Exhibit 293

Photograph of the axle located with Harvey CREWE's body (Police Exhibit 293), taken on 17 September 1970.

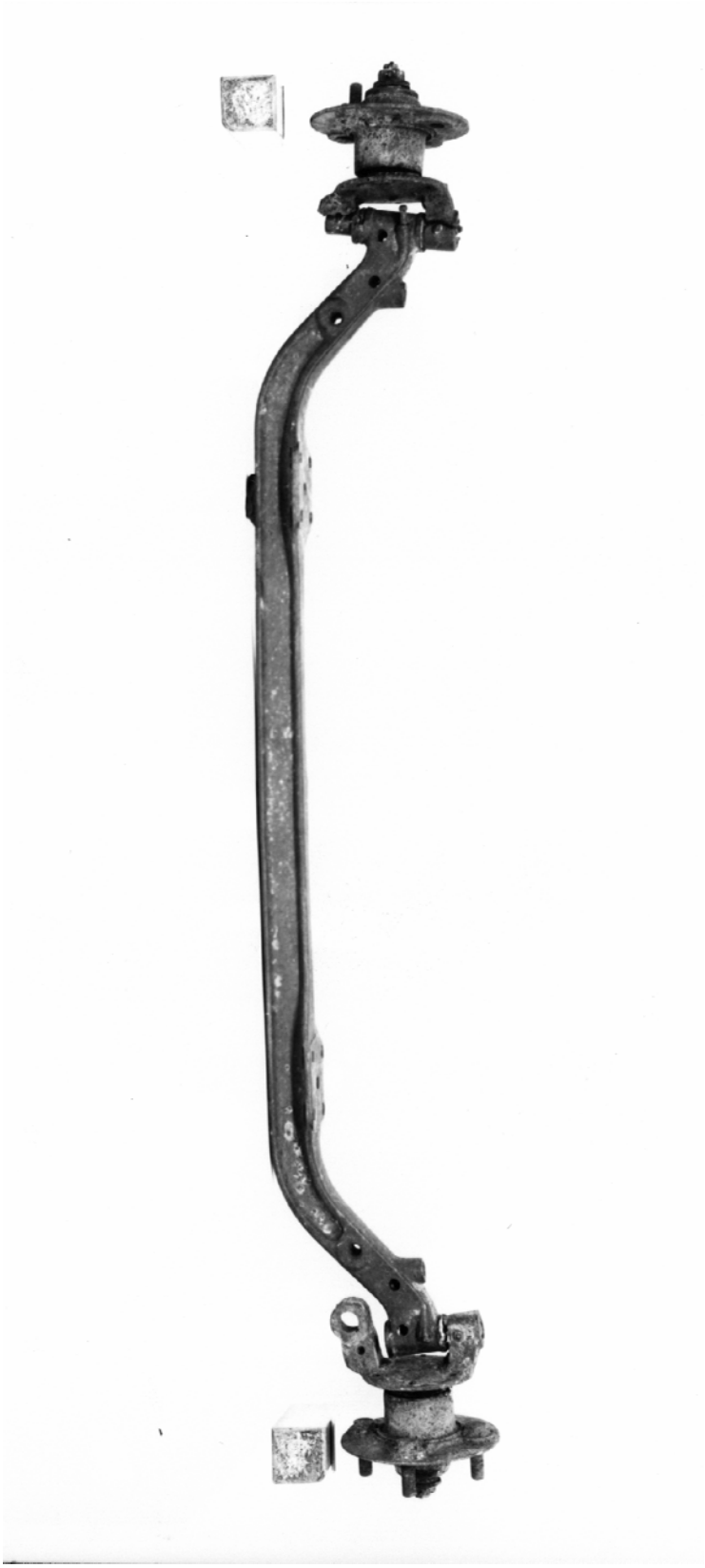


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Appendix 13 Photograph of Police Exhibits 293, 330 and 331

Photograph showing the axle (Police Exhibit 293) with stub axles (Police Exhibits 330 and 331) positioned at either end where they were once joined.

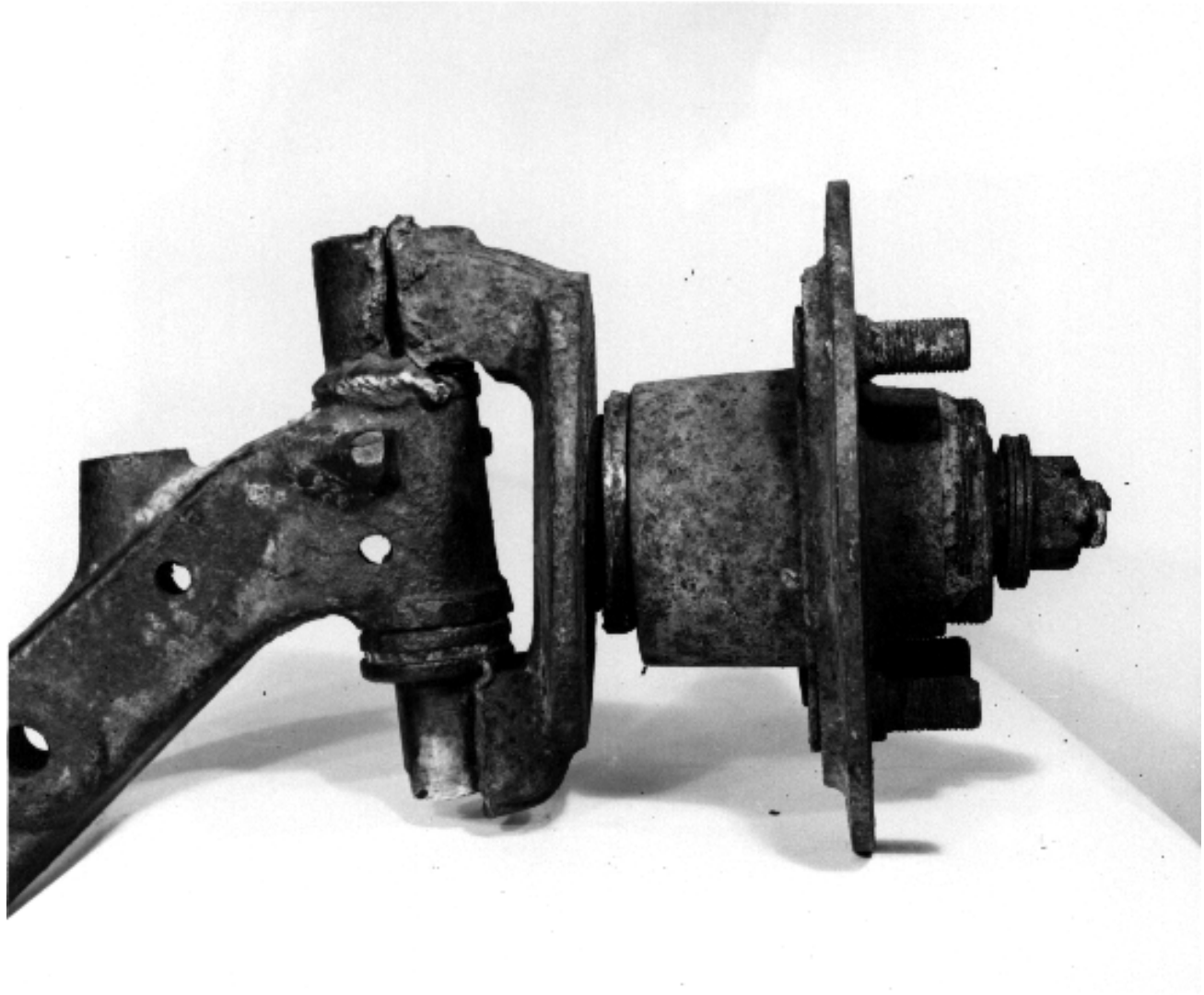


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Appendix 14 Photograph of Police Exhibit 330

Photograph of the join between the right hand stub axle (Police Exhibit 330) and the axle (Police Exhibit 293).

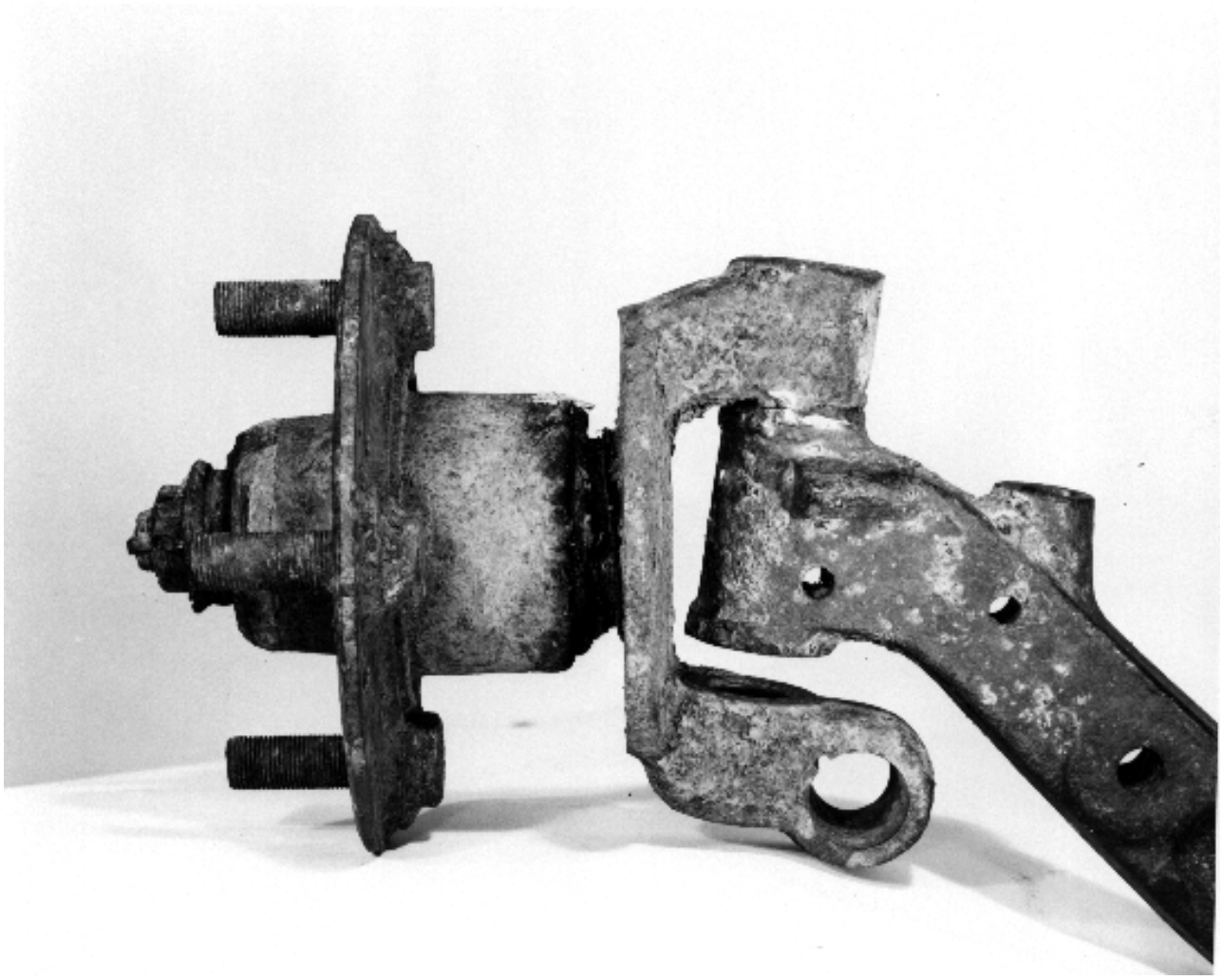


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Appendix 15 Photograph of Police Exhibit 331

Photograph of the join between the left hand stub axle (Police Exhibit 331) and the axle (Police Exhibit 293).

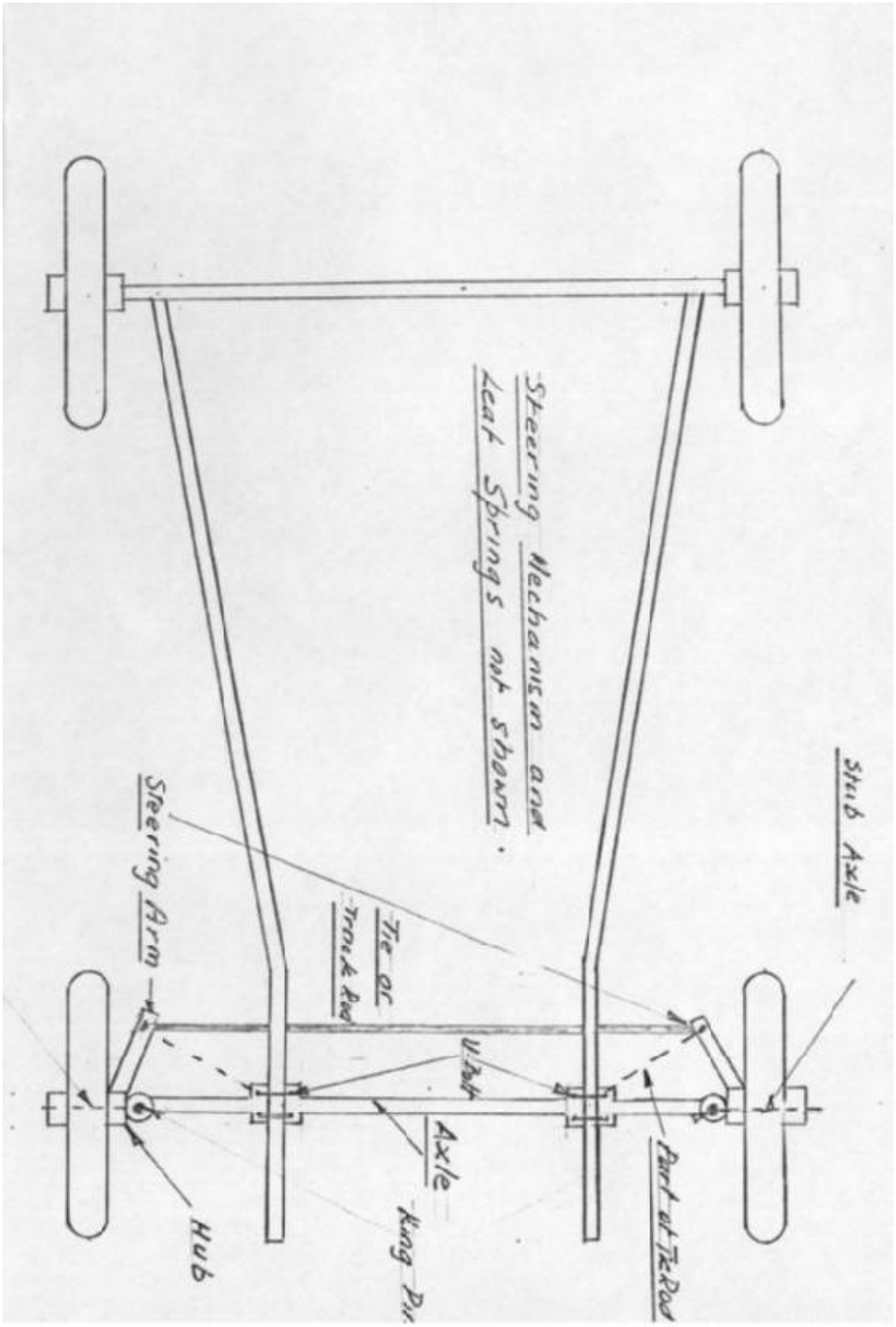


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Appendix 16 RCOI Exhibit 140B (part thereof)

'Ackermann Steering Mechanism' of a car - Produced by Professor Neil MOWBRAY at the Royal Commission of Inquiry.

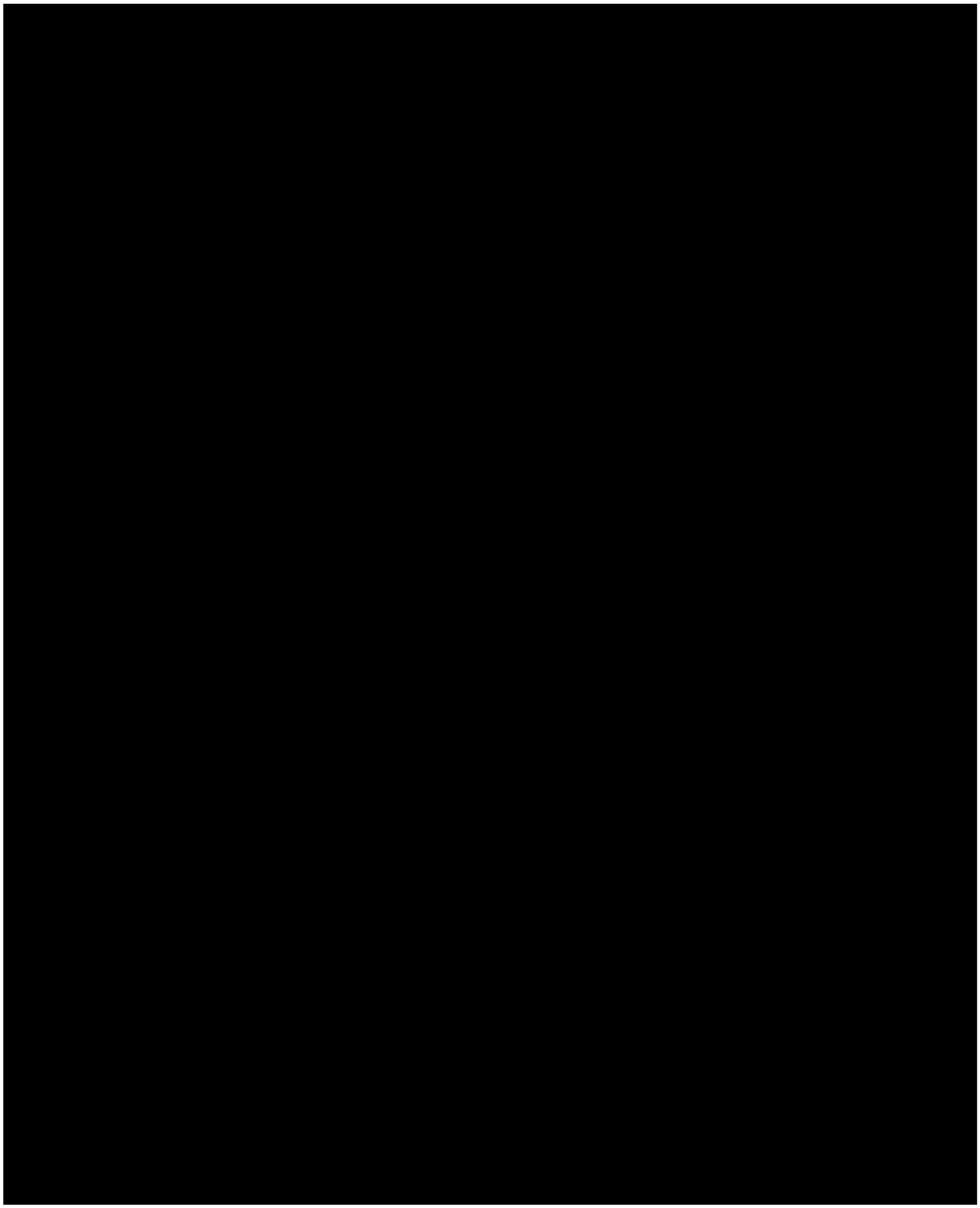


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Appendix 17 Sketch of Arthur THOMAS' property

[redacted]

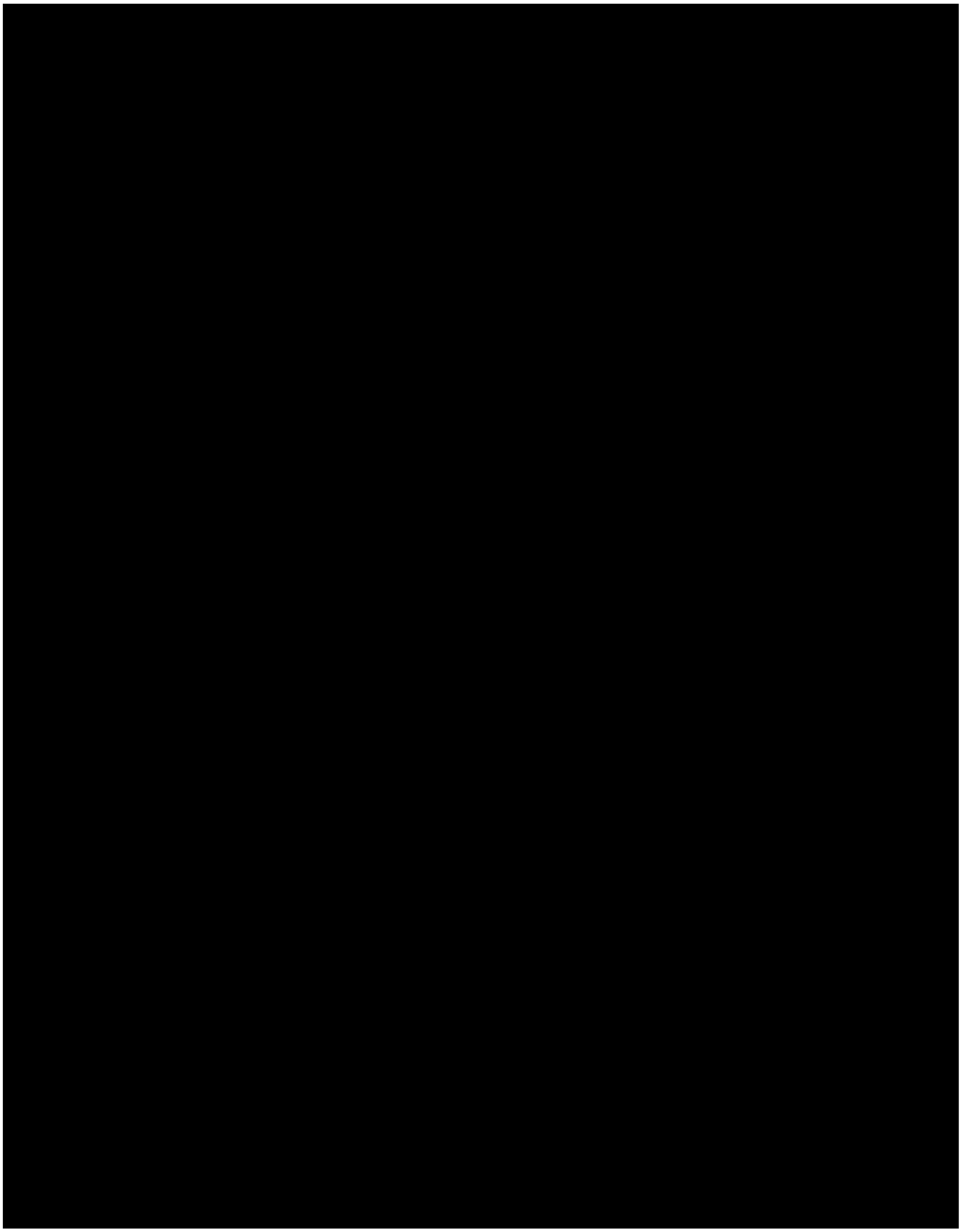


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Appendix 18 Sketch of the Pukekawa area

[redacted]

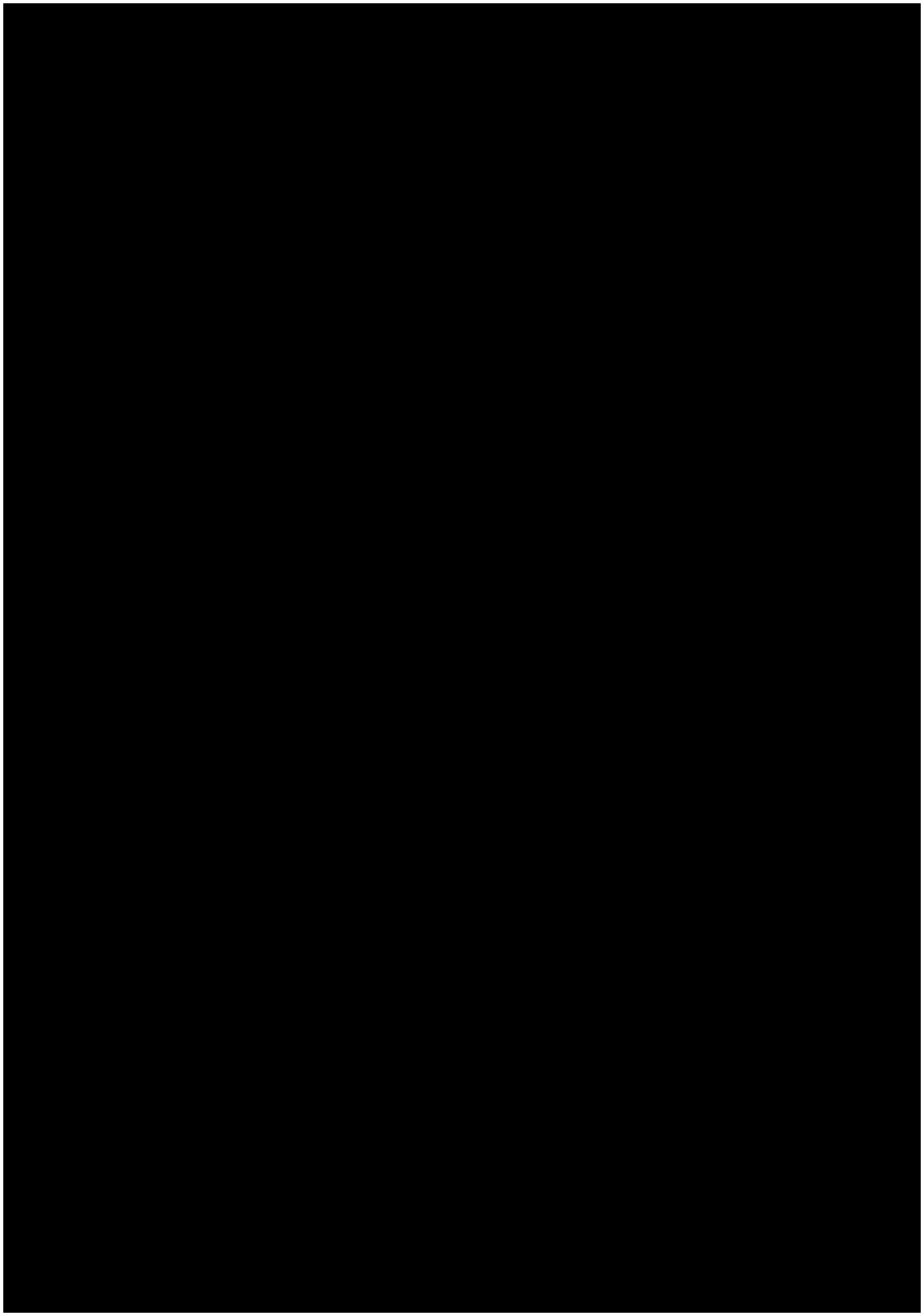


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Appendix 19 Sketch of the CREWES' house

[redacted]

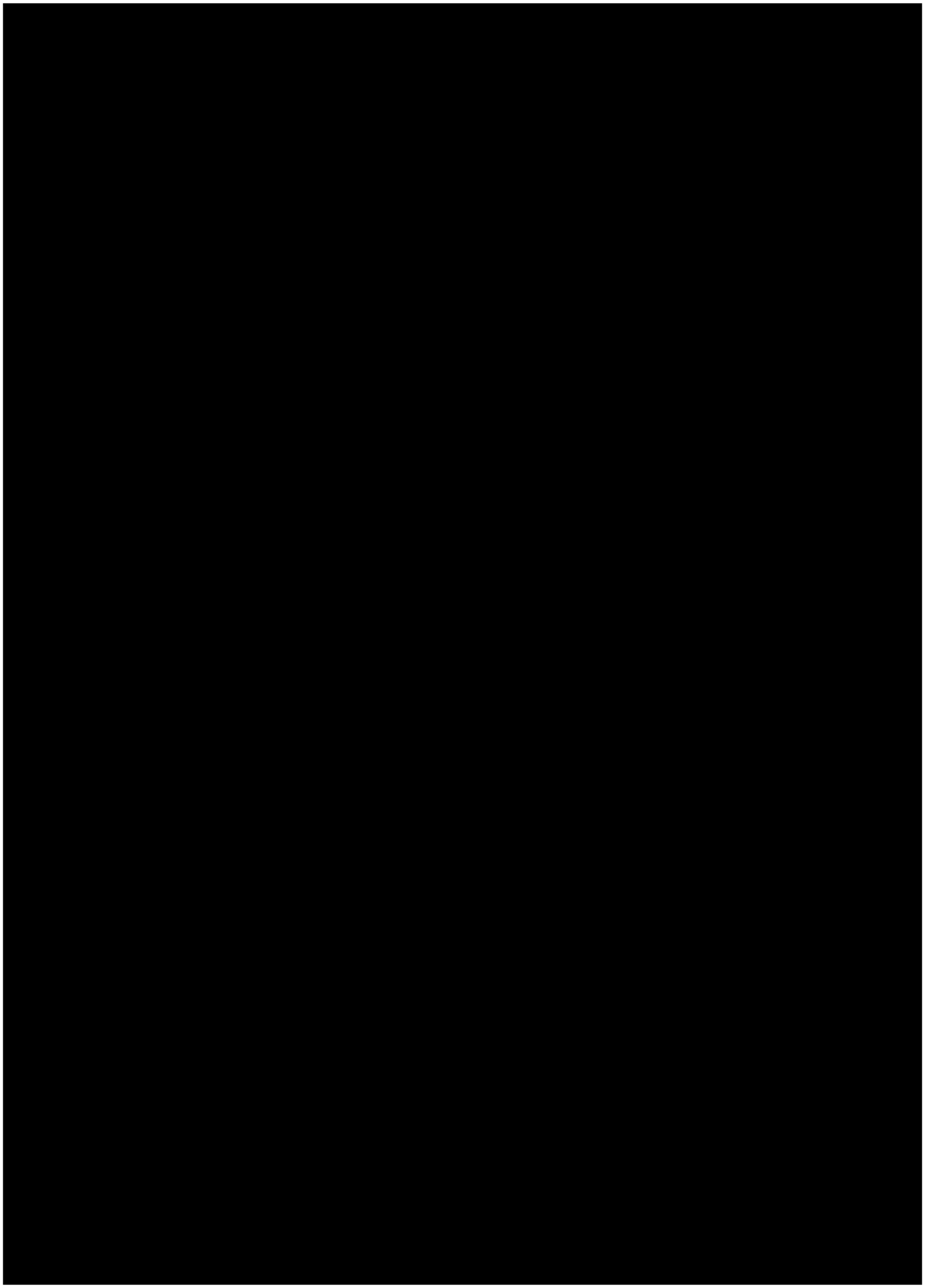


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Appendix 20 Sketch of the CREWES' property (1 of 2)

[redacted]

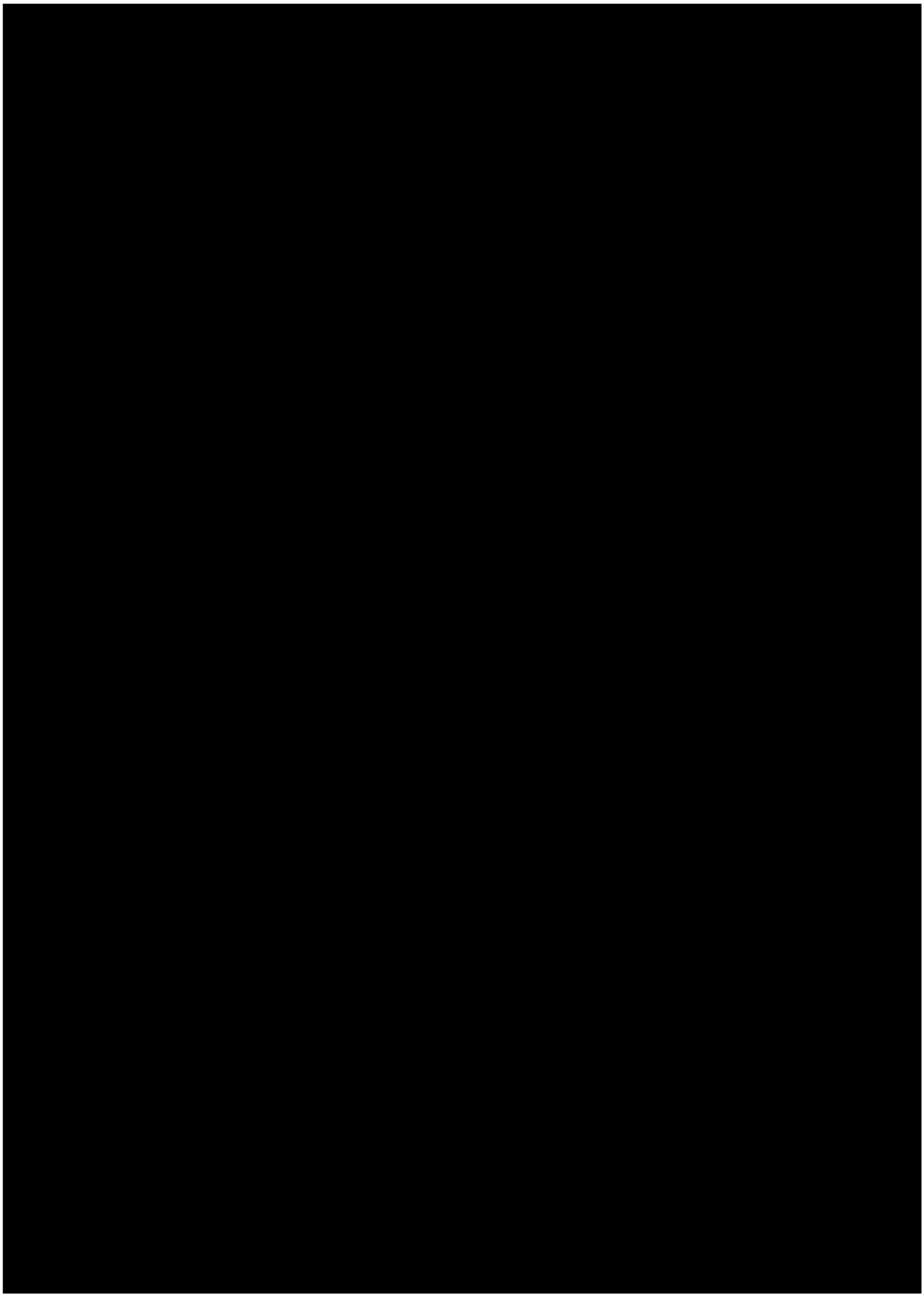


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Appendix 21 Sketch of the CREWES' property (2 of 2)

[redacted]

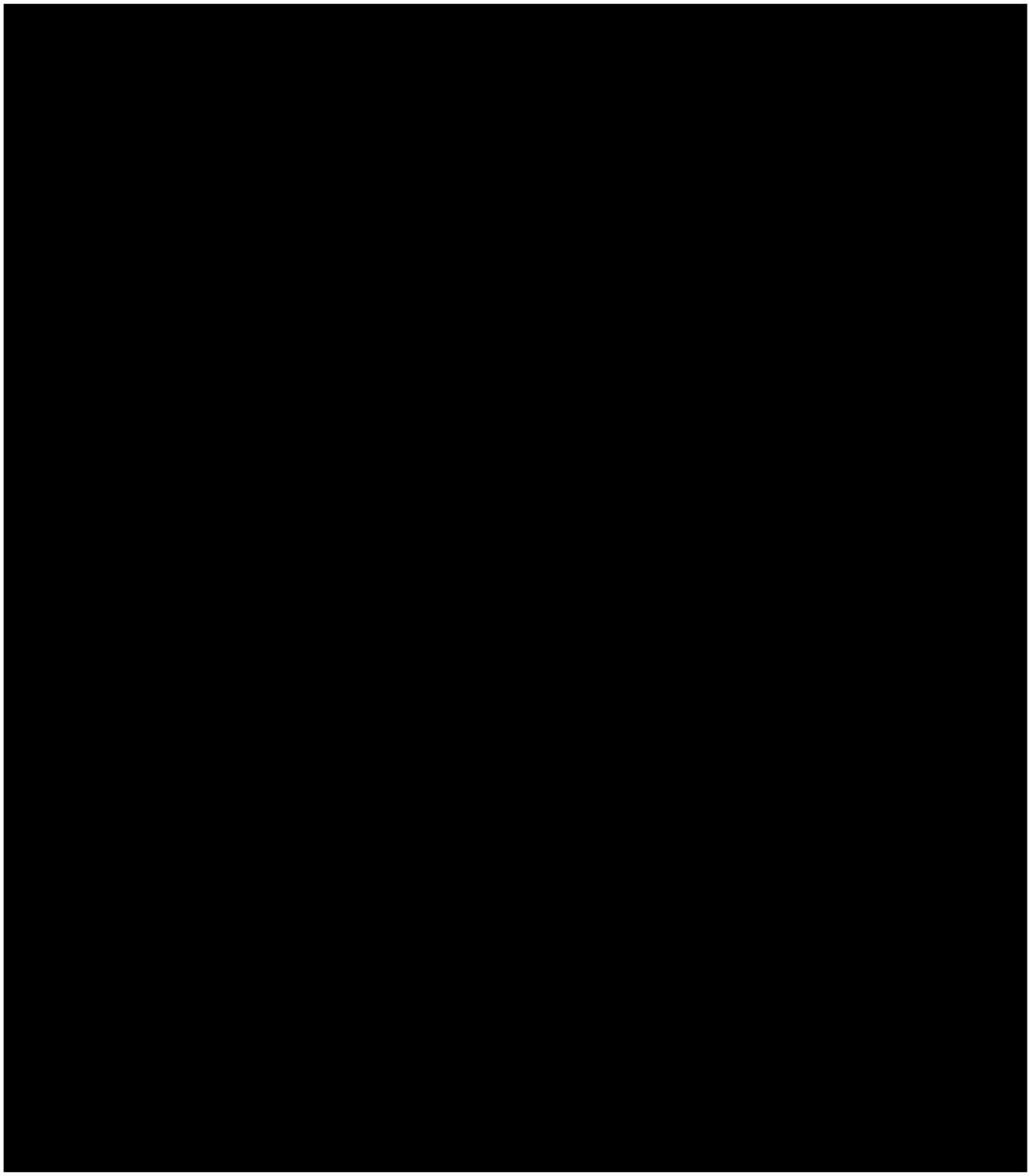


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Appendix 22 Sketch of Arthur THOMAS' house

[redacted]



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