

Police jailhouse
snitches evidence
Perkovich & Wareham
at the Thomas
Commission 1980

Police Jail House informers

5th September 2017

The New Zealand police had a problem with trying to match the Thomas rifle to the murder bullets recovered from Jeanette & Harvey Crewe.

When Dr Nelson test fired the Thomas rifle in 1970 and compared the bullets with the Crewe bullets he wrote in his notebook. No Match Seen.

The New Zealand Police and ESR have fired at least 20 bullets from the Thomas rifle and compared them with the Crewe bullets. No match Has Ever Been Found.

On 22/10/1970 Detective Inspector Hutton and Detective Sergeant Johnston fired the Thomas rifle at the Crewe house and planted the shell case Exhibit 350 in the garden to be found by the New Zealand Police on 27/10/1970.

The bullets recovered from the Crewe's, was old ammunition and the leads contained a number 8 in the base.

This ammunition is now known as category 3 ammunition.

All of Arthur Thomas's ammunition is now known as category 4 ammunition and didn't contain the Number 8 leads.

This being the case the New Zealand Police planted the wrong category shell case in the Crewe house garden.

When this huge problems became apparent to the New Zealand Police they turned to schooling up Jailhouse Police informants.

One informant Perkovich states.

Arthur shot a cow before the murders and ejected the shell case from his rifle at the Crewe house before committing the murder.

False

Arthur shot the cow after the murders; also the shell case would still be a category 4 as this is all he had in his current use supplies.

Perkovich

Arthur got the old ammunition from a shed on a farm he and Vivien were working on. He used the old ammunition on the Crewe's and other ammunition on the cow (page 1542).

The old ammunition he buried in a swamp below his cowshed.

This evidence could have only come from the New Zealand Police.

Judge Taylor tried to stop Robert Fisher counsel for the New Zealand Police from questioning Perkovich as he felt it was inhumane. He is ill mentally (page 1536).

Judge Taylor to Mr Fisher I do not see why you are cross-examining a man who is obviously insane, but it is your affair (page 1543).

The New Zealand Police have gone to great lengths over the years sending in high ranking Police officers O'Donovan Wilkinson and Baker etc to interview Perkovich so they weren't going to stop now.

New evidence was produced at Arthur's 2nd trial in 1973 that the axle Exhibit 293 was taken off the Thomas farm in 1965 to the other side of Pukekawa.

To this day the New Zealand Police have never bothered to investigate this new evidence which leads back to Mickey Eyre, who has a rifle that could not be excluded from firing the bullets that killed the Crewe's.

The axle found under Harvey Crewe's body was never on the Thomas family trailer.

On 15th October 1970 at 10:45am the axle and the two matching stub axles were with Detective Johnston and Rasmussen.

Later this day 15th October 1970 at 2:00pm Johnston goes to the Thomas farm, Arthur and Johnston have a cursory search of the farm dump.

Arthur goes to milk his cows and Johnston plants both stub axles Exhibits 330 and 331 in Arthurs farm dump.

These three exhibits were matched up by Detective Johnston and Rod Rasmussen on the 15th October 1970.

These stub axles were not found by Detective Johnston and Detective Parks on Arthurs farm dump until the 20/10/1970.

No trailer parts were ever found by the New Zealand Police on the Thomas farm which related to the work Rasmussen did on it in 1965.

To counter this, the New Zealand Police got Perkovich to state, Arthur prepared the axle and spring and tubes, car tubes and wire before the murders (page 1543).

The New Zealand Police wanted it to look as though Arthur used all the trailer parts in the Crewe murder.

This evidence proves what extreme measures the New Zealand Police will go to in order to make an innocent man look guilty of murder.

Justice is hard to come by in New Zealand.

POLICE DEPARTMENT
JOB SHEET

Div _____
Record No. _____
P.M. _____
S.P.M. _____
S.I.P. _____

OFFICE: CREWE HOMICIDE

First place your inquiry then set out the action taken, inquiries made, oral statements of persons seen and information gained, etc.

DATE and TIME
22-10-70
3 pm

Leonard William DENLER seen, in the company of Det. Insp. HUTTON.
Seen at his address - Highway 22, Pukohaua.

DENLER questioned as to the past association of Arthur THOMAS and his daughter Jeannette CREWE. DENLER said that Arthur THOMAS was persistent in his association with his daughter. He knew that he bought Jeannette a Christmas present and had brought this round to his home to give to her. This present consisted of a brush and comb set.

DENLER said that he took Jeannette out once.

He does not think that Arthur THOMAS would be one to harbour a grudge. He does not know of Arthur THOMAS's financial affairs. THOMAS has never approached him for a loan and as far as he knew neither had he approached Jeannette or Harvey CREWE. He did say had THOMAS approached Harvey CREWE regarding a loan Harvey would have told him "where to go".

Len DENLER said that he has never been to the THOMAS farm at Hervey Ferry Road. He recalled that a party was to have been held in Arthur THOMAS's cousin's hay barn some time ago. He cannot recall what the event was for.

Name: L.J. JOHNSTON
Rank: Detective Reg. No. 3223
Date: 27-10-70

Checked by _____
Rank _____
Date: _____

52/27/70-015 V

P O Box 1585
TAUPO 3351
Email: xrdc@xtra.co.nz

20 June 2016

JOHNSON JOB SHEET RE 22 OCTOBER 1970

On 12 October 2010 I interviewed the late Mr Peter Williams QC at his Ponsonby, Auckland home in a prelude to the production of my upcoming book on the Police investigation into the 1970 Crewe homicides [subsequently published as *All The Commissioner's Men*].

Mr Williams was previously known to me, having served as legal counsel to Arthur Thomas at the second referral to the Court of Appeal (1974-75) and at the Thomas Royal Commission in 1980. He willingly granted an interview and some of his statements were included in ATCM.

During this interview, I produced a copy of a job sheet signed by the late Detective Len Johnston in which that former Police officer recorded a visit to the home of Len Demler (the father of Jeanette Crewe, who along with her husband was murdered at Pukekawa on the evening of 17 June 1970).

The Johnston job sheet relates to a visit to Demler at 3pm on Tuesday, 22 October 1970, as the Crewe homicides investigation was nearing a conclusion. It puts both Detective Johnston and the officer in charge of the Crewe inquiry, Detective Inspector Bruce Hutton in the Pukekawa district on that date. For the record the entrance to the Crewe farm is about 900 metres south of the Demler property.

The job sheet referred to in this statement was released to me by New Zealand Police national headquarters pursuant to a request under the Official Information Act. Prior to its receipt, I had not seen this document nor had I any knowledge of its existence, despite having researched and written about these unsolved murders for 34 years as at the time of my interview with Mr Williams.

The relevance of this job sheet is that, in my belief, it puts a date to a series of significant events in the history of the Crewe homicides inquiry, namely:-

- i) The hearing of rifle shots coming from the Crewe house after the end of September 1970 by local farmers Owen and Julie Priest
- ii) The sighting by the Priests of two men at the rear of the Crewe house, one of them standing by the back porch of that dwelling
- iii) A short time after on that same afternoon - put at between 2pm and 2.30pm by the Priests in evidence to the 1980 Thomas Royal Commission - a discussion between that local couple and the two detectives involved, Messrs Hutton and Johnston, on the roadside just north of the Crewe farm [between the Crewe farm and the adjoining Demler farm].

I can now confirm that upon showing this job sheet to Mr Williams, that eminent lawyer advised that he had never seen this document before, despite acting as counsel for Mr Thomas since 1974.

Mr Williams immediately recognised the significance of this job sheet as he was aware that Mr Hutton, in evidence to the 1980 Thomas Royal Commission, had vehemently denied being in the vicinity of the Crewe property at that point in the homicides inquiry.

Mr Williams and I discussed this job sheet at length and he agreed that it was highly significant, given the sequence of events that began with the uplifting of the .22 rifle from Mr Thomas on 20 October 1970 and culminated with the discovery of a cartridge case confirmed to have come from that firearm seven days later [27 October 1970]. As is now known, this discovery provided the only physical link between the Thomas rifle and the murders.

Mr Williams confirmed that the Thomas Royal Commission in 1980 had ordered the supply of all documents held by the New Zealand Police relating to the Crewe homicides so that it could conduct a full inquisition into allegations of Police malpractice during that inquiry. [It is now known, from admissions by the Police themselves that the Crewe homicides file extended to some 50,000 pages].

Mr Williams was adamant that the Johnston job sheet represented a significant document in terms of the outcome of the Crewe homicides inquiry and that he, his fellow counsel [the late Kevin Ryan] nor the Royal Commissioners themselves been provided with this in 1980, the likely outcome would have been as follows:-

- i) The Johnston job sheet would have been admitted as a formal exhibit by counsel for the Thomas Royal Commission. [It was not].
- ii) Mr Hutton would have been questioned extensively on the contents by the counsel for the Royal Commission, the Royal Commissioners themselves and by himself as counsel for Mr Thomas
- iii) The Royal Commission would have undoubtedly used to contents of the job sheet to make a formal finding that the cartridge case was planted in the Crewe garden by the two detectives it found had committed that criminal act on Tuesday 22 October 1970 [between 2pm and 2.30pm on that date].

Mr Williams advised me that this was probably the most significant document he had seen in the many years he had acted as counsel for Mr Thomas as it put Messrs Hutton and Johnston together at Pukakawa, in the immediate vicinity of the Crewe property, within the specific timeframe identified by the Priests as hearing the rifle shots, seeing two men at the scene of the murders and discussing the rifle shot with the two detectives a very short time later that same afternoon.

Carb

Mr Williams agreed with my belief that this was the 'smoking gun' the 1980 Thomas Royal Commission had been seeking during the period of its inquiry that led to its finding, delivered on 9 July 1980, that the cartridge case from the Thomas .22 rifle was not manufactured with the number 8 lead bullets recovered from the Crewes, was unconnected with the crimes and had been planted by Messrs Hutton and Johnston.

Prior to his death, I discussed this again with Mr Williams during a visit he made to Taupo with his daughter and in the presence of former Thomas Retrial Committee chairman Pat Vesey. Mr Williams remained convinced of the significance of that single document and restated his belief that it provided irrefutable confirmation that the Thomas rifle cartridge case was placed in the Crewes garden between 2pm and 2.30pm on Tuesday 22 October 1970 and that the perpetrators of that crime were then Detective Bruce Hutton and the late Detective Len Johnston.

This statement has been provided as a formal record of my discussions with the late Mr Williams and his beliefs in relation to the Johnston job sheet about the visit to the Demier farm on 22 October 1970.



Chris Birt
Researcher and Writer

Thomas Commission Report

249. On 19 or 20 September 1970, Mr Shirtcliffe contacted the Police to advise that an axle of the type found on the body had been mounted in his motor car, which was no longer in his possession, and also on the trailer which he had sold. It was established by 4.00 p.m. on 20 September, that the car, which had been abandoned at Tuakau, still had its axle intact. Mr Shirtcliffe was initially unable to assist the Police as to what had happened to the trailer. He was, however, a little later able to locate a photograph of his own car and trailer which he made available to the Police and which was published in *The New Zealand Herald* on 10 October 1970.

250. On 13 October, Mr Shirtcliffe's stepdaughter, Miss Cowley, telephoned the Police to say that her father's trailer had eventually been sold to a Mr Thomas Senior, now known to be Mr A. G. Thomas, and that she had seen it often on his property when going to school in the school bus. By 13 October, therefore, Mr Shirtcliffe's trailer had been traced back to the Thomas family. Detective Johnston saw Mr A. A. Thomas on his farm on 13 October 1970. Mr Johnston's job sheet reveals that Mr Thomas pointed out the dump on the farm to him on that date.

251. Mr Rasmussen had first been seen by the Police on 4 October, and the job sheet completed by Detective Johnston in relation to that interview at a later stage, namely 23 October 1970, is significant. It reads:

"The axle was shown to Rasmussen who was unable to recall the axle itself—he said that the method of cutting on one end of this axle was similar to the way he used to remove the stub axles from the axle itself."

252. On 14 October 1970, Detective Johnston and Detective Sergeant Parkes travelled to Matakana to see Mr A. G. Thomas, who mentioned the repairs done by Mr Rasmussen, and gave the Police access to his financial records. Detective Johnston searched through the records and uplifted a number of documents. It is most unfortunate that Police practice was not to give a receipt, so that there could be no argument about what was and was not taken. As the matter stands, the only record of what was taken is Detective Johnston's job sheet.

253. On 15 October at 10.45 a.m., Mr Rasmussen was again seen by the Police. He said that he remembered a Mr Thomas; the job sheet completed on 23 October in relation to this interview states that his memory was that the parts discarded from the trailer had been returned to Mr A. G. Thomas. At 2.00 p.m., Detective Johnston saw Mr A. A. Thomas who, according to the job sheet, took him down to the dump 'Where a cursory search was made without trace of the wanted trailer or parts thereof.'

254. It is therefore apparent that by 15 October, on their own records, the Police knew:

- (a) That Mr Rasmussen said that parts had been returned to the Thomas farm.
- (b) That there was a dump on that farm where old motor vehicle parts were to be found.

255. The next visit to the Thomas farm was made by Detective Johnston and Detective Parkes on 20 October 1970. Detective Parkes said that he had earlier been instructed to pick up the Thomas rifle, and that he understood Detective Johnston was concerned to pick up wire samples.

256. Inspector Parkes gave evidence that they collected their wire samples and that Detective Johnston then borrowed a spade and began foraging around on the tip. He said that, of three tips on the farm, Detective Johnston was concerned to search only one. After only a few minutes, to use Inspector Parkes' words, 'Detective Johnston located two

264. Both the scientists, Mr Todd for the Crown and Mr Devereaux for the Defence, are experienced scientists. They employed different methods of scientific analysis of the wire to establish, in the case of Mr Devereaux 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.

265. Our conclusions are:

- (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.

266. That the subject is a matter of some difficulty will be seen by the ultimate expression by Mr Todd that in comparing wire from the bodies with samples from the Thomas farm, he could not say the wires differed, but nor could he say they were the same. On that note we leave the wire.

(v) Additional Material put before the Commission by the Police

267. The Police made available to the Commission briefs of evidence for two separate categories of witnesses who had not previously given evidence. In both cases, the evidence was designed to associate Mr Thomas with the murders. It was put forward as establishing that, if it were accepted that he had committed the murders, then it was surely likely that he had dropped exhibit 350 at the same time.

268. No doubt because of what emerged as the dubious nature of the evidence, and of these persons giving it, the Police were reluctant to put forward the witnesses as witnesses they were asking to be called; they preferred to suggest that, having seen that the briefs disclosed relevant evidence, we should no doubt wish to hear it. That suggestion we regard as mere playing with words. There is no doubt but that these witnesses were put forward to us by the Police.

269. We heard both categories of witnesses in private, because it seemed to us that the evidence was on the face of it highly improbable, and unfair to Mr Thomas unless the credibility of the witnesses was first established. Mr Thomas, having now been pardoned after 9 years in jail, was entitled to have such evidence heard by us initially in private so that we could decide whether it should be made public. Having heard the evidence, we have no hesitation in deciding that it not be made public. We recommend that the evidence and exhibits received by us in private be kept confidential by the Government.

270. The first category of witnesses related to an alleged confession made by Mr Thomas to a fellow prison inmate in 1978. Mr Thomas was alleged to have confessed to the crimes in great detail. The confession was supported by a number of maps of the Pukekawa area, the Crewe house, and the Thomas house, which were in Mr Thomas's handwriting.

271. The inmate concerned had a criminal record which included a large number of convictions for offences involving fraud. He is clearly what may be called a 'confidence trickster'. Furthermore, he was in a mental institution from 1969 to 1974. He gave evidence before us for a substantial period. The nature of his evidence and his manner of giving it compelled disbelief. A psychiatrist who had treated him during the time he was in the institution, and who heard his evidence before us, then gave evidence. He said that the man represented 'a classical case of grandiose paranoid schizophrenia' and that he was 'chronically psychotic'. He said 'I would not put credence on anything (he) said with any emotional or important connotation. If he said it was 12.30, I might believe him, but for an inside knowledge of trials of this importance, I would not put any credence on it at all without an awful lot of corroboration.'

272. In May 1980 he was examined by another consultant psychiatrist who then reported of him:

"His manner throughout suggested he believed what he was saying and that he was suffering from paranoid schizophrenia and delusions of grandeur and intrigue"

273. In the light of the doctors' evidence, we directed counsel assisting us not to lead any further evidence from the witness. We indicated to counsel for the Police that, in our view, the evidence clearly established the man's unreliability, that he was mentally ill, and to continue his examination was inhuman. We invited counsel to seek instructions that he not ask the witness any questions. We adjourned for this purpose. Counsel for the Police informed us that he was unable to obtain those instructions. He continued his examination.

274. Counsel for the Police put a number of matters forward as corroborating the man's evidence. We propose to deal specifically only with two, namely the plans to which we have referred and the evidence of a supporting witness. We think it sufficient in relation to the other matters raised as constituting corroboration to comment that there was nothing in the alleged confession which could not have been invented by a person with access to Mr Thomas and to the various books, including *The ABC of Injustice* by Dr Sprott and Mr Booth and *Trial by Ambush* by Mr Booth, which had by 1978 been written on the matter. The inmate concerned was of course in prison with Mr Thomas. Mr Thomas would have had both books, and it is clear that he was at all times willing to discuss his case with anyone who was interested.

275. We turn now to the plan. It is truly remarkable that, if Mr Thomas confessed in such detail, no incriminating remark appears on the plan. They have the appearance of plans drawn by a man anxious to explain the circumstances in which he came to be convicted. They do not corroborate the notion that he confessed to the crimes and that he was therefore rightly convicted.

276. The supporting witness was unwilling to testify before us because he feared reprisals in the prison, should it become known that he had given evidence. Such reprisals could take the form of physical violence to the extent that his life could be in danger. We were not prepared to force the man to give evidence in these circumstances. We did, however, accept in evidence all of the statements which he has made to the Police. We have also obtained from the Justice Department his personal prison file.

277. This second inmate was prepared some years ago to break the law for the purposes of personal gain. He is as a consequence serving an exceptionally long sentence. His prison file reveals him as shrewd,

cunning, devious and manipulative, and a man who would go to considerable lengths to shorten his sentence. He made efforts to use the Commission's influence to have him transferred to one of the minimum security prison farms.

278. In addition, evidence we received established that he has been a police informer on other matters.

279. This second inmate would have had every reason to lie in support of the first. He must have hoped, realistically or not, that the Police would use their influence to shorten his sentence or improve conditions for him. The only possible disadvantage which his story could bring him would be a prosecution for perjury. It may be that he refused to give evidence before us because he feared just such a prosecution.

280. We are satisfied that the 'prison confessions' never took place, and that the evidence of the two prisoners 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 inmate, deluded evidence. It was but another instance of the Police being unwilling to accept the pardon.

281. The second category of evidence revolved around one witness. This man still lives in the South Auckland area and has a young family. We therefore, do not propose to report on his evidence in terms which could lead to his identification.

282. The substance of his evidence was that at 7 a.m. on the morning of 18 June 1970 (the morning after the murders, if the Crown case be accepted) he was driving past the Crewe farm. In a lay-by a short distance past their gate he saw, so he said, Mr Thomas's car and trailer. The trailer had in it two covered bundles.

283. This witness first came forward to the Police with this evidence only in 1980, after Mr Thomas had been pardoned and released from prison. He had, however, given a statement to the Police nearly 10 years earlier, on 24 June 1970. He had, curiously enough, omitted to mention this incident in that statement.

284. Documentary evidence which was produced to us revealed that the man could not have been in the vicinity of the Crewe farm until 9 a.m. on the morning of 18 June 1970. There is evidence which convinces us that Mr Thomas could not have been there at that time. Furthermore, his evidence revealed envy of Mr Thomas for the attention which his case has received from the news media and for the compensation which public opinion suggests that he will receive from the Government following our report. All of these factors, taken with the demeanour of the man as he gave evidence, lead us unhesitatingly to reject this man's evidence as a complete fabrication.

285. The evidence of the last witness to whom we have referred was the subject of a front page article in a newspaper called *Sunday News* on 28 September 1980, after our public hearings had concluded. That action was quite improper. The publication of the material, which is shown by the cross-examination recorded in the transcript to be wholly unreliable, seems to us to have been an act of calculated and callous cynicism on the part of the newspaper.

286. Our conclusion is that none of the additional evidence we have considered in paragraphs 267 to 285 supports the proposition that Mr Thomas may have been on the Crewe property on 17 June 1970 to deposit exhibit 350 there. There is in our view no evidence which suggests that Mr A. A. Thomas was on the Crewe property on 17 June 1970. There is

thus no evidence that he deposited exhibit 350 there, other than the mere fact that exhibit 350, bearing the firing pin mark of his rifle, was found in the garden on 27 October 1970. We now propose to examine the searches which the Police carried out of that garden prior to October, and the degree of corrosion of exhibit 350 when it was found, in an effort to establish how and when it came into the garden.

6. The Searches

287. The Police team were confronted on 22 June 1970 by a bloodstained house, and no sign of the occupants, Mr and Mrs Crewe. Mr Hutton was in his evidence disposed to argue that he treated the matter only as a 'possible homicide' until Dr F. J. Cairns, the pathologist consulted by the Police, confirmed that material found by the Police on the arm of the large armchair in the lounge and forwarded to him on 2 July 1970 was brain tissue, and that Harvey Crewe, with whose blood the armchair was stained, was accordingly almost certainly dead.

288. The evidence makes it apparent, however, that all concerned in the investigation suspected from the start that at least one, probably two murders, had occurred. We are satisfied that the matter was from the beginning treated with the thorough attention which the New Zealand Police apply to homicide investigations. We do not consider that Dr Cairns' finding that Harvey Crewe was in all probability dead caused the Police to alter in any way the approach they had taken to the matter from the beginning.

289. It was obviously necessary that the house and enclosure within the fence be searched with particular thoroughness for any item of evidence which could provide a clue as to what had occurred. Mr Hutton entrusted this task to the officer in charge of the scene, Detective Sergeant Jefferies, under whose direction it was carried out over the ensuing days. The Police file makes it clear that Mr Jefferies carried out his task with meticulous care. By way of example, he prepared an inventory of the property found in the house and car which ran to 51 pages.

290. Detective Parkes, Detective Constable Higgins, and Constable Meurant were assigned by Mr Jefferies to search the area bounded by the fence around the Crewe house, which we have called the enclosure. There was a considerable amount of evidence concerning the instructions which they received. Mr Hutton stated that the search was for a blunt instrument, or some large instrument such as a knife, tomahawk, hammer, piece of wood or other similar instrument, since the consensus of opinion, including that of Dr F. J. Cairns and Dr D. F. Nelson of the DSIR, at that stage was that the great amount of blood present indicated that a blunt instrument had been used. We accept that a blunt instrument was regarded as the most likely possibility at that stage. We reject, however, the proposition that the Police were searching solely or predominantly for a blunt instrument for the following reasons:

- (a) Even Mr Hutton was careful to mention that he included in his instructions for the interior search a careful examination for bullet holes, especially in the walls of the lounge, which indicates an awareness on his part of alternative possibilities. That is no more than one would expect.
- (b) All officers concerned in the search, including Mr Jefferies, emphasise that it was a search for anything which might constitute evidence, not merely a search for tomahawks and the like.

HEARING RESUMES ON THURSDAY 7 AUGUST 1980 AT 10.05 AM.

MR FISHER - COUNSEL ASST. COM. DID SUGG. TO US THAT THIS WLD BE THE RIGHT TIME FOR US TO RAISE THE REQUEST WHICH WE HAD MADE TO THEM TO CAL CERT. EVID. WHICH THEY FELT WASNT RELEVANT.

C1 WHAT IS THE EVID. YOU WANT TO CALL.

CLD I EXPLAIN IT THIS WAY, THERE ARE 6 PTS WE SUBMIT ARE CORROBORATION OF THE PERKOVICH EVID. I STATE THESE 6 PTS: THE 1ST IS THE EVIDENCE OF MR WEARING, NO PROBLEM OVER THAT, THAT HAS BEEN CALLED. THE SECOND IS THE IDENTIFICATION OF THE HANDWRITING ON THE MAPS AS THAT OF MR THOMAS. THERE IS A REPORT TO THAT EFFECT, BY A HANDWRITING EXPERT ON THE POLICE FILE. ITS MY UNDERSTNG THAT THAT IS NOT CONTESTED AND MR WEST NEED NOT BE CALLED TO PROVE THAT. THE THIRD IS THE UNPUBLICISED EXISTENCE OF A SWAMP NEAR THE THOMAS COWSHED. THAT I WLD BE ENDEAVOURING TO LEAD FROM INSP. O'DONOVAN. THE FOURTH IS THE UNPUBLICISED EXISTENCE OF A SUITABLE SITE FOR THE DISPOSAL OF THE BODIES WITH EASE OF ACCESS TO THE RIVER AND THE RELATIONSHIP OF THAT SITE TO THE POSITION WHERE THE BODIES WERE ULTIMATELY FOUND, AND ON THAT ASPECT I RESPECTFULLY ASK TO CALL INSP. GAINES.

C1 A LOT OF THIS HAS NOTHING TO DO WITH THE ENQ. HERE, THE ASPECT ABOUT THE BODIES, IF THAT IS LEFT IN THERE IS NO NEED FOR A CLOSED HEARING. THE IDENT. OF THE HANDWRITING WILL ONLY ARISE IF PERKOVICH GIVES EVIDENCE. ALL THESE THINGS GIVEN BY YOU MIGHT BE HIGHLY IRRELEVANT, IF PERKOVICH DOESNT GIVE EVIDENCE. THEY HAVE NO RELEVANCE HERE, UNTIL FIRST WHETHER WE ARE PREPARED TO HEAR HIM AS A WITNESS IN THE CONDITIONS OF THE TIME. THAT IS WHAT WE ARE DOING NOW. THERE IS ONLY 2 POSS. SITUATIONS, AT THE END WE SAY WE ARE GOING TO HEAR HIS EVIDENCE, AND IT GOES INTO THE GENERAL STREAM, IF WE SAY WE REJECT IT, THAT IS THE OTHER SITUATION WHICH YOU HAVE TO ACCEPT. ALL WE ARE DOING TODAY IS THE INITIAL QUEST. OF WHETHER WE ARE PREPARED TO ACCEPT HIS EVIDENCE. IT WAS INITIALLY PROPOSED BY YOU PEOPLE THAT WE SHLD HEAR HIS EVIDENCE.

MR FISHER - IF I CAN EXPLAIN IT IS OUR SUBMISSION IN ORDER TO GAUGE WHETHER MR PERKOVICH'S EVID. IS WORTHY OF CREDABILITY IT IS VITAL TO LK AT ANY EVID. WHICH INDEPENDENTLY SUGGESTS THAT THE EVID. MR PERKOVICH GIVES IS CREDITWORTHY.

C1 THAT IS PERFECTLY TRUE, IF YOU TALK ABOUT THE EVIDENCE, IN THE COMM. WE HAVENT GO TO THAT STAGE. THEN AND ONLY THEN DOES IT ARISE, IT IS OT A QUEST. OF CRED. THE FACT IS, FOR ONE REASON OR OTHER, THAT WE SHL ACCEPT HIM OF HAVING CAPACITY TO GIVE

EVIDENCE. THAT IS ALL WE ARE DOING WEIGHT WILL BE GIVEN TO THAT EVIDENCE, IF IT IS CRED. OR NOT, WILL ARISE, DO YOU SEE THE DISTINCTION. THERE IS NO PT IN WEIGHING THE CREDABILITY OF A PERSON WHO HAS NOT YET BEEN DECIDED TO BE A PERSON WHO WE ACCEPT.

MR FISHER - WE MAY HAVE MISUNDERSTD THE POSITION, IT WAS TO DECIDE WHETHER THIS WAS THE CREDIT OF A WITNESS, WHETHER HE IS BELIEVEABLE, OR GIVES EVID. CAPABLE OF CREDENCE, ITS REALLY LKG AT ONLY HALF THE EVID. ON THAT TOPIC.

C1 IT IS A MIXTURE OF EVIDENCE.

MR FISHER - WE THOUGHT IF CONFINING IT PURELY TO A MED. QUEST. OR MEDICAL CAPACITY, FIND ANYTHING INDEP. TO SUPPORT THE STMTS THAT THIS WITNESS IS MAKING.

C1 HE MIGHT BE CAP. OF INVENTING THINGS WHICH CAN BE PROVED BY OTHER EVID. I THINK THE BEST THING I WOND RULE ON ANY OF THESE MATTERS NOW, IS TO WAIT UNTIL THE EVID. IS CONCLUDED, YOU CAN XM ANY OF THESE MATTERS.

MR WILLIAMS - I WLD LIKE IT CLEARLY STATED BY MR FISHER, IT IS AT HIS BEHEST THAT THE EVID. IS CALLED, PART. THAT OF MR PERKOVICH, I WANT THAT WRITTEN INTO THE RECORD. WE HAVE HAD CORRESPONDENCE INITIALLY INDICA. MR FISHER DID NOT WANT THIS EVID. CALLED, I UNDERSTAND THERE HAS BEEN A CHANGE OF POLICY. WE UNDERSTAND THROUGH MR CREW, THERE HAS BEEN A CHANGE OF POLICY BY MR FISHER WHICH HAS LED TO THIS EVIDENCE BEING CALLED, BUT BECAUSE WE HAVE NO DIRECT DOCUMENT TO THIS EFECT, WE WLD REQUEST WITH RESPECT THAT MR FISHER MAKE A CLEAR UNEQUIVICAL STMT ACKNOWLEDGING ON BEHALF OF THE POL DEPT. THAT THIS EVIDENCE IS BEING CALLED AS A DIRECT RESULT OF THE POLICE DEPARTMENT.

MR FISHER - THE MATTER HAS ALREADY BEEN CANVASED, AND IS ON RECORD, IN THE TRSNCRIP OF THE CLOSED SESSION, WITH THAT ASIDE, IT IS MY UNDERSTNG, THAT THE COM. ITSELF WISHES TO ENQ. INTO THE TRUTH OF THE WHOLE OF THE TERMS OF REF. AND ON ALL TEH OTHER ASPECTS.

C1 INITIALLY THE EVID. THIS MAN CLD GIVE TO US, WAS FORWARDED TO US UNDER COVER OF A LETTER WRITTEN BY COUNSEL FOR THE POLICE DEPT. MAY I HAVE THAT LETTER.

MR CREW - YES SIR.

C1 THIS IS A LETTER FROM YOU DATED 4 JUNE.

MR FISHER - THAT IS CORRECT, ON THAT WE READ THE MATERIAL, AND I DONT KNOW IF WE EVER HAD A FORMAL MEETING ABOUT IT, WE TALKED ABOUT IT, AND OUR DECISION WAS THAT WE WOULDN'T DO ANYTHING ABOUT IT, WE WLD NOT CALL EVID. THAT SITUATION WAS ALTERED BY A SUBSEQUENT LETTER, WRITTEN BY YOU OR MR HENRY,..,NO SIR.

C2 THERE WAS A SECOND LETTER, IT FOLLOWED THE DISCUSSIONS.

MR FISHER - THE FIRST THING I HAVE GOT TO CLARIFY THE FIRST TIME, QUITE CLEARLY THE COMMISSION ITSELF DOES NOT THINK IT NECESSARY TO ENQ. INTO THIS EVID. AND I'M GLAD THAT'S A MATTER OF RECORD.

C1 WE DID NOT THINK IT NEC. AT THE TIME WE RECEIVED THIS LETTER AND THE ENCLOSURES.

MR CREW - IN MY SUB. THE COM. HAS ALWAYS FELT IT RELEVANT TO ENQ. INTO ANY EVID. THAT WLD INDICATE HOW EX. 350 GOT INTO THE GDN WHERE IT WAS FD ON 29 OCT. THE POSITION AS I UNDERSTAND IT IS THAT THE PLICE THROUGH MR FISHER, AND THATS THE LETTER YOU HAVE IN FRONT OF YOU, ORDERED THE MAT. FOR COUNL ASST. THE COMMISSION, THERE WERE DOCUMENTS INCLUD. WITH THE MATERIAL THAT INDICATED THAT IT WAS THE VIEW OF THE POL. OR AT LEAST CERT. POL OFF. THAT THE MATERIAL WAS NOT CREDIBLE. AFTER PERUSING THE MAT. AND CARRYIG OUT FURTHER INVESTIGATIONS, COUNSEL ASST. THE COMMISSION INDICATED WE SAW NO REASON TO CALL THE EVIDENCE.

C1 YES I THINK THAT IS RIGHT.

C2 THEN MR HENRY APPLIED TO HAVE., MR CREW - JUST TO CONTINUE IT ON,MY RECOLLECTION IS THAT MR HENRY IND. AT THE CLOSED HEARING THE POL WISHED THE EVID. TO BE CALLED, IT WAS FOR THAT RESON THE COM. AGREED THAT THE EVIDENCE, SHLD BE HEARD TODAY.

C1 DIDNT MR HENRY WRITE A LETTER BEFORE THE CLOSED HEARING.

MR CREW- YES THAT LETTER WLD BE WITH MR KEYTE AT THE HIGH CT.

C2 THERE IS A SUB. 3RD LETTER FROM MR FISHER, RELATING TO MATERIAL AND CAME AFTER THE CLOSE HEARING IN WHICH MR HENRY MADE THE APPLICATION, TO HEAR WHAT WE ARE HERE TO HEAR TODAY.

MR FISHER - I ACCEPT. THAT.

C1 AS THIS HAS BEEN SAID THE MATERIAL WAS SCONST. BY US AND

COUNSEL ASST. US, THAT WE WLD NOT CALL IT, THAT SIT, WAS CALLED AS RESULT OF THE PRIVATE SITTINGS, THAT THE POL NOW WANT IT CALLED, AND I BELIEVE, BUT DONT KNOW, THERE WAS A LETTER SENT, THAT THEY WANTED THAT TO BE DONE.

MR FISHER - I ACCEPT THAT, I DONT HAVE THE LETTER.

MR WILLIAMS - WITH RESPECT WE HAVE HAD CERTAIN HISTORY OF THESE NICETIES, AND I RESPECT THAT MR FISHER STATE CATE, AND UNAMBIGUOUSLY THAT THE POL ARE CAUSING THIS EVID, TO BE CALLED.

C1 THAT IS A MATTER FOR MR FISHER.

MR FISHER - I DONT SEE ANY REASON TO ADD TO WHAT MY SNR COUNSEL HAS ADDED ON THE MATTER.

C1 THAT IS THE WAY IT STANDS, SO FAR AS THE COMM. STANDS, IT IS CLEARLY STATED BY MR CREW.

C3 WLD IT BE HELPFUL IF ANY LETTER EXISTS, BEFOUND, AND TENDERED TO US HERE.

MR CREW - I WIL ENDEAVOUR, THAT IS AMONGST THE MATERIAL MR KEYTE HAS TAKEN TO THE HIGH COURT.

MR WILLIAMS - I WANT MR FISHER TO RETRACT THAT STMT HE MADE.

C1 WE HAVE CAUSED THE WITNESS TO BE BROUGHT HERE, THAT HAS BEEN IN PERSUANCE OF THE POL, AT THE CLOSED HEARING. THAT IS THE FACT.

MR WILLIAMS - I LKDE TO GET THINGS AS CLEARLY AS ONE CAN GET.

C1 I UNDERSTAND AS A RESULT OF THE REQUEST OF MR HENRY AT CLOSED HEARING, I LEAVE THE LETTER OUT OF IT FOR THE TIME BEING.

MR CREW- AT AN EARLIER STAGE, MR FISHER AND MR HENRY INDICATED THAT THEY WISHED TO MAKE SUBM. THAT THIS HEARING SHL NOT TAKE PLACE IN CAMERA. YOU MAY RECALL THAT THOSE SUBMISSIONS BE MADE AT THE COMMENCEMENT OF THE INCAMERA HEARING NOW. I WANT MR FISHER TO MAKE THOSE SUBMISSIONS, AND THAT HE IS HAPPY TO HAVE THIS HEARING PROCEED IN CAMERA.

MR FISHER - I DONT WISH TO MAKE ANY SUBMISSIONS,

MR CREW- IN THE 4 PTS MY L.FRIEND PUT TO THE COMM, EARLIER IS THE QUEST, OF ONE EXTRA WITNESS, NAMELY INSP, GAINES, WHO IT IS NOT MY INTENTION TO CALL NOW, IT MAY BE WISE FOR MR FISHER TO GIVE THE OTHER TWO PTS,

MR FISHER - THE 5TH IS THE UNPUBLISHED STMT BY MR THOMAS, REGARDING AN INCIDENT AT SCHOOL REGARDING THE DEMLER GIRL, AND THE EVID, THAT HE WAS IN THE SAME CLASSRM AS JEANETTE CREWE,

C1 HE WAS NEVER IN THE SAME CLASS RM AS J.CREW, YOU MEAN J, DEMLER,

MR FISHER - CORRECT, THE 2 WITNESSES IN THAT REGARD ARE MR PARKER, WHO WAS AN ACQUAINTANCE F MR THOMAS IN THE PUKEKAWA DISTRICT AND A MR WOOD, A HEADMASTER OF THE PUKEKAWA SCHOOL,

C1 THIS IS EVID. YOU WANT TO CALL IN CORROBORATION IN SUPPORT OF EVIDENCE, YOU SAY MR PERKOVICH WILL GIVE.

MR FISHER - YES SIR. THE 6TH AND FINAL PT WAS EVIDENCE OF THE INTERESTS OF MR THOMAS IN MAGIC AND PSYCHIC POWER. THAT WLD BE JUST A MATTER OF XM OF MR HOBSON WHOIS ALREADY BEING CALLED, AS I UNDERSTAND IT.

MR CREW - WONDER IF I CAN TAKE THOSE 6 PTS ONE BY ONE. THE FIRST PT IS MR WAREHAM, HE IS BEING CALLED. THE 2ND PT RELATES TO THE H.WRITING. MY UNDERSTANDING HAS BEEN THAT THERE IS NO QUEST, THAT THE MAPS FOR WHAT THEY ARE WORTH ARE IN MR THOMAS HANDWRITING, IF THAT IS NOT SO, I AGREE MR WEST TO BE CALLED, MR WILLIAMS MAY HELP ON THAT PT.

MR WILLIAMS - WE HAVE MADE THOSE SUBM. IN WRITING.

MR CREW - SO FAR AS 3 IS CALLED, MR ODOOVAN WIL BE CALLED. MY ONLY SUBMISSION ON THAT WLD BE THAT MY UNDERSTANDING IS THAT IT IS ACCEPTED BY MY L.FRIENDS MESSRS WILLIAMS AND RYAN, MR THOMAS WLD HAVE SPOKEN TO MR PERKOVICH. MR THOMAS WLD HAVE KNOWN ABOUT THE SWAMP BY THE COWSHED. NO.4, I HAVENT HAD A PREVIOUS REQUEST TO CALL INSP. GAINES, ON THE SUITABILITY OF THE SITE THE COMM. HAS IN MY SUBM. HAD AN AMPLE OPP. TO INSPECT THIS AREA, IN THE VIEW YOU TK AT THE VERY BEG. OF THE HEARING. BECAUSE RIVERS FLOW TO THE SEA IT SEEMS TO FOLLOW AS NIGHT FOLLOWS DAY HAD THE BODIES BEEN PUT IN AT THE PT INDICATED ON THE MAPS, THEY CLD HAVE GOT TO THE AREA WHERE THEY WERE LATER FD. AS TO THE FACT THAT

ACCESS CAN BE HAD TO THE RIVER FROM THAT GENERAL AREA, I WLD NOT HAVE THOUGHT THAT THAT WAS A MATTER THAT IS IN DISPUTE.

C1 YOU MEAN ACCESS FROM THE CREWES HOUSE.

NO SIR SIMPLY AAS I UNDERSTAND THE POINT YOU CLD GET BODIES INTO THE RIVER FROM THAT GENERAL AREA.

C1 I UNDERSTOOD AT SOME PTS YOU CAN GET BODIES INTO A RIVER, JUST TOSS THEM.

MR CREW - INCLUDING THAT AREA, YES.

C1 THE AREA ON THE MAP THAT WAS PUT IN, I DONT SEE WHY WE SLD HAVE SOME MORE EVID. ABOUT THAT, UNLESS SOME PART. PLACE IS TO BE INDICATED. I CERT. CANT SEE WHAT THAT WLD HAVE TO DO WITH THE HEARING HERE.

MR FISHER - THERE IS A X ON THE MAP IN QUESTION.

MR CREW - THAT IS PT 4. IF IT IS ACCEPTED BY EVERYONE HERE THE BODIES CLD HAVE BEEN PUT IN THE RIVER AT THE POINT THATS MARKED WITH A X ON THE MAP C, THAT WILL BE PRODUCED IN DUE COURSE, PERHAPS THAT IS SUFF. THAT IS ALL THAT MR FISHER WANTS INSP. GAINES TO SAY.

MR FISHER - AND BE CONSISTENT WITH THE CURRENTS OF THE RIVER, THAT THE BODIES CLD BE WHERE THEY WERE FOUND.

MR WILLIAMS - JUST EXACTLY WHERE THE CURRENT WLD TAKE A BODY, IT WLD BE A MOST INVOLVED STUDY.

MR FISHER - I THOUGHT YOU HAD ALREADY DECIDED THESE THINGS WERE RELEVANT NOW.

MR CREW - THE NEXT ATTER, THE UNPUB. STMT BY MR THOMAS, INVOL. AN INCIDENT AT SCHOOL WITH MISS DEMLER, WITNESSES WOOD, AND PARKER. MR WOOD IS THE H.MASTER OF THE PUKEKAWA SCHOOL. HE SAYS THEY WERE AT SCHOOL TOGETHER. THAT IS A MATTER AS I UNDERSTAND WAS PUT IN EVID. AT THE TRIALS, AND WLD BE ACCEPTED AT ANY EVENT.

C1 THE SAME SCHOOL NOT THE SAME CLASS. THEY NEVER WERE IN THE SAME CLASS. OR PERHAPS A SCHOOL WHERE 3 OR 4 CLASSES IN THE ONE

ROOM.

MR CREW - UNDERSTAND THAT IS THE SITUATION, THE OTHER WIT, MR PARKER, WE HAVE A BRIEF FROM HIM, RELATING TO THIS INCIDENT AT SCHOOL, MR PARKER WAS NOT AT THE SCHOOL WHEN THE ALLEGED INCIDENT TOOK PLACE, HE HAS WHAT APPEARS ON THE BRIEF SOME RECOLLECTION OF MR THOMAS TELLING HIM SOMETHING ABOUT SUCH AN INCIDENT SOME YEARS, AND IN MY SUBM, THAT IS NOT DIRECT EVIDENCE, AND THE COMM. WLD NOT WANT TO HEAR IT.

MR FISHER - I AM UNCLEAR IF WE ARE ARGUING THE MERITS OF THIS AT THE MOMENT.

C1 THERE IS A PART, PORTION IN THE STMT IN WHICH HE SAYS THOMAS TOLD HIM OF AN INCIDENT WITH A GIRL AT SCHOOL, YOU WANT TO CALL EVIDENCE TO SHOW THE FACTS OF THAT, THAT IT DID REALLY HAPPEN.

MR FISHER - BASIS THAT MR THOMAS, HAS AN IMAGE THAT IT DID OCCUR.

C1 EITHER HE SAID IT OCCURED OR HE NEVER SAID ANYTHING ABOUT IT, I DONT THINK I WLD HEAR IT.

MR FISHER - WHETHER IT OCCURRED OR NOT, IS WHY WE WANT MR PARKER, IF MR THOMAS SAID SOMETHING TO MR PARKER, AND MR THOMAS SAID SOMETHING TO MR PERKOVICH YOU MIGHT THINK THAT THE STMS TO MR PARKER ARE CORROBORATIVE THERE IS A LIKELIHOOD THAT THE SAME STMT CLD LATER HAVE BEEN MADE TO MR PERKOVICH, THAT IS THE POINT.

MR WILLIAMS - I OBJ. FROM A POINT OF LAW, THAT CANT AMT TO CORROBORATION. CORRO. AS I UNDERSTAND IS EVID. COMES FROM AN INDEPENT SOURCE, WHICH CONFMS, THAT A PERSON COMMITTED A PART. CRIME. NONE OF THESE MATTERS, ARE CAPABLE OF BEING CORROBORATIVE OF THAT.

C1 WE HEAR THE EVIDENCE, WHAT HE HAS TO SAY, AS THE MATTERS STANDS I WLD NOT HAVE THOUGHT MR PARKERS EVIDENCE WLD BRE ADMITTED.

MR CREW - THAT LEAVES ME IN A SITUATION I DO NOT PROPOSE TO CALL, PARKER, WOODS OR GAINES, THOSE BEING 3 WITNESSES HE HAD INDICATED HE WANTS TO BE CALLED.

C1 I GIVE MR FISHER LEAVE TO RENEW HIS APPLICATON.

MR CREW CALLS MR FANTHAM (SWORN)

GARY LESLIE FANTHAM, OF WELLINGTON, JUSTICE DEPARTMENT EMPLOYEE.

MR CREW DO YOU PROD ALL FILES HELD BY THE JUSTICE DEPT RELATING TO MR THOMAS TO MR JOHN WEBSTER, FORMERLY KNOWN AS IVAN PERKOVICH AND TO BRIAN COLENSO WAREHAM, THE FILES ARE IN THE BOX AND ARE FAIRLY EXTENSIVE.

THE WITNESS IS PROD THOSE UNDER SUBPOENA SO THAT THE DEPT CAN BE PROTECTED AGAINST ANY COMPLAINTS WHICH MAY BE MADE.

C1: THE WIT CAN BE ASKED IF HE PROD THE DOCUMENTS UNDER THE SUBPOENA.

MR WILLIAMS: WE USUALLY DO IT LIKE THAT.

MR CREW: I DONT WANT THE WIT TO DO ANYTHING ELSE THAN THAT. MR THOMAS'S FILE WHICH RELATES PURELY TO THE COMPENSATION QUEST SHOULD BE MADE AVAILABLE TO MESSRS WILLIAMS AND RYAN, AND THAT THE OTHER 2 FILES FOR PERKOVICH AND WAREHAM BE MADE AVAILABLE TO MR WILLIAMS, MR RYAN AND COUNSEL FOR THE POL ON THEIR UNDERTAKING THAT NONE OF THE INFORMATION CONTAINED IN THE FILES SHOULD GO ANY FURTHER - THEY ARE SENSITIVE FILES.

MR WILLIAMS: IT IS NEC FOR US TO DISCUSS MATTERS WITH MR THOMAS.

C1: YOU MEAN NOT ONLY THE CONSULTATION FILE.

MR WILLIAMS: THERE MAY BE MATTERS THERE WE MAY HAVE TO TAKE INSTRUCTINS ON.

C1: THE ORDER I MADE ORIGINALLY PROVIDED FOR THAT. HE IS NOT TO BE GIVEN THE FILES, THE INFORMATION ON THE FILES IF IT IS RELEVANT TO HIM AND IS NEEDED FOR INSTRUCTIONS.

MR CREW: CALLED

JOHN WEBSTER (SWORN) FORMERLY IVAN PERKOVICH, INMATE OF MT EDEN PRISON.

C1: YOU CHANGED YOUR NAME BY DEED POLL, ... YES.

MR CREW: YOU ARE NOT A NZER BY BIRTH, ... NO.

YOU WERE BORN IN YUGOSLAVIA I THINK, ...YES.

WHEN ... 21 JAN 1930.

I HAVE A COPY OF YOUR CRIMINAL REC SHEET WHICH SHOWS YOU WERE BORN ON 21 DEC 1930 - THAT WOULD BE WRONG, ... THAT IS A MISTAKE.

I ALSO HAVE HERE A STMT WHICH IS SIGNED BY YOU, WHICH YOU HAD BETTER CHECK, IS THAT YOUR SIGNATURE (PROD), ... YES.

YOU WOULD AGREE WITH ME, THE 2ND LINE OF THAT STMT SAYS YOU WERE BORN ON 21 FEB 1930, ... YES, THAT IS WHAT IT SAYS.

MY UNDERSTANDING WHICH IS CONFIRMED BY MESSRS WILLIAMS AND RYAN IS WHEN I ASKED THE QUEST INITIALLY HE SAID JAN, - WHAT DATE IS RIGHT. ... 21.2.30.

C1: YOU SWORE A MOMENT AGO IT WAS JANUARY, ... NO FEBRUARY.

DIDNT YOU SAY A MOMENT AGO 21.1.30, ... I MEAN THE 2ND.

DONT YOU KNOW WHEN YOU WERE BORN, ... 21 FEB 1930, IT IS ON ALL MY DOCUMENTS.

MR CREW: WHEN DID YOU COME TO NZ, ... ON 18 MARCH 1963.

WHY DID YOU COME TO NZ, ... ACCIDENTALLY EMIGRATED TO NZ AS A POLITICAL REFUGEE.

WHAT IS THE NOTEBK IN FRONT OF YOU. ... A FEW NOTES I HAVE.

THESE ARE NOTES YOU HAVE MADE RECENTLY. ... FROM RECOLLECTION.

I WOULD LIKE YOU TO GIVE ME THE NOTES, BEC I WANT YOU TO GIVE THE EVID FROM WHAT YOU REMEMBER. WHY DO YOU SAY YOU HAD TO LEAVE YUGO. ... I WAS INV IN POLITICAL ACTIVITY IN THE COUNTRY, WHICH IS WHY I HAD TO LEAVE MY COUNTRY.

CAN YOU GIVE US SOME IDEA OF THE SORT OF POLITICAL ACTIVITY YOU ARE TALKING ABOUT. ... YES I WAS INV IN AN UNDERGROUND MOVEMENT, AN ORGANISATION OPPOSED TO THE GOVERNMENT, TO BRING ABOUT THE DOWNFALL OF THE YUGO GOVT.

ARE YOU SAYING YOU WERE FAIRLY HEAVILY INV POLITICALLY. ... YES I AM.

ANY POLIT INVOLVEMENT IN YOUR FAMILY. ... YES.

TELL US ABOUT THAT. ... I WDN'T GIVE AN ANSWER ABOUT FAMILIES, I AM SORRY, I AM NOT PREPARED TO DISCUSS THAT.

C1: WHY AREN'T YOU. ... THAT IS MY PRIVATE MATTER. I DIDN'T COME HERE TO TESTIFY ABOUT MY CASE, BUT ABOUT ARTHUR ALLAN THOMAS.

MR CREW: HAVE YOU SINCE YOU CAME TO NZ KEPT YOUR PERSONAL AFFAIRS TO YOURSELF. ... WITH MY OWN PEOPLE.

YOU WDN'T HAVE COMMUNICATED WITH ANYONE IN THE GOVT OR IN AUTHORITY ABOUT YOUR FAMILY HISTORY IN YUGO. ... I TRIED ONCE TO WRITE LETTERS, WHEN I WAS IN PAREMOREMO.

I WOULD LIKE YOU TO TELL THE COM WHAT YOU SAY THE POSITION OF YOUR FAMILY IN YUGO WAS. ... I DONT UNDERSTAND THE REASON FOR THIS. I AM NOT PREPARED TO GIVE THIS EVID.

HAS YOUR FAMILY NAME ALWAYS BEEN PERKOVICH. ... NO IT HAS NOT.

WHAT OTHER NAME HAVE YOU HAD. ... OBRONOVICH.

HAVE YOU EVER WRITTEN TO ANYBODY THAT YOUR GREAT GRANDFATHER WAS

KING OF A PLACE KNOWN AS BLUE HARAVALIA... THATS RIGHT.

C1: IT IS RIGHT YOU WROTE IT, OR IT IS RIGHT HE WAS KING. ... MY GR GRANDFATHER WAS KING, THAT IS WHY I WROTE IT.

IF HE WAS THE KING YOU WD HAVE BEEN THE PRINCE. ... NO I CANT SAY. YUGOSLAVIA WAS ALL ONE NATION ORIGINALLY, BUT WAS SPLIT UP BY OUR ENEMIES AND WE HAVE UNIFIED OURSELVES UP AGAIN NOW.

MR CREW: ARE YOU SAYING YOUR GR GRANDFATHER WAS A KING. ... MY GR GRANDFATHER, HE WAS ASSASSINATED.

C1: WHO WAS IT. ... MY FATHER'S GRANDFATHER.

MR CREW: YOUR GREAT UNCLE WAS ALSO A KING. ... IT IS NOT MY GR GRANDFATHER HE IS A GRAND UNCLE. HE WAS A SERB, NOT CROATO SERB.

YOU SAY KING ALEXANDER WAS YOUR GREAT UNCLE. ... YES.

WHAT HAPPEND TO HIM. ... HE WAS ASSASSINATED.

WHEN ... 1902 -03.

WAS YOUR GRANDFATHER AROUND AT THAT TIME. ... HE ESCAPED.

TO WHERE. ... TO HUNGARY, PART OF THE PROVINCE OF DALMACIA.

WHO WAS IN CHARGE OF DALMATIA AT THAT TIME. ... AUSTRIA.

DID YOUR GRANDFATHER HAVE SOMETHING TO DO WITH THE AUSTRIA-HUNGARIAN PEOPLE. ... YES, THERE WAS AN ARRANGEMENT FOR A RE-UNIFICATION FOR THE FUTURE OALL MY PEOPLE.

WHO ARE THEY ... THE CROATS.

DID THEY LK UPON YOUR GRANDFATHER AS BEING THEIR LEADER, THE CROATIAN PEOPLE. ... YES.

WERE THERE SOME OTHER PEOPLE AROUND WITH SOME OBJECTIN TO THIS. DID THE SERBS HAVE SOME OBJ TO THAT. ... YES.

THE NAME OF THE MAN WAS KARAGEORGIVICH. ... YES.

DID HE ARRANGE FOR SOMETHING TO HAPPEN TO JEOPARDISE THESE PLANS OF YOUR GRANDFATHER. ... THAT WAS ARRANGED AN ASSASSINATION OF PRINCE FERDINAND AND HIS WIFE IN SARAJEVO.

YOU WOULD AGREE THAT IS WHAT STARTED OFF THE FIRST WORLD WAR. .. THAT IS INDIRECTLY.

WOULD YOU AGREE REALLY THE FAMILY THAT YOU COME FROM ARE PRETTY UNFORTUNATE IN THAT THEY JUST ABOUT MANAGED TO SET OFF THE 1ST W. WAR. ... NOT REALLY THE FAMILY, BUT THE FAMILY YOU SAY YOU CAME FROM WAS PART OF THE EVENTS WHICH LED TO THE 1ST WORLD WAR. ... THAT IS TRUE.

C1: DO YOU CLAIM TO BE OF ROYAL BLOOD. ... I CANT DENY THAT.

MR CREW: CAN WE MOVE TO YOUR PERIOD IN NZ. YOU HAVE GOT INTO TROUBLE WITH THE POLICE ON OCCASIONS HAVENT YOU. ... YES.

COULD WE TALK FIRST ABOUT THE MATTER FOR WHICH YOU WERE PUT IN PRISON FAIRLY RECENTLY IN CHRISTCHURCH. DO YOU REMEMBER THAT, THE EARLY PART OF THIS YEAR. ... YES.

THE FIRST CHARGE I HAVE IN FRONT OF ME SAYS YOU GOT A VAUSHALL CAR FROM MECCA MOTORS CHRISTCHURCH BY GIVING THEM A DUD CHEQUE - DID YOU DO THAT.

ARE YOU GUILTY OF THAT OFFENCE, DO YOU CONCEDE YOU SHOULD HAVE BEEN LOCKED UP FOR THAT. ... NO I AM NOT GUILTY.

YOU ARE INNOCENT OF THAT. ... IT WAS NOT INTENTIONAL.

BUT YOU WERE FOUND GUILTY BY THE COURT IN CHRISTCHURCH. ... YES.

THE NEXT ONE RELATES TO GETTING AIRLINE TICKETS TO THE VALUE OF \$72 FROM AIR NZ BY USING A FALSE CHEQUE - IT IS A FALSE PRETENCE CHARGE.

C1: WHOSE CHEQUE WAS IT MR H.W. PERSOTEN.

DO YOU CONCEDE YOU ARE GUILTY OF THAT. ... I DIDNT GIVE AN ANSW

TO THAT BEC OF A CONFIDENTIAL MATTER BETWEEN ME AND THE POL I WAS COLLABORATING WITH THEM ON OTHER MATTERS.

C1: DID YOU SIGN THE CHEQUE WITH THE NAME OF H.W. PERSOTEN, ... NO I DIDNT.

ANYONE ELSE CHARGED WITH THIS.

MR CREW: JUST TO MAKE IT QUITE CLEAR, CAN WE COME TO THE CHARGE INV THE CLARENDON HOTEL. THE SAME SORT OF CHARGE WASNT IT. ... YES.

DID YOU MAKE THE BKING AT THE CLARENDON HOTEL, ... YES.

DID YOU USE THE NAME JOHN SCHRODER, ... YES.

WHY DID YOU USE THAT NAME, ... FROM THAT GROUP WHERE I WAS ASSOCIATING AT THAT MOMENT.

WD YOU AGREE YOU STAYED THERE FROM 19 - 24 DECEMBER, ... YES.

WD YOU AGREE YOU RAN UP A BILL OF OVER \$1000 IN THAT TIME, ... THATS RIGHT.

DID YOU ON 24 DEC GIVE THE MANAGER A CHEQUE SIGNED BY MR PERSTEN FOR \$600

DID YOU KNOW THERE WAS NO MONEY IN THE ACCOUNT, ... I DIDNT KNOW.

WERE YOU ACQUITTED WHEN YOU PLEADED NOT GUILTY TO THAT CHARGE, ... NO I WAS NOT ACQUITTED.

C1: DID HE PLEAD NOT GUILTY.

MR CREW: YES.

C1: DID HE GIVE EVID. ... NO, BEC THE PEOPLE DEALING WITH ME ARE ALL DRUGS PEOPLE.

MR CREW: WHY DID THAT STOP YOU GIVING EVID. ... I WAS ACCIDENTALLY ARRESTED BY THE FRAUD SQUAD BEFORE THE TIME.

C1: DO YOU MEAN THE DEAL HADNT GONE THRU. ... NO THEY HAVE NEVER ARRIVED BEC WE NEVER COMPLETED THE DEAL BEC I WAS ARRESTED.

MR CREW: ARE YOU SAYING YOU HAVE BEEN IMPORTING DRUGS INTO NZ. ... NO, I WAS ACTING AS AN INFORMER.

C1: YOU WERE WORKING FOR THE POL AND THEY PUT YOU IN GAOL. ... THEY DIDNT KNOW, THE OTHER BRANCH DID NOT KNOW ABOUT ME.

YOU WERE WORKING FOR ONE BRANCH OF THE POL FORCE, THE DRUG PEOPLE AND THE FRAUD PEOPLE CAME ALONG. ... YES.

MR CREW: YOU MUST HAVE BEEN PRETTY UPSET BY THIS. WHO IS YOUR CONTACT IN THE POL, THE MAN WHO KNOWS YOU ARE WORKING WITH THE POL. ... I NEVER DISCUSSED IT BEFORE AND GAVE HIS NAME.

C1: ARE YOU SAYING YOU ARE AN INFORMER FOR THE POL ON PEOPLE ON THE DRUG BUSINESS AND YOU DONT WANT TO GIVE THEIR NAMES.

MR CREW: YOU TELL US THE NAME OF THE POLICEMAN WHO CAN CONFIRM WHAT YOU ARE SAYING IS TRUE. ... I WD HAVE TO SEE HIM FIRST.

C1: HE WANTS TO SEE A PART POLICEMAN MR FISHER, CAN YOU MAKE THE ARRANGEMENTS.

MR FISHER: I BEL I CD.

MORNING TEA ADJOURNMENT, 11.15AM.

HEARING RESUMES AT 11.55AM

MR WEBSTER STOOD DOWN, AND OTHER WITNESSES CALLED.

MR CREW CALLS MR HOBSON. (SWORN)

MY FULL NAME IS JOHN HOBSON, AND AT PRESENT THE SUPERINTENDENT OF THE AUCKLAND PRISON AT PAREMOREMO.

DO YOU HAVE THE NOTEBOOK WITH YOU ON WHICH YOU ENTERED VARIOUS DETAILS, RELATING TO YOUR DEALINGS WITH MR PERKOVICH... I HAVE SIR.

I THINK THAT IN EARLY 1978 MR PERKOVICH WAS IN YOUR PRISON... PERKOVICH WAS RECEIVED AT AK PRISON ON 28 JAN 1977.

CAN YOU TELL US WHY HE WAS PUT INTO YOUR PRISON RATHER THAN LEFT IN THE WGTN AREA... HE WAS TRANSFERRED TO MAXIMUM SECURITY FROM RECOLLECTION BECAUSE HE HAD MADE THREATS AGAINST HIS WIFE THAT HE WAS CONTEMPLATING ESCAPE FROM WGTN PRISON AND THE AUTHORITIES WERE CONCERNED AT WGTN PRISON ABOUT HIS MENTAL STATE.

I THINK YOU IN FACT HAVE A PSYCHIATRIST PART TIME ON THE STAFF OF YOUR PRISON... YES THAT IS CORRECT, DR F.C. WHITTINGTON, FORENSIC PSYCHIATRIST.

HE WAS AT YOUR PRISON I THINK UNTIL 21 MARCH 1978... HE WAS TRANSFERRED TO MT EDEN PRISON ON 21 MARCH 1978.

SHORTLY BEFORE THAT DID HE COME TO SEE YOU AND INDICATE THAT HE WISHED TO SPEAK TO THE POLICE ABOUT THE MATTER... YES THAT IS CORRECT ON 27 JAN. 1978 HE HAD AN INTERVIEW WITH ME AND ASKED THAT HE BE ALLOWED TO SPEAK TO A SNR RANKING PRISON OFF. REGARDING A.A. THOMAS AND THE CREWE MURDERS.

DID HE GIVE YOU ANY INDICATION OF THE SUBSTANCE OF THE INFORMATION HE WISH TO GIVE THE POLICE... THE ONLY INFORMATION HE GAVE ME WAS AN INDICATION THAT THOMAS HAD MADE SOME SORT OF ADMISSION OF GUILT TO HIM.

DID YOU THEN TELEPHONE DET. CHIEF INSP. GENTRY WHO IS KNOWN TO YOU... THAT IS CORRECT.

DID YOU INDICATE TO HIM THAT PERKOVICH HAD MADE THE REQUEST, THAT A POLICE OFF. VISIT HIM AT THE PRISON.. THAT IS CORRECT.

I THINK THAT MR SCOTT VISITED HIM IN YOUR PRISON ON 9 FEB. 1978... THAT IS CORRECT.

DID YOU KNOW WHAT TOOK PLACE DURING THAT CONVERSATION... NO NONE WHATSOEVER, NOR WAS I MADE AWARE OF THE NATURE OF THE STMT THAT PERKOVICH MADE TO THE POLICE.

WAS THAT THE ONLY VISIT WHICH MR PERKOVICH RECEIVED FROM THE POLICE CONCERNING THIS MATTER BEFORE HE LEFT YOUR PRISON... THAT IS CORRECT TO THE BEST OF MY KNOWLEDGE.

DO YOU KNOW WHETHER HE HAD ANY OTHER VISITS FROM OTHER POL. OFF, WHILE HE WAS IN YOUR PRISON.. YES SHORTLY AFTER PERKOVICH'S ARRIVAL AT AK PRISON, I REQUESTED THE PSYCHIATRIST DR WHITTINGTON TO SEE PERKOVICH. HE WAS SOMETHING OF AN ENIGMA SO FAR AS WE THE ADMINISTRATION WERE CONCERNED, WE DIDNT APPEAR TO MAKE MUCH HEADWAY WITH HIM. HE CLAIMED TO BE OF ROYAL BLOOD, HE CLAIMED TO HAVE MILLIONS IN A SWISS BANK, THAT HE WAS BEING HOUNDED BY THE SCRET SERVICE OF YUGOSLAVIA, THAT HIS LIFE WAS IN DANGER. AS A RESULT OF THIS DR WHITTINGTON AND MYSELF RECRUITED THE ASSISTANCE OF ONE METE FRANKOVICH, WHO IS A PRACTISING BARRISTER IN AUCKLAND.

I TAKE IT HE VISITED PERKOVICH...YES

WHAT I WANT TO GET CLEAR MR PERKOVICH HAS GIVEN EVIDENCE TO THIS COMMISSION THAT HE'S A POLICE INFORMER, CAN YOU TELL US WHETHER HE HAD ANY OTHER VISITS FROM THE POLICE, APART FROM THE ONE OF MR SCOOT YOU HAVE MENTIONED.. I RECALL THAT PERKOVICH WAS VISITED AT ONE TIME, BY A DET. SGT. FROM THE CRIM. INVEST. BRANCH, OR CRIM. INTELLIGENCE, I AM SORRY, I THINK IT WAS A DET. SGT. MACELHINNEY. SO FAR AS I WAS AWARE THE PURPOSE OF THE INTERVIEW WAS REGARDING CRATIAN ACTIVIES.

NO OTHER VISITS SO FAR AS YOU AWARE BY THE POLICE...NO.

MR FISHER.

WHILE MR THOMAS WAS IN YOUR CUSTODY TO YOUR KNOWLEDGE DID HE WRITE TO LOS ANGELES FOR SOME MATERIAL FROM THE PSYCHIC POWER LABORATORY... I REMEMBER AN OCCASION WHEN I THINK ONE OF THE DIVISIONAL OFFICERS, PLACED A LETTER ON MY DESK WHICH WAS ADDRESSED TO SOME SUCH ORGANISATION IN AMERICA, REQUESTING INFORMATION ABOUT THE MYSTERIES OF PYRAMID. THERE WAS A COVERING LETTER FROM THOMAS WHICH BRIEFLY SAID THAT HE HAD BEEN WRONGFULLY CONVICTED OF MURDERS, THAT HE WAS SERVING A SENTENCE OF LIFE IMPRISONMENT AND REQUESTED TO KNOW WHETHER THIS PART.

ORGANISATION CLD BE OF ASSISTANCE TO HIM., THE LETTER WAS FORWARDED BY NORMAL POST. I HAD NO REASONTU SUPPRESS THE LETTER.

DID MR THOMAS WHILE IN YOUR CUSTODY HAVE SUCH A PSYCHIC PYRAMID IN HIS CELL,.. I THINK AT ONE TIME HE HAD A SMALL CARDBOARD PYRAMID.

MR WILLIAMS

IT WLD BE TRUE WLD IT NOT AT THE TIME SEVERAL PRISONERS WERE INTERESTED IN THIS PYRAMID THEORY IF I MAY PUT IT THAT WAY, AND WERE EXPERIMENTING WITH PYRAMID SHAPES.. THAT IS CORRECT. AT THE PRESENT TIME THERE IS AN INMATE IN PAREMOREMO BY THE NAME OF PETER MILES FOX, AND I HAVE KNOW FOX SINCE 1965 AND AS FAR AS I CAN REM. FOX HAS HAD A CARDBOARD PYRAMID IN HIS CELL. HE PLACES UNDER THE PYRAMID HIS RAZOR BLADE, AND HE WANTS TO BELIEVE THAT THAT IS THE SAME RAZOR BLADE UNDER THE PYRAMID, SINCE 1965, THAT IS THE MYSTERY SO FAR AS FOX IS CONCERNED.

MR CREW CALLS DR CLOUSTON.(AFFIRMED)

MY FULL NAME IS DAVID THOMAS CLOUSTON, I RESIDE AT WELLINGTON.

YOU ARE A DULY QUALIFIED MEDICAL PRACTITIONER,..YES.

YOUR QUALIFICATIONS ARE A M.A. FROM CAMBRIDGE UNIVERSITY,..YES

FROM THE UNIV. OF NZ A B.A., BMD AND B. SURGERY,..YES.

I THINK YOU PRACTISED FOR SOME 20 YRS IN THE FIELD OF PSYCHIATRY...YES

THAT WAS UNTIL 1974, IS THAT CORRECT...YES

SINCE THEN HAVE YOU BEEN A CONSULTANT TO THE ACCIDENT COMPENSATION COMMISSION...YES.

IN 1970 YOU WERE I THINK AT THE PORIRUA MENTAL HOSPITAL IN WELLINGTON...YES.

DO YOU REMEMBER MR PERKOVICH, NOW KNOWN AS MR WEBSTER BEING ADMITTED AT THAT TIME...YES I DO.

PERHAPS I CLD GIVE YOU THE FILE FROM PORIRUA HOSP. ON MR PERKOVICH, I THINK YOU ARE FAMILIAR WITH THAT FILE...YES I AM.

DR, YOUVE HAD A LK AT THE FILE LAST NIGHT...YES.

YOUVE HEARD MR PERKOVICH GIVE SOME EVID. THIS MORNING...YES.

YOU WERE OF COURSE ASSOCIATED WITH HIM FOR SOME 4 YRS WHILE HE WAS IN PORIRUA HOSPITAL...YES THAT IS TRUE.

GIVE YOU OPINION OF HIS MENTAL STATE... HE CAME UNDER REMAND, AND I EXAMINED HIM AND DIAGNOSED HIM AS A PARANOID SCHIZOPHRENIA HE WAS DELUDED IN A GRANDIOSE WAY, HE WAS AURALLY HALLUCINATED.

WHAT DOES THAT MEAN, ANYTHING TO DO WITH HEARING VOICES...YES. IN THE CLIMATE OF THE 1970 IT WAS KNOWN AS RADIO, WE TEND TO EXPLAIN OUR HALLUCINATIONS, IN TERMS OF OUR PERVADING CULTURE.

MR CREW - YOU WERE REF. TO WHAT WAS CALLED 'RADIO' IN THE 70'S. YOU SAY IT IS CALLED SOME TYPE OF COMPUTER DISEASE NOW... THE OFF. TERM IS AURALLY HALLUCINATED. HE CALLED IT A RADIO AND HE SAID THE RADIO CAME FROM CROATIA. THIS IS THE VOICE WHICH GAVE HIM HIS ORDERS AND HIS IDEAS.

IN YOUR OPINION WLD HE HAVE BELIEVED WHAT HE WAS TELLING YOU ABOUT THIS VOICE... I AM QUITE SURE OF IT, AS HE BELIEVED THE THINGS THEY TOLD HIM, THEY WERE GENUINE DELUSIONS. I DONT THINK THERE WAS ANY EVIDENCE OF CONNING ANYBODY, IT WAS A CLASSICAL CASE OF GRANDIOSE PARANOID SCHIZOPHRENIA.

HE WAS IN THE HOSPITAL FOR SOME 4 YRS, HE WAS THERE A BIT AFTER THAT I THINK EVEN AFTER I LEFT.

OVER THAT PERIOD DID HE GET ANY BETTER... NO.

IS THIS A CONDITION FROM WHICH YOU CAN RECOVER... I WLD HAVE SAID 20 YRS AGO, NO. BUT THE DIAGNOSIS IS A FINAL ONE, BUT THAT IS NOT QUITE SO NOW. THE CHANCES WLD NOT BE MORE THAN 1% OF A GENUINE RECOVERY IN THE CASE OF PARANOID SCHIZOPHRENIA. I NOTE WHEN HE WAS DISCHARGED FROM PORIRUA HE WAS DISCHARGED "IMPROVED" WHICH MEANT THAT NO ONE CONSIDERED THAT HE WLD RECOVER.

I THINK THERE IS A LETTER ON THAT FILE DATED 29 JANUARY 1970 WHICH YOU MAKE THE FOLLOWING COMMENTS "PERKOVICH IS A PSYCHOTIC MAN WHO HAS, ACCODING TO HIS WIFE, NEER KNOWN FACT FROM FANTASY, AND WHO SUFFERS RAPIDLY CHANGING DELUSIONS OF A GRANDIOSE TYPE." "IN MY OPINION PERKOVICH IS PSYCHOTIC AND NOT FIT TO PLEAD OR STAND TRIAL. I SUGGEST HE BE CERTIFIED AND SENT TO A PSYCHIATRIC HOSPITAL".

DID THAT REPRESENT YOUR OPINION OF HIM AT THE TIME... YES.

ARE TEH REF. TO GOLD BRICKS REFERENCES TO THE MATTERS, TO WHICH HE WHAD BEEN ARRESTED BY THE POL. AND BROUGHT BEFORE THE CT. ..YES.

DO YOU UNDERSTAND THAT TO HAVE BEEN WHAT ONE MIGHT CALL A FRAUD MATTER...YES BUT MOTIVATED BY HIS DELUSIONS.

C1 THE VOICES TOLD HIM PAINT THE LEAD WITH GOLDEN PAINT...YES I THINK SO.

CREW- COMING TO 1974, I THINK THERE IS ALSO A LETTER ON THAT FILE THAT YOU WROTE ON 19 NOVEMBER 1974, TO A MR FOX, A PARTNER IN A WGTN FIRM OF SOLICITORS, BRANDON WARD...YES.

WAS THAT LETTER WRITTEN BECAUSE PERKOVICH HAD MADE APPLICATION TO THE COURT.FOR A MAGISTERIAL ENQ. AS TO WHETHER HE SHLD REMAIN A COMMITTED PATIENT...YES.

CLD I READ YOU THE CONCLUDING PARA. OF THAT LETTER "MR PERKOVICH PRESENTS WELL SUPERFICIALLY, BUT HAS A LONG HISTORY OF DELUSIONAL BELIEFS IN HIS ROYAL ROLE IN THE "CROATIAN LIBERATION MOVEMENT" AND IS OFTEN AUDITORILY HALUCINATED BY WHAT HE IMAGINES ARE RADIO MESSAGES FROM A REBEL STATION IN MADRID. HIS DELUSIONS HAVE

MOTIVATED VARIOUS "CONFIDENCE TRICKS" AND EVEN THREATS OF HOMICIDE. UNFORTUNATELY HIS BELIEFS ARE REINFORCED BY FLOODS OF LITERATURE FROM AUSTRALIA AND SOUTH AMERICA ON THE SUBJECT OF "CROATIA REPUBLIKA". HIS CONDITION HAS BEEN FREQUENTLY INVESTIGATED BY VARIOUS AGENCIES INCLUDING THE OMBUDSMAN. HIS UNDOUBTED CHARM AND INTELLIGENCE AND HIS MODERATE ABILITY WITH THE PAINT BRUSH MAKE HIM A MODEL PATIENT WHOM IT IS DIFFICULT TO FAULT AT INTERVIEWS. ONE NEEDS A LONGITUDINAL VIEW OF HIS MENTAL HISTORY TO UNDERSTAND THE POTENTIAL DANGER OF HIS PSYCHOSIS. MUCH OF OUR INFORMATION ABOUT THE INNER WORKINGS OF HIS MIND COME FROM REPORTS FROM HIS WIFE IN WHOM HE CONFIDES. HE TAKES MOST OF HER MONEY FROM HER AND IS ALWAYS IMMACULATELY DRESSED. IN MY OPINION IT IS NECESSARY IN THE PUBLIC INTEREST THAT IVAN PERKOVICH SHOULD REMAIN A COMMITTED PATIENT."

THAT ACCURATELY SUMS UP YOUR ATTITUDE AT THE TIME...YES.

WHEN YOU TALK IN THAT LETTER ABOUT THE LONGITUDINAL VIEW WHAT DO YOU MEAN BY THAT... WHAT I MEANT WAS SO MANY PEOPLE HAD SEEN HIM FOR HALF AN HOUR OR AN HOUR PERHAPS; BY THE TIME THEY HAD BROKEN THROUGH HIS CHARM THEY WLD NOT FIND VERY MUCH WRONG WITH HIM - SOCIAL WORKERS, CLERGY MEN, DO GOODERS, WLD COME TO ME AND SAY THERE'S NOTHING WRONG WITH IVAN. BUT YOU MUST TAKE INTO ACCOUNT THE WHOLE LONG HISTORY OVER THE YEARS.

YOU ARE FAMILIAR WITH THAT HISTORY...YES.

HE WAS DISCHARGED FROM THE HOSPITAL. EARLY IN 1975...YES

DID THAT DISCHARGE MEAN HE HAD RECOVERED FROM THE CONDITION YOU HAVE DESCRIBED TO US.. NO THE VERY FACT HE WAS DISCHARGED "IMPROVED" IS A LEGAL FICTION - I WLD CALL IT - WHICH WAS WISHED UPON US MANY YRS AGO BY THE SUPREME CT SO WE CLD SAY A MAN WAS 'IMPROVED' THEN - "RECOVERED" - HE WAS RECOVERED (2) WE THOUGHT HE WAS PSYCHOTIC, BUT AT A VERY MUCH LOWER LEVEL THAN PREVIOUSLY, OR "IMPROVED" WHICH MEANT THE HOSPITAL CONSIDERED HE WAS NO LONGER A DANGER TO HIMSELF OR OTHERS BUT THEY RESERVED THE RIGHT NOT TO SAY MUCH ABOUT HIS MENTAL STATE. THAT IS WHAT HAPPENED TO PERKOVICH.

SO FAR AS THE HOSPITAL WAS CONCERNED, HE WAS RELEASED INTO THE COMUNITY STILL SUFFERING FROM THE SAME MENTAL CONDITION IN THE PIOUS HOPE HE WLD NOT CREATE ANY MENTAL PROBLEMS FOR HIMSELF OR FOR OTHERS...YES.

I WLD LIKE TO SHOW YOU A REPORT FROM THE TOKANUI HOSPITAL PREPARED IN MAY 1976.

VOIR DIRE EXHIBIT A REPORT FROM TOKANUI HOSPITAL.

MR CREW - LKG AT THE LAST 2 PARA. DO YOU AGREE WITH THIS. OF BEING FEEBLE MINDED WHICH I DONT BELIEVE. INTELLIGENT, ECCENTRIC - YES. I BELIEVE HE IS PSYCHOTIC. WHOEVER THOUGHT THIS -- WITHOUT A LONGITUDINAL VIEW IT WLD BE VERY EASY EVEN FOR A DR NOT TO UNEARTH THOSE DELUSIONS AND HALUCINATIONS - IN MATERIAL.

C1 HE WAS ONLY SEEING HIM FOR THE PURPOSE OF WHETHER HE WAS FIT TO PLEAD...YES.

THAT IS A FAIRLY LOW TEST...YES.

CREW - FROM YOUR KNOWLEDGE OF THE PROCEDURES IN THESE MATTERS, THE AMT OF TIME ALLSOP WLD HAVE SPENT WITH PERKOVICH FOR THE PURPOSES OF AN EXAMINATION UNDER S.47(A)(2)(B), FOR THE PURPOSES OF AN EXAMINATION UNDER THE CRIMINAL JUSTICE ACT WOULD NOT BE PARTICULARLY GREAT.... I AM ASSUMING THAT..

THAT WOULD BE THE NORMAL PRACTISE YES

I WLD LIKE TO SHOW YOU ANOTHER PSYCHIATRIC REPORT YOU MAY NOT HAVE SEEN PREPARED ON 4 MAY 1980. PART. THE LAST PARAGRAPH... THIS IS FROM A CONSULTANT PSYCHIATRIST "HE BELIEVED WHAT HE WAS SAYING AND WAS SUFFERING FROM PARANOID SCHIZOPHRENIA AND DELUSIONS OF GRANDURE, AND INTRIGUE ON WHICH HE ACTED, SUCH THAT HE WOULD HAVE A DEVENCE UNDER SECTION 23 OF THE CRIMES ACT, BUT MORE OBSERVATION IS NECESSARY TO CONFIRM SUCH".

THAT IS YOUR OPINION TOO...YES.

DOES IT APPEAR FROM THAT LETTER THAT THE PSYCHIATRIST WHO PREPARED IT HAD ACCESS TO THE PORIRUA HOSPITAL FILE.... IT SAYS "HIS PORIRUA HOSP. FILE HAS NOT YET ARRIVED, WHICH IS EN ROUTE..." SIGNED ROBYN HEWLAND.

YOU HAVE HAD THE OPPORTUNITY OF GAINING SOME IDEA OF THE ALLEGATIONS THAT PERKOVICH HAS MADE THAT THOMAS HAS MADE A DETAILED CONFESSION TO HIM OF HAVING MURDERED THE CREWES AND THE WAY HE DID IT.... I HAVENT HEARD ANYTHING OF THE SORT ACTUALLY.

I THINK YOU HAVE BEEN TOLD THAT IS WHAT HAPPENED... YES;
RUMOUR.

I DONT WANT TO LEAD YOU ON THIS, BUT WLD YOU BELIEE THAT FROM PERKOVICH...PUT IT THIS WAY, WITH HIS LONG HISTORY OF DELUSIONS AND HALLUCINATIONS AND HIS APPARENT INCAPABILITY OF KNOWING HOW TO FIT INTO SOCIETY PROPERLY I WLDNT PUT CRENDENCE ON ANYTHING IVAN SAID WITH ANY EMOTIONAL OR IMPORTANT CONNOTATION. IF HE SAID IT WAS 12.30 I MIGHT BELIEVE HIM, BUT FOR AN INSIDE KNOWLEDGE OF TRIALS OF THIS IMPORTANCE I WLDNT PUT ANY CRENDENCE ON IT AT ALL WITHOUT AN AWFUL LOT OF CORROBORATION.

YOU SAID SOMETHING ABOUT ADESIRE FOR IMPORTANCE, CAN YOU EXPAND ON THAT...THIS IS PART OF THE DELUSIONAL SYSTEM WITH THE GRANDURE THAT GOES WITH IT. THE DELUSIONS OF ROYAL DESCENT, WHICH SHOWS GRANDURE, OR THE GRANDIOSE NATURE OF HIS PERSONALITY WHICH FORMS HIS DELUSIONS THE WAY THEY ARE, NO ONE KNOW ONE WAY OR THE OTHER, BUT HE IS A GRANDIOSE SCHIZOPHRENIC.

C1 PUTTING HIMSELF IN POSSESSION OF A CONFESSION TO MURDER WLD PUT HIM A POSITION OF POWER SOFARAS THAT MAN IS CONCERNED, WOULDNT IT...YES INDEED.

CREW- IS THIS THE SORT OF THING YOU WOULD EXPECT HIM TO MAKE UP AND BELIEVE... YOU ARE ASKING ME AN IMPOSSIBLE QUEST, TO ANSWER, ONCE AGAIN THE DELUSIONS, THE VOICES ARE FORMED TO A CERTAIN DEGREE BY THE CIRCUMSTANCES IN WHICH YOU FIND YOURSELF.

PERHAPS YOU WOULD PRODUCE THAT 2ND PSYCHIATRIC REPORT.

EXHIBIT B REPORT DATED 4.5.80.

MR WILLIAMS

IN YOUR VIEW IS PERKOVICH CHRONICALLY PSYCHOTIC... YES.

YOU MENTIONED THAT YOU AGREE HE CAN BE MANIPULATIVE...YES.

DOES THAT EMBRACE THE PROPOSITION THAT HE CAN BRING OTHER PEOPLE INTO HIS SCHEMES...YES VERY MUCH SO.

IT MEANS HE HAS AT TIMES A PERSUASIVE POWER OVER PERSONS...YES.

IN FACT YOU WLD ALMOST GET THE FOLIE AUX DEUX SITUATION AT TIMES....YES.

AND IN 2 OR 3 OTHER TIMES WITH SIMPLE MAORIS AND PATIENTS IF I REMEMBER.

MR WILLIAMS - HIS ILLNESS HAS EXPRESSED ITSELF FAIRLY FREQUENTLY IN ANTI SOCIAL BEHAVIOUR HAS IT NOT...YES IT HAS.

SOME OF THIS HAS BEEN OF A RELATIVELY MINOR NATURE AS RECORDED IN THE HOSPITAL NOTES...YES

SUCH AS ACCUSING A FELLOW INMATE OF COMPLICITY IN SMUGGLING WINE, IS ONE MTTER IN THE HOSPITAL NOTES...YES I REMEMBER THAT.

MORE PARTICULARLY OUTSIDE THE CONFINES OF THE INSTITUTION IT HAS MANIFESTED ITSELF IN MORE MAJOR THINGS SUCH AS FRAUDULENT BEHAVIOUR...YES.

MR FISHER

YOU OF COURSE HEARD MR PERKOVICH GIVE HIS EVID. EARLIER ON THIS MORNING, AND PRIOR TO THAT YOU TREATED HIM IN THE FIRST HALF OF THE 1970'S HAVE YOU EXAMINED HIM IN THE 5 YR PERIOD BETWEEN... NO I HAVEN'T.

LKG IF YOU WLD AT THE TOKONUI HOSPITAL RECORD REPORT, THERE OF MAY 1976, THIS OF COURSE WAS BASED ON EXAMINATION BY THE PSYCHIATRIST CONCERNED...YES,

USUALLY FOR A PERIOD OF ABOUT A MONTH ON REMAND...USUALLY,

WLD YOU THINK THE PERSON WHO CONDUCTED THE LAST INDEPTH SERIES OF INTERVIEWS AND EXAMINATIONS MIGHT HAVE SOME ADVANTAGE IN THAT AREA GIVEN OF COURSE THE ADVANTAGE YOU HAVE OF SEEING HIM OVER A LONGER PERIOD...YES. I REALISE MY OPINION IS A BIT VULNERABLE ON THESE GROUNDS BUT THE CHANCES OF A MAN WITH THIS TYPE OF ILLNESS RECOVERY ARE VERY UNLIKELY.

AS THE DR. SAID HE SEEMED TO BE WELL AT THE TIME HE WAS DISCHARGED FROM PROIRUA, BUT THAT WASNT SO BECAUSE THE STMT ON THE DISCHARGE SLIP WAS ONLY "IMPROVED" WHICH MEANS HE HADN'T RECOVERED.

C1 WHICH REPORT WERE YOU READING FROM MR FISHER...17 MAY 1976.

MR FISHER - IT WAS SUGG. TO YOU THE LAST PARA, SHOWED ALL HE WAS COMMENTING ON WAS FITNESS TO PLEAD... THAT IS WHAT IT LKS LIKE TO ME.

THE LAST SENTENCE DEALS WITH THE DIFFERENT QUESTION OF A POSSIBLE DEFENCE OF INSANITY, DOESNT IT...YES.

WHICH IS A SOMEWHAT MORE STRINGENT TEST.

C1 IF IT IS, IT IS THE WRONG DEFENCE, TEST OF INSANITY IS NOT LEGALLY WRONG IT IS ONLY ACCORDING TO THE STANDARDS OF THE ORDINARY MAN.

MR FISHER - I DOUBT WHETHER DR ALLSOP WAS A LAWYER BUT HE WAS GIVEN THE TWO MAIN ARMS OF THE NATURE AND QUALITY OF THE ACTION, WHETHER HE KNEW HIMSELF IT WAS WRONG...YOU CLD SAY TO IVAN DID YOU DO THIS - YES. DID YOU KNOW IT WAS WRONG - YES. YOU CAN WRITE THAT SENTENCE, BUT IN MY OPINION HE WAS ALWAYS DELUSIONARILY MOTIVATED IN THE THINGS HE DID, THAT MAKES IT THE DISTINCTION.

THE DR WHO GAVE AN OPINION DEFENCE OF SANITY SIMPLY ON THE PATIENTS OWN VERSION OF HIS ABILITY ALD BE DOING A PRETTY SUPERFICIAL JOB...SURE.

C1 DOES S.23 OF THE CRIMES ACT, ALLOW SOMEONE TO PLEAD INSANITY.

MR WILLIAMS YES

C1 HE HAD DETERIORATED SINCE THEN. "HE BELIEVED WHAT HE WAS SAYING....DEFENCE UNDER S.23 OF THE CRIMES ACT...."

MR WILLIAMS THAT WLD BE THE M'NAUGHTON RULES SECTION.

MR FISHER YES AND LKG AT THIS SECOND REPORT FROM HEWLAND "MORE OBSERVATION IS NECESSARY TO CONFIRM SUCH". YOU WLD BE AWARE IT IS THE SYSTEM IN NZ THAT IF THAT DEFENCE HAD BEEN UPHELD, RATHER THAN WINDING UP IN A PRISON HE WLD WIND UP IN A HOSPITAL....YES ONCE AGAIN A PSYCHIATRISTS OPINION IS AT THE MERCY OF 2 G.P'S IN THE MAGISTRATES COURT, AND WE HAVE HAD SITUATIONS LIKE THIS IN THE PAST.

MR WILLIAMS - I THINK IT IS COMMON GROUND THAT IN FACT SUBSEQUENT TO THIS REPORT PERKOVICH WAS SENT TO PRISON, AND THAT IS WHERE HE HAS BEEN SINCE.

MR CREW - THE TRANSCRIP OF THE JUDGE'S SENTENCE INDICATES THAT PERKOVICH'S COUNSEL EXPRESSLY AGREED HE DID NOT WANT ANY FURTHER PSYCHIATRIC INVESTIGATION. IT WLD BE MY SUBMISSION, ONE MIGHT REASONABLY INFER HIS CLIENT DID NOT WANT TO BE LOCKED UP INDEFINITELY IN A PSYCHIATRIC HOSPITAL.

C1 IS THE SITUATION THAT YOU ARE THERE AT THE GOVT'S PLEASURE.

MR WILLIAMS - YES.

MR FISHER - YOU HAVE MENTIONED YOU DID NOT PUT CREDENCE ON WHAT PERKOVICH SAID ON A TOPIC THAT HAD IMPORTANT EMOTIONAL CONTENT...YES.

THE SORT OF THING THAT YOU HAVE IN MIND I IMAGINE IS THAT IF PERKOVICH SAID A MAN HAD CONFESSED TO A MURDER YOU WLD NOT PUT CREDENCE ON THAT...NO.

AT LEAST AS YOU SAID, NOT WITHOUT AN AWFUL LOT OF CORROBORATION...YES.

THAT IS BECAUSE A CONFESSION TO MURDER IS JUST SUCH AN ASPECT OF

AN IMPORTANT EMOTIONAL CONTENT...YES MANIPULATIVE VALUE AS WELL.

YOU CONTRASTED THAT WITH THE SORT OF STMT BY HIM THAT 12.30 IS THE TIME; THAT IS THE SORT OF AREA WHERE HE CLD VERY WELL BE TELLING THE TRUTH, BECAUSE IT DOESNT HAVE IMPORTANT EMOTIONAL SIGNIFICANCE...YES.

DOES THAT LEAVE US WITH THE SITUATION IF YOU HAVE A PERKOVICH STMT E.G. RELATING TO A CONFESSION AND THE FACT OF THE CONFESSION, THAT IS THE AREA THAT YOU WLD NOT WANT TO ACT ON WITHOUT AN AWFUL LOT OF CORROBORATION AS YOU SAID. BUT SUPPOSING HYPOTHETICALLY YOU DID HAVE AN AWFUL LOT OF CORROBORATION ON THAT TOPIC I SUPPOSE IT FOLLOWS FROM WHAT YOU HAVE SAID THAT IN WHAT YOU MIGHT DESCRIBE AS THE UNEMOTIONAL DETAILS, THESE CLD VERY WELL BE GIVEN SOME CREDIBILITY....PROBABLY YES.

A DIFF. TOPIC YOU DISCUSSED WITH M.FRIEND MR WILLIAMS, THE POINT THAT THAT WAS A MANIPULATIVE SORT OF MAN AND I SUGGEST HE IS THE SORT OF MAN WHO CAESTABLISH FAIRLY READILY AN INTIMACY WITH THE PEOPLE WITH WHOM HE IS DEALING...HE WAS A LONER IN HOSPITAL. HE MANIPULATED PEOPLE BUT HE DIDNT MIX WITH PEOPLE VERY WELL.

WLD YOU SAY HE IS THE SORT OF MAN IF HE SET HIS MIND TO IT HE CLD BE GOOD AT GETTING OTHER PEOPLE TO TALK... I REALLY DONT KNOW ABOUT THAT.

WLD IT BE FAIR TO SAY HE IS THE TYPE OF MAN WHO OTHERS WLD TEND NOT TO SEE AS A THREAT BECAUSE HE IS NOT A DOMINEERING OVERBEARING SORT OF PERSONALITY... I SEE WHAT YOU MEAN, BASICALLY HE WAS FRIENDLY SO FAR AS I WAS CONCERNED, ANYWAY. YES.

I SUPPOSE YOU COLD CONTRAST HIM WITH OTHER SORTS OF PEOPLE YOU CLD FIND IN AUTHORITY AND PERHAPS EVEN HIS FELLOW PRISONERS WITH WHOM A PERSON MIGHT FIND IT HARDER TO ESTABLISH A RAPORT AND TRUST.... I THINK YOU ARE SUGGESTING HE WLD BE A BETTER FRIEND THAN A WARDER. IS THAT IT.

MR FISHER - YES. ALL I CAN SAY IS TO ME HE WAS A BIT OF A LONER EXCEPT WITH ME PERSONALLY. HE DIDNT MAKE FRIENDS IN THE HOSPITAL.

NO DOUBT YOUVE HAD EXPERIENCE OF OTHER PEOPLE, WHO ARE KNOWN COLLOQUIALLY AS CON MEN...YES.

IS IT AN IMPORTANT TRAIT OF THE CON MAN TYPE THAT HE IS ABLE TO

ESTABLISH SOME FORM OF TRUST, WITH PEOPLE HE IS DEALING WITH...
OBVIOUSLY, YES.

AND PERKOVICH SEEMS TO CONFORM TO THAT TYPE, SO FAR AS HIS
ABILITIES WERE CONCERNED. ... SOMETIMES THERE WLD BE CASES
WHERE SOME OF THE FEEBLE MINDED PATIENTS, HE WOULD CON THEM INTO
DOING THINGS FOR THEM. YES.

THANK YOU DOCTOR.

MR CREW - YOU SAID YOU LAST EXAMINED HIM SOME 5 YRS AGO. YOU
HAVE HAD AN OPPORTUNITY TO SEE HIM GIVING EVIDENCE THIS MORNING
IN THE WITNESS BOX. HAVE YOU ANY REASON TO THINK HIS CONDITION
HAS CHANGED AT ALL IN THE 5 YR PERIOD... NOT AT ALL.

JUST LKG AT THE REPORT FROM TOKONUI HOSPITAL I REFER YOU TO THE
THIRD LINE. DOES THAT REFER TO AN EXAMINATION ON 12 MAY 1976
RATHER THAN AN EXAMINATION LASTING A MONTH... IT CERTAINLY
DOES, THAT IS THE IMPRESSION I GOT.

FINALLY, ON THE QUESTIONS OF DELUSIONS WLD PERKOVICH'S DELUSIONS
BE OF AN ELABORATE NATURE... WELL YES THAT IS A REASONABLE STMT TO
MAKE IT WAS A COMPLICATED INTRIGUE, CROATIA MIXED UP WITH
HALLUCINATIONS.

WITH LOTS OF DETAIL... YES.

AND WERE SOME OF THE DETAILS MATTERS OF FACT WHICH CLD NOT BE
DISPUTED... YES.

NO FURTHER QUESTIONS.

C1 WELL MR CREW I DONT THINK WE SHLD TAKE ANY TIME TAKING ANY
EVIDENCE FROM PERKOVICH, IF PEOPLE WANT A RULING ARISING OUT OF
WHAT WAS SAID IN CHAMBERS, OR DO YOU WANT TO TALK TO COUNSEL NOW.

MR CREW - YOUR HONOUR INDICATED THAT MR FISHER WLD HAVE AN
OPPORTUNITY TO CONFER WITH THOSE INSTRUCTING HIM. PERHAPS YOU
CLD ADJOURN AND RESUME AGAIN AT 2.30.

COURT ADJOURNS AT 12.45PM.

THE COURT RESUMED AT 2.20 P.M.

MR PERKOVICH RECALLED.

THE HEARING CONTINUED IN SHORTHAND

The Hearing Resumed at 2.20 pm on Thursday 7 August 1980

THE CHAIRMAN: We have seen and heard the witness Mr Webster, who was formerly known as Perkovich, for a period, giving his evidence. It was obvious that he was disordered and deranged in his mind. We adjourned, and it was our opinion that the further questioning of this man would be inhumane. He is ill mentally.

We decided at the request of counsel for the police not to proceed further at this stage with the taking of evidence from this witness. We then went back into the hearing room and heard evidence from Dr Clouston, who has been responsible for his medical psychiatric care for a period of some 4 years. It was his opinion then, and is so at the present time, that this witness was and still is chronically psychotic and suffering from paranoid schizophrenia, causing him to have grandiose delusions. We have seen a report of Dr Robyn Hewland, consulting psychiatrist, of 4.5.80, in which she concludes, having examined Perkovich, that his manner throughout suggested he believed what he was saying and he was suffering from paranoid schizophrenia and delusions of grandeur and intrigue, and on which he acted, such that he would have a defence under S.23 of the Crimes Act, but more observation was necessary to confirm it.

With this opinion Dr Clouston agreed.

We have concluded therefore his examination by counsel assisting us should not continue. In our view such a course not only would be inhumane, but no reliance whatsoever could be placed on his testimony. Counsel assisting us will therefore not question him further. If the police wish to go on and question a man in this condition we shall not prevent them at this stage, but we do say, in light of our expressed opinion, we will be amazed if that course is taken.

MR FISHER: Your Honour, my learned friend Mr Crewe perhaps did not convey to you what I had conveyed to him during the lunch hour, that we do wish to press on with the evidence of Perkovich.

THE CHAIRMAN: That was conveyed to us. It is because of that I have said what I said just now.

MR FISHER: We have given the matter serious consideration.

THE CHAIRMAN: That is your affair Mr Fisher.

MR FISHER: It is perfectly correct - this is a different matter that Mr Henry wrote to counsel assisting two letters, 17 June 1980 and 10 July 1980, requesting that the Perkovich and associated evidence be called, and those letters are therefore to be read together with the request that he made at the closed session on 3 July. I think we are all ad idem on that aspect. If this is the right time to have the evidence of Perkovich, presumably it is now for me to ask he be brought back, and we press on.

THE CHAIRMAN: In light of what we said I would not have thought there would be such a thing as a right time, but if you want him back we will bring him back.

JOHN PERCOVIC RECALLED.

XXD BY MR WILLIAMS

When you went to Paremoro in early 1977 did you meet Mr Arthur Alan Thomas there.....Yes I did

When you spoke to Mr Thomas did the subject come up of a Mr Peter Carver?.....Yes Sir, that is right.

Did the subject of Mr Peter Carver come up with Thomas..... Yes, that is right.

Did you say to Mr Thomas that Peter Carver was a personal friend of yours?.....Yes I did.

Did Mr Thomas say whether he knew Peter Carver himself?..... Thomas said he did not know him personally but he is a relative and he told me he had his photo.

Was anything said about the connection between Mr Carver and the Thomas matter?.....Yes on several occasions he told me that Mr Carver has been involved in organising the whole committees for the retrial etc.

Did that seem to help you to get to know Mr Thomas?.....Yes.

Did Mr Thomas at this early stage talk to you about his own case?.....Yes we were first talking in introduction.

At this stage did he say whether he was innocent or guilty?No he said he is innocent.

Did the subject of a lie detector come up?.....Yes, not the first time, not the first day. That is the following weekend.

Who raised the question of the lie detector?.....Arthur Thomas, he asked that question.

What did he say to you about a lie detector?.....He said to me that his solicitor, Peter Williams, tried to get a lie detector from the United States.

Did he say whether he was going to be involved with a lie detector?.....Yes for him to test.

Did he say anything about whether this would show whether he was speaking the truth or not?.....I approached him to help him.

You said it will help you?.....Yes.

Did you say why a lie detector would help him?.....To get him out from the prison if they find the truth.

Did he seem happy with that reply?.....Just nominally but he enquired about it from me, what I knew about it.

Did he ask you how accurate a lie detector was?.....Yes he did.

What did you say?.....I told him it is very accurate.

XXD MR WILLIAMS.

Did he say whether he thought that would help him?.....First of all he was enquiring about more details and I explained to him what I know about them and how they work.

You told him they were very accurate?.....Yes.

Did he say what he would do about the lie detector machine?He did not say to me what he would do about the lie detector, just only I explained to him myself that it is very accurant and how they work.

Did he say whether he was happy with the idea of taking the lie detector test or whether he did not want to?.....For a start before I explained to him he was happy about it. After I explained to him on several occasions the accuracy he was very concerned about it.

Did he say why he was concerned about it?.....No he did not but he told me he said it cannot be accurate like this.

During this early stage did you see any pyramid that Mr Thomas had?.....I did, in his room, it was a paper pyramid.

Did he say to you what it was for?.....For a start he told me for sharpening blades.

And later?.....Then later on, not on that occasion in A Block after I come to classification he explained to me.

What did he have the pyramid for?.....He said the pyramid was to generate psychic power.

Later when you got to know Thomas better did the question of his being framed come up?.....Yes, he told me very often in the early stage that he had been framed.

Did he say that he had any knowledge of the murders?.....Yes, that is correct.

Later did the question of a truth drug come up?.....Yes, I told him about it.

You said something to him about a truth drug?.....Yes.

What did you say?.....I told him that I have news for you about a truth drug called sodium pentythol.

Did he think that was a good idea?.....First of all he wanted to know about the drug and he wanted some proof that it is true what I say.

Did you produce any proof?.....Some letters in my language from my friend. His name has been mentioned here too.

Did he appear to believe what you said about getting a truth drug?.....No, that was a trick.

Why did you want to play a trick on him?.....Because of my interest. I became interested in his case and trying to find out the truth.

Did he ask you how accurate a truth drug was?.....Yes.

XXD MR FISHER:

What did you reply?.....I replied, Do you remember mother's milk when you were small baby and the taste?

What did he reply?.....He said no and I then said that is what you will remember.

After that did you get a visitor to come to see you at the prison?.....Yes I did

And later did Thomas ask you what did the visitor say?.....Yes, I told him the visitor was my friend.

Who did you say the visitor was?.....I told him my friend who is interested in his case too.

Did you say the name of the visitor?.....I told him two or three names, not at that time but on occasions.

Did you have more talks with Thomas about the truth drug that was coming?.....Yes.

Was he happy or worried?.....He was very worried.

Was there an occasion in about January 1978 when the rest of the prisoners went off for exercises in the yard and you stayed back in your cell?.....Yes, that is classification block.

Did Mr Thomas stay back as well?.....Yes.

And did the subject of the truth drug come up again?.....Yes.

What did you say to him this time about whether he had done it or not, just keep your answers very short and I will ask more questions if I need to. Did the subject come up in connection with the truth drug of whether or not Thomas had committed the killings?.....Yes.

What did you say yourself on that subject?.....Before I obtained an admission from him that he killed I told him I did not care if he killed him or not. I am concerned in the business if I can earn some money.

You told him you did not care if he had killed them or not and then what was said?.....After a while when I convinced him what I am after he admitted that he killed them.

Was anything more said about the truth drug at this stage?..... I was repeating that very often to him.

Did the question come up whether anything could be done about the truth drug?.....Yes I promised him I can organise through the organisation to get the truth drug.

Was the subject mentioned as to why you should go to that trouble?.....For money.

What money was there in it for you so far as your compensation?I told him his contribution would be around \$7 million for his compensation.

XXD MR FISHER:

here did this figure of \$7 million come from, from you?
.....No from him.

Was the idea that if you could get immunity in respect of the truth drug you would get some of this compensation money?.....Yes 20%, he agreed with it.

Was it before or after that talk about the compensation and your getting immunity in respect of the truth drug that he admitted the killings?.....He admitted the killing and I convinced him I am after the money and he admitted about the killings after I had convinced him I was specifically working for the money.

As to how you would get this immunity from the truth drug, was that going to involve more talking between you and Thomas?..... Talking and something else too.

What did you say to Thomas would be necessary for the immunity?I told him for me it will be necessary for me to get the immunity for him, that I would have to know all the events that happened.

Did Thomas agree to that?.....Not straight away. He told me why should that be. If you can get me that medication I could swallow that.

On this occasion when he first admitted to the killings did he tell you the details of how he had prepared and done it?..... He did not on the first occasion when he admitted straight away but the following day.

So the next day you had another talk about it did you?.....That's right.

In this talk the next day I do not suppose you now remember the exact words of what was said?.....Next day I remember from my own memory, I remember the first time I tell him part by part.

The next day you told him you would have to go through what happened part by part?.....That is right.

Was this part by part process going to be spread out over a number of days?.....Yes, that is right.

And did you have quite a lot of talks with Thomas after that day?.....Yes, after that day we were together working on a special job and we had plenty of time.

Coming to the end of this first period of talks, had Mr Thomas told you where he had obtained the ammunition that was used?Yes.

What did he say on that point?.....He told me not that day but after when I was questioning him, he told me he got it at Pukekawa on a farm that he was working with his wife for two months.

Did he say whether this was old or new ammunition?.....I was not specifically asking him that but he told me that is the

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XXD MR FISHER

The Witness.-

ammunition that he used on the Crewes.

Did he say whether this was ammunition that while he was working on the farm he had gone out and bought it new or found it somewhere?.....No he said he found it in a shed on the farm.

Did he say whether he had shot a cow before he had shot the Crewes?.....That is right.

Did he say whether it was the same ammunition he had used for the cow?.....Not the same. I was specifically asking him that.

Did he say whether he had seen Jeanette's husband between Jeanette's marriage and the shooting?.....That is right, he saw him at the bowling club.

Did he say how he had got on with Jeanette's husband?.....No he said he had never been introduced to him and he noticed him staring at him for some reason.

Was that Jeanette's husband staring at Mr Thomas?.....Yes.

Did he say whether he liked what happened on that occasion?No he did not like it. He became suspicious of something for some reason but he did not know himself.

Did you ask him what reason there was for the staring?..... Yes I did but he did not know.

Did the subject come up as to when Thomas first started thinking about the killing of the Crewes?.....Yes, that is what I was asking him for that.

What did he say in reply?.....1967.

Did he say why he started to think that way?.....Yes he did.

What was his answer?.....His answer is that his calves died and he had tooth trouble and he was going to try and find out what it was all about.

What else was it that led to the shooting?.....His trouble with his teeth.

Who had trouble with his teeth?.....Thomas himself.

Did Thomas say what that could have had to do with the Crewes?Yes he said there is magic, that he is a member of a psychic power laboratory.

Cl: Who was?.....Thomas.

MR FISHER.- What did that have to do with the Crewes?.....Through that magic he found out from which direction how people look and from which direction they do to him trouble.

XXD MR FISHER

Cl: Mr Fisher I do not see why you are cross-examining a man who is obviously insane but it is your affair.

MR FISHER.- It is more than my own affair now I have a duty todo. That is not a helpful thing to have had said at this moment.

MR FISHER.- Thomas said to you that the troubles he was having had something to do with the Crewes and that Thomas said to you that this had something to do with psychic power?.....Yes, that is apparently how he found out.

Did some question of direction come into this?.....Yes.

What was the point of the direction?.....That he said from which direction and he said probably from the Crewe's place.

Did he say whether he did anything between this conclusion about the direction of the Crewes and his later going there and shooting them?.....Yes he admitted also that he set some arson of a hay barn.

Coming to what he told you about the actual going to the Crewes in 1970 did he say whether he made any preparations for that?Yes he told me.

What preparations did he make?.....He prepared the axle and spring and tubes, car tubes and wires.

What did he say he saw when he got to the Crewe house?..... When he came to the Crewe house he turned the light off and he opened the gate and he drove his car inside behind the green hedge by the road and shut the door. Then he took the rifle and walked over to the Crewe house.

Did he say whether he could see inside the house?.....He saw first of all he was going to check on everything around the house before he moved and he came to the window of the child's room and he saw Jeanette Crew minding the baby.

Did he say how the ammunition for the shootings got into the rifle breach?.....Yes he did. He said two times he check up around the house and checked everything and then he stopped in front of the sitting room window and he see inside Harvey sitting on a chair and he saw Jeanette on her long chair. He said he throw himself backwards under the glass and he loaded the rifle and then he walked inside to the back door and then he come into the corridor he said and he got a little bit confused and he started shaking in the body to decide which way he go and then he went around the side and went to the kitchen and then he said he come to the sittingroom and shot Harvey. I asked him from which side he come and he said the left side. I asked him where he shot him and he said "In the head". I said, "From which said" and he said "From the left side" Then I asked him about Jeanette. I said, "Did she scream?" I say, "What did she say?" He said "It happened something like that" I said, "Did she see you". He said, "Yes". I said, "Did she say anything?" He said, "Christ no, I shot her already. No time to say anything."

J. PercovichXD Mr Fisher

MR FISHER: Was anything said about shell cases. .. Yes, I asked him about the cartridge and he said it went behind Harvey's chair and he spent more than a minute to find it because he was scared he could not find it. Then I asked him what about the other cartridge, and he said still in the rifle.

I think, without going into the details of everything he told you, he discussed with you taking the bodies to the river in the car. ... Yes.

Did he tell you what he did with the bodies when he got to the river. ... Yes.

What did he say he did. ... He tied Harvey on to an axle and put on Jeanette a spring and tubes. I was asking how he could carry them into the river, and he said on tubes and slide them into the river.

Did he say how the tubes were used to get the bodies into the river. ... That is right, he loaded the bodies on to the tubes, he swam with them out into the river, first Harvey, then Jeanette.

Moving on to something else, did you talk with Thomas about whether he had known Jeanette Crew before she got married. Yes.

Did the subject come up of being at school together. ... Yes, that is right.

What did he say on that? ... I was asking about Jeanette and he told me he knew her in the school, they were together playing with some rubber at school and she bent down on the floor, the rubber slipped onto the floor. She rolled towards Jeanette's legs, she was sitting behind his back.

Are you talking about the rubber? Yes.

Did he say to you he saw under Jeanette's dress. ... Yes.

I think you asked Thomas over this period to prepare maps that would help you to follow what happened. ... That is right.

I have the originals of these maps, and I ask that these be produced as an exhibit in the voir dire. Can you tell us whether these are the maps you say Thomas prepared and gave to you. ... That is right. After I heard from him I told him, I don't know that area, I am a foreigner to this country, and to make clear pictures for me to see what was described to me, how it happened before I take immunisation of him. I told him to draw a map.

J. PercovichXD Mr Fisher

MR FISHER: I think near the bottom of one of those maps it is marked with a cross.

Exhibit 'C' - originals of maps

I think these maps include maps of the Crewe house and surrounding farm. ... Yes.

A map of the general district. ... Yes.

A map of the Thomas farm, a map of the Thomas house. ... Yes.

I am not going to take you through the detail, but did Thomas with the use of these maps point out to you where the various things happened that night. ... Yes.

Would you look at one of these maps marked 'C' in the photocopies. The one which is the whole district and it shows a mountain in the middle. ... Yes.

I think the curved line that goes across the page near the bottom was said to be the Waikato River. ... Yes.

There is a cross marked on that curved line to the left of the bridge. ... Correct.

Who put that cross there? ... Thomas put it himself.

Did he say what it was. ... That is where he dumped the bodies.

Just going back to the photocopies, you have got those there as well. ... Yes.

B & C, looking first at plan B, is there anything on that written by you? One was written when I was asking where was north and south, and I write S and 22 by my hand.

Would you look at the bundle of photocopies. Would you pick up a bundle of photocopied maps. Would you look at the one marked 'B'. Is there anything on that that was written by you? No.

Would you look next at the one marked 'C'. ... Nothing here. The only place was where I was asking where was north and south.

Is it possible that on that map you were the one that put in the mark to show north. ... Only 22 and 'N', that is all, nothing else.

J. PercovichXD Mr Fisher

MR FISHER: Turning to map 'D' in the photocopies, is there anything on that which was written by you? Nothing.

The next 3 maps, E F and G. ... No.

Other than the 22 and the north sign on map 'C', are you saying that everything on those documents was done by Thomas. ... Correct.

Turning to something else, did you in these discussions with Thomas talk about where the rest of the cartridges from the original shed had gone. ... Yes, he had buried them together in his swamp.

Did he say where this swamp was. ... Yes, approximately describing it behind his cow shed with the sluicing urine.

Is it where the urine goes from the cow shed and runs into a swamp. ... Yes.

Did anybody else ever overhear Thomas talking to you about the Crewe shootings. ... Not in Paremoremo, but in Mt Eden when I was discussing the murders.

Who was this other person or persons. ... Brian Wareham.

Where were you when the conversation was overheard by Wareham. ... In the upholstery shop.

Was this first overheard by accident or -- ... Accident.

Was that the only occasion that somebody overheard Thomas talking to you about the Crewe murders. ... No, once more.

Where were you when this occurred? The third time just small discussion has been in the recreation room.

Was this by accident. ... Not this time.

Was it something you had arranged. That is right.

Did you arrange for Wareham to be in the right place to properly overhear another of these conversations. ... Yes, that is right.

Did you ever talk with Thomas about the time when he loaded the rifle before he went into the Crewe house. ... Yes.

What was said on that subject? I told him you already - he loaded and entered the house in the back yard, but later on I had conversation again checking regarding the cartridge which one is found on the ground.

J. PercovichXD Mr Fisher

MR FISHER: What was said this time? First of all when I ask him what has happened to the cartridge when you killed the cow.

What did he say? He said 'I don't know', then I asked was it not possible it was in the rifle when he came to the farm, is it possible that the cartridge fall on ground when you is refuelling the rifle.

What did he say to that. ... He first of all say 'I don't know', then later on said 'Can't be', then he said 'Police planted it.' - I am sure that is what he say.

Was anything more said on that as to whether it was possible or not. ... I only knew I was asking him is it possible that cartridge could be ejected when loading the rifle and he stopped and said I don't know. Later on he said 'It can't be'.

What was his manner when you raised this possibility with him. ... No - he was thinking, but later on he explored it, you know with anger and said 'It can't be' - something he said rude to me too.

Thank you Mr Webster.

MR WILLIAMS: No questions.

THE CHAIRMAN: He can be removed.

MR CREW CALLED BRUCE FERGUS SCOTT (Sworn), of Wellington, Detective Chief Inspector, Stationed at Police HQ, Wellington.

MR CREW: Were you stationed in Auckland in 1978? ... I was.

We have been told you had the initial interview with Mr Percovich at Paremoremo on 9 February 1978. I had an interview, whether the initial one I don't know. I did see him on that day.

Who gave you your instructions to go there and see him. Dt Chief Inspector Wilkinson.

Dt Ch Insp B.F. Scott

XD Mr Crew

MR CREW: Why did he come to give you those instructions. As a result of a telephone message received from Mr Jack Hobson, the Superintendent of Paremoremo Prison.

Had you previously had anything to do with the police investigations of the Crewe homicide. ... No, I was not stationed in Auckland in 1970 - I was transferred to Auckland in August 1970 after the murders.

Would it be correct that all you knew about the case was what any member of the public would read in the newspapers and perhaps the books published about it. ... That is true.

THE CHAIRMAN: Wouldn't you have had access to police files. I have had no direct dealing with the inquiry at all, up to that time.

Up to 9 February 1978. ... Yes.

MR CREWE: Would you have looked at any of the files before you went out to the prison. ... No.

Did you discuss the case with any of the officers involved in it? No, I received my instructions on the late afternoon of 8 February, and went out first thing on the 9th.

Did Dt Chief Inspector Wilkinson give you any idea of what sort of man you were going to meet, what sort of evidence he was going to give you? No, I have seen a telephone message subsequently, but I did not receive it at the time. My instructions were to go out and see Superintendent Hobson, and my understanding was an inmate had some information to give relative to Thomas. On that basis I went out to see him.

Did Superintendent Hobson tell you what it was about. I think in very broad terms, yes. Obviously - he certainly did not go into any detail because it is only hearsay, because I do not think Percovich had told Hobson a great deal, but of that I could not be sure.

How long did you spend with Percovich on that occasion? My recollection was I arrived at the prison, probably about 9.30 after talking with Hobson; I discussed Percovich because of course he had the benefit of the Justice Department file, which I was not interested in. I must have spent some 4-5 hours there.

Before you go on, when you say the Justice Department file, is that the Justice Department file into Perkovich or Thomas?When I say the Justice Department file, that is some

Dt Ch Insp B.F. Scott

XD Mr Crew

papers that Hobson had at the prison relating to Perkovich. Obviously I wanted some idea of who I was going to be talking to.

MR CREW: So you were shown material from the Perkovich file. ... Yes, principally his history, and obviously why he was in prison.

You may not be aware of this, but there is on the police file relating to the Perkovich matter, a Department of Justice report to the Prisoners' Parole Board on Thomas dated 8 February 1978. Were you shown that? If I could have it referred to me I may remember it. I never saw that certainly.

Would you tell us if you can, how a Department of Justice report to the Prisoners Parole Board got on the police file. I don't know.

Perhaps I should intervene to say as I understand it there have been various papers which have been brought together for the purpose of this inquiry, in the preparation of the police case, and that these have been supplied to counsel assisting the Commission. I do not know that there is anything to suggest that this particular document was on a police Perkovich file.

THE CHAIRMAN: It came from the police didn't it. Supplied to the counsel by the police.

MR FISHER: I simply do not know the origin of that document, but I do not want there to be a misunderstanding that there was in existence a police Perkovich file which had this physically clipped on it. What has been done is we have collected together all these things, and handed them to counsel assisting. If it is a matter of significance, then we should perhaps get evidence as to how that document came into the possession of the police, and so on.

MR CREWE: Could I ask my learned friend to make inquiries as to that. This is a matter which has come to my attention only really in the last half hour, looking through the police file again. My discussions with the Justice Department in the last week have revealed these matters are normally treated as confidential, and they were produced to the Commission, as the Commission saw this morning, only by an officer under subpoena. The Commission may care to inquire how a report dated March 1978 on Thomas, to the Prison Parole Board by the Superintendent of Auckland Prison, Mr Hobson came into the possession of the police.

XD Mr Crewe

THE CHAIRMAN: How did you get it.

MR CREWE: On the police file.

MR FISHER: I don't know that that is a very fortunate way of putting it.

THE CHAIRMAN: It may not be fortunate, but is it accurate?

MR FISHER: I simply don't know, I think the proper course is to have it looked into. If it had been of significance we should have asked Mr Hobson, the man who wrote it and was here an hour or two ago, he may have supplied it to the police when he knew the question of evidence before the inquiry was coming up. I had better have it looked into.

THE CHAIRMAN: You know nothing of it. ... No.

MR CREWE: You were telling us how long you spent with Perkovich. ... I think I started talking to him about 10 and it was probably 2.30 - 3 before I finished.

I think you took a statement from him. ... I did.

I will show you a statement he has referred to. ... that is the statement.

You would have been through that recently would you, or have you not seen it since 1978. ... I have read it since then.

Exhibit 'D' statement from Perkovich.

MR CREW: I take it you would have realised immediately the possible significance of his evidence, and you would have questioned him closely about it. Is that right? I did question him as closely as my knowledge of the inquiry permitted, which was very limited really. I took my job to be to get a statement from him that could be looked into further.

Do I take it the purpose of this statement was to put in written form the whole of the story he had given you. That is true.

You certainly would not have wanted to leave out any significant incident would you. ... No.

Dt Ch Insp B.F. Scott

XD Mr Crew

MR CREW: You are an experienced police officer, you would have taken a number of statements from people wouldn't you. ... I have.

You would therefore agree with me, everything of importance he told you is in that statement. ... Yes.

Just looking at the statement, would you agree with me that there is nothing in there relating to Thomas loading his rifle outside the Crewe house. ... What section of the statement are you referring to.

Look through it carefully. I do not want to mislead you, the section which deals with that is on P.3. There is nothing in there about Thomas loading his rifle outside the Crew house before going in to shoot Mr and Mrs Crew. There is nothing in it as to where he loaded his rifle.

Can we take it Perkovich did not mention anything like that to you. ... I think we have to make that assumption.

I would like to draw your attention to the last para of that statement. "I would be prepared to continue to talk to Thomas about the murders if necessary." Why was that put in? That was an indication of Perkovich's state of mind at that time. He had spoken to him in the past, and indicated he would be prepared to talk to him about the murders.

THE CHAIRMAN: If the police thought it was advisable. Correct.

MR CREW: Did you ask him if he would be prepared to assist if so required? I think the initiative came from him.

He was anxious to assist to be part of the inquiry. ... I would not use the word anxious, he was prepared to assist, which is what is written there.

In any case, that paragraph does not reflect an initiative from you. ... No.

I think you were also given, weren't you, a hand written statement that turned out to be in the Serbo Croat language. Correct.

Is that the one I have just handed to you marked 'Confidential'. Yes, it is dated - although it is not very clear - 4 February. That is about the only thing on the first page on the first line which is decipherable.

MR GORDON: No year. ... 9 February 1978.

Four days before this. ... That is correct.

MR CREW : Were you the officer who arranged for that

Dt Ch Insp B.F. Scott

XD Mr Crew

to be translated into English. ... No.

Who arranged that? To my understanding the paper was referred to Wellington where a translation was arranged there.

Do you know who referred it to Wellington. ... The District Commander in Auckland, I think Mr Trappit.

Did you expect there to exist some document forwarding that statement to Wellington for translation. ... Yes, the file was referred to Wellington I think. That is what you are looking at now I think.

Yes, it is a letter to Mr Walton on 21 March 1978, asking for it to be translated. Perhaps we can put in the translation later through Mr O'Donovan. Did you go back and see Perkovich again. ... Yes.

What date was that? I received a letter from him from memory, asking me to see him on 10 April. No - I had a phone call prior to that and saw him on 31 March.

Was that from Perkovich himself. ... No, from one of the prison officers, indicating he wanted to see me.

Did you receive any instructions from your superiors to go and see him again. ... No.

I would like to show you a letter dated 21 March 1978 signed by Mr Walton, who was then the Deputy Commissioner (produced). Yes, that is addressed by the Deputy Commissioner to the Director Crime, Police HQ, Wellington

Have you ever seen that before? I think I saw it on the police file this morning. I was having a quick look.

Referring to para 2, 'It is difficult to assess the veracity of the information, but I consider it should not be entirely dismissed, and Perkovich should be encouraged to gain some corroboration of the facts supplied.' Was one of your purposes in going to the prison in March, to gain some corroboration on the facts stated. ... No, but I would have made that point to him, talking originally. The visit on 31 March was not specifically to seek corroborative evidence, but I think I would have made that point to him earlier. If he was in a position to provide anything further, as he indicated he was prepared to, he was to call me.

What sort of corroborative evidence were you thinking of. Obviously corroborative evidence is independent of what he had said himself.

Dt Ch Insp B.F. Scott

XD Mr Crew

MR CREW: Can you give us a sample of the sort of sort of thing you were thinking of. ... I did not have anything particular in mind. Whether it could be regarded as corroborative was obviously the evidence of another person.

THE CHAIRMAN: It was Perkovich's evidence which had to be corroborated. ... Yes, the statement and the story he told. I knew his background, and obviously it could not stand on its own, and would have to be supported somewhere along the line.

Did you know his medical background. ... Not in detail, other than that he had been in Porirua Hospital.

Did you make any inquiry into his medical background. ... No.

MR CREW: Do I take it from what you have said, you are agreeing even on the first visit you would have been telling Perkovich it would be a good idea to get some corroboration of what he was saying, if he was to be believed. Yes.

What took place during your interview with him on 31 March. He then gave me two maps, or actually four pieces of paper consisting of two maps, one of the Crewe farm, one of the Thomas farm. (Produced exhibit 'C') Those are the maps, they have my endorsement on them to the effect I received them on 31 March.

What did Perkovich tell you about those maps. I did not take a statement from him at that time. He merely indicated that they were maps that Thomas had drawn for him describing in the form of a map, the detail he had described earlier in the statement.

REV JOHNSTON: Did you understand the maps had been drawn in the interval since you first interviewed him. ... Yes.

MR CREW: How long were you at the prison on that occasion. A very short period, I could not give an accurate indication, but as long as it took to have a brief chat of 10 minutes, ¼ hour - no longer.

Who would you have given the maps to once you got back to HQs. They were attached to the file and submitted for transmission to Wellington.

Would you have completed at that stage, any sort of job sheet on this visit. ... No, I think I submitted a report.

I would like to show you a report of yours dated 20 April which refers to that visit and to your later visit together. That is correct. That is the only other report I submitted other than the original.

Dt Ch Insp B.F. Scott

XD Mr Crew

MR CREW: There is no document in existence relating to your visit on 31 March. ...Yes, the report starts off 'Further to my earlier report I was requested by Perkovich to visit him on 31 March.' I duly saw him at Mt Eden on that day.

But nothing was written on that at the time. ... No, I did not get a statement or take a job sheet or notebook or anything of that nature. The reason was that other than the maps the matter was really taken no further. He did not provide any information which required being put down in statement form. Had he I would have done so.

Did you encourage him to take the matter further on that occasion as well? I did not specifically encourage him on that occasion, no. He was well aware if he had anything which he felt was of use or I should know about, he would contact me.

What was the point of all this? Thomas at that stage was sitting in the prison having been convicted twice. True.

Do you know why the police were pursuing these inquiries at that stage. You can't convict a man further. True Thomas was doing his sentence, but this was information there is no reason why it should not be inquired into.

THE CHAIRMAN: Haven't you got anything better to do in the police force than investigate murders 7 years old, on which a man has been convicted and is serving a sentence for life. I had my instructions.

Is it normal police practice to follow such instructions for a man who has been convicted? Is it normal police practice to investigate it further? Have you ever done an inquiry like this before or since. ... I don't think so, no.

Doesn't it indicate the police wanted an admission from Thomas. They never got it, they have had, and for the whole of these 10 years the evidence was suspect. That is a matter of opinion, with respect.

Plenty of people had that opinion. You know all the publicity about it. ... I am well aware there was a good deal of controversy.

Weren't they trying to get an admission Thomas was guilty to put an end to all this. ... That would be a fair assumption.

Dt Ch. Insp B.F. Scott

XD Mr Crew

MR CREW: Also referred to is a letter you got a little later from Perkovich in that report. ... I got a letter from him asking me to see him again. The letter asked me to see him on 10 April, and I duly saw him on 14 April.

That report refers to the letter being attached. It is not. Do you know where it is. ... You only have copies of the police file, not the original.

We thought we had copies of all the documents. ... I will just check. It does not appear to be here. It is a very short, one page letter asking me to see him.

THE CHAIRMAN: Written in English? Yes, addressed to me by name.

MR CREW: Would you be able to find that letter on the original police file. ... I could.

Would you be able to do that by tomorrow? I could do it within about 2 minutes.

The hearing adjourned at 4 pm,
Thursday 7 August 1980

Voir Dire

THE HEARING RESUMED AT 9.30 A.M. ON FRIDAY 8TH AUGUST 1980

INSPECTOR SCOTT (CONTINUED)

YOU HAD REF TO THE LETTER YOU RECEIVED FROM MR PERCOVICH IN APRIL 1978.....YES, THAT IS A COPY OF IT, DATED 3 APRIL, I HAVE NOTED THAT I RECEIVED IT ON 6 APRIL 1978. THE WORD RECEIVED IS MY HANDWRITING.

(WITNESS READS LETTER TO THE COMMISSION)

THE PIECE AT THE BOTTOM IS WRITTEN ON THE PAPER THAT THE LETTER IS ADHERED TO. WHILE I WAS AT MT EDEN PERCOVICH SAID IF HE WROTE IN THE FUTURE HE WOULD USE HIS SUIDINUM AND THAT IS WHAT I GOT HIM TO WRITE ON THE BOTTOM OF THE PAPER HE HAS AND HE HAS WRITTEN MY SUIDINUM IS YZ-FCH. HE WAS SETTING UP A CODE SYSTEM SO HE WOULD NOT HAVE TO USE HIS NAME BEARING IN MIND HE HAD ACTUALLY SIGNED THIS LETTER TO ME. I WENT ALONG WITH THIS. I NEVER REC A SUBSEQUENT LETTER WITH THAT SUIDINUM ON IT.

C1 HE WAS ACTING AS A POLICE INFORMER. AND HE WAS AT RISK.....EXACTLY

HAVE YOU MUCH EXP OF WORKING WITH POL INFORMERS IN JAILS.....IN A GEN WAY YES.

YOU WOULD CONCEDE THERE ARE A NO OF POL INFORMERS IN JAILS WHO GIVE INFORM TO THE POL ON OTHER INMATES.....THERE ARE JUST AS THERE ARE OUTSIDE THE JAIL. I WOULD NOT SAY QUITE A FEW

DO YOU KNOW IF A MR WAREHAM IS A POL INFORMER.....IN REL TO THIS MATTER OR OTHER MATTERS.

IT IS MANIFEST FROM THE MATERIAL WE HAVE HE IS IN REL TO THIS MATTER, WHAT ABOUT OTHER MATTERS.....I HAVE NO PART KNOWL ABOUT OTHER MATTERS

DO YOU KNOW HE IS BUT NOT THE DETAILS.....I REC A LETTER WHEN I WENT TO THE PRISON ON 14 APRIL, WRITTEN BY WAREHAM AND CERT DID RELATE TO OTHER MATTERS.

IN YOUR REP OF 20 APRIL REF TO THIS VISIT OF 6TH APRIL YOU HAVE SAID YOU WERE AT THAT TIME GIVEN 3 LETTERS, 2 WRITTEN BY BRIAN WAREHAM.....ONE OF WHICH RELATED TO MATTERS OTHER THAN THE CREWE

HOMICIDE YES

ONE RELATED TO THE CREWE HOMICIDE.....YES

CAN YOU SAY WHAT THE OTHER RELATED TO.....INFORMATION RELATING TO DRUGS

TO WHOM DID YOU PASS THAT ON.....THE 3 LETTERS WERE SUBMITTED ITH A REPORT TO THE DISTRICT COMMANDER AT AUCK AND I DIDNT HAVE ANY FURTHER DEALINGS WITH THE FILE. IT WAS THEN DEALT WIHT BY DET INSP ODOOVAN.

DO I TAKE IT YOU HANDED OVER 3 LETTERS TO ODOOVAN.....CORR

DO YOU HAVE ANY KNOWL OF WHAT INDUCED WAREHAM TO ACT AS A POL INFORMER.....NO I HAD NOT SEEN HIM UNTIL TODAY

IN REL TO THEIR INFORMERS GEN DO THE POLICE GIVE ANYTHING IN RET FOR THEINFORM THEY RECEIVE.....ON OCCASIONS YES, I TAKE IT YOU MEAN MONEY

YOU TELL ME.....THERES NO SECRET ABOUT THAT, WE PAY PEOPLE FOR INFORMATION YES

C1 THERE IS ANOTHER WAY, A MAN IN JAIL CAN MANAGE HIMSELF IF HE GIVES INFORMATION, THAT WD BE PUT UP TO BE TAKEN INTO ACCOUNT FOR PAROLE.....I IMAGINE SO YES

SO BY HELPING THEPOL YOU CD TAKE A BIT OFF YOUR SENTENCE.....YOU CD ASK IT BE CONS

C1 OFTEN IN SENT IT IS STATED THAT A PERSON HAS ASSISTED THE POL AFTER APPREHENSION

IT WDNT STAGGER THE IMAGINATION A POL OFF CD TELL AN INMATE IF YOU GIVE US RELIABLE INFORM THAT HELPS US WE WILL DO OUR BEST TO SEE YOU GET GOOD TREATMENT FROM THE PAROLE BOARD.....I WOULD SAY THE PROPER COURSE IS FOR THE PERSON TO MAKE THE CASE HIMSELF AND THEN SEEK POLICE SUPPORT WHICH WD BE FORTHCOMING.

ARE YOU SAYING YOU HAVE NO KNOWL OF A POL OFF PUTTING IT TO A INMATE ON THE BASIS I HAVE DESCR.....IN TERMS OF CONV IT MAY BE PUT THAT WAY, YES

DID YOU TALK TO WAREHAM YOURSELF.....NO

YOU WERE SIMPLY HANDED THE LETTER BY PERKOVICH....CORR

WHAT DID PERK TELL YOU OF THE CIRC IN WHICH HE HAD OBT THE LETTER FROM WAREHAM, HOW HAD THE LETTER COEM TO BE WRITTEN.....I DONT RECALL HIM MAKING ANY COMMENT.

NO COMMENT AT ALL HE JUST HANDED YOU THE LETTER.....YES.

HE DIDNT TELL YOU ANYTHING ABOUT THE RELEVANCE OF THE LETTER.....I DID NOT READ THE LETTER UNTIL AFTER I HAD LEFT THE PRISON. HE REALLY CALLED ME UP THERE TO GIVE ME THE LETTERS PERSONALLY RATHER THAN PUT THEM IN THE POST SO THERE WAS VERY LITTLE DISCUSSED.

YOU WROTE YOUR REPORT ON THE 20 APRIL DID YOU GO TO THE PRISON AGAIN TO SEE EITHER OF THEM BETW THE 6TH AND 20TH.....THE DATE I WENT WAS 14TH AND THE ANSWER IS NO.

THAT ANSW MY NEXT QUEST BEC IN A SUMM OF EVENTS WHICH AS BEEN PREPARED TO US THERE IS A DATE OF EVENTS AND THAT IS LEFT BLANK.....YES

PERK LETTER WAS REC ON 6TH, HE ASKED TO SEE ME ON 10TH AND IN REALITY I SAY HIM ON 14TH.

YOU WROTE YOUR REPORT ON 20TH ITS A MATTER OF RECORD YOU DIDNT MAKE ANY RECOMMENDATION IN RELATION TO THIS MAT DIDYOU.....NO.

WD YOU PRODUCE THE LETTER FROM PERKOVICH AS AN EXHIBIT.

EXHIBIT E

C2 WHEN DID YOU LEAVE AUCK TO GO TO WGTN,....AUG 78 SIR, I CANT
RECALL THE EXACT DATE, THE AUG HOLDS.

XXD WILLIAMS

YOU REM A CASE I MENT TO YOU BRIEFLY THIS MORN WHERE A LADY MADE
AN ALLEGATION OF GROSS INDECENCY AGAINST A POL SGT IN
AUCK.....CORR

YOU WERE IN CHARGE OF THE PROS.....THATS RIGHT

CERT EVID WAS TENDED TO POSS CONFIRM THE ALLEG SHE MADE.....CORR

HE WAS FD GUILTY BY A POL TRIBUNAL, I REPRESENTED HIM.....CORR

LATER INVEST WERE MADE AND A MEDICAL FILE WAS OBT.....INTO THE
BACKGROUND OF THE COMPLAINANT

YES.....YES

AND IT WAS FD SHE HAD SUFFERED FROM A PARANOID TYPE OF
SCHITZOPHRENIA.....TRUE

SHE HAD HAD A LONG HISTORY OF ILLNESSES.....YES

AND ALSO A HISTORY OF MAKING FALSE ALLEGATIONS.....I DONT KNOW IF
SHE HAD A HIST OF MAKING FALSE ALLEGATIONS BUT SHE HAD MADE FALSE
ALLEG IN THE PAST YES

THE CASE WAS THEN TAKEN TO APPEAL AND THE CONV WAS QUASHED BY THE
APPEAL CT IN WGTN.....YES

THAT WAS REALLY AN EXAMPLE OF JUST HOW DANGEROUS A PERSON CAN BE
WHO IS SUFFERING FROM A MENTAL ILLNESS OF THAT TYPE.....I WD
AGREE YES.

AND SHE WAS PLAUSIBLE.....EXTREMELY

AND AT THE TIME INDEED THERE SEEMED TO BE ONE OR TWO THINGS THAT

CONFIRMED HER STORY.....THERE WAS YES

THIS MAN PERKOVICH WE HAVE BEEN TOLD THAT HE HAS BEEN SUFFERING CHRONICALL FROM A PARANOID TYPE OF SCHITZOPHRENIA FOR MANY YEARS AND UNFORT STILL SUFFERS FROM THAT DISEASE, YOU WD BE GEN AWARE OF THAT WHEN YOU WENT TO SEE HIM.....YES WHEN I SAW HIM I WAS AWARE HE HAD BEEN IN PROIRUA MENTAL HOSP BUT THE EXACT DETAILS WERE NOT KNOW

YOU WD AGREE, THAT FACT ALONE PUTTING ASIDE ALL OTHER MATTERS, YOU WD HAVE HAD TO HAVE TAKEN A VERY SUSPECT ATTITUDE TOWARDS WHAT HE WAS SAYING,,,,,EXACTLY YES

AND THEN IN ADDITION TO THAT WE HAVE THE FACT THAT HE WAS IN PRISON SERVING A SENT AND OBV HAD OTHER INHERENT INDUCEMENTS BEC OF THAT SITUATION.....YES

AND YOU WD ALSO AGREE FOR A PERSON TO MAKE A STMENT OF THIS NATURE THERE COULD BE A CUDOS ELEMENT, AN EGO BUILDING, BEC OF THE NOTORIETY OF THE THOM CASE.....YES I WD AGREE WITH THAT

C1 YOU MIGHT ALMOST SAY HE HAD A POWER SIT, HE CD COMMAND INSP OF POL TO COME AND TALK TO HIM...CORR, IN FACT TO MY AMUSEMENT HE ASKED FOR A CHIEF INSP,

GOING THRU FIRSTLY INSP THE MATTERS THAT HAVE BEEN REF TO AND THEY AMOUNT TO CONFIRMATION. FIRST IT HAS BEEN MENT THE EVID OF ANOTHER INMATE, I WONT GO INTO THAT BEC THE CT WILL BE HEARING FROM THAT INMATE BUT NAT THAT EVID WD BE TO A CERT EXT OBV SUBJECT TO THE SAME IMPLIED CRITICISM MENT ABOUT PERK.....YES SAVE TO MY KNOWL WAREHAM HAS NOT ANY MENTAL BACKGROUND.

EXACTLY, THE NEXT ONE IS THE HANDWRITING ON THE MAPS THAT HAVE BEEN PROD WHICH YOU HAVE SEEN.....YES

WE HAVE BOTH SEEN THEM, THEY ARE CONSISTENT WITH A PERSON LIKE THOMAS DESCR TO ANOTHER INMATE DETAILS RELATING TO HIS CASE.....YES

AND THERES NOTHING ON THE FACE OF THEM WHICH IS INCULCATORY.....I DONT REALLY KNOW ENOUGH ABOUT THE CASE TO ANSW THAT CONFIDENTLY

OBV AP ERSON LIKE THOM WHO HAS LIVED IN THAT DISTR ALL HIS LIFE, BEEN THRU ALL THESE JUDICIAL PROC OBV WD HAVE KNOWN ALL THAT INFORM QUITE APART FROM ANY ALLEG HE COMMITTED THE CREWE

MURDERS...THAT MAY BE BUT I DONT KNOW ENOUGH ABOUT THE ENQU TO JUDGE THE RELEVANCE OF WHAT IS ON THOSE MAPS. I DONT KNOW HOW FAR THAT INFORM CAN TAKE IT

ITS A BASIC PRINCIPLE IF A PIECE OF CIRC EVID HAS A PERFECTLY INNOCUOUS EXPLANATION IT IS REALLY QUITE WORTHLESS.....YES IF T CAN BE SO SHOWN TO BE

THE NEXT MATTER THAT WAS REF TO IS AN UNPUBLISHED EXIST OF A SWAMP NEAR A SHED ON THOMAS FARM, AGAIN YOU WD AGREE THOMAS HIMSELF WD KNOW IF HE HAD A SWAMP ON A FARM...I AGREE

C1 ITS NOT UNPUBLISHED YOU CAN SEE IT IN THE PHOTOS

I WAS TO COME TO THAT.. DID YOU MAKE AN ENQ FROM PERK AS TO WHAT LITERATURE HE HAD READ PERTAINING TO THE THOM CASE.....NO

EVEN BY THAT STAGE THERE WAS ACT A LIBRARY OF BOOKS, BOOTH BOOK, YALLOP BOOK.....NO THE YALLOP BOOK WASNT PRINTED AT THAT STAGE

THE BOOTH BOOK WAS.....IT MAY HAVE BEEN IM NOT SURE.

YOU DIDNT ENQU OF PERK IF HE HAD BORROWED THAT SORT OF MATERIAL FROM THOM...NO

IT WD BE QUITE OPEN FOR HIM TO OBT INFORM FROM THOSE SOURCES.....YES

YOU WD AGREE IT WD NOT BE UNUSUAL FOR PRISONERS TO DISC THEIR CASES.....NOT AT ALL

TE NEXT PT RAISED BY FISHER WAS THIS SITE FOR DISPOSAL OF BODIES, IT WAS PART OF AN ADDRESS FISHER MADE TO THE CT AND HE SAID THE FACT PERK WAS ABLE TO SAY THOMAS TOLD HIM OF CERT SITES WHERE THE BODIES CD BE PUT INTO THE RIVER AMOUNTED TO CORROBORATION, IF THOM HAD LIVED IN THIS AREA NAT HE WD BE INT IN THIS ASPECT AND IT WD NOT BE SURPRISING IF HE KNEW THAT.....I WD EXPECT HIM TO KNOW THAT YES

AND THIS BUSINESS ABUT HIS EARLY SCHOOL DAYS, REALLY SO FAR AS CORROBORATION IS CONC FIRSTLY THATS NOT A MATERIAL ASPECT OF THE CRIME WHAT HE DID IN PRIMARY SCHOOL. FISHER HAS SAID BEC THOM ALLEGEDLY TOLD PERK ABOUT AN INCIDENT AT PRIMARY SCHOOL.....IS THAT IN ONE OF THE LETTERS. ITS SOMETHING I HAVE NO PART KNOWL

ABOUT.

WE WILL LEAVE IT THEN AND WE WILL LEAVE THE MAGIC BUSINESS TOO.

IN THE STMT HE MADE TO YOU ON 9 FEB 78 PERKOVICH SAYS "HE SAID HIS SOLICITOR WAS TALKING OF GETTING A LIE DETECTOR FROM AMERICA." DID YOU GO TO HIS SOL AND SEE IF THAT FACT CD BE VERIFIED.....NO

ON PAGE 2 HE TALKS ABOUT THIS "HE SAID HE THOUGHT OF KILLING MRS CREWE AND HER HUSBAND.....FULL MOON".....I REMEMBER THAT. YES

DID YOU CHECK TO SEE IF THERE WAS A FULL MOON ON THE NIGHT OF THE CREWE HOMICIDE.....NO I DIDNT

YOU SEE DOWN THE BOTT OF THAT PAGE THERE IS TALK OF A SICK CALF AND VARIOUS TIMES DID YOU CHECK THAT OUT WITH THE TRANSCR OF THE TRIAL TO SEE IF THE TIMES WERE ACCURATE.....NO I DIDNT THE STMT AS YOU WILL SEE FROM THE FILE WAS REF TO WGTON FOR DIRECTION AS TO WHAT FURTHER ENQU WERE TO BE MADE AND ANY FURTHER ENQU WERE THEN MADE BY DET ODOVON BUT TO ANSW YOUR QUEST, NO I DIDNT PERSONALLY

THE NEXT PAGE THERE IS MENT OF THE CART CASE, SEC PARAGRAPH, "AFTER HE HAD FIRED THE SHOT AT MRS. CREWE.....IN THE RIFLE" YOU WD AGREE WITH ME OF COURSE THAT WD NOT ENCOMPASS A CART CASE FROM THOMAS FIRED BY HIS RIFLE BEING LEFT IN THE GDN.....ITS A STMT OF FACT HE SAYS IT WAS LEFT IN HIS RIFLE. WHERE IT WAS TAKEN OUT IT DOES NOT SAY AND I DONT KNOW. SO IM NOT MUCH HELP IM AFRAID

ON THE FINAL PAGE HE SAID HE HAD BURIED THE 2 CART CASES AGAIN THAT DOES NOT ENCOMPASS THE PROP THAT THERE WAS A THIRD CART CASE THAT WAS FOUNN AT THE SCENE.....NO.

IM NOT TRYING TO PRAISE, YOU ARE A VERY SNR POL OFF WITH AN EXTREMELY EXCELLENT REPUTATION FOR FAIRNESS AND HONESTY, YOU WD AGREE FROM THE PT OF VIEW OF OBJECTIVITY THAT STMT IN THESE CIRC WD HAVE VERY LITTLE VALUE FROM A PROBATIVE PT OF VIEW.....UNLESS, I WD AGREE UNLESS ASPECTS OF IT CD BE CORROBORATED AND SUPPORTED AND IF THEY CD BE CORROBORATED AND SUPPORTED IT DOES HAVE SOME PROBATIVE VALUE AND THAT WAS AN EXCERISE I WAS NOT INVOLVED IN

WHAT IF ASPECTS OF IT ARE FD TO BE WRONG.....I WD AGREE IT MUST REDUCE ITS PROBATIVE VALUE

C1 IF YOU HAVE A HIST OF A MAN MENTALLY ILL YOU START OFF ON THE BASIS TO SUSPECT THE WHOLE STMT.....I WD AGREE

XXD FISHER;

LOOKIGN AGAIN AT THE POL STMT OF 9 FEB 78 BY PERKOVICH MY FRIEND HAS PUT IT TO YOU THAT THE PROPOSITION THAT THE SHCASE FROM THE SEC SHOT REMAINED IN THE RIFLE WHEN THOMAS LEFT THE SCENE WD BE INCONSISTENT WITH A SHCASE BEING LEFT AND FOUND IN THE GARDEN. I SUPPOSE THAT IF THERE HAD BEEN A THIRD SHCASE ALREADY IN TEH RIFLE AND IN THE BREACH IN A FIRED CONDITION BEFORE THE MAN WENT TO HE SCENE AND THAT THIRD SHELL CASE WERE TO BE EJECTED IN THE COURSE OF LOADING BEFORE ENTERING THE HOUSE THAT WD THEN BE CONSISTENT WDNT IT WITH FINDING A SHCASE IN THE GDN.....I WD AGREE, YES

C1 IN OTHER WORDS IF THE STMT SAYS SOMETHING FROM WHAT IT SAYS IT SUPPORTS AN INFERENCE ENT DIFF FROM THE ONE IT DOES SUPPORT, THATS WHAT IT COMES DOWN TO.....YES SIR

FISHER; INDEED THE VERSION THAT AFTER FIRING THE SEC SHOT THOMAS LEFT THAT FIRED SHCASE IN THE RIFLE WHEN HE LEFT THAT WD AGAIN BE CONSISTENT WITH A PRACTICE OF LEAVING AN UNFIRED SHCASE IN THE RIFLE UNTIL IT WAS NEXT REQU TO BE LOADED...YES

CD I ASK YOU ABOUT TALK ABOUT A POLICE FILE ON PERK AND WAREHAM, WHAT WAS ON IT AND WHAT WAS NOT, DO YOU KNOW WHETHER BEFORE THIS COMM OF ENQU THERE WAS ONE COMPREHENSIVE POL FILE ON THESE MATTERS.....NO THERE WASNT A FILE ON PERK, THERE WAS A NO OF PAPERS BETW SCATTERED BETWEEN AUCK AND WGTON AND PRIOR TO THIS COMM THE RELEVANT PAPERS WERE PUT TOGETHER AS A FILE

C1 WHAT DID THOSE PAPERS RELATE TO....PERKOVICH. MY REPORT WAS REF TO WGTON FOR A DIRECTION AS TO WHAT ACTION SHD BE TAKEN AND A DIR WAS SENT BACK SO THE PAPERS RELEVANT TO PERK WERE PUT TOG AS A FILE FOR THE ASSIST OF THIS COMMISSION.

FISH; DIDYOU EVER HOLD OUT YOURSELF ANY INDUCEMENT TO PERK OR WAREHAM TO MAKE THE STMTS THEY DID.....NO, BEARING IN MIND I NEVER SAW WAREHAM

AM I RIGHT IN THINKING SO FAR AS WAREHAM IS CONC THERE WAS JUST A LETTER HANDED OVER TO YOU.....YES.

IT WAS PTED OTU TO YOU THAT IN THE STMT OF 9 FEB 78 THERE ISNT ANY DEALING WITH THE TOPIC OF LOADING THE RIFLE BEFORE GOING INTO

THE HSE,.....THATS CORR, YES

DID PERK EVER SAY SPEAKING OR IN WRITING ANYTHING TO YOU ON THAT TOPIC,.....NOT THAT I RECALL UNLESS ITS IN HIS LETTER, IT THINK THERE MAY HAVE BEEN ONE REF TO LOADING IN HIS LETTER OF 10 APRIL. THE ONE I COLLECTED ON 10 APRIL

THERE IS A LETTER OF 9 APRIL 1978 FROM PERKOVICH ON THE FILE BOTH IN A HANDWRITTEN FORM AND THEN A TYPED VERSION OF IT,.....I THINK I GOT THE HANDWRITTEN LETTER TYPED BY A TYPIST.

I MAY BE PUTTING IT INCORRECTLY.

CREW: THE OPY I HAVE OF THAT HAS MR ODOOVANS SIG ON IT AND THE WORDS HANDED TO ME BY PERK 10 APRIL 1979.

C2 MR SCOTT WAS IN WGTON.

FISHER: DID YOU EVER GET ANY WRITTEN LETTER OR STMT PERK HIMSELF HAD PREP AND HANDED TO YOU,.....YES AT THE BOTT OF THE ORIGINAL FILE THERE IS A COPY OF IT THAT MIGHT ASSIST.

IS THAT A LETTER OF 9 APRIL 78,.....YES

IS THAT A LETTER YOU RECEIVED,.....YES ON THE 14TH APRIL.

WAS IT HANDED TO YOU BY PERK,.....YES.

DID HE SIGN THAT LETTER,.....YES HES GOT, HES SIGNED IT WITH YZPCG WHICH IS RATHER IN CONFLICT WITH WHAT I SAID EARLIER

C1 THAT WAS HIS CODE,.....THATS RIGHT I SAID EARLIER I HAD NEVER RECEIVED A LETTER WITH HIS CODE ON IT AND CLEARLY I HAVE.

FISHER: I WD LIKE TO HAVE THIS LETTER PROD AS AN EXH. IT IS INCLUDED IN A BUNDLE OF DOCUMENTS GIVEN TO THE COUNSEL FOR COMMISSION.

CREW: I HAVE IT HERE.

CD YOU JUST LOOK AT THE 6TH PARAGRAPH IN THAT LETTER, THE ONE

BEGINNING I HAVE BEEN ASKED ARTHUR THOMAS, DO YOU SEE THAT.....I DO

YOU MIGHT THINK ITS NOT NEC TO TAKE THIS DOWN AS YOU WILL GET THE EXH BUT I ASK FOR THE WITNESS TO READ THAT OUT "I HAVE BEEN ASKED ARTHUR THOMAS WHAT HE THINK COULD HAPPEN.....HE REPLIED JUST LUCKED ME" I THINK HE MEANS LOOKED.

I PRODUCE THAT AS AN EXHIBIT

RYAN: THERE IS ANOTHER LETER ON THIS FILE BY A MAN CALLED BODDE BEFORE THE FILE GOES. I WD LIKE THE ORIGINAL TO BE RETAINED.

CREW: ARE YOU FAM WITH THIS "ABC OF JUSTICE".....NO

YOU HAVE NEVER SEEN THIS BOOK.....NO

HAVE A LOOK AT IT, YOU WILL SEE IT IS A BOOK BY SPROTT AND BOOTH AND LOOK AT THE BACK COVER AND YOU WILL SEE THE DATE OF PRINTING.....THE FORWARD IS DATED OCTOBER 1976. YOU ARE NOT AWARE OF ANY PRISON REG TO PREVET THOM HAVING A COPY OF THAT ARE YOU.....NO.

I SUPPOSE WITH YOUR KNOWL THAT HE CONSIST AINTAINS HIS INNOCENCE YOU WD EXPECT HIM TO HAVE A COPY OF THAT.....I WD

AGAIN YOU WD AGREE THAT INMATES IN PAREMOREMO HAVE FREEDOM TO SWAP BOOKS, IT IS CONCEIVABLE THAT THOMAS WD LEND THAT TO ANOTHER INMATE WITH AN INT IN HIS CASE.....I DONT KNOW THAT AS A FACT BUT I WD EXPECT THAT TO BE THE CASE

PAGE 28, LEFT, READ THE LETTERS IN BLACK PRINT "AT THE 1975 APPEAL COURT HEARING.....BULLETS CAME FROM IT"

YOU WD AGREE IT IS CONCEIVABLE THAT PASSAGE CD BE THE SOURCE OF THE SEC PERK STMT TO WHICH FISHER REFERRED YOU.....IT CD

I SHOW YOU ANOTHER BOOK BY MR BOOTH, "TRIAL BY AMBUSH" PUBLISHED IN 1975, LOOK AT PAGE 149 READ THE MARKED PASSAGE TO THE COMM "DAVID MORRIS OFFERED AN ALTERNATIVE THEORY.....THE SHOT THAT KILLED HARVEY"

C1 WHOSE THE AUTHOR OF THAT STMT...THE BOOK IS WRITTEN BY PAT BOOTH AND HE IS QUOTING DAVID MORRIS.

CREW: MR HENRY MADE THE PT WHEN MORRIS WAS IN THE BOX THAT THIS ALT THEORY HAD BEEN MENT FOR THE FIRST TIME AT THE SEC REF. THE 2 PIECES OF LITERATURE JUST REFERED TO DEMONSTRATE PUBLIC KNOWL IN 75 76

C1 THE PASS HE HAS JUST READ WAS SOMETHING MORRIS SAID TO THE REFERRAL

CREW: YES AND THE OTHER PASS WAS THE SAME.

EXHIBIT F:

CR CREW CALLS MR ODOHOVAN

FORMER OATH

YOU HAVE GIVEN EVID PREV ABOUT YOUR CONTACT WITH THIS CASE IN 70, ...I HAVE

WHEN DID YOU NEXT HAVE CONTACT WITH IT.....1978 IN REL TO THIS MATTER.

YOU HAD HAD NO CONTACT WITH THE FILE IN THE MEAN TIME.....NO

I THINK IN MAY 78 DET CHIEV SUP WILKINSON HANDED YOU A FILE CONCERNING PERKOVICH AND WAREHAM 'AD ASKED YOU TO LOOK AT IT.....YES

MR SCOTT HAD BEEN DEALING WITH THE MATTER UP TO THAT TIME.....YES

WHY THE CHANGE DO YOU KNOW.....I DONT REM WHETHER IT WAS BEC I HAD HAD PREV DEALINGS OR WHETHER SCOTT WAS UNDER NOTIFICATION TO TRANSFER TO WOTON, I THINK PERHAPS THE LATTER

AM I CORR IN THINKING THAT THE MAIN INGREDIENTS OF THE FILE WERE A SERIES OF PLANS MADE OUT BY MR THOMAS, THIS IS AT THAT STAGE, A STMT BY WAREHAM AND TWO STMTS BY PERKOVICH.....BASICLLY YES

IN YOUR PREP BRIEF THERE IS REF TO OTHER DOCUMENTS BUT THEY WERE POL REPORTS, NOT ORIG EVID.....YES

DID YOU KNOW WHO PERK WAS AT THIS STAGE.....NO

I SUPPOSE ON READING THE FILE YOU LEARNT HE HAD BEEN IN PORORUA MENTAL HOSP FOR A PERIOD....YES

IT MUST HAVE STRUCK YOU THE EVID OF SOMEONE WITH A HIST OF MENTAL ILLNESS SHD BE TREATED WITH CAUTION.....YES

I SUPPOSE YOU HAD ACCESS TO THE LIST OF PREV CONV THAT SHOWED HE HAD BEEN LOCKED UP FOR FRAUD.....YES

THAT WD BE ANOTHER REASON FOR TREATING IT WITH CAUTION.....YES

WHAT INVEST DID YOU UNDERTAKE INTO HIS PSYCHIATRIC COND.....I MADE NEQU AT MT EDEN PRISON WHERE I SAW THE SUPERINTENDENT.....HES NOT A PSYCHIATRIST IS HE.....NO

WAS HE ABOT TO GIVE YOU PSYCHIATRIC INFORMATION.....YES FROM THEIR OPINION OF PERK YES

WD THAT OPINION HAVE BEEN TO THE EFFECT THAT HES A WALTER MTITY CHARACTER.....YES

DID YOU OBTAIN ANYTHING FROM A PSYCHIATRIST AS SUCH. ... I DID NOT.

YOU DID NOT CONTACT PORIRUA HOSP EG TO GET AN OPINION FROM THE PERSONS WHO TREATED HIM DURING HIS TIME THERE. ... NO NOT AT THAT TIME.

DID YOU AT ANY STAGE CONTACT THE PEOPLE AT PORIRUA HOSP. ... I

Commiss
Doon

CONTACTED THE LOWER HUTT POL AND THE POR HOSPITAL AND WAS TOLD THE SUPERINTENDENT THERE WOULD NOT DIVULGE THE MEDICAL FILES TO THE POL.

CAN YOU TELL US WHAT OTHER INQUIS YOU ATTEMPTED TO MAKE INTO THE PSYCHIATRIC ASPECT. ... I DON'T THINK I MADE ANY FURTHER INQUIS INTO THAT ASPECT. I DID DISCUSS PERKOVICH WITH SNR SGT DOON OF WGTN WHO HAD HAD DEALINGS WITH PERKOVICH.

THERE WAS ON THE INFORMATION MADE AVAILABLE TO THE COM BY THE POL A REPORT PREPARED BY TOKONUI HOSP IN 1976, DO YOU KNOW HOW THAT CAME INTO THE HANDS OF THE POL. ... AS A RECALL THAT WAS RECENTLY GIVEN TO ME BY DT SNR SGT DOON.

ARE YOU AWARE OF HOW HE GOT HOLD OF IT, IT IS ADDRESSED TO THE PRESIDING MAGISTRATE, M C HAMILTON. ... I AM NOT SURE.

C1: IT WAS A FITNESS TO PLEAD.

MR CREW: MY UNDERSTANDING HAS BEEN THAT THESE REPORTS ARE ADDRESSED TO THE POL AND ARE ADDRESSED TO THE CT, AND ARE SUPPOSEDLY FOR THE INFORMATION OF THE CT, AND THERE HAS BEEN A RECENT CASE ON THE PROPRIETY OF THESE PEOPLE BEING SENT HOLUS BOLUS TO MENTAL HOSPS ON THE BASIS THAT THESE REPORTS CAN CONTAIN INFORMATION WHICH WOULD HELP THE POLICE.

MR WILLIAMS: I THINK THE PRACTICE VARIES, AND THERE ARE OCCASIONS WHEN IT IS FEASIBLE THAT THE REPORT DOES NOT GO TO THE POL. THERE WAS A TIME WHEN THE REPORT ONLY WENT TO THE MAGIS AND EVEN THE DEFENCE COUNSEL DID NOT GET A COPY, BUT I THINK THAT PRACTICE HAS CHANGED AND COPIES HAVE BEEN SUPPLIED. ORIGINALLY OTHER PARTIES SAW THE REPORT ONLY BY COURTESY.

MR CREW: WAS IT THE POSITION THAT THE ONLY PSYCHIATRIC INFORMATION WHICH THE POL GOT HOLD OF PRIOR TO THIS HEARING, WAS THE REPORT FROM TOKONUI HOSP. ... I THINK THAT IS CORRECT, YES.

YOU WOULD NOT HAVE HAD THAT REPORT IN SAY 1978. ... NO.

IN FACT, WHEN YOU WROTE A REPORT ON THIS MATTER ON 30 OCT 78 YOU DID NOT HAVE ANY PSYCHIATRIC INFORMATION AS SUCH AT ALL BEFORE YOU. ... FROM A PSYCHIATRIST, NO.

BRINGING YOU FORWARD A BIT, BUT IN THAT REP ON 30 OCT 78, YOU EXPRESSED THE VIEW THAT PERKOVICH WAS TELLING THE TRUTH WHEN HE

DESCRIBED THE CONFESSION ALLEGEDLY MADE BY THOMAS. ... I DID.

YOU EXPRESSED THAT VIEW IN THE ABSENCE OF ANY PSYCHIATRIC REPORT.
... WHAT I WAS LKG FOR, KNOWING PERKOVICH'S BACKGROUND, WAS SOME
CORROBORATION OF WHAT HE HAD TO SAY.

C1: THE ANSW TO CREW'S QUEST IS YES, YOU HAD NO PSYCH REPORT.
... NO.

MR CREW: AND YOUR EVID IS THAT QUITE PROP THE SUPERINTENDENT OF
PORIRUA HOSP WAS NOT TO GIVE THE POL ACCESS TO THE FILES. ...
THAT WAS HIS GENERAL PRACTICE.

YOU MAY NOT BE ABLE TO ANSWER THIS, BUT WD IT BE FAIR TO SAY IT
WAS YOUR OPINION, FORMED ON THE EVID AVAILABLE TO YOU IN OCT 78
THAT REALLY DICTATED THE SUBS ATTITUDE THE POL HAVE TAKEN WITH
REG TO THIS MATERIAL. ... I WDNT SAY SO AT ALL.

YOU WROTE A COMPREHENSIVE REPORT DIDNT YOU. ... YES.

YOU SAID YOU BELIEVED HIM. ... YES.

THAT REPORT WENT TO YOUR SUPERIORS DIDNT IT. ... IT DID.

THEY PRESUMABLY MADE THE DECISION WHETHER THE POL WD SEEK TO PUT
THIS EVID BEFORE THE COM. ... YOU RECALL THAT IN JAN 1980 I WAS
SENT TO CHRISTCHURCH AGAIN TO INTERVIEW PERKOVICH.

C1: JAN 80 - AFTER THOMAS WAS RELEASED. ... YES.

YOU WERE SENT THERE. .. BY THE DEPT.

WAS THAT SENDING THE SUBJECT OF A DOCUMENT. ... I THINK THERE
IS A FILE NOTE ON THE FILE FROM THE DIRECTOR OF CRIME THAT I WAS
SENT TO CHCH.

YOU WERE SENT THERE TO CONTINUE WITH THE OBTAINING OF EVID FROM
PERKOVICH.

I REG THAT AS CURIOUS BEC BY THIS STAGE THOMAS HAD BEEN PARDONED.
... YES SIR.

AND TO CONFIRM PERKOVICH'S ORIGINAL STORY WAS TO CONFIRM IT WAS ACCEPTED AN ADMISSION BY THOMAS HE WAS GUILTY. ... YES.

IF YOU AS A SENIOR OFFICER TELL ME WHAT CONCERN IT WAS OF THE DEPT TO TRY AND GET SUCH EVID AFTER HE WAS PARDONED. ... IT WASNT A MATTER OF GETTING SUCH EVID, BUT CONFIRMING EVID GIVEN IN 78 TO SEE IF HE STILL HELD TO THE STORY.

WHY DID THE MAN WANT THAT CONFIRMED AFTER HE WAS PARDONED.

MR FISHER MR HENRY AND I TAKE RESPONSIBILITY FOR THIS, BEC BY MAY 1980 WE WERE BEING CONSULTED REG THE INQU.

C1: THIS IS JAN 80.

MR FISHER: THEN I AM OFF BEAM, BEC IT WAS MAY 1980.

C1: THMAS HAD BEEN TWICE CONVICTED, HIS APPEALS REJECTED, AND BY 1978 HE HAD SERVED ABOUT 8 YEARS IN GAOL. WHAT MOTIVATED THE POL DEPT IN THE FIRST INSTANCE TO ENDEAVOUR TO COLLECT EVID OF ADMISSIONS BY THOMAS OF HIS GUILT IN 78. ... I THINK WHERE ANYBODY COMES FORWRD WITH INFORMATION WE WILL INVESTIGATE IT WHETHER THE PERSON IS SERVING TIME OR NOT. AT THIS TIME THE RETRAIL COMMITTEES ACTIVITIES WERE STILL AN ON GOING THING.

IT IS CORRECT THAT THE EVID PRESENTED BY THE PROSEC IN THESE TRIALS HAD BEEN UNDER ATTACK FOR A LONG TIME. ... YES.

AND THE POL WERE ANXIOUS TO GET A CLEAR CUT ADMISSION OF THOMAS'S GUILT WHICH WD BE AN ANSWER TO THESE ATTACKS. ... WHERE THE MAN HAD SAID HE WAS GUILTY TO SOMEBODY ELSE, IT WAS INCUMBENT ON US TO INVESTIGATE IT.

YOU NOT ONLY INVESTIGATED YOU COLLECTED EVID ABOUT IT. IF IT HAD NOT BEEN THE PROSEC EVID IN THE TRIAL CONTINUOUSLY UNDER ATTACK, WDNT THIS MAN HAVE BEEN LEFT TO HIS OWN DEVICES. ... I DONT THINK SO.

A MAN COMES FORWARD AFTER A MAN HAS BEEN CONVICTED FOR YEARS, MAKING ADMISSIONS OF GUILT WDNT YOU INVESTIGATE IN SUCH A CASE AS THIS. ... THINK SO, IT WAS A NOTORIOUS CASE AND THE POL HAD BEEN UNDER ATTACK FOR A LONG TIME AND STILL WERE.

C2: WHO WAS REGIONAL COORDINATOR OF CIB IN JAN. 1980.

WILKINSON.

WD HE HAVE SENT YOU. ... YES.

WHAT IS ACE. ... IS THIS A TELEPRINT MESSAGE.

IT IS A POL REPORT, ACE, THEN THE INITIALS OF THE CONSTABLE AND HIS NUMBER.

I WANT TO READ THE LAST PARA TO YOU, 'I UNDERSTAND THAT SOME INQU IS CURRENTLY BEING UNDERTAKEN BY THE REG COORDINATOR CIB REG THOMAS'S ADMISSIONS WHILE IN PRISON. -- THIS INFORMATION MAY BE OF SOME ASSISTANCE IN ANY INQUS HE IS CONDUCTING. LEYS CONSTABLE 5502, 4.1.80' DID THE REG COORD CIRCULARISE ALL STNS. ... I HAVE NO IDEA. ABOUT THAT REPORT?

ON ANY INFORMATION REL TO ADMISSIONS OF GUILT BY THOMAS. ... NO, NOT AS FAR AS I KNOW.

WHY WD THAT CONST SAY 'I UNDERSTAND -- UNDERTAKEN.' ... I HAVE NO WAY OF ANS THAT QUEST.

DID YOU LK FOR DR INTERVIEW A FELLOW SLOANE AT ANY TIME. ... NO.

PERHAPS MR CREW, YOU MIGHT CARE TO HAVE THE DOCUMENT AND YOU MIGHT FIND OUT WHAT SORT OF INSTRUCTIONS WERE ISSUED TO THE POL WHICH LED TO THIS BEING RETURNED. IT READS TO ME AS A VERY STRANGE DOCU AS THOUGH SOME INSTRUCTION HAD BEEN ISSUED. YOU KNOW NOTHING ABOUT THIS. ... NO, YOU ARE TALKING OF A MATTER ABOUT 8 YEARS AGO.

NO 4.1.80, 2-3 WEEKS AFTER THE PARDON. ... THE QUEST OF PERKOVICH WAS NOT WELL KNOWN.

I AM NOT TALKING OF PERKOVICH AT ALL. I HAD EXPECTED YOU WD BE AWARE OF THE REGINAL COORDINATOR'S INSTRUCTIONS. ... I DONT THINK HE MADE ANY SUCH INSTRUCTIONS.

MR CREW: MR WILKINSON IS IN THE POL ROOM, AND I WD PROPOSE TO MAKE A COPY OF THIS AVAILABLE TO MR FISHER AND HAVE HIM MAKE INQUIRIES. WE WERE DEALING WITH THE INFORMATION AVAILABLE TO YOU WHEN YOU MADE YOUR REPORT IN 1978. AT THAT TIME YOUR VIEW WAS THAT, ALTHOUGH PERKOVICH HAD BEEN IN A MENTAL HOSP HE WAS A CON

MAN RATHER THAN MENTALLY ILL. ... THAT WASNT MY VIEW AT ALL. I FELT THAT PERKOVICH, ALTHOUGH HE HAD CERTAIN MENTAL ABERRATIONS, WAS NOT INSANE ON ALL MATTERS, AND ALTHOUGH I AGREE HE IS AN INVETERATE LIAR, I FELT THERE WAS AN ELEMENT OF TRUTH IN WHAT THE MAN HAD TOLD ME.

C3: IS THERE SOME REASON FOR YOU EXPECTING A DIFFERENTIATION IN THE DEGREES OF INSANITY, YOU CAN BE INSANE ON SOME MATTERS AND NOT ON OTHERS. MATTERS ARE QUITE SANE.

MR CREW: HAVE YOU READ YESTERDAY'S EVID OF DR CLOUSTON. ... NO I HAVENT.

CAN YOU TELL US WHAT MATTERS IN YOUR VIEW, PERKOVICH WAS CAPABLE OF TELLING THE TRUTH ABOUT. ... I THINK THAT IS A PRETTY WIDE QUEST, BEC ANYONE IS CAPABLE OF TELLING THE TRUTH ABOUT ANYTHING.

C1: BEC A LOT OF HIS STMTS COINCIDED WITH WHAT IN EFFECT HAD BEEN THE CROWN'S CASE AGAINST THOMAS, THEY WERE TO THAT EXTENT RELIABLE AS FAR AS YOU WERE CONC. ... TAKEN ON HIS OWN I WD NOT HAVE BOTHERED WITH PERKOVICH, BUT WE HAD THE CASE OF THE IDENTIFICATION OF THE PLANS IN THOMAS'S HANDWRITING, AND I PTED OUT - I TRIED TO BE OBJECTIVE - THAT MOST OF THE EVID WHICH PERKOVICH HAD GIVEN US WAS NO MORE THAN CD HAVE BEEN GAINED FROM PUBLICATIONS, BUT THERE WERE CERAIN THINGS WHICH AS FAR AS I WAS AWARE HAD NOT BEEN PUBLISHED AND IN ALL PROB CD ONLY HAVE BEEN TOLD TO HIM BY THOMAS.

MR CREW: JUST ONE MATTER BEF WE MOVE ON, YOU REF TO A REPORT FROM DT SNR SGT DOON WHO CONTACTED PERKOVICH IN CHCH. ... I SAID HE DEALT WITH PERKOVICH, WHICH WAS IN WGTN SOME YEARS PREVIOUSLY, BEFORE PERKOVICH WENT TO FORIRUA I THINK.

YOU ARE RIGHT AS TO WGTN, IT WAS 1976, AND WAS THE MATTERS FOR WHICH HE WAS LOCKED UP THEN. ... YOU ARE PROB RIGHT, YES.

WD YOU AGREE THE TENOR OF THE REPORT IS VERY MUCH TO THE EFFECT THAT IN HIS OPINION PERKOVICH IS SANE THOUGH AN INVETERATE LIAR. ... I CDNT AGREE MORE, YES.

AND WD YOU AGREE WITH ME, THAT THAT WAS THE POL ATTITUDE TO PERKOVICH APPROACHING THIS COM, YOU HAD NOT HAD THE DETAILED PSYCHIATRIC EVID WHICH HAS NOW BEEN MADE AVAILABLE AND THE VIEW WAS HE WAS A LIAR RATHER THAN MENTALLY ILL. ... I HAVE ALREADY SAID I CONS PERKOVICH TO BE MENTALLY ILL IN SOME AREAS.

IF YOU THOUGHT THAT WHY DIDNT YOU MAKE FURTHER INQU UNDER THE MENTAL HEALTH ACT, WHICH ENABLES THE POL TO OBTAIN A MEDICAL REPORT ON A PERSON INV IN A CRIMINAL MATTER, WHETHER THE SUPERINTENDENT OF THE HOSP OBJECTS OR NOT. ... I DID NOT THINK IT WAS NECESSARY, AS I ALREADY SAID I LKD FOR CORROBORATION OF PERKOVICH'S STORY. IF PERK WAS INSANE IN ALL MATTERS I WD NOT HAVE THOUGHT THAT I WD HAVE FND ANY CORROBORATION OF HIS STORY.

LETS COME TO THE PTS OF CORROBORATION, THERE ARE SIX PTS PUT FORWARD BY YOUR COUNSEL AND YOU WD BE FAMILIAR WITH WHAT THEY ARE. ... I WAS NOT PRESENT IN COURT.

THE FIRST ONE I WANT TO DEAL WITH IS THE HANDWRITING ON THE MAPS BEING THAT OF THOMAS, YOU HAVE ALREADY MENTIONED THAT YOURSELF. THERE IS NOTHING ON THE MAPS WHICH EXPRESSLY SAID 'I DID THE MURDERS'. ... NO, AND I PUT THAT IN MY REPORTS.

THERE IS NOT EVEN ANYTHING WHICH CLEARLY GIVES RISE TO THAT INFERENCE IS THERE. ... IT DEPENDS IF YOU TAKE CERTAIN MARKS ON THOSE MAPS AS HAVING BEEN MADE BY THOMAS, AS GIVING RISE TO SUCH INFERENCE.

WD YOU NOT AGREE WITH ME THOSE MAPS ARE COMPLETELY CONSISTENT WITH AN INNOCENT THOMAS, EXPL TO A FELLOW INMATE HOW THE MURDERS WD SEEM TO HAVE BEEN DONE AND HOW HE WAS FRAMED. ... YOU PUT 2 QUESTS IN THERE I THINK. I TAKE THE LATTER ONE FIRST - THE QUEST OF BEING FRAMED. I DISAGREE.

WHAT ABOUT THE FIRST ONE. ... APART FROM THE MARKING WHERE ALLEGEDLY THE BODIES WERE PUT INTO THE RIVER, I WD SAY YES TO THE FIRST QUEST.

YOU WD AGREE WITH ME SURELY THAT FROM HIS KNOWLEDGE OF THE AREA, THOMAS WD HAVE BEEN ABLE TO FT OUT THAT PLACE AS A POSSIBLE SPOT WHERE THE MURDERER CD HAVE PUT THE BODIES INTO THE RIVER. ... INDEED.

REF TO THE OTHER MARK ON THE DOCUMENT WE ARE REF TO - WD YOU AGREE WITH ME IT IS PERFECTLY CONCEIVABLE WHOEVER PUT THAT THERE WAS JUST MARKING A PLACE ON THE ROAD BETWEEN PUKEKAWA AND THE CREWE HOUSE. ... YES, I CD AGREE WITH THAT.

AS TO THE FRAME PART OF MY QUEST, I DONT WANT TO LABOUR IT, BUT ON THE 3RD OF THE DOCUMENTS THERE IS A REF TO THE CROSS SHOWING THE APPROX PT WHERE EXH 350 WAS FND, KNOWING AS WE DO THAT THOMAS BELIEVES HIMSELF TO HAVE BEEN SET UP, IT IS NOT VERY SURPRISING HE WD PUT ON A PLAN OF THE CREWE HOUSE A PLACE WHERE THE VITAL

EXH WAS FOUND. ... I GOT FROM YOUR ORIGINAL QUEST THAT THOMAS WAS FRAMED, NOT THAT HE THOUGHT HE WAS FRAMED.

EXP YOU TO AGREE WITH THAT WD BE A VAIN ENDEAVOUR, THAT THOMAS THOUGHT HE WAS FRAMED. ... IF I THOUGHT HE WAS FRAMED I WD BE THE FIRST TO SAY SO.

THE NEXT PT OF CORROBORATION IS THE REF IN THE PERKOVICH MATERIAL TO THE UNPUBLICISED EXISTENCE OF A SWAMP NEAR THE COW SHED, SUPPOSEDLY THE REPOSITORY OF SOME OF THE AMMO. ... THE REMAINS OF THE BOX YES.

ARE YOU FAMILIAR WITH THE PHS USED AT THE TRIAL. ... REASONABLY SO, YES.

IF I SHOW YOU BK B CAN YOU SHOW US WHERE THAT SWAMP IS. (PROD) ... THERE IS A FINITE SWAMP THERE.

PH B40. CAN YOU SHOW US WHERE THE SWAMP IS. ... (INDICATED)

C2: THAT IS THE COWSHED. ... THERE IS A DRAIN RUNNING FROM THE COWSHED YARD, AND A LENGTH OF PIPE WHICH GOES OVER THE BANK AND FLOWS DOWN TO AN AREA OF SWAMP AT THE BOTT, IT IS NOT A PARTICULARLY LARGE SWAMP.

C2: IS THERE A SMALL POND THERE. ... I DONT RECALL IT.

C3:: IS IT A SOAKAGE PIT. ... IT IS A DEFINITE SWAMP. THEE IS ANOTHER HOUSE YOU CANT SEE, YOU CAN WALK FROM THAT HOUSE DOWN A TRACK, ACROSS A LOG WHICH HAS BEEN PLACED AS A BRIDGE ACROSS THAT SWAMP.

C2: THERE IS A HAWTHORNE HEDGE BEHIND THE COWSHED. ... BEHIND THE OLD COWSHED.

FOLLOW THAT ACROSS TO THE RIGHT DOWN INTO WHAT YOU ALLEGED IS A SWAMP, IS THERE NOT CLEAR GROUND THERE RISING UP THE OTHER SIDE, FROM THE END OF THAT HEDGE, DOWN THRU THE HOLLOW AND UP TO THE NEXT SLOPE. .. YES.

HAVE YOU BEEN OUT AND IN THE SWAMP. ... I HAVE BEEN OUT TO THE COWSHED.

HAVE YOU BEEN IN THE SWAMP. .. NO.

DEFINE A SWAMP. ... AN AREA OF VERY SOFT PUGGY GROUND WHICH IS WATERLOGGED.

IN GOOD DRY CONDITIONS YOU W'D CERTAINLY HAVE BEEN ABLE TO DRIVE A TRACTOR ACROSS THE BOTT. ... IN THAT AREA YOU PTED OUT, YES.

IN THE TOP AREA WHERE YOU SAY A PIPE COMES OUT FROM THE COWSHED, CD BE DESCRIBED AS A URINE OR A WASH FROM THE COWSHED - SOAK PITS OR ALL KINDS OF FARM LANGUAGE. ... I DEFINE IT AS A SWAMP.

MORNING TEA ADJOURNMENT, 11.20 AM

MR O'DONOVAN CONT'D

WE WERE JUST FINISHING THE SWAMP, IS THAT AREA THERE THE SWAMP.....YES CLOSER TO THE COWSHED. (WITNESS PUTS A RING AROUND IT ON PHOTOGRAPH)

ITS ONLY THAT AREA, NOT THE AREA DOWNHILL FROM THE COWSHED.....NO.

YOU W'D AGREE THAT BEING THOMAS FARM HE MUST KNOW THAT EXISTS.....OF COURSE.

YOU W'D ALSO AGREE THAT HE CD WELL MENTION THAT SWAMPY AREA IN THE COURSE OF A QUITE INNOCENT DESCRIPTION OF HIS FARM.....YES

THE NEXT POINT THAT COUNSEL HAS RAISED RELATES TO THE EASE OF DISPOSAL OF THE BODIES AT THE SITE MARKED ON THE SEC MAP, YOU HAVE TOLD ME THOM W'D PRESUMABLY KNOW FROM HIS KNOWL OF THE AREA AS A MATTER OF THEORY.....I W'D SAY THOMAS W'D KNOW THE AREA VERY WELL YES, OF COURSE.

ANOTHER MATTER THAT WAS MENTIOEND BY YOUR COUNSEL RELATED TO AN

INT MAGIC AND PSYCHIC POWER, DO YOU REGARD THAT AS A CORROBORATING FACTOR.....NOT PARTICULARLY.

YOUR COUNSEL ALSO MADE MENT OF AN UNPUBLICISED PRIOR STMT BY THOMAS REG AN INCIDENT AT SHCOOL WITH THE DEMLER GIRL.....YES

YOU KNOW IN HIS MATERIAL RELATING TO SUCH AN INCIDENT MR PERKOVICH REFERRED TO HEWSON BEING PRESENT AT THAT TIME.....YES

YOU KNOW HEWSON AND THOMAS WERENT AT SCHOOL.....I DO

AND HEWSON IS MUCH OLDER THAN THOMAS.....I DONT KNOW HEWSONS AGE

DO YOU REGARD THAT AS A CORROBORATING FACTOR.....YES IS STILL REG IT AS A CORROB FACTOR REGARDLESS OF THE NAME OF HEWSON

C1 IT CDNT HAVE HAPPENED IF THEY WERE NOT AT SCHOOL TOGETHER.....IN REL TO HEWSON YES BUT IN REL TO THE MATTER WHERE THE RUBBER WAS DROPPED AND THOMAS IS ALLEGED TO HAVE LOOKED UP THE GIRLS SKIRT I REG THAT AS CORROBORATING

CAN YOU TAKE AN INCIDENT INVOLVING 3 PERSONS AND SAY ONE IS INCORRECT AND THE OTHER MUST BE CORRECT

C1 THOMAS TOLD HIM ABOUT THIS SOCALLED DROPPING THE RUBBER, YOU LOOK FOR CORROBORATION OF THAT, AND THE STMT THAT IS SORT TO BE CORROBORATED, CORROBORATION CONSISTS IN THE STMT 3 PEOPLE WERE INVOLVED, THE GIRL DEMLER, THOMAS AND HEWSON.....THAT IS RIGHT

THAT IS PERK STMT AND YOU SEEK CORROB OF IT BY EVID ELSEWHERE THAT THOMAS DID THAT THING. SINCE HE DESCR AN INCIDENT INVOLV 3 PEOPLE AN INCIDENT INVOLVING TWO PEOPLE IS NOT COORROBORATIVE TESTIMONY IS THAT RIGHT CREW

CREW: YES SIR THE REF TO HEWSON IS CLEARLY WRONG OR AN INVENTION ON THE PART OF PERK.....YES C1 WRONG AND IF WRONG AN INVENTION OF PERK FOLLOW THAT.....I FOLLOW THAT BUT BEC. ITS WRONG IT DOESNT NECC MEEAN ITS A CONFUSION HE CD BE CONFUSED WITH NAMES, I DONT KNOW AND THIS IS SOMETHING I CONSIDERED

I THINK THE POINT IS SUFF MADE WD YOU AGREE THAT THE CORR MUST BE MINIMAL IN THE EXTREME BEC OF THE PRESENCE OF HEWSON IN PERK VERSION OF THE INCIDENT.....NO CORROBORATION WAS A MAN BY THE NAME OF PARKER INTERVIEWED IN 78 WHO MENT A SIM INCIDENT.

DID HE MENTION HEWSON BEING INVOLVED.....NO

MR PARKER WAS NOT AT SCHOOL AT THE TIME WAS HE.....THIS WAS A CONV WHEN THOMAS WAS WORKING FOR ROUSES I THINK IT WAS AT MERCER, ROUSES AND THOMAS IS ALLEGED TO HAVE

WILL I OBJECT. COMPL HEARSAY, A LAST RESORT BY THE WITNESS TO GET SOMETHING IN THAT HE FEELS WILL GO AGAINST THOMAS.

WITT; I AM NOT TRYING TO GET SUCH EVID IN. CREW ASKED ABOUT CORR AND I SAID THERE WAS CORROB

FISH; A LOT OF THE DIFF ARE ABOUT HALF OF THE QUEST PUT TO WITNESSES ARE TO BE THE SUBJ OF SUBMISSIONS AND I SUBMIT WE CD GET THRU THE ENQU IN ABOUT HALF THE TIME IF WE ALL CONFINE OUR QUEST TO EVID AND LEAVE IT TO COUNSEL TO ARGUE ALL OF THESE THINGS. I HAVE SAID REPEATEDLY THESE ARE MATTERS OF SUBMISSIONS

C1 A LOT OF THEM ARE BUT IT SEEMS TO ME HABIT IN THE WAY YOU DO THINGS IN THIS COUNTRY TO PUT MATTERS OF SUBM TO WITNESSES

FISH; YES BUT I DONT THINK ITS AN ECONOMICAL WAY OF DOING IT IN TIME.

C1; PUTTING A WITNESS TO AGREE WITH A DEDUCTION DOES NOT ADVANCE THE MATTER FURTHER. HE SAYS THERE WAS CORROBORATION FROM A MAN NAMED PARKER.

CREW; I IND TO THE COMM THE PT I WAS PERSUING, THE COMM HAVE IND AN INT IN THE REASONS WHY THIS MATTER WAS ADV BY THE POL OR JUST TOSSED OUT IN THE INITIAL STAGES AND THIS WITNESS WAS ONE OF THOSE INVOLVED IN JUDGING ITS CREDIBILITY AND HE TOOK CERT FACTORS INTO ACCOUNT

C1 HE TOOK INTO ACCOUNT MATTERS BY A MR PARKER AND FOR THAT REASON HE THOUGHT THE STMT WAS GOOD. ITS NOT FOR US TO SAY , YOU ARE PUTTING YTHIS AS IMPROPRIETY ON THE PART OF THE POLICE IN TAKING IT INTO CONS WITHOUT INVEST FURTHER. THE MEDICAL ASPECT.

CREW; FINALLY THE MATTER YOUR COUNSEL HAS PUT FORWARD AS CORROBORATION RELATING TO WARIHAM WHEN DID YOU MEET HIM.....MAY 78

HAD YOU NOT MET HIM BEFORE.....NO

DID YOU KNOW OF HIM.....YES

IN WHAT CONTEXT.....BEC HE HAD A DRUG CONVICTION

THAT WAS IN 75 I THINK, HAD YOU HEARD ANY MORE OF HIM BETW 75 AND 78.....NO

I WOULD LIKE TO SHOW YOU A NOTE THAT IS APPARENTLY SIGNED BY WAREHAM AND IT APPEARS ON THE COPY OF THE POL FILE WE HAVE BEEN GIVEN DATED 7TH JUNE 1978 E SEC HALF OF THE PAGE, WOULD YOU READ THAT TO THE COMMISSION "FURTHER TO ENQUIRY RE EXCHANGE OF INFORMATION IN DRUG SCENE THERE APPEARS TO BE TWO INCIDENTS.....PROBING WITH CAUTION"

HOW DO YOU THINK THAT GOT ON TO THE POLICE FILE.....BEC ITS PART OF THE STMT OF HAPPENINGS OF WED JUNE 7TH 1979, THAT SHD BE 78, ITS WRONGLY DATED AT THE TOP

DOES THAT RELATE TO THIS MATTER.....OBV NOT

WHAT DO YOU THINK IT RELATES TO.....SOMETHING IN THE DRUG SCENE

C1 IT SOUNDS LIKE SOMEONE GIVING INFORMATION TO SOMEONE.....YES

GIVING INFORMATION TO THE POL ON OTHER PRISONERS.....AS FAR AS I AM AWARE WAREHAM WAS NEVER A POL INFORMER IN AUCK

CAN YOU THINK OF ANY OTHER REAS EXPL OF THAT DOCUMENT.....NO I KNOW WAREHAM HAD SPOKEN TO ANOTHER DET AT SOME STAGE REG HIS CONV BUT WHAT TRANSPIRED I DONT KNOW AND I DONT KNOW WHO IT WAS

SCOTT TOLD US THIS MORN WHEN HE WENT TO THE PRISON ON 14 APRIL HE WAS GIVEN 3 LETTERS INCL ONE BY WAREHAM RELATING TO OTHER MATTERS AND HE HANDED THAT TO YOU.....YES

WHERE'S THAT LETTER.....AT THE POLICE STN

WHAT DID IT RELAT TO....TO HIS CONV TO DRUGS AND ASSOCIATION WITH DRUGS.

ARE YOU TELLING US THAT WAS ALSO IN THE CATE OF INFORM OTHER PRISONERS HANDED TO THE POLICE.....NOT A MATTER OF INFORMATION A

MATTER OF HISTORY

C1 INFORMED HISTORY.....YES

C3 DID IT RELATE TO A 3RD PERSON....IT RELATED TO OTHER PERSONS AND HIS INVOLVEMENT WITH THEM PRIOR TO HIS CONV

C2 WHATS YOUR DEFINITION OF A NARK IN PRISON TERM.....IN A PRISON SENCE I THINK A NARK IS ANYONE WHO SPEAKS TO THE POL AT ALL

C2 WD YOU APPLY IT IN A BROAD TERM TO A POL INF.....I THINK ITS A NORMAL COLLOQUIALISM USED FOR A POL INFORMANT

HAD YOU FORG THAT OTHER LETTER A MOMENT AGO WHEN YOU GAVE YOUR ANSW.....NO I THOUGHT THAT OTHER LETTER WAS COMPLETELY DIVORCED TO THIS CONV. IT RELATED TO MATTERS PRIOR TO HIS CONVICTION

DID THE INFORMATION CONT IN THAT LETTER INCRIMINATE OTEHR PERSONS.....I THINK MOST OF THOSE OTHER PERSONS HAD BEEN DEALT WITH

THATS NOT THE ANSW I WAS LOOKING FOR, PTU THE QUEST AGAIN

DID THE INFORM IN THAT LETTER INCRIMINATE OTHER PERSONS DEALT WITH OR NOT.....YES

WAS THAT TEN FIRST TIME WAREHAM HAD GIVEN SUCH INFORM TO THE POLICE.....I HAVE NO IDEA WHAT WAREHAM MAY HAVE GIVEN ON PREV OCC. WE DO NOT PUBLISH. IT WAS THE FIRST I KNEW OF

C3 WAS THE PURPOSE OF THE LETTER TO GAIN SOME KIND OF GAIN FOR HIMSELF.....NO WAREHAM NEVER EVER ASKED FOR ANYTHING FOR HIMSELF, HE NEVER MADE ANY REQUESTS FROM ME IN ANY FORM

C1 PERHAPS THE RIGHT TIME TO ASK THEM HAS NOT COME YET.....I CANT ANSW THAT

CREW; WE HAVE FOUND 3 INSTANCES OF HIS GIVING INFORM TO THE POL, THE LETTER MENT IN APRIL, THE DOCU FROM THE FILE IN JUNE AND THE MATERIAL RELATING TO THOMAS, ANY OTHER INSTANCES OF WHICH YOU ARE AWARE.....IM NOT AWARE OF ANY OTHER INSTANCES.

YOU WOULD AGREE WITH ME THAT POLICE INFORMERS ARE NOT NORMALLY MOTIVATED BY AN ALTRUISTIC DESIRE TO ASSIST THE POLICE.....POL INFORMANTS ARE MOTIVATED BY MANY REASONS

THEY USUALLY WANT SOMETHING OUT OF IT SOONER OR LATER FOR THEMSELVES.....NO I WDN'T

C1 THEY MAY WANT TO DO HARM TO SOMEONE ELSE.....CERTAINLY

INSP SCOTT AGREED THIS MORN THAT AN IND FROM THE POLICE THAT A PRISONER HAD BEEN HELPFUL WITH ENQU CD CAUSE THE PRISONS PAROLE BD TO TAKE A FAV VIEW OF AN INMATE DO YOU AGREE.....I DONT KNOW IVE NOT EXPERIENCED OF MAKING ANYTHING KNOWN TO THE PAROLE BD IN THE HOPE OF GETTING A LESSENE D SENTENCE.

WOULD YOU SAY YOU GET ON QUITE WELL WITH WAREHAM.....I DO

YOU IN FACT ASKED HIM IF HE WOULD GIVE EVID IN CT ON THESE MATTERS.....YES I DID

WHAT WAS HIS REACTION....HE WAS NOT PREF TO GIVE EVID IN OPEN CT BUT HE WOULD GIVE EVID IN ANY COMM OF ENQU THAT MAY BE INSTITUTED.

WHAT WAS THE BASIS OF HIS OBJ TO OPEN CT....BEC HE WOULD BE REGARDED AS A NARK AND WOULD GET A HARD TIME IN PRISON

C3 DID HE KNOW AN ENQU WAS ALSO LIKELY TO BE OPEN ENQUIRY.....I CANT SAY, I DONT KNOW, I DONT THINK WE DISC IF IT WAS OPEN OR NOT BUT I THINK HE FELT A COMM OF ENQU WAS A DIFF MATTER TO A CT PROCEEDING. WILL THE POL APPARENTLY COMPL THESE PART PROCEEDINGS ARE NOT IN OPEN CT I FIND IT SURPRISING

C1 YOU MEAN IN ANOTHER PLACE

WILL YES.

C2 HOW LONG WAS PECK GIVEN TO DRAW THESE MAPS AND PRODUCE THEM.....THOSE MAPS WERE DRAWN BEFORE I CAME INTO THE ENQU BUT I KNOW THAT PERKOVICK WAS NOT REQUESTED TO GIVE MAPS

YOU TOOK THESE MAPS WITH YOU TO PERK AND WROTE THE NOTES IN HIS PRESENCE, THE SIG IN THE TOP CORNER NOTES ADDED BY DET INSP O'DONOVAN.

FISHER: I WROTE THAT, THEY ARE ON THE PHOTO COPIES, NOT THE ORIGINALS. THOUGHT IT WOULD BE CONFUSING IF YOU THOUGHT THOSE NOTES APPEAR ON THE ORIGINALS.

C2 DO I TAKE IT THAT THE IDENTIFICATION OF THE O AND THE X WAS ON THE MAP AND YOU ADDED NOTES ADDED BY DET INSP DONNOVAN

FISHER: IF YOU LOOK AT THE ORIG YOU WILL BE ABLE TO SEE WHAT HAS BEEN ADDED. THEY ARE ALREADY EXH. I WAS JUST EXPL ON THE PHOTO COPIES THERE IS A LITTLE RECTANGLE IN THE TOP CORNER

C2 I LOOK PART AT NO 3

FISHER: THINGS THAT HAVE BEEN ADDED BY O'DONOVAN ON THE FIRST PHOTO COPY FROM WHICH FURTHER COPIES WERE TAKEN

C2 THEY ARE NOT ON THE ORIGINAL.

FISHER: I WILL GO THRU THEM

C2 THE PHOTO COPIES ARE NOT COPIES OF THE ORIGINAL COPIES, THEY HAVE BEEN ADDED TO.

FISHER: THATS SO

C2 WHEN DID O'DONOVAN ADD THEM.

FISHER: THESE ORIGINAL DOCUMENTS ARE THE EVID BEFORE THE ENQU AS THEY STAND. THE PHOTO COPIES ARE EXTRA COPIES TO ASSIST THE COMM WHILE HEARING THE EVID

WITT: THE ORIGINALS HAVE AN O AND AN X IN THE BODY. IN THE RIGHT CNR OF THESE DOCUMENTS I HAVE SHOWN WHAT THE O AND THE X RELATE TO. O BEING WHERE THE AXLE AND THE BODIES WERE ALLEGED LEFT AND X BEING WHERE THE BODIES WERE ALLEGEDLY LEFT BY THE RIVER

C2 WHEN DID YOU PUT THAT DEFINITION ON THOSE....WHEN I PHOTOSTATED THESE DOCUMENTS FOR THE COMM

C2 WHEN DID PERK DEFINE TO YOU WHAT THE X AND THE O MEANT....IN MAY 1978. I THINK YOU WILL FIND THERES A JOB SHEET THERE IN REL

TO THAT

C2 MR FISHER CO YOU REMIND US THE DATE THE ORIGINALS WERE OBTAINED FROM PERKOVICH.....

FISHER; IT SEEMS TO BE 31 MARCH 78 THAT SOME SKETCH MAPS WERE HANDED TO SCOTT. WHETHER ALL OF THEM OR ONLY SOME IM NOT CLEAR.

C2 WHEN YOU GOT THOSE MAPS YOU THEN WENT AND SAW PERK AND ASKED WHAT THE X AND O MEANT.....YES

C2 IT WASNT MY WORK NARK, YOU ELUDED I INVENTED THE WORD NARK, WE HAVE A DOCUMENT IN FRONT OF US FROM A CONSULTING PSYCHIATRIST OF 4.5.80 MR HEWLANS DOCUMENT, I WILL READ A PARAGRAPH WHICH I FIND SIGNIFICANT "THE YOUNG POLICEMAN THAT ARRESTED ME WD NOT LISTEN. I HAD TO TELL THEM TO ASK DONOVAN IN AUCK AND MEATELL IN CHCH. I HAVE THEIR PH NOS AND ANOTHER SPEC NAME I USE FOR CONTACTING THEM. I DONT KNOW WHY MEAKLE HAS NOT BEEN TO SEE ME AND PUT EVERYTHING RIGHT. IM CONFUSED. I SEEM TO BE CAUGHT IN A CROSSFIRE I THINK ILL COMP RETIRE FROM IT, IVE HAD NO COOPERATION AT ALL AND THEY CALL ME A NARK HERE" THAT READS TO ME AS THOUGH YOU WERE ON SOME SORT OF FRIENDLY TERMS WITH PECKOVICH OR THAT PECKOVICH BELIEVED YOU OWED HIM A FAVOUR.....MY FIRST COMMENT IS I OWE PERKOVICH NO FAVOURS. SECONDLY THE FIRSTTIME I MET PERK WAS IN 78. SINCE THAT TIME AND SINCE HIS DISCHARGE FROM PRISON HE HAS GIVEN ME CERT INFORMATION ON OTHER MATTERS WHICH HAVE NOTHING TO DO WITH THOMAS. I HAVE SEEN HIM ON THOSE OTHER MATTERS AND I HAVE INVESTIGATED MATTERS THAT HE HAS BROUGHT TO MY ATTENTION

C2 YOU HAVE NOT SINCE HIS RELEASE FROM PRISON AND BEFORE HIS CHARGES IN ABOUT 8.5.80, YOU HAVE NOT ASKED HIM FOR INFORM RELATING TO ANY OTHER PEOPLE, NOT THOMAS, ANY OTHER PEOPLE.....NO I HAVE NOT ASKED INFORM FROM PERK AT ANY STAGE, PERK HAS ALWAYS VOLUNTEERED INFORMATION

WDNT YOU THINK THE CONTEXT OF HIS WORDS I THINK ILL COMPL RETIRE FROM IT ALL.....HE SEES HIMSELF AS SOMETHING AS AN UNDERCOVER AGENT AND HE HAS BEEN TALKING ABUT LEAVING NZ AND PRES THAT IS WHAT HE WAS ELLUDIGN TO THERE

HE HAD GONE O PERTH AND COME BACK.....YES

C2 AM I TAKING AN UNFAIR INFERENCE FROM THAT LETTER FROM THE PSYCHIATRIST THAT PERK HAD SOME AFFINITY TOWARDS YOU AND BEL YOU WERE GOING TO HELP GET HIM OTU OF THIS JOB.....I THINK HE WAS HOPING ON THE INF HE HAD GIVEN TO HIM PREV I WD GET HIM OUT OF

THIS SCRAPE IN CHCH AND NEEDLESS TO SAY I DID NOT GET HIM OT OF THE SCRAPE

C2 HAD HE BEEN CALLED A NARK WHEN YOU KNEW HIM IN AUCK....I DONT KNOW

DID YOU PAY PERK ANY MONEY FOR INFORM GIVEN YOU.....NO I HAVE NEVER PAID PERK A CENT AND I OWE HIM NO FAVOURS

COMING BACK TO WAREHAM AM I RIGHT IN THINKING YOU HAVE TALKED TO HIM ABOUT THIS MATTER AT LENGTH.....YES

HAVE YOU TAKEN A STMT.....NO

SO FAR AS WAREHAM IS CONC THE ONLY WRITTEN MATERIAL IN EXIST COMPRISES THE STMTS HE MADE TO PERK....THE ONLY WRITTEN MAT IN REL TO THE THOMAS AFFAIR, YES

WHEN YOU CAME INTO THE MATTER THE FILE CONT THE FIRST STMT BY WAREHAM RELATING TO AN OVERHEARD CONV.....YES

I THINK YOU WENT OUT TO THE PRISON ON 24 MAY DIDNT YOU.....YES PROB THAT DATE, 24 MAY WHEN

78.....I DOT THINK SO.

I READ FROM A DOCUMENT PERK SUMMARY OF EVENTS....I THOUGHT IT WAS EARLIER IN MAY BUT YOU MAY WELL BE RIGHT

THATS PROB NOT MATERIAL, BT THAT VISIT WAS BEFORE THE NEXT STMT BY WAREHAM WHICH I WD LIKE TO SHOW TO YOU, WHAT IS THE DATE ON THE TOP OF THAT.....JUNE 7TH 1979. I THINK ITS JUNE 7TH 1978 SIR.

ITS ACTUALLY SIGNED AT THE BOTTOM 78.....YES 78

IS THERE ANYTHING ON THE FACE OF THAT DOCU YOU HAVE NOTED THAT SHOWS WHEN U PICKED IT UP, YOU MAY CARE TO LOOK AT THE ORIGINAL.....

CREW THE BLACK MARK AT THE BOTTOM IS A MARK THAT IS SUPPOSED NOT TO SHOW UP ON PHOTO COPY MACHINES. I PUT IT ON. I CAN READ WHAT

IS UNDERNEATH THEM.

C3 THIS DOCU HAS TWO DIFF DATES ON IT BY THE AUTHOR OF THE DOCUMENT

CREW; THATS QUITE RIGHT. THIS IS WHAT I AM TRYING TO FIND OUT WHEN ODOOVAN CAN TELL US WHEN HE PICKED IT UP.

WITT; PROB ABOUT 13 JUNE 1978. I THINK

DO YOU HAVE A RECOLL OF PICKING IT UP. YOU ARE QUITE SURE YOU DIDNT PICK IT UP IN 1979.....IM QUITE SURE IT WAS 78

YOU WD BE OF THE VIEW THAT 79 DATE IS A MISTAKE.....IVE ALWAYS KNOWN THAT 79 DATE IS A MISTAKE.

IT IS THE CASE ISNT THAT ON THE FACE OF THIS DOCUMENT PERKOVICH AND WAREHAM ARRANGED FOR WAREHAM TO EAVESDROP ON THE CONV PERK WAS HAVING WITH THOMAS.....IN THE HALL YES

DID YOU SUGG THAT BE DONE....NO

DID YOU SEE BOTH OF THEM IN MAY.....YES

DID YOU SUGG THEY OBT FURTHER CORROB OF WHAT WAS CONT IN THE MAT THEY HAD.....YES I SUGG I WD BE INT IN ANY FURTHER MAT THEY CD GIVE ME.

DID YOU THINK THEY WD GO AWAY AND FORGET THE WHOLE MATTER OR GET MORE INFORMATION.....I WASNT TO BE IN THE POSITION OF INSTIGATION ENQU AT THE PRISON BY GETTING THESE PEOPLE TO WORK FOR ME

YOU MUST HAVE KNOWN IT WAS A FAIR SORT OF IDEA THEY WD TAKE IT FURTHER IN THIS SORT OF WAY.....I HAD NO IDEA THEY WD TAKE IT FURTHER AND IN WHAT WAY.

LOOK AT EXHIBIT F, JUST LOOK AT THE SEC PAGE OF THAT, IS THAT YOUR HANDWRITING AT THE BOTTOM.....I SEE THE WRITING. IT IS MY HANDWRITING

HANDED TO ME BY PERK 10 APRIL 79.....OBU THAT MISTAKE IS MINE.

WHAT MISTAKE IS THERE.....IT SHD BE 78. THAT CANT BE RIGHT EITHER. BECAUSE I DIDNT SEE PERK UNTIL MAY.

WD YOU LOOK AT THE ORIGINAL ON THE POLICE FILE.....YES

ALL IM INT IN IS THE NOTATION OF YOURS ON THE BOTTOM OF THE TYPEWRITTEN SYTMT IT WAS HANDED TO YOU BY PERK ON 20 APRIL 79.....IT CANT BE BEC IT WAS HANDED TO MR SCOTT

C1 THATS THE FIRST STMT.....ITS A HANDWRITTEN STMT

CREW; ON 2 DOCUMENTS NOW WE HAVE A REF TO EVENTS OCCURING IN 1979 MT EDEN PRISON IN REL TO BOTH PERK AND WAREHAM, DID YOU SEE THEM THERE AT THAT STAGE, IN 1979.....I PROB SAW PERK IN 79 BUT I CERT DIDNT SEE WAREHAM. I ONLY SAW HIM IN MAY 78 AND JAN 80.

WHAT I PUT TO YOU IS THIS, THE JUST DEPT FILES SHOW MR THOMAS WAS NO LONGER IN MT EDEN PRISON AT THIS TIME AND WITHOUT CRITICISING YOU IF THESE 79 DATES ARE ACCURATE WE HAVE A STRANGE SIT.....THESE DOCUMENTS WERE HANDED OVER IN 78

FISHER; HE WAS NO LONGER IN MT EDEN HE WENT TO HAUTU PRISON FARM IN LATE 78

WILL; THATS TO THE BEST OF OUR RECOLLECTION

CREW; 12 OCTOBER 1978 MR THOMAS LEFT MT EDEN PRISON FOR HAUTU PRISON FARM.

C1 THE DOCUMENT YOU HAVE GOT DATED 9.4.78 TRANSCR OF PECKOVICH LETTER ON WHICH YOU HAVE WRITTEN AND HANDED TO MY BY PECK 10.4.79 CONT THE STMT ON THE SEC PAGE, I HAVE COMPL MY ENQUIRIES IN CONNECTION WITH THE THOMAS CASE, ALSO TO.....MYSELF AND ARTHUR THOMAS THAT STMT IS WHOSE STMT

CREW; MR PERKOVICH

C1 THIS IS AN ACCURATE STMT COFESSION THAT TOOK PLACE THIS EVENING.....FOR THE SOLE PURPOSE OF "OVERHEARING" THAT IS WRITTON ON 30 JUNE 79.

C3 YOU WD NORMALLY ANNOTATE A DOCUMENT , TO MAKE A MISTAKE IN THE

MIDDLE OF THE YEAR IS NOT AS NORMAL AS IN JAN. IF IT IS A MISTAKE ITS AN UNUSUAL...THE LETTER TO WHICH CREW REF IS A HANDWRITTEN LETTER BY PERK

C1 ON THE TRANSLATION OF IT YOU HAVE WRITTEN AND HANDED TO YOU BY PERK ON 10.4.79....MR SCOTT HAS ALREADY SAID HE REC IT AND IT IS NOTED ON THE FOOT OF THE PAGE REC BY SCOTT ON 14.4.78

C1 IN THEBODY OF IT IT REF TO A WITNESS WHO INCIDENTLYAND ARTHUR THOMAS" WHICH PRES IS MR WAREHAM.....YES

C1 THE STMT ON THE FRONT OF IT IS JUNE 7 79 AND IS DATED ON THE SEC PAGE SIGNED 7.8.78.....YES

WITH A SIGNATURE THAT IS INDECIPHERABLE...THATS WAREHAMS SIG.

C1 SO WAREHAM SAYS IT HAPPENED THIS EVENING THE CONV TOOK PLACE JUNE 7 78.....YES

C1 MR PERK WRITES ABOUT IT HAVING HAPPENED SOME TIME BEFORE 9TH APRIL 78.....YES

REC THATS WHEN HE REFERS TO IT. "ALSO TO REPORT THE TRUTH.....AND ARTHUR THOMAS"THATS THE FIRST CONV IN THE WORKSHOP WHEN HE WAS BEHIND BOXES AND THAT WAS CONT IN PERK FIRST STMT WHIH WASHANDED TO SCOTT

C1 THERE WERE 2 OCC WHEN WAREHAM LISTENED IN...YES THE FIRST TIME WHEN HELLEG OVERHEARD A CONV BETW THOMAS AND PERK AND A LATER ONE IN A RECREATION HALL AND IT WAS AN ARRANGED MEETING

C1 THERE IS ONY OE WRITTEN STMT BY WAREHAM.....NO THERE IS 2 SIR.

CREW; THERE ARE 2 STMTS BY WAREHAM; WD YOU LIEK THEOTHER ONE NOW.

RYAN; 1ST APRIL.

FISHER; CAN I RENEW MY APPLICATION TO RENEW FURTHER WITNESSES AS YOU INDICATED EARLIER AFTER THE NEXT 2 WITNESSES.

C2 DO YOU REFRESH YOUR CLAIM.

FISHER: I DO.

C2 WE WILL SIT AT 10 AM ON MONDAY SO THE WITNESS CAN GET AWAY TO WELLINGTON.

THE HEARING ADJOURNED AT 1 P.M. ON FRIDAY 8TH AUGUST 1980

THE HEARING RESUMED AT 10 A.M. ON MONDAY 11TH AUGUST 1980.

MR O'DONOVAN CONT'D

XD CREW

AT THE CLOSE ON FRIDAY WE WERE DEALING WITH DISCREPANCIES AS TO DATE AND IN PART A DATE YOU HAD PUT ON A COPY OF A TYPEWRITTEN STMT OF AN EXTRACT FROM PERK'S DIARY, DID YOU MANAGE TO SORT THAT DATE OUT AT ALL.....I HAVE GIVEN IT CONS THOUGHT OVER THE WEEKEND AND I CANNOT EXPLAIN THAT PART DATE. THAT WAS REC BY MR SCOTT

C1 WHAT SHOULD THE DATE BE.....THE ORIG OF THAT DOCU WAS REC BY RM SCOTT. I CANNOT UNDERST HOW I PUT A DATE ON THAT COPY

C1 YOU MEAN THE DATE OF 79.....YES

C3 YOU ARE SAYING YOU DONT KNOW WHY YOU PUT ANY REMARK ON IT AT ALL.....NO I HAVE GIVEN IT CONS THOUGHT AND I DONT KNOW WHY I PUT ANY REMARK ON IT.

CREW; COMING BACK TO WAREHAM, ON HOW MANY OCCASIONS HAVE YOU INTERVIEWED HIM.....AS FAR AS I RECALL 2 OCC, POSS 3 BUT I THINK 2

WAS THAT IN 78.....YES, THE FIRST ONE, YES

WHEN WAS THE SEC.....1980

WAS THAT IN MAY OF THIS YEAR WHEN HIS EVID WAS BREIFED FOR THE PURP OF THIS COMM.....NO IN JAN OF THIS YEAR

DID ANY DOCUMENTS COME INTO EXIST AS A RESULT OF THAT INTERVIEW.....NO

WHAT WAS THE PURP OF THAT INTERVIEW....AS WITH PERK TO EST. WHETHER THEY STILL HELD TO THE STORY THEY HAD GIVEN IN 78

HAVE YOU SEEN WAREHAM SINCE THEN....YES

C2 SEEN AS DISTINCT TO INTERVIEWED.....YES I BROUGHT HIM IN FROM

THE PRISON WHEN HE WAS INTERVIEWED BY OTHERS IN RELATION TO THIS COMM OF ENQU.

THAT WD HAVE BEEN IN MAY 80.....YES

ANY INTERV OR DISC OR MEETINGS WITH HIM SINCE THEN.....NO

FINALLY DID YOU ON 3 JULY OF THIS YEAR INTERVIEW A MR ALAN JAMIESON EMPL AS A FOREMAN AT ROBERT STONE CO.....YES

THIS WAS IN THE COURSE OF YOUR ENQU INTO THE INCIDENT RELATED BY PERK OF THE RUBBER AT SCHOOL.....YES

I WD LIKE YOU TO GIVE THE COMM AN IDEA OF HOW EXTENSIVE THOSE ENQU WERE.....THE ENQU IN REL TO THE RUBBER WERE CONFINED TO SEEING MR HANCOCK, MR PARKER, MR JAMIESON AND A GENTLEMAN IN WHANGAREI, THE FATHER IN LAW OF PARKER I THINK HE WAS.

DID YOU GO TO SEE THE GIRL VAL COUCH AGAIN.....YES I DID

DID YOU INTERVIEW ANY OTHER PERSONS WHO WD HAVE BEEN IN THE CLASS AT THE TIME THIS INCIDENT WAS SUPP TO HAVE HAPP.....NO I DID MAKE ENQU FROM THE SCHOOL AND EST THAT THOMAS AND JEAN DEMLER HAD BEEN IN THE SAME CLASS FROM STD 1 TO FORM 2.

C1 WHAT AGE ARE CHILDREN IN STD 1.....ABOUT 7 OR 8.

C2 FORM 2 ABOUT 11 OR 12.

C1 WHAT WD THE AGE BE OF THOSE IN FORM 2,DEPENDS SIR. I THINK AROUND ABOUT 14 OR 15 IN FORM 2.

WILL; THATS NOT SO.

I HAVE A BOY IN FORM 2 AND HE IS 12.

WITT; YOU CANT LEAVE SCHOOL UNTIL YOU ARE 15 AND I THINK THOMAS LEFT SCHOOL IN FORM 2. I KNOW HE HAD BEEN 2 YEARS IN STD 1.

THE POLICE FILE CARRIES A STMT ALLEGEDLY WRITTEN BY MR BODDE, GIVEN TO PERK IN 78.....YES

WE HAVE ON THE POL FILE YOUR REQUEST TO THE TOKOROA CIB ASKING THAT BODDE BE INTERVIEWED.....YES

CAN YOU TELL US IF HE ADMTTED MAKING THAT STMT.....HE DID NOT.

TO BE CLEAR, LOOK AT THE STMT TO WHICH WE ARE REF.....YES

THAT WD YOU AGREE WITH ME HAS DIFF HANDWRITING ON THE SEC PAGE FROM THE FIRST.....IT APPEARS TO BE

AND DIFF HANDWRITING AGAIN ON 3RD AND 4TH PAGES.....I THINK PAGES 1 AND 2 ARE SIMILAR HANDWRITING BUT IT APPEARS TO GO TO PRINTING ON PAGES 3 AND 4

YOU SAY BODDE DENIED MAKING THATHE DID

WD YOU AGREE WITH ME FROM YOUR KNOWL OF PERK THERE HAS BEEN MORE THAN A SUGG IN THE PAST THAT HE HAS FORGED DOCUMENTS.....YES THATS TRUE.

XXD WILLIAMS;

I AM NOT HANDLING ANY ASPECT DEALING WITH WAREHAM BEC I ACTED AS WAREHAMS COUNSEL. I ASK QUEST REL TO PERK

YOU HAVE HAD A LOG AND EXT EXP IN ENQUIRING AND PROSECUTING CRIM MATTERS.....YES

YOU HAVE QUITE PROP DEVELOPED A REPUTATION FOR FAIRNESS AND OBJECTIVITY. WD IT BE TRUE TO SAY YOU WD NOT CONTEMPLATE CALLING A CERTIFIED INMAET FROM A MENTAL INSTITUTION TPO A WITNESS BOX IN CRIMINAL PROC.....DO YOU MEAN A PERSON AT PRESENT CERT OR A PERSON CERT IN THE PAST AND RELEASED AS PROPERLY CURED

AT PRES CERT.....NO

AND THE REASON FOR THAT IS IF A PERSON IS PSYCHOTIC HE WD BE USELESS AS A WITNESS.....YES.

XXD RYAN

REG PETER LAURENCE BODDE THE LETTER YOU WROTE TO TOKOROA SEEKING TO LOCATE HIM IS ON THE FILE, ARE THE ENQU ON A FILE.....YES

WHERE IS IT.....ON THE FILE

THE REPLIES BY BODDE WERE NOT ON THE FILE GIVEN TO ME TO EXAMINE LAST WEEK.....NO

ON THE FILE IS A PHOTOSTATE COPY OF BODDES ORIG LETTERYES

WHERE IS THE ORIGINAL....I DONT KNOW UNLESS ITS ON THE POL FILE

IT WDNT HAVE BEEN SENT TO THE HANDWRITING EXP MR WEST FOR EXAM TO SEE IF IT WAS BODDES WIRITING.....PHOTO COPIES WERE GIVEN TO WEST, I DONT THINK WE HAVE AN ORIG COPY

WHAT DID WEST SAY....HE SAID IT COMP FAVOURABLE WITH BODDES HANDWRITING BUT HE CDNT POSITIVELY SAY

LOOK AT WAREHAMS STATEMENT OF JUNE 79, COMP THOSE WITH PAGES 3 AND 4 OF ALLEGED BODDES STMT. IT HAS STMT OF HAPPENINGS WED JUNE 7 79 ON TOP OF IT BUT IT OF COURSE SHOULD BE 78.

CREW; IT WILL BE PROD BY WAREHAM

RYAN; COMPARE THE TYPE AND STYLE OF THAT PRINTINGYES

DO YOU AGREE IT APPEARS TO BE THE SAME STYLE OF PRINTING,.....YES

YOU WD....THANKYOU

PAGES 3 AND 4 OF THE DOCUMENT ALLEGED TO BE MADE BY PETER LAWRENCE BODDE AND THE STATEMTN MADE BY WAREHAM OF 7 JUNE 1979 APPEAR TO BE THE SAME STYLE OF PRINTING, HANDWRITING, EVEN TO THE SIZING OF THE LETTERING.....I DONT KNOW, THEY APP, SOME WORDS APPEAR TO BE SLIGHTLY SIM THE FORMATION OF MANY OF THE LETTERS APP TO BE DIFF

IS THERE A WRITTEN REP BY WEST ON THIS DOCUMENT.....YES

WHERE IS THAT.....IN THE POLICE ROOM HERE

WHY HAVENT WE GOT THESE DOCUMENTS, I HAVE ASKED FOR DOCUMENTS

FISH; I HAVE ADVISED THE POLICE DOCUMENTS PREPARED IN ANTICIPATION OF AND PREP FOR THIS ENQUIRY ARE PRIVELEGE BUT DOCUMENTS THAT CAME PRIOR TO THAT DATE SHD BE DISCLOSED.

C1 THERE ARE NO PARTIES IN A ROYAL COMMISSION, EXCEPT PERHAPS CROWN PRIV

FISH; IT WAS MY UNDERST. I THOUGHT LEGAL PRIVE DID APPLY AND THAT HAD BEEN CONFIRMED IN THE LATEST COMM OF ENQU AMENDMENT ACT

I HAVE NEVER HEARD OF THE PRIV OF A ROYAL COMM.

RYAN; IF THEY HAVE STATEMENTS FROM OTHER DOCU THAT THESE DOCU ARE FORGED AND WE HAVE STMTS FROM BODDE AND THE CROWN KNOWS THEY ARE NOT GENUINE I CANT UNDERST WHY WE ARE NOT TOLD.

C1 MY UDERST IS THERE IS NO SUCH THING AS PRIV EXCEPT POSS CROWN PRIVE IN A ROYAL COMM. IT IS NOT A CLAIM BY BODDE BUT BY THE POL OFF. WHOSE PRIVE DO YOU CLAIM

FISHER; IT SEEMS TO ARISE FROM SECT 4 C SUBS 4 OF THE COMM OF ENQU AMENDMENT ACT . I ALSO SAY WITHOUT RELYING ON THE TECHNICALITIES THAT DOCU RELATING TO BODDE HAVE CERT NOT BEE PUT FORWARD AS GENUINE. WHAT HAS HAPP I HAVE ASKED THE POL TO BRING TOG ALL THE DOCU THEY HAD RELATING TO THE PERK WAREHAM MATTER PRIOR TO THE DATE AT WHICH IT WAS KNOWN THERE WD BE A COMM ON ENQU AND MAKE THEM AVAIL TO COUNSEL ASSIST. IT IS THAT BUNDLE OF PAPERS THAT MY FRIEND HAS EXAMINED

C1 THAT IS THE BUNDLE INSP DONOVAN SHOWED US.....YES

THAT BUNDLE DOES NOT CONT A RREF FROM WEST

FISH; WE HAVE MADE NO REPRESENTATIONS AS TO WHAT THOSE DOCUMENTS MEAN, WHERE THEY CAME FROM

C1 WE ARE DISC THEIR PROD AND RYAN WANTS TO KNOW CAN THEY BE PROD NOW. YOU ADV TO REASONS I HELD THERE UNDER PRIVE BUT WHOSE PRIVE YOU HAVE NOT STATED

FISHER; ON BEHALF OF THE POL DEPT BUT I AM PREP TO TAKE INSTR ON

> THAT IF IT IS A PT OF CONSEQUENCE

C1 IF THE POL DEPT CAN CLAIM PRIVE THEY NEED NOT DISCLOSE ANY MATTERS BEFORE THIS COMM

FISH; I DONT SEE ANY PRIVE WD ATTACH OTHER THAN CROWN PRIVE

C1 CROWN PRIV IS NOT POL DEPT

FISH; I DONT CLAIM CROWN PRIV. ITS THE PRIV OF PREP FOR THE HEARING ITSELF.

C1 IF YOU CLAIM ANY PRIV BASED ON A PARTY APP YOU ARE IN ERROR. THERE ARE NO PARTIES HERE. WE WD NOT RECOGNISE SUCH A PRIV. MIGHT THE DOCUMETS BE PRODUCED AND I WILL IMPROVE MY MIND BY READING THE ACT OF PARLIAMENT.

FISHER; I WILL TAKE INSTR ON THAT PT

CREW; IN MY SUBM THERE WD BE SOME PRIVE AS TO THE DOCU PREP BY MR HENRY AND FISHER AND COUNSEL FOR THE POL IN THE COURSE OF THE PREP FOR THIS HEARING. IN MY SUBM THE COMM WD HAVE NO RIGHT TO DEMAND FISHERS FILE FOR EX

C1 WHAT IS THE BASIS FOR THAT.

FISHER; I WILL READ IT OUT "EVERY PERSON SHALL HAVE THE SAME PRIVELEGES

C1 THE ONLY CLAIM TO REFUSE TO PRODUCE A DOCU IS THE GROUND THAT IT MAY INCRIMINATE HIM

CREW; A WITNESS WHO CONSULTS WITH HIS LEGAL ADVISOR BEFORE GIVING EVID IS ENTITLED TO PRIVE. THAT PROV OF THE COMM OF ENQU AMENDMENT ACT CHANGES THE THING SO FAR AS THE ROYAL COMM IS CONC. IT WD BY MY SUBM DOCU RELATING TO CONT POL INVEST OF MATTERS SUCH AS PERK MATERIAL DO NOT FALL WITHIN THAT HEARING. THAT IS JUST POL INVEST OF THE PERK MATERAIL AS A WHOLE.

C1. WHOSE PRIVELEGE IS IT, THE SUPERINTENTENTS OR EVERY POLICE WITNESS THAT IS CALLED.

FISHER; IT SEEMS TO ME ONE WOULD HAVE TO LOOK AT THE WAY YOU ARE ENDEAVOURING TO GET THE DOCUMENTS BEFORE THE COMMISSION WHICH IS NORMALLY DONE BY A SUBPEONA. ONE WOULD THEN HAVE TO LOOK AT THE CONTROL A WITNESS HAD OVER THE DOCUMENTS. I AM PREPARED TO TAKE INSTRUCTIONS ON THE POINT AND SEE WHETHER THE COMMISSIONER WISHES TO PURSUE THIS ASPECT AND IF SO TAKE A MORE PROFOUND LOOK AT THE LEGAL ASPECTS IF THAT IS YOUR WISH.

C.1. IT IS NOT A QUESTION OF US PURSUING. WE ARE ASKED TO HAVE THESE DOCUMENTS PRODUCED AND THEY WOULD SEEM TO BE CLEARLY RELEVANT AND THEREFORE THEY SHOULD BE PRODUCED. IF SOMEONE WANTS TO CLAIM PRIVILEGE UNDER THAT SECTION IT HAS TO BE A WITNESS AS I UNDERSTAND IT. FIND OUT IF THEY ARE GOING TO BE PRODUCED OR NOT.

FISHER; I THINK THE COMMON LAW PRIVILEGE HAD APPLIED BEFORE THAT ACT.

C1; ISNT THERE SOMETHING THAT SAYS A WITNESS SHOULD BE BOUND TO ANSWER ALL QUESTIONS AND IF HE CLAIMS THE RIGHT TO REFUES IT IS ON THE GROUNDS THAT IT MAY INCRIMINATE HIM.

RYAN; THAT DOCUMENT APPLIES TO ORDINARY COMMISSIONS AND NOT ROYAL COMMISSIONS. THAT DOCUMENT RELATES TO COMMISSIONS OF ENQUIRY AND NOT TO ROYAL COMMISSIONS. THIS IS THE WHOLE BUSINESS IN THE HIGH COURT BUT IN MY VIEW THERE IS A CLEAR DISTINCTION IN THE ROYAL COMMISSION WHEREBY THE SOVEREIGN GIVES POWER TO THE COMMISSIONS.

C1. WE WILL FIND OUT FROM MR FISHER IF HE IS INSTRUCTED TO PRODUCE THE DOCUMENTS.

RYAN; DID BODDE WRITE A LETTER ABOUT THIS DOCU.....AS FAR AS I AM AWARE

WHIC POL OFF SAW HIM.....DET SUP BAKER

WITH REG TO WAREHAM I TAKE IT YOU SAW THE PRISON SUPERINT BEFORE YOU INTERVIEWED HIMYY.....YES

YOU OBT THE CHARACTER OF HIS PERSON BEFORE HE SUPP YOU WITH EVID....I CANT RECALL. I PROB DID

ON 3 NOV 76 MR WARD THE SUP OF MT EDEN PRIS SAID WAREHAM IS A CUNNING SHREWD CON MAN AND NOT BEYOND USING ANY PERSON TO FURTHER HIS OWN ENDS. HE HAS BEEN INTERVIEWED THAT HIS CONDUCT USING HIS OWN SON TO CON AN OFF IS AS LOW AS A PERSON CAN GET." ARE YOU

AWARE THAT COMMENT WAS MADE ABOUT HIM...I WAS NOT

THE LATEST REP DATED 4 JAN 80 SIGNED BY CUTLER "I WONT TRUST HIM FURTHER THAN I WD THROW HIM"I WAS NOT AWARE OF THAT

WERE YOU AWARE AN OFFICER, HURLEY ON 4 AUG 78 HAD THIS REMARK " AN EXTREMELY CRAFTY AND MANIPULATIVE INMATE"I WAS NOT

ON 13 FEB 79 MR WARD SAID "WAREHAMS KNOWN PROPENSITY FOR MANIPULATION"

AND THE PSYCHOLOGICAL SERVICES REP 22 MAY 78 "WAREHAM ATTEMPTS TO EXPLAIDIT MANY OPPORTUNITIES TO HIS OWN ADV" ARE YOU AWARE OF THAT....NO

ON A FURTHER REP, 18 APRIL 77 A REP OF TAYLER SEN OFF" CONSTANTLY TRIES TO MANIPULATE PEOPLE TO FURTHER HIS OWN ENDS AND A FURTHER REP BY MR GARRET ON 18 OCT 79, "WAREHAMS STRONG TENDENCY TO EXPLOIT THE SYSTEM" A FURTHER REP IN SEPT 79 BY WARD AGAIN "STRONG TEND TO EXPLOIT ANY OPPORTUNITY" AND HIS CLASSIFICATION REP ON FIRST COMING TO PRISON 28 JULY 76 "SHREWD CALCULATING AND AN EXCELLENT MANIPULATOR" WERE YOU AWARE OF ANY OF THESE REPORTS ABOUT WAREHAM.....I WAS NOT

A FURTHER REP"WILL CONS TRY TO MANIPULATE TO FURTHER HIS OWN ENDS AND IS CONSISTENTLY WORKING ONE PERSON AGAINST THE OTHER TO GET RESULTS" DATED 26 JULY 76.....I WAS NOT AWARE OF THAT

YOU DID HAVE WAREHIM IN YOUR CONTL CUSTODY IN MAY OF THIS YEAR FOR SEV JHOURS.....YES

WHO SAW HIM AT THE CENT POL STN.....FISHER WAS IT NEC TO KEEEP HIM FOR SEV HOURS AT THE POL STN....IT WAS

ANYONE ELSE SEE HIM BESIDES FISHER.....NOT AS FAR AS I AM AWARE

I NOTICE IN MARCH OF THIS YEAR FOR THE FIRST TIME HE IS ALLOWE TO HAVE A TUTOR IN IND LAW VISIT HIM.....I KNOW NOTHING ABOUT THAT

MARGARET WILSON....I DONT KNOW ABOUT THAT

WHAT DID YOU KNOW ABOUT WAREHAM WHEN YOU ASKED HIM TO CONFIRM WHAT PERK TOLD YOU.....HE HAD ALREADY CONF WHAT PERK SAID. I

WENT TO SEE HIM TO EST AND CONSIDER IF HE WAS TELLING THE TRUTH,
I KNEW WAREHAM HAD A CONV FOR DRUG DEALING

YOU MEAN IMPORTATION OF HEROIN....YES, AS FAR AS I WAS AWARE THIS
WAS THE ONLY CONV AGAINST WAREHAM

IN THAT CASE HIS WIFE WAS ALSO CHARGED.....I BELIEVE SO

SHE VERY BITTER ABOUT WAREHAM.....IVE NO IDEA

HE ALSO GAVE EVID ABOUT A MAN CALLED BARY.....YES

THEY WERE ASSOC IN CHCH....I THINK THEY WERE ASS ON IMP

WERE YOU AWARE HE IS TRYING TO GET TRANS TO CHCH.....I WAS NOT

WHEN YOU TRY TO ASCERT THE ACCURACY OR HONESTY OF A PERSONS EVID
DONT YOU TRY AND FIND OUT SOMETHING ABOUT HIS BACKGROUND.....YES
BUT AGAIN MOST OF THE DET INFORM COMES FROM CRIMINALS AND ONE
MUST TRY AND CORROBORATE OR OTHERWISE THEIR EVID AND THIS IS WHAT
I ATTEMPTED TO DO WITH PERK AND WAREHAM BY OUTSIDE MEANS

YOU HAVE NEVER ASKED PRISON AUTHORITIES ABOUT WAREHAM AND HIS
CHARACTER....I DONT RECALL DOING SO

WOULD YOU AGREE THE ASSESSMENT OF THE PRISON OFFICERS IN CHARGE WOULD
HAVE SOME BEARING ON A MANS EVID.....YES

YOU HAVE NOT ENQUIRED FROM THEM.....NO

ITS THE IN THING IN A PRISON TO GAIN INFORM FROM INMATESI
DONT KNOW

IN YOUR CAREER YOU HAVE NOT HEARD OF PRISONERS BEING GIVEN
SPECIAL PAROLE....I DONT KNOW OF ANY PRISONERS GIVEN SPECIAL
PAROLE, I HAVE NEVER EXP SUCH A THING, I HAVE NEVER MADE ANY
APPROACH TO ANY PAROLE BOARD

YOU SAW MR PARKER.....YES

WHEN.....2ND JULY OF THIS YEAR.

DID YOU TELL PARKER ABOUT THE INCIDENT OF THE RUBBER...I TOLD PARKER OF A CONV I HAD HAD WITH HANCOCK AND ASKED HIM IF IT WAS A RUBBER THAT HAD BEEN DROPPED. PARKER WAS RELUCTANT TO GIVE INFORMATION HOWEVER HE DID AGREE IT WAS A RUBBER THOMAS HAD BEEN TALKING ABOUT.

YOU ARE AWARE THAT PARKER GAVE A STMT TO JOHNSON REF TO IN A JOB SH PREP BY JOHNSON IN NOV 70.....IM AWARE OF A JOB SH IN 70 YES

YOU ARE AWARE IN THAT JOB SH THERE IS NO MENT OF A RUBBER BEING DROPPER.....THATS RIGHT.

YOU WENT OUT TO ASK MR PARKER TO REM THE RUBBER INCIDENT....I WENT OUT THERE AND ASKED PARKER IF HE CD REM IF IT WAS A RUBBER THAT HAD BEEN DROPPED.

HE HAD NEVER SAID IT WAS A RUBBER BEFORE THAT.....NOT ON SEPT 70

WHEN DID YOU SEE HANCOCK.....JUNE THIS YEAR

TOLD HIM ABOUT THE RUBBER.....NO HANCOCK TOLD ME ABOUT THE RUBBER

MR HANCOCK MADE STMTS IN 70

DID HE MENT A RUBBER.....I CANT RECALL

DID OTHER POL OFF SSEE HANCOCK BEFORE YOU SAW HIM.....I DONT KNOW

XXD FISHER

I THINK THE JOB SH MY FRIEND IS REF TO IS LABELLED 02/40 AND DATED 10 NOV 70 AND IN THAT JOB SHEET WAS THERE REF TO AN INTERVIEW WITH PARKER IN 70.....YES

RYAN. THE JOB SH I REF TO IS DATED 10 NOV 70

FISH; IN THE JOB SH PARKER SAID THOMAS WAS A FELLOW EMPL OF HIS AT ROOSE SHIPPING CO.....YES

'DOES IT RECORD THAT "HE WAS A BIT THICK AND THE OTHER WORKMAN WERE ALWAYS HAVING HIM ON AND ASKING HIM ABOUT HIS SEXUAL EXPLOITS. AT SOME STAGE THOMAS MENTIONED THAT ONE OF THE DEMLER GIRLS PARKER DOES NOT KNOW WHICH ONE AND ANOTHER GIRL WHOSE NAME CD BE VAL CROUCH PULLED THEIR PANTS DOWN AND SHOWED THEIR BOTTOMS TO THOMAS AT SCHOL"YES

FISH; THIS IS AN ALLEGED REC OF THE CONV BETWEEN PARKER AND THOMAS. SHD I PUT THE JOB SHEET IN. IT IS ON THE FILE.

C2 THERE ARE MORE INT JOBSH FURTHER ON. I HAVE READ IT

C3 DOES IT GIVE THE DATE OF THE CONV.

C1 PARKER AND THOMAS WHEN.....IT DOESNT GIVE THE DATE OF THE CONV BETW THOMAS AND PARKER. IT GIVES THE DATE ON WHICH PARKER WAS INTERV BY THE POL ABOUT SUCH A CONV HAVING TAKEN PLACE.

C1 THE ONLY THING RELEVANT IS IT GOES TO THE BONEFIDES OF THE POL, NOTHING TO DO WITH THOMAS

FISH; THE RELEVANCE OF IT IS PART IF YOU HEARD PARKER HIMSELF GIVE THIS EVID BEFORE YOU THAT IF THOMAS HAD HAD A CONVERSATION ALONG THOSE LINES WITH PARKER

C1 WHEN....AT ANY TIME. THAT YOU MIGHT THINK IS CONFIRMING EVIDE AS TO WHETHER HE WD HAVE HAD A SIM CONV WITH PERK.

C1 I CANT COMMENT ON THAT, ITS 3RD HAND AND 20 YEARS AND IT GOES TO NO ISSUE AND NOBODYS CREDIT. THE ONLY RELEVANTS WD BEAR ON THE QUESTION OF WHETHER THE POL INVESTIGATED AND FD THIS OUT IN THE COURSE OF INVESTIGATION. IT DOESNT ARISE NOW.

FISHER; MY FRIEND ASKED YOU ABOUT A PSYCHOLOGIES REPORT ON WAREHAM OF THE 26 MAY 78 AND READ YOU A PASSAGE FROM IT. WERE YOU AWARE THAT THE SAME REPORT SAID PSYCHOLOGICAL TESTS ADMINISTERED BY MR BOWTRAY INDICATE THAT THERE IS NOTHING UNTOWARD IN HIS PERSONALITY MAKE UP.....NO I WAS NOT.

OR THAT THE REPORT SAID "ITIS FAIR TO SAY THAT WAREHAM IS A WELL ADJUSTED INDIVIDUAL AND THAT THERE IS NO EVID THAT HE WD NOT NOT MAKE A SUCCESSFUL ADJUSTMENT TO SOCIETY AFTER HIS RELEASE".....I WAS NOT AWARE OF THAT

CI IS THAT THE PSYCHOLOGICAL REPORT WAREHAM OBT FOR HIMSELF

RYAN: YES HE GOT IN THERE BUT HAVING GOT IN THERE HE OBTAINED THESE LOVING REPORTS. WHEN I REF TO THE REP HE SAYS HE ATTEMPTS TO EXPLOIT ANY OPPORTUNITIES TO HIS OWN ADV THAT IS WHAT HE IS DOING

FISH: WERE YOU AWARE THAT ON THE SAME FILE THERE IS A STMT BY THE CATHOLIC CHAPLIN, FATHER MOSS DATED 13 AUG 79 TO THE PAROLE BD WHICH STATES THAT HE HAS KNOWN WAREHAM FOR THREE OR FOUR YEARS, HE IS GLAD TO SAY HE HAS NOTICED A DECIDED CHANGE IN HIS ATTITUDE AND OUTLOOK, MORE REALISTIC IN MANY WAYS, GREATER OBJECTIVITY IN HIS OUTLOOK, LESS ANTAGONISTIC AND REVENGEFUL AND TIME ALONG WILL TELL BUT AT LEAST THERE ARE FAVOURABLE SIGNS WORTH OF ENCOURAGEMENT.....I WAS NOT AWARE OF THAT

RYAN: HE ASKED TO A TRANS TO PAFAROA PRISON IN THE SAME LETTER

FISH: I FEEL A BALANCED VIEW WD INVOLVE READING THE WHOLE FILE.

I ASK YOU ABOUT THE SO CALLED POL FILE ON THE PERK WAREHAM MATTER. WHEN WAS IT THAT THE POL PAPERS RELEVANT TO THE PERK AND WAREHAM MATTER WERE BROUGHT TOG INTO ONE PHYSICAL BUNDLE.....I CANT GIVE A DATE, PROB SOEM TIME IN JUNE 1980.

I THINK THEY WERE PUT ON TO ONE CLIP ALL THE PIECES OF PAPER THAT CD BE FOUND FROM ANY SOURCE THEN AVAILABLE TO THE POLICE THAT SEEMED TO BE USEFUL ON THIS TOPIC.....YES

BUT EXCLUDING FROM THAT BUNDLE DOCUMENTS YOU UNDERST TO BE PREP OR OBT IN PREP FOR A COMM OF ENQU.....YES

WE HAVE HEARD OF A LETTER FROM PERK DATED THE 9TH APRIL 1978 AND I THINK TIS CLEAR FROM THE ORIG ON THE FILE WHICH ANYONE CAN INSPECT IF THEY WISH TO THAT THE ORIG LETTER HAS BEEN ATTACHED TO A SHEET OF FOOLSCAP WHICH BEARS ON IT RECEIVED 14.APRIL 78 AND THE INITIALS BHS.....YES. VFS.

ARE THOSE THE INITIALS OF INSP SCOTT. ... YES.

I THINK THERE IS NOTHING ON THE DOCUMENT AT ALL BEARING A 1979 DATE, NOR YOUR NAME. ... NO.

I THINK ALSO ON THIS BUNDLE OF ORIGINALS, THERE IS A TYPED

VERSION OF THAT PERKOVICH LETTER. ... I THINK SO, THERE SHD BE.

PERHAPS YOU SHLD CHECK THAT. CD I HAND THIS FILE TO THE WITNESS.
... THERE IS.

I THINK THAT ON THAT TYPED VERSION OF THE LETTER, AGAIN THERE IS
NO REF TO 1979 OR YOUR NAME. ... NO.

I THINK THAT IN THE COURSE OF PREPARING BUNDLES OF PHOTOCOPIES TO
MAKE AVAILABLE TO COUNSEL ASSISTING THE INQU, YOU HELPED IN THE
PREPARATION OF COPIES. ... I DID.

WERE YOU ALSO AT ABOUT THE SAME TIME GOING THRU PREPARING YOUR
OWN NOTES AND RECOLLECTION, FOR THE PURPOSE OF GIVING EVID ABOUT
THEM. ... I WAS.

IS IT POSS THAT YOU JOTTED DOWN ON ONE OF THE PH.COPIES, I KNOW
IT IS NOT ON THE ORIGINAL, A NOTE THAT YOU THOUGHT YOU HAD RECD
THAT LETTER IN 1979.

IN FACT THERE IS NOTHING TO SUGG YOU DID RECEIVE THAT LETTER, OR
THAT IT WAS RCD BY ANYONE IN 1979. ... NO IT WAS OBV RECEIVED
BY MR SCOTT IN 1978.

TURNING TO ANOTHER MATTER RELATING TO THE FILE, I THINK IN THE
BUNDLE THAT WAS ULTIMATELY PROVIDED TO COUNSEL ASSISTING, THERE
APPEARS A 1978 PAROLE BOARD REPORT BY MR HOBSON. ... YES.

ARE THE DOCUMENTS IN THAT BUNDLE ROUGHLY IN CHRONOLOGICAL ORDER
WITH THE HOBSON DOCUMENT NEAR THE BACK. ... YES I THINK SO.

WAS THERE SUCH A HOBSON REPORT IN A POLICE FILE AS SUCH, BEFORE
THIS BUNDLE WAS PUT TOGETHER AND MADE AVAILABLE. ... I DONT
KNOW, I CANT REMEMBER.

DO YOU KNOW WHEN THE HOBSON REPORT WAS OBTAINED BY THE POLICE.
... YES, IN JAN 1980, I THINK.

WHO WAS IT WHO OBTAINED IT. ... I OBTAINED IT FROM MR HOBSON.

AT THAT STAGE HAD THE QUEST OF PREPARING EVID FOR A FORTHCOMING
COM OF INQU ARISEN. ... I BELIEVE IT HAD.

IT HAS BEEN SUGG I THINK THAT PERKOVICH'S PORTION OF THE STORY THAT HE SAYS HE GOT FROM THOMAS, THAT INVOLVED THE LOADING OF THE RIFLE BEFORE THOMAS WENT INTO THE HOUSE, IS A RECENT INVENTION OF PERKOVICH'S.

C1: I DIDNT UNDERSTAND THAT TO BE THE SUGG, IT WAS AVAILABLE IN A PUBLICATION FROM WHICH HE CD HAVE ASCERTAINED THE INFORMATION.

MR FISHER: IF THAT IS ALL THAT IS ALLEGED I WONT PURSUE IT, I THUGHT MR CREW MIGHT HAVE BEEN PLACING SOME SIGNIFICANCE ON THE FACT THAT THAT DETAIL WAS NOT IN THE FIRST STMT TAKEN BY SCOTT.

C1: I HAVE NO DOUBT HE WILL, BEC THAT WAS THE FIRST POL THEORY, THE 2ND THEORY ONLY CAME INTO EXISTENCE WHEN THE POL RECONSTRUCTION WAS ABANDONED.

MR FISHER: IF ANYONE HAD BEEN GOING TO SUGG IT WAS A RECENT SUGG I WAS GOING TO GET FROM MR ODOVONAN THE FACT HE HAD TOLD HIM ABOUT IT.

C3 WHEN YOU SAW WAREHAM AND TRIED TO GET SOME IDEA OF THE TRUTHFULNESS OF THE STORY, ISNT IT YOUR CUSTOM TO INVESTIGATE THE RECORDS QUOTED FROM THE PRISON OFFICERS, DONT YOU PLACE MUCH RELIANCE ON THOSE. ... I DONT THINK SO, ONE MUST MAKE ONE'S OWN ASSESSMENT OF A PERSON.

THEY WERENT REFUSED TO YOU. ... I DIDNT ASK FOR THEM.

MR CREW: I HAVE NO REXXM. CD WE RESOLVE THE QUEST OF THE WEST REPORT OF THE BODY DOCUMENT.

C1: I LKD AT THE ACT, AND THE SITUATION APPEARS TO BE THAT PRIVILEGES ARE, FIRSTLY THERE IS A RIGHT GIVEN TO PERSONS TO BE HEARD, AND IF HE IS TO BE HEARD TO PROTECT HIS INTERESTS HE HAS A RIGHT TO APPEAR IN PERSON OR BY HIS COUNSEL. THE EARLIERNPROV OF THE OLD ACT, THE NEW PROV IS EVERY PERSON HAS THE SAME PRIVILEGES IN RELATION TO THE GIVING OF INFORMATION ETC. THAT PRIVILEGE IS RESTRICTED TO WITNESSES OR PERSONS WHO STAND IN THE SAME SITUATIONS AS WIT TO A COURT OF LAW. THEN THERE IS ANOTHER PRIV UNDER 6 'PROTECTION -- IN COURTS OF LAW.' THAT MEANS ANY DOCUMENT PREPARED FOR A WIT, OR COUNSEL FOR A WITNESS OR COUNSEL GENERALLY HAS THE SAME PRIV AS COUNSEL IN A CT OF LAW, HIS INSTRUCTIONS FROM HIS CLIENT, GIVEN FOR THE PURPOSE OF REPRESENTING WOULD BE OF IMPORTANCE, BUT IT ONLY GIVES PROTECTIN TO WITNESSES. THERE IS NO SPECIAL IMMUNITY GIVEN TO THE CROWN OR CROWN AGENTS, SO THAT WD HAVE TO GO BACK TO THE COMMON LAW. ON THAT BASIS EG, THE SUPERINTENDENT CD NT CLAIM PRIVILEGE ON DOCUMENTS IN POL FILES.

I THINK THE PAPERS OF MR RYAN'S ARE NOT PRIVILEGES.

MR CREW: MIGHT IT BE POSS TO RESOLVE THIS IN A PRAGMATIC WAY. THE POL HAVE BEEN VERY COOPERATIVE IN MAKING THEIR FILES AVAILABLE, AND MR FISHER MIGHT RECEIVE INSTRUCTINS TO MAKE THIS DOCUMENT AVAILABLE, REGARDLESS OF QUESTS OF PRIVILEGE.

MR FISHER: I WILL TAKE IT ON MYSELF TO PROD ANY DOCUMENTS WHICH HAVE A BEARING ON THE HANDWRITING OF BODDE.

C1: THAT WILL SUFFICE FOR THE MOMENT.

MR RYAN: BODDE MUST HAVE MADE A REPORT.

MR FISHER: ANY REPORT ON BODDE OR BY BODDE.

MR WILLIAMS: WE ARE SOMEWHAT CONCERNED ABOUT THIS MATTER, BEC IT IS APPA 4 PAGE STMT CONTAINING SCURILOUS MATERIAL SO FAR AS THOMAS IS CONCERNED. IT SEEMS THAT THIS DOCUMENT MAY BE A FORGERY BEC IT SEEMS THAT THE PERSON WHO SO-CALLED WROTE IT NOW SAYS HE DID NOT.

C1: WHY DONT YOU WAIT UNTIL IT IS PROD.

MR WILLIAMS: IT SEEMS THAT THIS DOCU WAS MEANT FOR PERUSAL BY THIS COM, BUT DOCUMENTS WHICH SHOW IT IS FALSE MAY HAVE BEEN SUPPRESSED.

MR FISHER: I DONT KNOW IF THERE ARE DOCUMENTS REL TO BODDE, OR EVEN IF THEY EXIST. BUT I WILL LK AT DOCU IN 1980 TO SEE IF THERE IS ANYTHING REL TO BODDE, AND TO HANDWRITING AND TO MAKE IT AVAILABLE.

C1: IS THERE ANYTHING DIFF IN THIS FILE TO OTHER FILES, BEC WE HAVE SEEN EVERY FILE WE HAVE ASKED FOR.

MR FISHER: SINCE THE DATE IN QUEST THE POL HAVE BEEN PREPARING FOR THE CM OF INQU, AND IT WAS ON THAT BASIS IT SEEMED TO ME THE NORMAL CIVIL PROCEEDINGS OF PRIVILEGE APPLY.

C1: I DONT THINK IT DOES, THE BODDE STMTS CAME INTO EXISTENCE AFTER THE START OF THE AFFAIR.

MR FISHER: I DONT KNOW IF THEY EXIST.

CI: APART FROM STMTS REL TO YOUR BRIEFS I DONT KNOW WHY POL FILES SHOULD NOT BE PROD.

MR FISHER: THIS WAS NOT PRESENTED, IT WAS MADE AVAILABLE TO COUNSEL ASSISTING TO PREPARE HIMSELF. WE HAVE NEVER PUT THE BODDE FILE FORWARD TO THE COM.

MR WILLIAMS: HOW IS MR CREW TO KNOW IT IS A FALSE DOCUMENT.

MR FISHER: IS IT A FALSE DOCUMENT.

MR O'DONOVAN WAS EXCUSED.

THE HEARING RESUMED AT 11.30 A.M.

MR CREW SO FAR AS THE BODDE MATERIAL IS CONCERNED, THE POL HAVE SUPPLIED IT TO MESSRS WILLIAMS AND RYAN AND MYSELF. MR WILLIAMS HAS IND HE DOES NOT WISH TO TAKE IT ANY FURTHER; THE POL NOTE ON THE FILE SAYS IT IS A WASTE OF TIME AND MONEY TO CALL BODDE BEC HE IS A CRIMINAL LUNATIC, SO PERHAPS YOU MIGHT NOT WISH TO TAKE IT FURTHER. MR RYAN SEEMS TO WANT TO TAKE IT FURTHER.

MR FISHER: I HAVE NEVER SEEN THE DOCUMENTS BEFORE, BUT THEY SEEM TO DATE FROM MAY 1980 ON. THERE IS A DEF FROM A HANDWRITING EXPERT WHICH SAYS THAT IT LKS AS IF THE SIGNATURE IS BY BODDE, BUT WE HAVE NEVER RELIED ON IT.

MR CREW CALLED :



BRIAN COLENZO WAREHAM (SWORN) AN INMATE OF MT EDEN PRISON.

MR CREW: YOU WENT TO PAREMOREMO PRISON FOLLOWING YOUR CONVICTION IN DECEMBER 1975. ... CORR.

YOU STAYED THERE UNTIL MAY 1977. ... YES.

AND MET THOMAS THERE. ... YES. CAN I HAVE LEAVE TO ADDRESS THE COM.

I WOULD PREFER YOU TO ANSWER QUESTIONS. ... YES, BUT I BELIEVE MY WIFE IS IN DANGER IF I SPEAK BEFORE THE COM AND I ASK PERMISSION NOT TO ANSWER ANY FURTHER QUESTIONS. WHEN I WAS FIRST INTERVIEWED BY CHIEF INSP O'CONOVAN, QUITE A LONG TIME AGO CERTAIN ASSURANCES WERE MADE TO ME THAT IF POSSIBLE MY EVIDENCE WOULD BE CONFIDENTIAL TO THE POL AND NOT MADE KNOWN WITHIN THE PRISON ADMINISTRATION. THESE ASSURANCES HAVE BEEN FAITHFULLY KEPT, BUT DURING LAST WEEK A VERY JUNIOR OFFICER ADDRESSED ME BEFORE SOME INMATES AND SAID THERE WAS A GENTLEMAN FROM THE THOMAS COM TO SEE ME AND I WOULD BE REQUIRED TO GIVE EVIDENCE, I FELT I HAD LOST THE PROTECTION I HAD AT THAT PART STAGE, AND I HAVE NO WISH TO BE ASKED FURTHER QUESTIONS ABOUT THE MATTER.

C1: THIS IS A HEARING IN CAMERA, IN WHICH THE EVIDENCE IS NOT PUBLISHED, AND THE ONLY PEOPLE PRESENT ARE COUNSEL FOR THOMAS, FOR THE POL ASSOCIATION, COUNSEL ASSISTANTS AND THE REPORTING STAFF. THE EVIDENCE YOU GIVE WILL NOT BE REFERRED TO IN ANY REPORT OF OURS. ... I HAVE ABSOLUTE FAITH IN THE INTEGRITY OF WILLIAMS AND RYAN BUT THEY ARE DUTY BOUND TO DISCUSS IT WITH THOMAS, WHO HAS BEEN AN INMATE OF THE INSTITUTION FOR 9 YEARS, AND WHAT IS SAID TO THOMAS COULD WITHIN A VERY SHORT TIME BECOME COMMON PROPERTY AMONG THE INMATES OF THE PRISON. I HAVE ANOTHER 3 YEARS IN PRISON, AND I HAVE NO DESIRE TO SPEND THAT IN ISOLATION, WHICH IS SYNONYMOUS WITH PROTECTION. AT THIS STAGE I DO NOT FEEL THE EVIDENCE I HAVE WOULD SERVE ANY USEFUL PURPOSE AND I AM PUTTING MYSELF IN AN INVIDIOUS POSITION FOR NO REASON AT ALL.

YOU THINK IF YOU GIVE EVIDENCE YOU ARE IN DANGER. ... INMATES HAVE ALREADY SAID TO ME WHAT IS GOING ON, WHAT IS THIS, WHAT IS THAT, I HAVE SAID NOTHING. I HAVE ALREADY BEEN VICTIM OF RETALIATORY VIOLENCE.

IS IT KNOWN IN THE PRISON YOU HAVE TALKED TO THE POL. ... IT IS KNOWN IN THE PRISON.

BUT YOU HAVE BEEN GIVING INFORMATION. ... UNTIL A WEEK AGO IT

• WAS NOT COMMON KNOWLEDGE WITHIN THE INSTITUTION.

NOBODY IS APPEARING FOR YOU OF COURSE. IT APPEARS TO ME WE SHD GIVE SOME WEIGHT TO WHAT THE MAN SAYS. THERE IS ANOTHER WAY WE CAN GET HIS STMTS, OR WE JUST DONT CALL HIM AS A WITNESS.

WE ARE CONCERNED ABOUT THIS, AND WD BE MINDED IN THE LIGHT OF EARLIER DISCUSSIONS WHICH TOOK PLACE TO TAKE HEED OF WHAT MR WAREHAM SAYS.

MR CREW: WD HIS OBJECTIONS BEING MET WITHOUT DISRESPECT TO THE OFF OF THE JUSTICE DEPT PRESENT, IF HE WAS TO WAIT OUTSIDE. ... NO SIR, I HAVE CONF IN THE OFFICER

C1: YOU WANT TO GO BACK TO THE PRISON, WITHOUT HAVING GIVEN EVID. ... SHD IT BE KNOWN I GAVE EVID - A KNOCKING OVER IS NOTHING - BUT THERE ARE WAYS AND MEANS WHICH WD ENDANGER MY LIFE, I BEL THAT.

WHAT IS THE OBJECTION TO YOU GIVING EVID - ASSISTING THE POL, ASSISTING THE CROWN, GOING AGAINST THOMAS. ... THE CRIMINAL NORM IS YOU DONT ASSIST ANYONE. INSP O'DONOVAN WHO INTERVIEWED ME ABOUT THE MATTER ACTED WITH ABSOLUTE DECORUM AND INTEGRITY, THERE WERE NO INDUCEMENTS SUPPLIED IN ANY OF OUR CONVERSATIONS, AND I FELT I WAS DOING WHAT WAS NEC AND A PUBLIC SERVICE, BUT AT THIS PT IN TIME I DONT FEEL I AM DOING ANYONE ANY GOOD AND I AM PUTTING MYSELF IN THIS POSITION FOR NO PURPOSE.

MR FISHER: ALTHOUGH THIS DISCLOSURE WHICH HAS TAKEN PLACE BY ACCIDENT IN THE PRISON IS EXTREMELY UNFORTUNATE IT SEEMS THE DAMAGE FLOWING FROM THAT HAS ALREADY BEEN DONE, AND WAREHAM HAS ALREADY COME HERE, AND I WONDER IF IT WILL MAKE IT ANY WORSE IF HE GIVES THE EVID.

C1: IF HE WERE HERE WITH COUNSEL THE COUNSEL WD HAVE THE RIGHT TO SAY HE DECLINES TO GIVE EVID. ... IF I WERE TO GIVE EVID NOW AND I WAS TO RECEIVE A KNIFING OR A STABBING, WILLIAMS AND RYAN AS THOMAS'S COUNSEL MUST DISCUSS THE MATTER WITH HIM, AND I AM SAVING THOMAS FROM A LOT OF PROBLEMS, SO THAT IF ANYTHING HAPPENS TO ME IT WILL NOT COME BACK ON HIM.

MR FISHER: MR WAREHAM'S POS IS CLEAR; IT IS A COMMON SITUATION THAT WIT DONT WISH TO GIVE EVID, AND CTS OR COM OF INQU HAVE THE POWER TO INQU INTO THE QUESTS TO BE ANSWERED, SUBJECT ONLY TO THE MATTER OF PRIVILEGE, THERE IS NO PRIV WHICH CD POSS ARISE ON THE BRIEFS WHICH HAVR BEEN MADE AVAILABLE TO COUNS ASSISTING, AND IF THE COM WANTS TO BE SATISFIED ALL EVID HAS BEEN INVESTIGATED TO

NOT TO GIVE EVID IS THAT TO GIVE IT WOULD EXPOSE HIM TO THE RISKS OF INJURY WHICH HE HAS INDICATED. IT IS NOT AS IF THE EVID HE WOULD GIVE IS BEING DENIED TO US, IT IS THERE IN ANOTHER FORM. I THINK WE OUGHT NOT TO FORCE HIM TO GIVE THAT EVID.

MR CREW: THERE IS JUST ONE MATTER ON WHICH I ASK TO BE HEARD, THERE IS A DOCUMENT ON WAREHAM'S JUSTICE DEPT FILE WHICH REVEALS HE WAS THE SUBJECT OF AN ATTACK BY ANOTHER INMATE EARLIER THIS YEAR, SO TO THAT EXTENT THAT IS CORROBORATION ABOUT WHAT HE SAID ABOUT THE DANGER HE IS IN.

MR RYAN I WAS GOING TO SAY, BUT IN MARCH THIS YEAR ON THE JUSTICE DEPT FILE A MAN PUT THE BOOT INTO THIS MAN. WHEN RUMOUR STARTS IN THE PRISON A MAN HAS GIVEN EVID, WHICHEVER WAY HE GIVES IT, HE IS SUBJECT TO HARRASSMENT, VIOLENCE, AND I THINK WAREHAM'S PREDICAMENT WOULD BE ONCE IT GOT ROUND HE GAVE EVID AT ALL HE WOULD BE REGARDED AS A NARK, AND HE WOULD BE SUBJECT TO SERIOUS ASSAULT. HE SUFFERS FROM THE UNFORTUNATE FACT HE IS A EUROPEAN.

C1: THAT IS THE COURSE WE WILL TAKE, WE WONT REQUIRE HIM TO GIVE EVID, AND THE DOCUMENTS AND STATEMENTS WE HAVE BEFORE US, THE MATTER ALLUDED TO IN THE JUSTICE FILE, AND HIS CREDIBILITY OR LACK OF IT CAN BE ALLUDED TO. THE RECORD MAY SHOW THIS WITNESS HAS APPEARED BEFORE THE COM. DECLINED TO GIVE EVID, AND HAS BEEN ALLOWED TO LEAVE. THANK YOU SIR VERY MUCH.

MR WAREHAM WAS EXCUSED.

MR CREW: ON THAT RULING, THE 2 STMTS SHD BE PUT IN ON THE VOIR DIRE.

EXHIBIT G AND H - STATEMENTS OF WAREHAM.

CREW: THERE IS A HANDWRITTEN AND ATYPED STATEMENT OF THE EARLIER STMT 1ST APRIL. PERHAPS THE HANDWRITTEN VERSION SHOULD GO IN AS THE EXHIBIT

FISHER: I THINK YOU ALREADY HAVE IT IN THAT FORM BUT IF NOT WE SHOULD GIVE YOU THE HAND WRITTEN PART.

C2 I HVE FURTHER COPIES OF THAT HERE.

C1 THAT COVERS ALL THE WRITTEN MATERIAL TO TAKE THE PLACE OF THE TESTIMONY OF THAT WITNESS

CREW; DO YOU WISH TO HEAR SUBM FROM COUNSEL ON THE MATTERS CONT IN THOSE DOCU AND THE MATTERS CONT IN THE OTHER MAT CONC WAREHAM, THE JUSTICE DEPT FILES

C1 I GATHER RYAN WAS XXD ON THE FILES THIS MORN. IS THERE OTHER MATERIAL THERE

CREW; THE FILES AS A WHOLE HAVE BEEN MADE AVAILABLE TO THE COMM. I SUBMIT I SHOULD EXTRACT A NO OF REPORTS FROM THE ADMIN ON HIM, NOW THAT HE IS NOT TO GIVE EVID, IN PART ONE DATED 29 JULY 76, 30 NOV 76, AND A PSYCHOLOGICAL REPORT DATED 22 MAY 78 WITH A COVERING LETTER DATED 4TH AUG 78

C1 HAVE YOU BEEN RIGHT THRU THE FILE

CREW; YES

C1 THOSE ARE THE ONES YOU CONS WE SHD CONCERN OURSELVES WITH.....YES TO HIS CREDIBILITY. THE OTHER DOCUMENT IS THE PROBATION EPORT WHICH REFERS TO VARIOUS INSTANCES OF HIS HAVING BEEN DISMISSED FROM JOBS FOR LYING.

C1 I SUPPOSE WE SHD RECEIVE ALL THE MATERIAL AS HE IS NOT TO BE XXD

CREW; FISHER IND THERE IS OTHER MATERIAL THAT GOES THE OTHER WAY, THE CHAPLAINS REPORT

C1 YOU GET THEM TOGETHER AND THEY CAN BECOME AN EXHIBIT.

RYAN; THERE ARE 12 REPORTS ON THAT FILE, ALL UNFAVOURABLE, FROM 76 THRU TO 5 JUNE 80.

C1 DO THEY GO TO THE QUEST OF CREDIBILITY

RYAN THEY MAKE THE OBSERVATION THAT HE IS MANIPULATIVE AND THE LAST ONE IS THEY WDNT TRUST HIM AS FAR AS THEY CAN THROW HIM

C1 INCLUDE THEM IN THE FILE BEC YOU WD HAVE THE RIGHT TO PUT THOSE TO HIM IN XXD. SEE THE FILE REFLECTS THE VIEW OF ALL SIDES

CREW; YES. WD YOU THEN WISH TO HEAR SUBM FROM COUNSEL ON WAREHAMS EVID. THERE IS WILKINSON TO COME ON A RELATED MATTER, NOT WAREHAM AS SUCH

C1 WHEN IT COMES TO CRED OF A WITNESS WE WD MAKE UP OUR OWN MINDS WITHOUT SUBM FROM COUNSEL AND WE HAVE MADE UP OUR OWN MINDS REG PERK BUT IF IN THE LIGHT OF THE TURN THIS HAS TAKEN I WILL BE PREP TO DEPEND ON WRITTEN MATTER IF COUNSEL WISH IT WE WILL HEAR SUBM, SHORT SUBM WE TRUST ON WHETHER WE SHOULD RECEIVE EVID.

FISHER; I ASSUME MY FRIENDS DONT WISH TO MAKE SUBM EITHER I BEL I WD NOT REQUEST TO MAKE SUBM. I WD LIKE TO REF TO ONE SENTENCE IN THE WAREHAM EXHIBIT. EXHIBIT G 2/3 OF THE WAY DOWN THE PAGE, 4TH PARA, WAREHAM IS STATING WHAT HE OVERHEARD THOMAS. IT CONTAINS THE SENTENCE. "ARTHUR SAID THAT HE LOADED THE RIFLE.....BY THE KITCHEN" AND THE COMMISSION MAY FEEL THAT WHATEVER VIEW YOU TAKE OF THE PERKOVICH EVIDENCE THAT THIS IS AN IMPORTANT FEATURE OF THIS WHOLE MATTER

C1 THE FACT HE SAID HE LOADED THE RIFLE. HE SHOT THE COWS

FISH; THAT IS THE WHOLE PT OF THE VOIR DIRE

C2. IF YOU ADVANCE THAT AS I UNDERSTAND IT HE SHOT THE COW NO 4 SEV DAYS AFTER JUNE 17

FISH; THERE ARE 2 COWS REF TO IN THE PERK ADMISSIONS ONE HAVING BEEN SHOT PRIOR TO THE CREWE KILLINGS AND ANOTHER LATER

C2 THERE IS REF TO A CALF AS DIST FROM A COW BUT THIS SENT IN ITS TRUE CONTEXT IT DOESNT MAKE SENSE BEC THE ONY COW WAS SHOT SEV DAYS AFTER 17 JUNE

WILL; THERE IS NO EVID OF A COW BEING SHOT ON THE NIGHT OF ALLEGED HOMICIDE OR RESEANOBLY PRIOR TO THE HOMICIDE. A COW WAS SHOT SEV DAYS PERHAPS A WEEK AFTER THE HOM

C1 YOU MEAN HE LOADED THE RIFLE AND THE SHELL WAS STILL IN THE RIFLE

FISH; WHETHER THE COW IS IN ERROR THE IMP POINT IS THE STMT HE

LOADED THE RIFLE BEFORE HE WENT INTO THE HOUSE

C1 WE WILL NOTE THAT

FISH; THERE WAS THE QUEST OF OTHER WITNESSES THE POL SORT TO CALL. YOU HAVE IND YOUR VIEWS ON THIS BUT I RENEW MY APPLICATION IN CASE IT IS THOUGHT I HAD ABANDONED IT

C1 WE HAVE NOT SAID WE WD NOT HEAR ANY WITNESS. YOU REF TO WITNESS, THE ONES THE INSP SPOKE OF

FISH; MR PARKER IS THE ONLY ONE OF IMP. I IND PREV WHY I SUBMIT HIS EVID IS RELEVANT, NOT THAT IT IS EVIDENCE THAT AN INCIDENT OCCURRED AT PUKEKAWA SCHOOL BUT EVID THAT THOM MADE A SIM STMT TO A 3RD PERSON AS COMP WITH THE STMT ALLEGEDLY MADE TO PERK ON A HIGHLY SENSITIVE MATTER WHICH IS CLOSELY RELATED TO THE CREWE KILLINGS

C1 YOU SAY FIRST OF ALL THE PERK STMT SHOWS A MATTER HIGHLY RELEVANT THE STMT ATTRIBUTED IN ONE OF HIS STMTS THAT THOM SAID HE EJECTED THE, WORDS TO THE EFFECT THE SHELL CD HAVE BEEN EJECTED AS HE WALKED THRU THE GATE

FISH; THATS ANOTHER POINT. I REFER TO THE EVID THAT THOMAS HAD TOLD PERK OF AN INCIDENT IN WHICH THOMAS SAYS HE HAD SEEN UNDER THE DRESS OF

C1 IN WHICH PECK SAYS THAT THOMAS SAYS

FISH; THATS SO

C1 AND THIS STATEMENT WAS MADE TO THE SAME EFFECT BY THOMAS TO ANOTHER PERSON

FISH; A SIMILAR EFFECT YES.

C1 YOU USE THEN THAT TO SUPPORT PECKOVICHS STMT

FISH; I DO

C1 ON ANOTHER MATTER THAT IS GERMAINE, THAT IS THAT PERK IS TO BE ACCEPTED WHEN HE SAID THOMAS TOLD HIM THAT HE LOADED HIS RIFLE

WHEN HE WENT THRU THE GATE

FISH; IT ULT COMES BACK TO THAT

C1 YOU MUST CONCEDE THAT IT SUFFERS A LITTLE FROM REMOTENESS.

FSH; I UNDERST IT IT IS ALLEGED THE PERK EVID OF THOMAS ADMISSIONS IS FABRICATED. IF IT IS ALLEGED THAT ON A VERY CLOSELY RELATED ADMISSION THAT THOMAS HAD HAD A SPECIAL ATTITUDE TOWARDS ONE OF THE VICTIMS BEC OF A SEXUAL INCIDENT. MY SUBM IF THAT IS INDEPENDENTLY CORROBORATED THAT HELPS YOU TO GAUGE WHETHER OTHER ASP OF THE PERK EVID ON THIS ARE FABRICATED.

C1 I THINK WE WILL HEAR WILLIAMS ON THAT

WILLIAMS; IT CANT OF COURSE BE CORROBORATION THAT IS CLEAR. I DONT THINK FISHER CAN ADVANCE THAT

C1 OF PERK TESTIMONY

WILL; YES SIR. AT THE VERY HIGHEST, ITS NOT EVEN A PREVIOUS STMT MADE TO THE WITNESS ON A PREV OCCASION

C1 THE DOCTRINE OF RECENT INVENTION ONLY APPLIES TO THE STATEMENT OF A PERSON MADE IN THE WITNESS BOX. THATS WHAT I MEANT BY REMOTENESS. WE HAVE NEVER SEEN THE STATEMENT.

FISH; THERE IS A JOB SHEET

WILL; 10 NOV 70 IS THE JOB SH AND IT RELATES TO A CONV THAT MUST HAVE OCCURRED PRIOR TO 1960 WHICH MEANS IT IS AT LEAST 20 YEARS OLD

FISH; I HAVE THE JOBSH FOR YOU TO LOOK AT. IF YOU ARE INVITING ME TO GIVE MY SUBMISSIONS ON THIS I WILL BUT TO ME THIS EVID IS SO REMOTE, SO DISTANT IN TIME AND SO TRIVIAL, INCONSEQUENTIA, IN MY SUBM IT IS OF NO ASSIST TO THIS COMM WHATSOEVER. ALSO I DONT WANT TO LABOUR A MATTER WHICH IS OBVIOUS. MR ODOOVAN MADE IT QUITE FLAIN HE WD NOT CALL A WITNESS WHO WAS PSYCHOTIC. THE ONLY EVID BEFORE THE COMM IS THAT PERKOVICH IS AND WAS PSYCHOTIC. QUITE FRANKLY IN MY MIND TO, HIS EVIDENCE CAN BE OF NO BEARING WHATSOEVER. I CAN GO INTO MORE DETAIL BUT TO ANALYSE THE ALLEGED CONVERSATION IN THE JOBSH AND THE ALLEGED CONV IN THIS SOCALLED EVID OF PERKOVICH THERE ARE MAJOR DIFFERENCES. PERK STMT ALLEGES

A RUBBER IS DELIBERATELY DROPPED

C1 WE CONCEDE THAT.

WILLIAMS; HERE IT IS AN INNOCENT SHOWING OF THE BOTTOM.

CREW; MY SUBM IS THAT THE CENTRAL FEATURE OF THE PERKOVICH VERSION OF IT IS MR HEWSONS PRESENCE. ONE OF THE 3 CHARACTERS IN THE INCIDENT THAT PERKOVICH DETAILS. HE DOESNT COME INTO THE OTHER INCIDENT PARKER REFERS TO AND NOR COULD HE BEC HE WAS NOT AT THE SCHOOL AND WHATEVER CORROBORATION IS THERE PRESUMABLY HAS TO BE SOME IDENTITY BETW THE 2 INCIDENTS.

C1 IT DOES NOT MEET THE 1ST TEST. CORROBORATIVE EVID HAS TO BE EVID THAT SHOWS THAT THE INCIDENT EXISTED. IT DOES NOT DO THAT. YOU WD HAVE TO CALL A MAN WHO SAID I WAS THERE AND SAW THIS HAPPEN

CREW; FISHERS PT IS THAT HE DOESNT SEEK TO CORROBORATE THE EVENT ITSELF BUT HE SEEKS TO CORROB A TENDENCY BY THOMAS TO TELL PERSONS ABOUT THE EVENT WHETHER IT HAPPENED OR NOT. MY POINT IS THERE IS NO IDENTITY BETW THE 2 INCIDENTS REF TO BEC HEWSON IS THERE ON ONE OCC AND NOT ON THE OTHER

C1 ON A WIDER ASPECT THATS THE SORT OF WAY THOMAS WD TALK. ITS OUR VIEW THAT HAVING REGARD TO THE NATURE OF THE EVID AND ITS REMOTENESS AND HAVING REGARD TO THE FACT THAT THE MATTER PERK SPEAKS OF IS ENT DIFF FROM THE OTHER INCIDENT REF TO AND THIS INCIDENT HAS SO LITTLE TO DO WITH THE TERMS OF OUR ENQUIRY WE REJECT IT.

CREW; THE ONLY OTHER WITNESS IN REL TO THIS MATTER IS WILKINSON. HIS EVIDENCE WILL BE VERY BRIEF.

MR CREW CALLS

MR WILKINSON. WITNESS SWORN STATES.

MY FULL NAME IS BRIAN WILKINSON. I AM A DETECTIVE CHIEF SUPERINTENDENT WITH THE NZ POLICE AND I RESIDE AT AUCKLAND. I LOOK AT A REPORT BY CONST LEES DATED 4TH JAN 1980. IN THE LAST PARAGRAPH THERE IS A REF TO THE WRITERS UNDERST THAT SOME ENQU WAS CURRENTLY BEING UNDERTAKEN BY THE REGIONAL CIB REGARDING THOMAS ADMISSIONS WHILE IN PRISON. I AM THE REGIONAL COORDINATOR. ENQU WERE BEING MADE IN REGARD TO PERK BUT I DONT

THINK THE WRITER WOULD HAVE KNOWN THAT. IT WAS NOT GENERAL KNOWLEDGE

C1 NOT GEN KNOWL THAT THE ENQU WAS RESTRICTED TO THE PERK MATERIAL....IT WAS RESTR TO THE PERK MATERIAL BUT I DONT THINK HE OR ANYONE ELSE WOULD HAVE KNOWN THAT, CD HAVE BUT UNLIKELY.

C3 WOULD THIS WRITER HAVE KNOWN ANY ENQU WERE BEING MADE IN THIS AREA....CD HAVE BUT I THINK UNLIKELY.

CREW: WHERE WOULD HE HAVE GOT THE INFORMATION HE OBTAINED AT THE TIME HE WROTE THIS REPORT.....I CANT ASSIST YOU WHERE HE WOULD HAVE GOT THAT INFORM FROM BEC THAT INFORM IS INCORRECT

C1 ITS NOT CORR TO SAY AN ENQU WAS CURRENTLY BEING UNDERTAKEN BY THE EG COORD CIB REG THOMAS ADMISSIONS WHILE IN PRISON.....THATS CORR. THERE WAS NO GENERAL ENQU UNDERTAKEN. WHEN THE POLICE RECEIVED SPECIFIC INFORM CONC THOMAS HAVING CONFESSED TO A SPECIFIC PERSON THE POLICE REGARDED IT AS PROPER TO FOLLOW UP THAT LEAD. THAT WOULD DEPEND ON THE INFORMATION THAT CAME FORWARD.

FROM THE TIME OF THOMAS PARDON, WITHIN 3 DAYS OF THAT I WENT ON ANNUAL LEAVE AND WAS STILL ON ANNUAL LEAVE AT THE TIME THAT REPORT WAS DATED AND THIS FURTHER MEANS TO ME I CANT UNDERSTAND THE COMMENT IN THE LAST PART OF IT ALTHOUGH I WOULD SEE THAT REPORT ONCE I RETURNED TO DUTY

CAN YOU REMEMBER SEEING IT WHEN YOU CAME BACK....I CANT REMEMBER SEEING IT BUT FROM CHECKING CORRESP I THINK IF YOU FOLLOW ON FROM THAT REPORT YOU WILL SEE SWITCH MESSAGES WHERE THERE WERE SOME ENQU MADE TO ASCERTAIN WHO THE PERSON WAS WHO WAS SUPPOSED TO BE IN HOSPITAL AT THAT TIME. AND THAT ENQU WERE MADE AT PALMERSTON NOR LEVIN AND THE PERSON REFERRED TO WAS AN INFORMANT OF ONE OF THE MEMBERS THERE AND HE WAS SEEN BUT IF YOU LOOK AT THOSE SWITCH MESSAGES THAT WOULD INDICATE IT WAS NOT A GENERAL KNOWLEDGE BECAUSE THE PERSON WHO KNEW THE IDENTITY OF THE PERSON WHO WAS IN HOSPITAL DID NOT KNOW WHAT THE ENQUIRY WAS ABOUT BUT EXPLAINED THAT THE PERSON WAS AN INFORMANT OF HIS.

SO FAR AS ENQUIRIES CONC ADMISSIONS BY THOMAS ARE CONCERNED AM I RIGHT IN SUGGESTING TO YOU THAT THE POLICE ONLY INVEST MATTERS BROUGHT TO THEIR ATTENTION AND DID NOT GO LOOKING FOR EVIDENCE OF THIS SORT.....NO THERE IS NO POINT IN DOING SO AND ANY ADMISSION AS FAR AS THOMAS WAS CONCERNED IS OF NO CONCERN

C2 WHEN YOU GOT BACK FROM LEAVE THERE WAS AN ELEMENT IN THE FORCE WHERE FEELINGS WERE A LITTLE TOUCHY IF NOT A LITTLE

* STRONGER.....I THINK THERE WAS SOME CONCERN AT THE PARDON AND SOME OF THE MEMB BELIEVE THE PARDON WAS BASED AS I UNDERST IT WAS ON THE ADAMSMITH REPORT AND THEY FELT THERE WAS NOT SUFF MATERIAL

C2 IT WD HAVE BEEN THE SUBJ OF TALK WHERE POLICE SOCIALISE. THE POL FORCE WD INEVITABLY HAVE BEEN TALKING ABOUT IT AND ANY ALLEGED CONF

THEY WD BE TALKING ABOUT PARDON. I WAS SUPP TO BE ON LEAVE UNTIL 11 JAN. I RET ON 3RD DEC SUP GENTRYS FATHER DIED BUT I IMMED WENT TO ANOTHER HOMICIDE NORTH OF WHANGAREI

C1 THE PARDON WAS ON 17 DEC 79....I WAS ON LEAVE FROM THE WEEKEND FOLL THAT BUT I HAD MADE NEQU FROM THE CONST SINCE THEN. HE HAS TOLD ME THAT HE OBT THIS INFORMATION. HE CHECKED IT OUT. HE OBT IT SOME DAYS PRIOR TO 4TH JANUARY, CONSUTED HIS SERGEANT WHO TOLD HIM I WAS COORDINATING ANY MATERIAL AND IT WAS FORWARDED TO ME.

WILL YOU PRODUCE THAT REPORT TO THE COMMISSION

EXHIBIT I

C1. DO YOU WANT THIS ONLY AS AN EXHIBIT IN THE VOIR DIRE

CREW; IT RELATES TO A MATTER THAT WAS DURING THE IN CAMERA HEARING SO PERHAPS IT SHOULD BE GIVEN A LETTER

XXD WILLIAMS

IS THAT JOB SHEET IN AS AN EXHIBIT, THE REPORT

C1 YES EXHIBIT I

THE JOBSH RELATING TO PARKER IS THAT IN AS AN EXHIBIT.

* CREW THAT HAS BEEN REJECTED

C1 AND THE STATEMENT.

DEALING WITH THIS PERK WAREHAM STUFF AS A PARCEL OF STMTS IT EXISTED AS A PARCEL OF STMTS PRIOR TO THE PARDON BEING PUBLISHED DID IT NOT.....YES

BT WD IT BE TRUE TO SAY THAT PRIOR TO THE PARDON BEING PUBLISHED THAT PARCEL OF DOCUMENTS REALLY HAD NOT HAD VERY MUCH ATTENTION, YOU WERENT DOING MUCH ABOUT IT.....I THINK IT HAD BEEN TAKEN TO A STAGE WHERE IT DIDNT NEED FURTHER ENQUIRIES AT THAT STAGE.

CORR ME IF IM WRONG, IS IT CORR THAT FOLL THE PARDON THIS PARCEL OF DOCUMENTS WAS SENT TO THE COMM OF POLICE BY YOURSELF AND I THINK MR TRAPPIT....THE COMM HAD HAD THE DOCUMETS BEFORE AND THEY WEE SENT DOWN AGAIN AFTER THE PARDON. THEY WERE DOCUMETS , NOT REALLY A FILE AND I THINK TE ORIG WAS HELD IN AUCK AND A COPY HELD AT POL HEADQUARTERS AND THE ORIG WAS FORWARDED AFTER THE PARDON.

THE PT I STRIVE TO MAKE IS THAT THERE WAS A MOVEMENT OF DOCUMENTS ALBEIT ORIGINALS FOLLOWING THE PUBLICATION OF THE PARDON.....YES.

WAS THAT, WERE YOU PERSON WHO SENT THEM.....YES

AND THE RECIPIENT THE OMM OF POLICE.....I THINK IT WD GO TO CRIME DIRECTORATE, I DONT KNOW IF HE WD SEE THEM PERSONALLY

THE MATTER I PT TO YOU IS WHY AFTER THE PARDON WAS THIS RESURRECTION OF INTEREST IN THIS PARCEL OF DOCUMETS.....I DONT THINK THERE WAS ANY GREAT INT, IT WAS A MATTER OF FORWARDING THEM TO A CENTRAL PT WHERE THERE WAS NO FURTHER USE TO HOLD THEM IN AUCK

I DONT PUT ANY CONNOTATION MYSELF AND I USE NEUTRAL TERMINOLOGY BUT IT MAY APPEAR IT WAS SOMEWHAT COINCIDENTAL THAT FOLLOWING THE PARDON THERE SHD BE THIS SENDING OF DOCUMENTS TO THE COMM AS IF YOU EXPECTED THE POL IN WGTO MIGHT UTILISE THEM TO ANSWER THE PARDON.....I THINK YOU REF TO MY MINUTE ON THE REF WHERE I SUGG THE MINISTER OF POL MAY BE INT TO VIEW THEM

IT MIGHT SEEM TO A NAIVE PERSON THAT HERE IS THE PARDON PUBLISHED AND A FEW DAYS LATER THE DOUMENTS ARE SENT TO THE COMM SO HE MAY USE THEM IN SOME WAY TO MAKE A STMT IN ANSW TO THE PARDON.....NO

THATS INCORRECT.

WHY WAS THIS RESURGENCE OF INTEREST IN THIS PARCEL OF DOCUMENTS FOLLOWING THE ISSUE OF THE PARDON. ...THERE WAS NO RESURGENCE OF INT. THE FILE WAS HELD AT HEADQUARTERS AND THEY WERE RET TO HEADQUARTERS AS THERE WAS NO PT TO HOLD THOSE DOCUMENTS IN ISOLATION TO THE OTHERS AT AUCKLAND

YOU HAVE HAD LONG EXP IN PROSEC IN CRIMINAL MATTERS, HOW MANY YEARS.....30 YEARS

HAVE YOU EVER CALLED AS A WITNESS AGAINST A DEF A WITNESS CURRENTLY IN A MENTAL INSTITUTION AS A CERT PATIENT.....I WD BE UNUSUAL. I WAS TRYIGN TO THINK OF A HOMICIDE IN CHCH

C1 IT WDNT DO THE PROS CASE MUCH GOOD.....I AGREE. I DOT KNOW OF ANY INMATE OF A MENTAL INST AT THE PRESENT MOMENT WHO HAS BEEN CALLED

IN YOURLONG EXP HAVE YOU KNOWN IN A CRIM PROS FOR A PERSON THEN CURRENTLY A PATIENT AT A MENTAL HOSPITAL.....I THINK A HOMICIDE THAT OCCURRED AT A MENTAL INSTITUTION

THE REASON FOR THAT WD BE A PSYCHOTIC WITNESS WD BE OF NO USE.....THATS CORRECT.

CREW; THERE ARE NO FURTHER WITNESSES I PROP TO CALL IN THIS IN CAMERA HEARING.

C1 HOW DO YOU WANT THIS IN CAMERA EVID TO BE TREATED. IF WE REJECT THE EVID OF PERK AND THE OTHERS THE WHOLE OF THIS FORMS NO PART OF THE RECORD. IF WE ACCEPT IT WE EMBARK ON HEARING THE SAME EVID IN OPEN HEARING.

CREW; IT WD BE OPEN TO THE COMM IF IT WAS TO ACCEPT THE EVID TO IND TO COUNSEL IT PROPOSED TO INCORPORATE THE PAGES TAKEN DOWN ON THE WORD PROC AS PART OF THE REC

C1 IN AN ORD TRIAL YOU HAVE AN EXAM THERE AND YOU DECIDE THE EVID IS ACCEPTABLE IT GOES ALL OVER AGAIN.

CREW; IN MY SUBM THE REASON FOR THE IN CAMERA HERE WAS TO AVOID PUBLICITY FOR THOMAS ON A SENSITIVE ISSUE. THATS DIFF FOR THE REASON FOR A VOIR DIRE IN AN ORD CRIMINAL TRIAL TO STOP THE JURY

HEARING EVIDE IT SHOULD NOT HEAR.

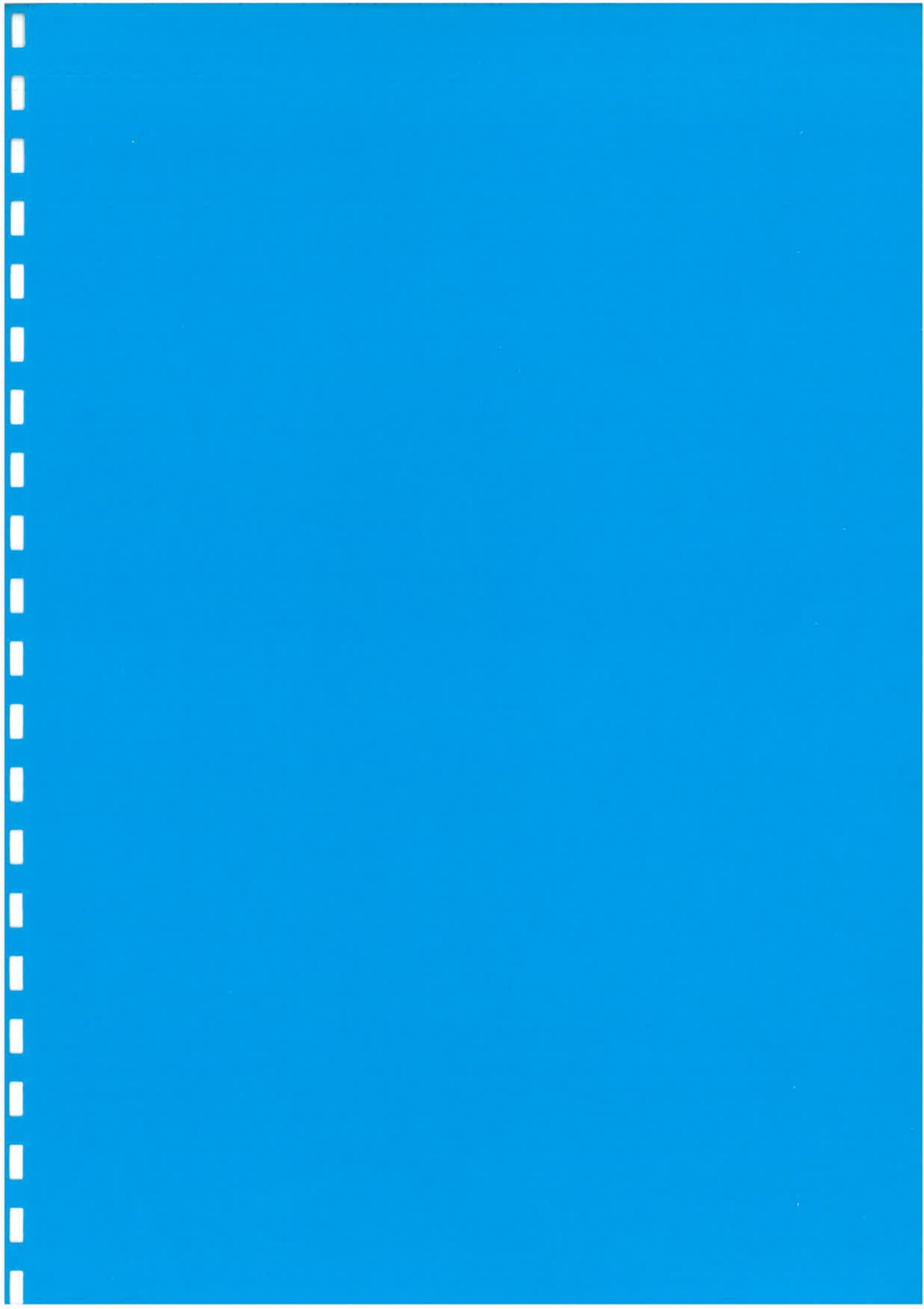
IT IS NOW OPEN TO YOU OT DEAL WITH IT IN YOUR REPORT AS IT WISHES. IF YOU DONT ACCEPT THE EVID THE WAY TO DO THAT WD BE TO AVOID EMBARRASSMENT TO THOMAS

C1 NORMALLY WE WD HAVE RETIRED AND GOT ON WITH THEOTHER HEARING AND CONS IT IN THE DEC BUT TO DO THAT WD BE TO DRAW ATTENTION TO IT

CREW; IT SEEMS TO ME THE EVID THAT HAS BEEN GIVEN IS PART OF THE WHOLE OF THE EVID IN THE TERMS OF REF AND YOU MUST WEIGHT THAT WITH THE WHOLE OF THE OTHER EVID AND BEC OF ITS SENSITIVE NATURE THIS EVID HAS BEEN HEARD IN CAMER

C1 WE WD NOW HAVE TO MAKE A REFERENCE WE REJECT IT NOW.

THE HEARING ADJOURNED AT 12.55 A.M. ON MONDAY 11TH AUGUST 1980



~~200~~

21 rifles

18 August

Rifles entered as X7171

20

breve

Just driven 0.22 rifles as in schedule. X7171

HIA
4R

x
no

CIA

x

6R but but mark only 1/2 inch of front.

C4A

x

Rifle so badly worn that but marks not recognizable

C5A
4R

x

∴ exclude.

C9A

x

6R approx 4/5 width of fold

C10A

x

Rifling class identical but no match seen.

Thomas Rifle

C10A	Total	Test
of pieces	deleted mark at 50	15 (hairpins)
	0	25 ✓
	12	35 ✓
	22	45 ✓
	35	55 ✓
	43	5

ie if low possibility that record had mark of T was missing the cabinet exclude same class characteristics

281

Bever (cont) X7171

~~P2A
4R~~

~~P5A
4R~~

~~P6A
4R~~

~~C2B~~

~~8R looks like better rifling~~

~~C3B~~

~~6R~~

~~Rifling class same as facility~~

~~C6B~~

~~6R~~

~~band markings very slightly wider than dated bullet and very rough + peaked~~

x

R

x

x

x

✓

Eyre Rifle

Best Sample

C3B adult bullet

Same class but fine structure down mouth.
 Difference in fine structure bits with bullet same class
 + C3B less than difference within C3B

Setting	FD	Setup	Same class
0	25	1/2" wide	Exclude Also include 15 second also 15 1/2" wide also 35 " "
50	40	" "	
40	30	" "	
10	10	" "	

4. False oath.

Rod Rasmussen gave false oath at all of Arthur Allan Thomas's court hearings and the Thomas Commission by stating that the axle exhibit 293, which was found under Harvey Crewe's body in the Waikato River, and the two stub axles exhibits 330 and 331, which were found by the police in the Thomas farm dump, he removed off the Thomas farm trailer in 1965.

Evidence now available proves beyond doubt that none of these exhibits were ever part of the Thomas trailer.

This being the case the Thomas family also wants an explanation as to how stub axles off someone else's trailer got from Rod Rasmussen's workshop and into the Thomas farm dump.

Rod Rasmussen knew the axle evidence the police presented at the Thomas court hearings was false, because his evidence shows that he told the police on the 12th October 1970 he didn't remember the work he did for Mr. Thomas, until Det Johnston showed him the axle, and he came up with the stub axles. The police saw Mr. Rasmussen again on the 15th October 1970 and he was able to recall the chap Thomas.

This evidence shows the axle and the two stub axles were with Len Johnston and Rod Rasmussen on the 15th October 1970. This is five days before the two stub axles were found in the Thomas farm dump, on the 20th October 1970.

Rod Rasmussen gave this evidence at the Thomas Commission, and recently on a TV1 programme 'Who killed The Crewe's', which screened on the 17th July 2012.

Section 110 of the Crimes Act, False Oath, I Hereby allege that Roderick McLeod Rasmussen gave false oath and I now lodge a formal complaint on that basis.

Conspiring to defeat Justice.

Evidence came to light at Arthur Allan Thomas's second trial in 1973 that a group of young men took an axle beam which matched exactly the description of the axle found under Harvey Crewe exhibit 293, off the Thomas farm in July/august 1965.

Bruce Hutton never investigated this evidence which led to a similar one being seen in the summer of 1969/70 by John Lyall Martin in the Eyre shed after it had been dumped beside the Eyre runoff.

Bruce Hutton on 11th November 1970 charged Arthur Thomas for the Crewe murders and he was convicted twice on a 1928/29 Nash axle beam exhibit 293, that he never saw, he never handled, was never in his possession, was never on the Thomas farm while he lived there, and was never ever on the Thomas family car trailer.

Section 116 of the Crimes Act, Conspiring to defeat justice, I Hereby allege that Bruce Thomas Newton Hutton conspired to defeat Justice and I now lodge a formal complaint on that basis.

Thomas Commission Report

District alone, we regard the sample as being so limited that there is no benefit derived from a conclusion that of those 64, the Thomas rifle was the only one which could have fired the fatal bullets. How many more might there have been in the Auckland Police District, or in New Zealand?

237. We conclude that 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.

(iii) The Axle

238. In 1956, a Mr C. E. Shirtcliffe, who was the owner of a 1929 Nash sedan, acquired the front assembly of a 1928 Nash motor car, and used it to make up a trailer. He did not weld the assembly at all, fixing the steering arms so as to make the wheel assembly rigid by cutting and flattening the ends of the tie rod, drilling a half inch hole in it, and bolting it to the axle beam.

239. Mr Shirtcliffe sold his trailer to a Mr G. A. Whyte in 1957. There was no welding or other work done on the trailer while Mr Whyte owned it.

240. Mr Whyte sold his trailer to Mr A. G. Thomas in early 1959. Mr Thomas used the trailer for various work connected with his Pukekawa farm. Maintenance was carried out on it from time to time, and Mr Thomas was able to present to us a number of receipts from his obviously extensive and complete financial records dating back over many years. He was, for example, able to produce two invoices showing that new tyres for the trailer were purchased on 19 May 1964 and 23 March 1965 respectively. He was quite adamant that, apart from a job carried out in November 1963 involving the welding of studs to the left hand stub axle, no welding was carried out on the axle assembly.

241. We are prepared to accept Mr 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.

242. In July 1965, Mr Thomas took his trailer to a Mr R. M. Rasmussen to have the axle assembly removed. It was to be replaced with a drop axle assembly, made from a length of boiler tube, and Zephyr wheels compatible with the vehicle which was then being used to tow the trailer, Mr Richard Thomas's Zephyr car.

243. 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.

(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.

244. It is common ground Mr Thomas paid Mr Rasmussen £30 for his work. Mr Thomas says that this was on the basis that Mr Rasmussen retain the parts which had been taken from the trailer, which had some value, particularly the tyres and stub axles. Mr Rasmussen said that he wanted to retain the stub axles because of the possibility of reconditioning them, but that Richard Thomas took them home. We find significant the way he put this matter in his original statement to the Police:

“Young Thomas, about 2-3 days later, called and picked up the new assembly, i.e. the reconditioned trailer . . . mention was made of the old parts unused by me on the new assembly. I would not have bought them as they were of little value in the state they were in. Therefore, Thomas took them back with him. He would have left nothing behind from the original assembly.”

We note that the last two sentences appear to rely on a process of reasoning rather than on memory. 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. We shall return to this inconsistency in due course.

245. Soon after the trailer had been picked up from Mr Rasmussen, the new axle was bent as a result of a combination of overloading and badly positioned springs. The trailer was returned to Mr Rasmussen, who was disposed to repair the damage for the cost of materials only—£3/10s. Mr Thomas presented in evidence a book of cheque butts containing the butt of a cheque to Mr Rasmussen dated 30 August 1965 for this amount.

246. When Mr Crewe's body was recovered from the Waikato River on 16 September 1970, there was recovered also a Nash motor car axle. The axle had obviously been tied to the body with wire as a weight. 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.

247. Although no strands of wire were actually found on the axle, 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.

248. 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. The axle was almost at once identified as a front axle from a 1928-29 Nash motor car series 220, 320, or 420. Extensive inquiries were mounted by the Police with a view to tracing the axle. We accept that approximately 200 people were seen throughout the whole of New Zealand, from Kaitaia in the north to Invercargill in the south. Photographs of the axle were published in the newspapers, in particular in *The New Zealand Herald* on 19 September 1970. Mr R. C. Carlyon, a television news editor of Television New Zealand, told us that the axle was shown on television on the evening of 18 September 1970.

249. On 19 or 20 September 1970, Mr Shirtcliffe contacted the Police to advise that an axle of the type found on the body had been mounted in his motor car, which was no longer in his possession, and also on the trailer which he had sold. It was established by 4.00 p.m. on 20 September, that the car, which had been abandoned at Tuakau, still had its axle intact. Mr Shirtcliffe was initially unable to assist the Police as to what had happened to the trailer. He was, however, a little later able to locate a photograph of his own car and trailer which he made available to the Police and which was published in *The New Zealand Herald* on 10 October 1970.

250. On 13 October, Mr Shirtcliffe's stepdaughter, Miss Cowley, telephoned the Police to say that her father's trailer had eventually been sold to a Mr Thomas Senior, now known to be Mr A. G. Thomas, and that she had seen it often on his property when going to school in the school bus. By 13 October, therefore, Mr Shirtcliffe's trailer had been traced back to the Thomas family. Detective Johnston saw Mr A. A. Thomas on his farm on 13 October 1970. Mr Johnston's job sheet reveals that Mr Thomas pointed out the dump on the farm to him on that date.

251. Mr Rasmussen had first been seen by the Police on 4 October, and the job sheet completed by Detective Johnston in relation to that interview at a later stage, namely 23 October 1970, is significant. It reads:

"The axle was shown to Rasmussen who was unable to recall the axle itself—he said that the method of cutting on one end of this axle was similar to the way he used to remove the stub axles from the axle itself."

252. On 14 October 1970, Detective Johnston and Detective Sergeant Parkes travelled to Matakana to see Mr A. G. Thomas, who mentioned the repairs done by Mr Rasmussen, and gave the Police access to his financial records. Detective Johnston searched through the records and uplifted a number of documents. It is most unfortunate that Police practice was not to give a receipt, so that there could be no argument about what was and was not taken. As the matter stands, the only record of what was taken is Detective Johnston's job sheet.

253. On 15 October at 10.45 a.m., Mr Rasmussen was again seen by the Police. He said that he remembered a Mr Thomas; the job sheet completed on 23 October in relation to this interview states that his memory was that the parts discarded from the trailer had been returned to Mr A. G. Thomas. At 2.00 p.m., Detective Johnston saw Mr A. A. Thomas who, according to the job sheet, took him down to the dump 'Where a cursory search was made without trace of the wanted trailer or parts thereof.'

254. It is therefore apparent that by 15 October, on their own records, the Police knew:

- (a) That Mr Rasmussen said that parts had been returned to the Thomas farm.
- (b) That there was a dump on that farm where old motor vehicle parts were to be found.

255. The next visit to the Thomas farm was made by Detective Johnston and Detective Parkes on 20 October 1970. Detective Parkes said that he had earlier been instructed to pick up the Thomas rifle, and that he understood Detective Johnston was concerned to pick up wire samples.

256. Inspector Parkes gave evidence that they collected their wire samples and that Detective Johnston then borrowed a spade and began foraging around on the tip. He said that, of three tips on the farm, Detective Johnston was concerned to search only one. After only a few minutes, to use Inspector Parkes' words, 'Detective Johnston located two

stub axles. One was probably partly uncovered, but the other was buried.' Inspector Parkes said that Mr Johnston knew what they were, and seemed quite excited by his find.

257. He did not search the tip any further that day. 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.


258. We repeat that it is most unfortunate that Detective Johnston is dead and was not able to give evidence before the Commission. We are very conscious, that, had he been here to give evidence, 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.

259. The significance of the stub axles is that they matched either end of the axle recovered with Mr Crewe's body. On the right hand end, the stub axle had been removed by cutting the stub axle eye with the kingpin still in place, the kingpin remaining attached to the axle beam. The two halves of the eye, one on the stub axle and the other on the axle beam, matched exactly. On the left hand end, a weld on the upper part of the axle beam assembly matched a weld on the stub axle.

260. It follows that both stub axles found on Mr Thomas's tip had clearly been connected at one stage with the axle found on Mr Harvey Crewe's body. The inference which the Crown invited the jury to draw at the second trial was that both stub axles and the axle itself had been placed on the Thomas tip following their return to the farm after the conversion by Mr Rasmussen, and that the murderer had used the axle only to weight Mr Harvey Crewe's body, leaving the two stub axles on the tip to be found by the Police on 20 October 1970.

261. We have had the benefit of considerably more evidence on the axle than was put before the jury at the second trial. We have been particularly fortunate in obtaining the expert evidence of Professor N. A. Mowbray. In our view, the inference which the Crown sought to draw at the second trial is not justified when one considers the whole of the evidence which is now available. We take this view because of the following factors:

- (a) 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 Johnston's hands on 20 October 1970 with extraordinary ease.

- (b) (i) 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.
- (ii) Professor Mowbray's evidence, which again we accept, is that the right hand stub axle is not capable of being reconditioned. The marks of the gas cutting torch establish beyond all doubt that the right hand stub axle belongs with the axle beam. 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.
- (c) (i) Professor Mowbray examined the grease in the two stub axles. He found that the grease in the right hand stub axle was consistent with an assembly which had received no attention for a very long time while in service. Mr Thomas's receipts, of course, show regular maintenance. This discrepancy again suggests that the right hand stub axle, along with the axle beam, was used after it left Mr Thomas's possession at the time that Mr Rasmussen did his work.
- (ii) 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 Thomas's records, and he was in fact prepared to accept that $\frac{5}{8}$ th 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.
- (d) No witness was able to identify the axle itself as the axle which Mr Shirtcliffe put into the trailer which he built. The following matters suggest that it was perhaps not the same axle: 
- (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 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.

- (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 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.
- (e) (i) It is clear from Mr A. G. Thomas's evidence that the trailer was in regular use up until the time it was taken to Mr Rasmussen. It was used to transport a weekly load of pigs to Auckland, returning with a load of stale bread. Professor Mowbray was good enough to devote his energy and expertise to making precise measurements of the left hand stub axle assembly in its relation to the axle beam. He established that, when the welds are matched up, neither a proper kingpin nor an appropriate thrust bearing can be inserted. Both items would be essential if the trailer were to be used on a road. If they were absent, the whole weight of the trailer on the left hand side would be supported only by what may be described as a 'tack weld'. Professor Mowbray said the trailer would be dangerous in this condition, and certainly would not obtain a warrant of fitness.
- The fact that neither the kingpin nor the thrust bearing would fit, suggests that the welding was done when neither the kingpin nor the thrust bearing was in place. We note that Mr Rasmussen's recollection was that both kingpins were present when he received the trailer from Mr Thomas to carry out his conversion work. This means that the left hand stub axle was not in the condition in which it is now when he received it.
- (ii) The Police called Dr Miller of the DSIR to rebut Professor Mowbray's evidence. Dr Miller operated under a considerable disadvantage in that he was first asked to consider the matter only a few days before he gave evidence. He 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. He indeed accepted that the standard Nash thrust bearing would not fit into the stub axle/axle assembly. Dr Miller pointed out, and Professor Mowbray was prepared to accept, that the inconsistencies involved are very small. For example, the misalignment which prevents a kingpin being inserted is of the order of $\frac{1}{8}$ th inch. The space left for the standard thrust bearing is of the order of .575 inch, this being .050 inch less than the required space for a bearing measuring .625 inch.
- (iii) We are of the view that, while the fact that these measurements are so small no doubt explains the fact that no-one noticed the inconsistencies until Professor Mowbray turned his eye to them, they are nonetheless important. We accept without

question that, in engineering terms, even a misalignment of this degree can be crucial. We are not prepared to accept the supposition that a worn kingpin may have been inserted, since the measurements of the yoke bronze bushes and the axle beam hole were compatible (axle boss .860 inch, bushes .862 inch), nor do we accept that a thrust bearing of a different size, not standard for this assembly, may have been used. While we accept Dr Miller's expertise and are grateful for the assistance which he endeavoured to give to the Commission, we accept Professor Mowbray's evidence on this point without qualification.

- (f) (i) If Mr Rasmussen's evidence is correct, then all parts, including the axle and stub axles taken from the trailer, were returned to Mr A. G. Thomas. One would expect to find these on the tip with the stub axles. Despite a careful search of the tip by the Police on 21 October 1970 however, the following parts which should have been there were not located:

- Right steering arm
- left steering arm
- left steering arm keys
- 2 steering arm nuts
- 2 steering arm cotter pins
- 3 steering arm ball studs
- 3 ball stud nuts
- 1 cotter pin
- 2 hub caps
- 2 disc wheels
- 2 wheel locking rungs
- 4 right hand wheel nuts
- 4 5/8 inch S.A.E. nuts
- 2 parts of tie rod with ends
- 2 tyres
- 2 inner tubes
- 1 king pin
- 2 king pin cotters
- 2 king pin cotter nuts
- 2 king pin cotter lock washers
- 2 thrust bearings
- 2 king pin spring washers

- (ii) The Police recovered from the tip the following parts, apart from the stub axles:

- a. 1 split rim
- b. 1 steel wheel rim
- c. 1 metal drawbar coupling
- d. 2 wooden planks
- e. 1 numberplate—R11052.

The evidence of Mr Shirtcliffe and the Thomas family establishes positively that c. the drawbar coupling had nothing to do with the trailer. Since Mr Rasmussen did not remove a numberplate, e. is wholly irrelevant; since he did not touch the body of the trailer, d. is equally irrelevant. a. and b. are the only parts which could on any view of the matter be regarded as having been removed by Mr Rasmussen. It must, however, be remembered that the Thomas family agreed that

the trailer was at their farm from 1959 to 1965, and maintenance was carried out and parts presumably interchanged over that period. There is nothing to establish that, if items a. and b. indeed belonged with the Thomas trailer, then they were removed by Mr Rasmussen. To the contrary, the fact that so few of the parts whose presence one would expect were in fact found on the tip suggests that Mr Thomas may be correct in his recollection and Mr Rasmussen wrong, and that the parts did remain with Mr Rasmussen. Indeed, there is some significance that the tyres which would have a good resale value were not found. Two affidavits suggest that Mr Rasmussen may later have sold them.

- (g) Mr D. Eyre, Mr B. Eyre, Mr R. W. Mills, Mr T. J. Salmons, and Mr J. L. Martin gave evidence to establish that an axle similar in shape to the axle used to weight Mr Crewe's body was removed by them from the Thomas farm in the winter of 1965. It was removed from the place where Mr Thomas said it would have been dumped had it been returned by Mr Rasmussen. These five men are those referred to by Mr Yallop in his book *Beyond Reasonable Doubt?* as establishing that the axle found with Mr Crewe's body was in fact removed from the Thomas farm. That is a conclusion which it is not possible to draw, since none of them was able to identify the axle beyond saying that its shape was similar to the axle which they remembered. In fairness to them we should point out that they do not appear on any occasion ever to have gone further than that.

The significance of their evidence is that, if the Crown evidence be accepted in its entirety, including Mr Rasmussen's recollection that all parts left over from the conversion were returned to the Thomas farm, then at least there is a real possibility that the axle was removed from the property in 1965. The finding of the stub axles in the tip would have then of course been wholly without significance so far as the responsibility for putting the axle on Harvey Crewe's body was concerned. We treat their evidence as another of the factors to be weighed in reaching our ultimate conclusion, rather than a matter definitive in itself.

- (h) Mr R. A. Closey, a vintage motor cycle enthusiast, gave evidence of searching the Thomas farm in company with a group of like-minded persons about 3 months prior to the time the murders occurred, namely in March 1970. Despite searching the tip area closely, they located nothing but model 'T' parts. They did not use a spade and so did not investigate what may have been under the surface of the tips. We have evidence from Mr Parkes, however, that at least one of the stub axles was partly visible in October. The Closey evidence is not conclusive, but does tend to suggest that the axles and stub axles were not on the tip in March 1970. This confirms Peter Thomas's statement.
- (i) We have already mentioned that Mr Rasmussen and Mr Thomas differ in their recollection of whether the parts left over from the conversion, including particularly the stub axles and the axle beam, were returned to the Thomas farm. Mr Thomas said that Mr Rasmussen would have retained the parts, and that this resulted in a reduction in price. He said that he would have

noted this fact on the butt of the cheque with which he paid Mr Rasmussen.

- (j), (i) We have already stated that the evidence as to price is on its own inconclusive. Most unfortunately, Mr Thomas's cheque butt is now missing. The book in which that butt appears is the only one which is absent from Mr Thomas's collection. The view that Mr Thomas takes of the matter is that the cheque book was removed either by Detective Johnston on 14 October, or by Detective Sergeant Parkes on 24 October, on which date Detective Parkes went through Mr Thomas's records in his absence.
- (ii) Detective Sergeant Parkes took the precaution of submitting a complete job sheet listing all the books of cheque butts which he took. It is a pity that he did not take the further precaution of giving Mr Richard Thomas, who was present at the property that day, a receipt for what he had taken. Be that as it may, we have heard Mr Parkes give evidence before us on a number of occasions. We have been impressed by his honesty and his readiness to help the Commission. We unhesitatingly accept that Mr Parkes had no knowledge of the missing book of cheque butts. The bank statement produced by Mr A. G. Thomas confirms his evidence concerning the total charge for the trailer conversion.
- (k) Mr Johnston's job sheet in respect of 14 October 1970, makes it clear that he was aware that a conversion of the trailer had been completed by Mr Rasmussen when he went through Mr Thomas's records on that date. The job sheet lists a number of documents which he took with him on that date. Again, it is unfortunate that he did not give Mr A. G. Thomas a receipt for all documents taken. Because Mr Johnston is not available to give evidence before us, in respect of the book of cheque butts and its absence, we must leave the matter there.

Conclusions

262. 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 findings 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 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. A. Thomas with the axle found on Harvey Crewe's body, merely because of the presence of the two stub axles on his tip.

(iv) Wire

263. When the bodies of Jeanette and Harvey Crewe were recovered from the Waikato River, lengths of wire were found tied around each body. At the trials scientific evidence was called by the Crown and by the Defence on the question of whether the wire could be compared with wire samples taken from the Thomas farm, or from nine farms in the district.

Conflict of Interest

In 1978 while my brother Arthur Thomas was still in jail. He had so far served eight years of some one else's sentence.

Chief inspector Graham Perry, head of the Auckland CIB at the time of the Crewe murders investigation in 1970, made a statement (Auckland Star newspaper cutting enclosed, dated 15th November 1978). He stated that the cattle beast that Thomas had supposedly shot with his rifle at the time of the Crewe murders had never been exhumed to see if the bullets in that animal contained a number 8. He also stated that if in fact the beast ever existed?

This article clearly shows the cattle beast that Thomas referred to was in a Police photograph of the Thomas tip.

The Arthur Thomas retrial Committee conducted a thorough search of the dump in 1971-72 (photo enclosed). They found the body of the animals but they could not find the heads. There was also a dog that Arthur shot because it went blind.

The NZ Police never told us that they had taken these heads to see whether there was a number 8 in the bullets recovered.

The obviously wasn't a number 8 in these heads, because we most certainly would have heard about it.

The Police never made this important find known to the Thomas defence at any stage.

I believe there could be a conflict of interest in the dealings I have at this time with Superintendent Nick Perry, as he is the son Det Chief Inspector Graham Perry.

1st Letter

2nd November 1973

Mr Connolly,
Minister of Police,
WELLINGTON.

Dear Sir,

Re Crewe murders and investigations

I recently made a written request to the Minister of Justice, Dr. Finlay, to have returned to me written material sent to me by R.M.Rasmussen of MereMere in July 1965.

This material or document relates to work done and parts supplied and costs of converting the whole axle assembly of my car trailer in July 1965. Mr Rasmussen did the work.

The above document was missing from my papers at Matakana after Det. Sergeant Parkes had made two visits to the room that housed them at a time when I was away on holiday. On one of these occasions, Det Sergeant Parkes was left to pry amongst my papers unattended.

When I learnt of these visits I was very surprised as only about a week earlier (which was the 14th October 1970) both Detective Johnson and Parkes had been to Matakana to talk to my son Richard and I concerning a trailer, and ended up by my taking Johnson to Richard's cottage where I had about half of my total correspondence kept over the years.

I allowed Detective Johnson to have the ownership papers for the trailer plus any cheque butts relating to repairs etc over the years.

Detective Johnson appeared to have all he wanted but before we left the room we were rejoined by Detective Parkes and Richard.

According to Mr Temm, counsel at the first trial, the Rasmussen accounts were not on exhibit in Court.

I have since written to Central Police Station Auckland in an attempt to get a copy of a signed statement I made to Det. Parkes, plus the Rasmussen papers which I regard as my property.

I have been unsuccessful and I complained of these happenings from the witness box in the second trial.

In recent weeks I wrote to Dr. Finlay, who referred me to you as Minister of Police.

So I would ask you, Mr Connelly, to demand the return of my property, used or not, by the police in the Crewe case, as follows:

1. Any written material or document from R.M. Rasmussen to me, July 1965.
2. Cupole, or drawbar 'wood', belonging to a ^{farm} topdresser and taken by Detective Johnson from a garage on my farm at Pukekawa, and displayed as an exhibit at both trials.

Yours faithfully,

(sgd) A.G. Thomas

Reply to
1st letter



OFFICE OF THE MINISTER OF POLICE,

WELLINGTON 1.

23 November 1973

Dear Mr Thomas,

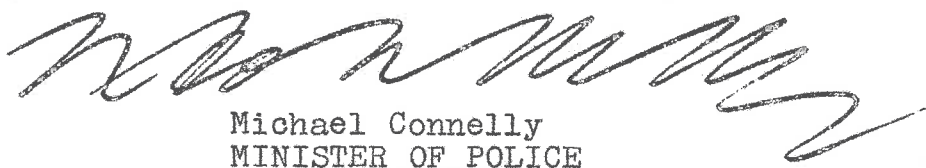
Your letter of the 2 November 1973 requests the return of any written material or document from R.M. Rasmussen to you in July 1970 and a pole or drawbar "wood" belonging to a farm topdresser and taken by Detective Johnson from a garage on your farm at Pukekawa and displayed as an exhibit at the trials.

The police do not have and never have had any written material relating to Mr Rasmussen's work on your trailer. If such a document had been in the hands of the police it most certainly would have been produced as an exhibit, but as you know this was not the case, and this was indicated when the matter was fully aired at the first trial. There would be no point in the police denying possession of such a document.

The police do have your wooden draw bar along with your certificate of registration for a trailer, 15 books of cheque butts and an envelope addressed to Mr G.A. Whyte. All these items were produced as exhibits and were about to be returned to you when further developments resulted in the Crown Solicitor directing that all remaining exhibits were to be retained in the meantime awaiting the outcome of the present submissions by the defence.

Please be assured that the property held by the police will be returned to you as soon as circumstances permit.

Yours sincerely,



Michael Connelly
MINISTER OF POLICE

Mr A.G. Thomas,
R.D.2,
Matakana,
NORTH AUCKLAND

2nd letter

R.D. 2
Matakana,
North Auckland.
10 April 1974

Mr. M. Connelly,
Minister of Police,
Parliament Buildings,
WELLINGTON,

Dear Mr. Connelly,¹/₂

In reply to your letter of 23 November, 1973, I was not at all satisfied with your answers, but have been delayed in replying by the difficulty I had in obtaining a transcript of the second trial. No doubt you are familiar with the transcript, for this case must bear strongly on your mind, more especially so since I understand that you received a letter pointing out that officers of your department were lying in court. → during the second trial

On reading the transcript, I myself found that many statements made by police had been changed (that is, from the lower court hearing and the first trial), and that some testimony was blatantly false. I intend to deal mainly with points made by police which affected my credibility as a witness.

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.

It is my belief that they would only have produced it if it furthered the case for the prosecution of my son.

The first point I wish to make is that Rasmussen did give me an invoice, possibly written in pencil, detailing the work done on my trailer. The detailed contents of this invoice I do not recall, but its precise whereabouts is quite certain in my mind.

The last time I saw it, in October 1970, it was in a file with other contractors' invoices necessary to my tax returns. These papers were in the cottage ~~in~~ at Matakana. When I came to search for this document, for use in Arthur's trial (~~early~~ December 1970), it was 'missing'. I do not believe it is purely coincidental that since my last seeing this document, police had on three occasions searched through those papers, on one occasion, Det. Parkes searched unattended.

My papers extend over a period of twenty years, and I have kept them filed and in order for that length of time. As I have noted previously, some of them were laid out at the cottage for my use in doing my tax returns. This is the condition they were in on 14 October when Dets. Parkes and Johnston first came to search through my papers. I showed them where the documents relevant to their inquiry were, and handed them some cheque books, the certificate

of registration for the trailer, and the transfer papers (from Shirtcliffe to Thomas).

Some days later, I was at Maungamuka, and Det. Parkes called on me. I signed a statement (a copy of which I have been trying unsuccessfully to obtain for some time) and, without asking my permission, or even informing me of his intention, he went from there to my property at Matakana, making a further search through my papers. On my return, it was with great surprise that I learned Parkes had visited twice during my absence. Yet in the second trial, Parkes says that he had my consent to search on both occasions - "consent... consistent with the earlier consent he gave me and Det. Johnston". This is a lie, as on the "earlier occasion", I was present and handed him the documents myself: there was no consent necessary. On his second and third visits, he admits he removed more cheque books, and says that he "knew where to find them; I had been there earlier with A.G. Thomas, and had looked at those chequebooks". I believe that on one of those occasions, when he was unattended, Det. Parkes also removed the Rasmussen invoices.

It is no proof of non-possession to say that because the invoice was not produced at any of the trials, it is not in the possession of the police. As you are no doubt well aware, many documents and exhibits were not produced, because they were seen to be of no importance to the prosecution's frame-up, and were of vital importance to the defence. For instance, the first trial lawyer, Mr. P. Tenn, obtained a court order for the release of the full list of all those interviewed by the police in connection with the Crewe's deaths. He only ever received a short list.

Among Arthur's papers were letters from other women expressing romantic interests, written at the same time that he is alleged to have been consumed with passion for Jeanette Demler. They are obviously replies in keeping with his own letters, and were withheld from evidence, and from the defence, solely because of their importance in rebutting the Crown's case of obsession.

The heads of the animals (sick cow No 4, shot on 23 June, six days after the Crewes' disappearance, and a blind dog shot several weeks later) Arthur shot were in his dump until the police searched it. These would have provided very interesting evidence and, I believe, critical evidence for the defence as they would have indicated the type of ammunition used by Arthur. These heads 'went missing', whereas ten other heads of cows which died naturally are still in the dump. Evidence was never given of their examination, nor were they produced in evidence.

Stevens, police photographer, admitted under cross-examination that he photographed another bloodstain in Mr Demler's car (other than that in the photo produced in court), yet this was not produced in evidence. "There were other photos of marks taken inside the car; this is the only one I was instructed to print."

As for your comment that there would be 'no point' in the

police's denying possession of the Rasmussen invoice, from the instances above, I think you can only agree that there was definite point in their withholding these pieces of evidence - it aided in the conviction of an innocent man. This works in several ways. If they do not have evidence, they cannot be expected to produce it. If they do have possession (and acknowledge that to be so), they can be, and must be expected to produce it in evidence, whether it furthers the prosecution's case or not.

In denying possession of the invoice, they are deliberately undermining my credibility as a witness for the defence, in the same way that Det. Johnston did when, at the second trial, he conveniently remembered, claiming that I, by implication, misdirected him in his search for the old trailer assembly. "I spoke to Mr. Thomas Snr about the trailer and as a result of what he told me I went to the old cowshed on the accused's farm the following day to locate this trailer's parts." This is a blatant lie as I believe, and have always understood, that Rasmussen retained the old axle assembly. I would not have told him anything of the sort.

As I said previously, it has always been my belief, that 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. This explains why no member of my family recalls seeing any of the old parts on either the property at Pukekawa or Matakana. It also explains the low cost of repairs to my trailer - other estimates based on prices current in 1965 have doubled the amount of thirty pounds I paid Rasmussen. It also explains why Rasmussen, not Arthur or me, produced the old wheels as evidence in court. And also it 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.

Some glaring discrepancies relating to the axle assembly may further enlighten you on this matter. In court Rasmussen said that he knew trailers well, and to substantiate this said that he had "worked with them all his life". Mr Ryan then asked about how many trailers he would have worked on. "About six" was his reply.

Rasmussen said in evidence that he remembered putting the old assembly on the new trailer to be removed to my farm: "the wheels were so big they took up almost the whole floor of the trailer." Yet Det. Johnston claimed that Rasmussen produced the same wheels for use in evidence.

I would suggest that Rasmussen produced all material evidence of the old axle assembly, which would account for (according to Det Parkes) the small amount of soil around the stub axles allegedly found in Arthur's dump, even though they are supposed to have been there six years, and to have floated to the surface of the serious erosion which had taken place in that part of the dump.

Here again, though, it is hard to discover just how much soil was removed from the stub axles because of the wide discrepancies in police testimony.

Det Parkes cross-examined by Mr Ryan:

Did you actually pick the stub axles out of the soil? - They were partially buried.

Did the accused help you dig for them? - I didn't dig for them at all. Det Johnston dug ~~for~~ them out. I was present.

Was the accused present? - No.

Did you see how far he had to dig to locate these stub axles? These axles were visible on the surface. He saw them and picked them up and took them out.

Det Johnston examined by Mr Morris:

"The bank is shown in photo 25; it was there I found the two stub axles which I produce as exhibits 330 and 331. They were covered with clay which no doubt had fallen down from the bank above."

Det Johnston cross-examined by Mr Ryan:

On 15/10/70 during your quick look at the dump did you not see any stub axles or parts of an old trailer? - We wouldn't be able to see them because they were buried as we later found out.

Did you have to dig for them (five days later)? - I had a spade which I borrowed from the accused and I dug them out.

Had the accused done any digging in the dump prior to your finding the stub axles? - Yes - not to my knowledge.

There are also discrepancies relating to where the stub axles went to after Arthur's dump. It is said in one breath that they were taken to Auckland Central Police Station, and in another to Crewe's farm to be washed down, but that is comparatively trivial.

Rasmussen makes frequent reference in his testimony, in the taking of depositions, the first and second court hearings of how he kept, for instance, the U bolts, intact so he could reuse them on a later occasion, and says he wanted to keep my old assembly. However, he insists that we took these, to us useless, pieces of scrap metal back to the farm, no doubt for the pleasure of filling an already full dump. Or maybe in recognition of the usefulness of axles in weighting down a body six years in the future?

To further underline how denying their possession and, by implication, the existence of such an invoice can damage in particular my credibility as a witness, I mention another aspect of this case.

Mr Hutton was asked why he did not interview and check with the dentist Arthur had visited on the afternoon of 17th June. He stated categorically that he had interviewed Mr Brown. Both Mr Brown and his wife firmly deny this assertion. Who does one believe? One is inclined to believe the policeman rather than the obscure Pukekohe dentist of comparatively small status.

If one always prefers to believe the law enforcement officers though, one is left in a dilemma with such people as Det. Abbott, in charge of the inventory of articles collected around the Crewe house.

5/

Det. Abbott cross-examined by Mr Ryan:

You made mention of uplifting a bedspread from Mr Hewson. Yes sir, it was a multicoloured cover which I received on the 1st August, 1970.

I think I was a couple of days out because I remember handing the cover to Det. Cook that same day.

You have given this date as August on another occasion, haven't you, the 20th August being the day you received the bedspread from Mr. Hewson on another occasion haven't you? - Yes sir.

Whereabouts was Mr Hewson when he gave you that cover? He was in the locality of the house sir.

You would have a note where you pick this up wouldn't you? I haven't got it in my notebook sir.

Whereabouts were you when you picked up this cover from Graham Hewson? I was at the Crewe property sir.

Whereabouts at the Crewe property were you? I'm afraid I can't remember. There were several officers there at the time.

What were these several officers doing? - I don't know sir.

What were you out there for? - I don't know sir.

I think, Mr. Connely, that you will agree that the police have been found wanting in many respects in this case, and trust that you will further endeavour to locate my invoice and return it to me.

Yours faithfully,

A.G. Thomas.

Kevin please return to me.

A. G. T.

2nd Answer



OFFICE OF THE MINISTER OF POLICE,

9 May 1974

WELLINGTON 1.

Mr A. G. Thomas,
R. D. 2,
Matakana,
NORTH AUCKLAND.

Dear Mr Thomas,

I have closely studied the many points you have raised in your letter of 10 April 1974. In respect to your submissions regarding the invoice from Rasmussen I can only reiterate my reply of 23 November 1973, when you were informed that the Police deny having ever possessed such a document.

It is not the role of the Police to obtain or sustain a conviction, but to gather the evidence available in a case for submission to the Court. The Police function ceases at this point, and their responsibility ends provided they have efficiently carried out their role. It is also the duty of the Police to advise the defence of any evidence in favour of the person charged and I am quite positive that in this case evidence has not been withheld for the reasons you suggest; that it furthered the prosecution case against your son. Indeed, if the Police had any evidence indicating the possible innocence of a convicted person it is their bounden duty to supply such evidence to the defence and the Police administration and I am intent on seeing that this principle is always observed.

The Police assure me that they did not remove the heads of dead animals from the farm dump. The carcasses were examined with a view to recovering the bullets fired from your son's rifle but without success.

In regard to the stains in Mr Demler's car, it is Police practice to photograph all stains before they are swabbed by the D.S.I.R. The photographer was instructed to carry out this requirement but he printed the photograph of the only stain proving to be human blood.

The account given by the Police Officers regarding the finding of the stub axles was available to the court and jury. There are no real differences in the evidence, the stub axles were found in the dump.

It must be remembered that the first trial took place eight months after the crime and the second trial some two years later. Naturally some minor discrepancies are always open to examination before the Court. For the Police evidence to remain constant after a long period could well lead to the conclusion that the case was rehearsed.

It is conceded that Inspector Hutton did not visit Mr Brown the dentist but believed he had instructed one of his staff to do so. He informed the Crown Solicitor of the situation after giving his evidence and realising the true position but it was considered by the lawyers that the factor was irrelevant as your son provided the evidence establishing the point.

It is also conceded that Detective Abbott incorrectly stated the date he received a bedspread from Mr Hewson but the mistake was corrected under cross-examination. The Detective was required to produce many exhibits and perhaps it is understandable after a lapse of time, in this case 2½ years, that he could give an incorrect date but the matter was corrected and was of no consequence. The misquote could never be considered an intentional act for some underhand purpose or to mislead the Court.

I again point out the Police role as being the finding and production of evidence. They have a duty to be fair as it is not their job to obtain convictions but to honestly present all relevant evidence for the consideration of the Court or the defence counsel.

I am sure the legal representatives for your son have closely examined all the evidence and will pursue any discrepancies that could be of assistance in submissions regarding the case. I note that a petition has been presented to the Governor-General in respect to certain evidence and perhaps any further action on the case should be left to your son's legal advisers.

You may rest assured that as far as Government is concerned the Police will impartially carry out their task and the withholding of anything in favour of an accused or convicted person or the fabrication of evidence would never be countenanced.

Yours sincerely,

A large, stylized handwritten signature in dark ink, consisting of several overlapping loops and curves, positioned above the typed name.

Michael Connelly,
MINISTER OF POLICE.

Prevarications, cover-ups, or if you will, straightout corruption is highly probable IN THE HIGHER LEVELS OF AUTHORITY if one or more of their number is in error - one way or another. The rest rally round to screen the problem off - one way or another. Little or no concern is felt for the prisoner in the dock or the prison cell who may suffer as a consequence.

In the affidavits following the clippings on the next page you will read that three beasts were shot in experiments to discover if all the bullets or their fragments were recoverable. The carcasses were left for the same period of time as that which elapsed after the shooting of the Thomas cow and the disappearance of its head. There was a difference of course in the two situations. The experimenters did not sneak in to wherever their beast had been left to carry away the heads either in the dead of night or in the absence of the owners. The exercise was witnessed and recorded and the exhibits carefully examined and stored. There was no record of the police being involved or even interested. After all their own dissection was "unsuccessful." That was all that mattered. Other experiments carried no weight. The experimenters recovered all their bullets or the fragments.

There seems to be no problem for the police to enter private property without warrants and remove evidence favourable to the suspect or the accused and then to deny they know anything about it. It can range from cheque butts to rotten cows' heads. Our experimenters were not reluctant to communicate their findings but so far as the writer knows the public knows nothing about their experiments. It seems the police and the media were not interested.

Police pic proves detective wrong

Star 15th Nov. 1978

By PAT BOOTH, the Star's deputy editor. Police exhibit photographs prove Detective Chief Inspector Graham Perry wrong in a statement he made yesterday on what he described as "an aspect of extreme importance to all concerned" in the Thomas case.

His statement reopens key questions in the case - and on the efficiency of the investigation.

Chief Inspector Perry was head of the Auckland CIB at the time of the Crewe murder investigation in 1970. "I was abreast of proceedings throughout the case," he said yesterday in Christchurch.

Vital aspects of the Thomas case had still to be cleared up, he said, responding to new criticism of the investigation in the book by David Yallop.

"One of the points I consider most important is the fact that Thomas' rifle was allegedly used by him to kill a cattle beast, immediately prior to the suspected dates of the shootings," said Mr Perry.

That beast has never been found or exhumed. One could suppose that if the beast ever existed, it would contain the bullet from Thomas' rifle, having been fired just before or in close proximity to the alleged date of the murders.

"One would think that this should have been clarified in support of the defence case, at least.

"There are also other aspects of the case which

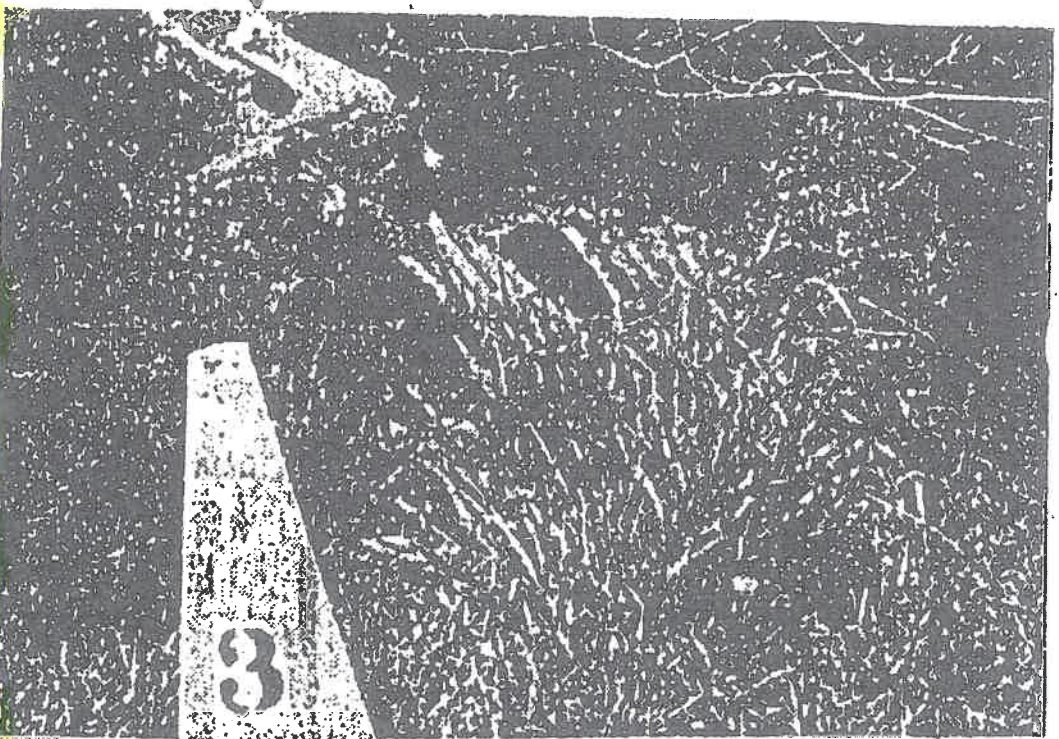
have not been brought out," said Mr Perry.

"If that cattle beast was found, it might make a difference," he said.

A police photograph from my file, photograph 32 from Crewe book B of the trial exhibits, shows the dead beast on the Thomas tip, at the time of the police search there in 1970.

The cow, No. 4 of the Thomas herd, was the animal he said he was treating on the night of the murder.

bow's head



A police marker on the Thomas tip with the body of the dead cow behind it. A picture from the official file of the investigation made late in 1970.

He said he later shot it through the head.

Some time after the search, the head of the dead beast was found to be missing.

I drew attention to the cow's body on the tip first in the Auckland Star in August 1973, and later in my book.

I said then:

"There was no evidence at either trial that the police had sought the bullets from the bodies of the dead cow or the dead dog

from the Thomas tip, although they were admitted to be there and one body can be seen in police exhibit photographs.

"Recovery of these would have proved whether Thomas used ammunition similar to the murder bullets when he shot those animals.

"The juries were entitled to know whether such

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Detective denies Thomas evidence

Star Nov. 15 Wed 1978

FROM PAGE ONE

an investigation had been made and what the outcome was. They should also have been interested to know why no such search was made, if that was the reason no evidence was produced."

Now, five years after that was first published, the senior detective in Auckland reveals he did not know of the existence of that cow's body — while believing himself abreast of all happenings in the case — and these questions have a new relevance.

Dr Jim Sprott said today: "I have always been particularly anxious to examine that bullet from the dead cow as part of my forensic inquiries and I now ask for access to the bullet if it exists in police exhibit files and is not already in Whitford tip."

"If the bullet is not available or was not sought, then I believe a public explanation should be made of the reasons."

David Yallop alleged today that the police had taken the heads of two beasts from the tip at Thomas' farm — and must have found bullets in them. "Quite clearly the police took the heads, and found bullets in them. But they were not the pattern &

bullets which killed the Crewes and which they were looking for, but regular ammunition used by Thomas," Mr Yallop said from Dunedin.

"Heads do not just walk off tips," he said.

Mr Perry was asked today to elaborate on other aspects of the case which he said needed clarifying, but he said he would prefer not to.

He also declined to comment further on the beast-shooting incident.

The Commissioner of Police, Mr R. J. Walton, said today allegations of fabrication of police evidence in the Thomas case are absolutely without any foundation.

"Conjecture and rumour as is being indulged in by some people does not constitute evidence."

"As far as the police are concerned, the present position can only be altered by judicial decision."

Where's bullet from the cow?

Nov. 16 Star 1978

British author David Yallop says police not only found the body of the Thomas cow on his farm tip, but also took away its head to seek out the bullet which killed it.

He said he took from their failure to produce evidence of their findings that they had located a bullet which did not match those found in the Crewes — and had kept silent on that fact since.

He said this after an Auckland Star story yesterday which quoted police exhibit photograph evidence as proving a senior detective wrong in his comments on the case.

The detective, Detective Chief Superintendent Graham Perry who was in charge of the Auckland CIB at the time, had said, the body of the

cow had never been recovered

He said its discovery, and the obtaining of the bullet, would have been major developments in the investigation.

Last night's Star photograph, from police files, showed the body of the cow on the tip during the police search.

In his article the Star's deputy editor, Pat Booth, said the revelation that the officer in charge of the CIB at that time, who said he was "abreast of developments at all times," did not know then, or now, of the cow being found, opened up new questions on the efficiency of the investigation.

LATER, Mr Perry said he had no further comment to make.

Star 1978
**Bemusing
twists in
Thomas
affair**

Mr Allan Thomas today produced a file of letters from the former Minister of Police, Mr Connelly, and asked: "Just how efficient was the investigation which put my son Arthur in jail for eight years?"

This week Detective superintendent Graham Perry, who was in charge of the Auckland CIB at the time of the Crewe murder inquiry in 1970, said defence failure to produce bullets from a cow shot on the Thomas farm at the time of the murders had been crucial.

He discussed whether the cow ever existed.

The Star then published a police photograph of the body of the cow on the Thomas farm tip when police searched it.

Mr Allan Thomas' file of letters from the then Minister of Police takes the issue even further.

The letters began in November 1973 and ended in May 1974, when Mr Connelly acknowledged that the police had found the bodies of dead beasts on the tip and had examined them.

Mr Connelly's letter said:

"The carcasses were examined with a view to recovering the bullets fired from your son's rifle, but without success."

Mr Thomas asked today: "What's going on? First of all Mr Perry suggests the cow didn't even exist, then the photograph shows the body, now the letters prove that the police actually carried out the checks Mr Perry said were not done, and which he blamed us for not doing."

DAVID ALLAN PYE *"My name is David Allan Pye, aged 28, stock agent of Warkworth. I took part between April 3rd and August 10th 1975 in an experiment designed to discover if .22 bullets fired into the head of a cow were recoverable after a lapse of four months from the time of death.*

"On April third 1975 I witnessed the shooting of a cow in the presence of Mr. A.G. Thomas. The weapon was my own rifle and the ammunition an ICI .22 long rifle cartridge. The shot was placed about the middle of the forehead of

"the animal.

"Later, on the instructions of Mr. Thomas, I fired another two rounds - one on either side of the killing bullet - into the cow's head from a distance of about four paces.

"Four months later, on August 10th 1975, I again saw the head of the cow. It was readily identifiable as the one killed with my rifle on April 3rd. Together with Mr. A.G. Thomas and his son-in-law, Mr. Buster Stuckey, I helped search out, with the aid of first, a pad saw, and later, a hammer, the bullets fired into the head of the cow four months earlier.

"We experienced considerable difficulty breaking open the head and, after recovering two bullets, soaked the remains of the head in a bucket of boiling water to which we added a large handful of washing powder. When the water cooled, we were able to squeeze the "soup" between our fingers and, in this way recovered the third lead.

"The whole recovery operation took, by my estimate, 1½ hours."

Sgnd. D. A. Pye.

R. W. DUDLEY - WARKWORTH "TO WHOM IT MAY CONCERN. On the 2nd May 1976, on the property of Mr. A.G. Thomas, Matakana, I carried out an experiment involving the firing of four 22 bullets into a bullock's head which was removed from its carcass.

"The object of my experiment was to determine the possibility of putting a bullet or bullets right through the head. The bullets I used were my own from old stock kept at home.

"The four bullets were fired from a distance of ten feet, and all into a small area between the eyes. After the shooting I wrote down the details of the head, before leaving it in Mr. Thomas's care.

"On Sept 12th, after a period of four months and ten days I returned to Mr. Thomas's property with intentions of extracting the bullets. After placing the head in a stainless vat, I stripped it of dried skin and hair and placed this in a bucket for softening. I removed the top of the skull and found two bullets embedded in the bone at the back of the brain box. The third bullet I found in a bone passage behind the brain area.

"The fourth bullet, with a few fragments of lead was found in the nasal passages.

"The time taken for my search and recovery of the four bullets was one hour, forty-five minutes.

"The four bullets are now in my possession."

Sgnd. R.W. Dudley.

RAYMOND. JAMES JONES "TO WHOM IT MAY CONCERN. I, Raymond James Jones, Supervisor Keith Hay Homes, state that on Monday 17 May, 1976, I shot a black and white cow at Natakana with my 22 rifle and ammunition given me which was long, hollow pest control ammunition. I fired into the forehead and followed with two more shots into the same area.

"The cow had a huge square earmark and an ear-tag No. 230, by which I recognised the head some four months later when on the 28th September 1976 I undertook to recover the bullets from the head.

"Working in an old cowshed with hot water available I commenced work at 2 p.m. and by 3.15 p.m. had recovered the main portions of three lead bullets.

"The operation was witnessed by Mr. A. Todd of Snell's Beach."

Sgnd. R.J. Jones.

So Chief Inspector Graham Perry was not abreast of events that were going on right under his nose. He didn't even know what his own men were doing. Attorney General Mr. Connolly was "unsuccessful" in finding the type of bullet he needed to put a stop to the Thomas protests. Instead he found one which justified those protests. He then illegally withheld it from the defence. The Commissioner of Police, Mr. Walton, must have known from the detailed evidence available to him from his own internal inquiry into the planting of exhibit 350, that Hutton fabricated that evidence. If he was not able to deduce that then he was totally prejudiced and unfit for the position he held. The alternative was that exposure of the truth would disgrace him and place the credibility of the Police Force almost beyond repair. The Chief Postmaster, Mr. Stott, clearly did not know that Post Office facilities were being used by the police for highly improper purposes. Post Office administration was so slack that he was not even informed when illegal phone-tapping and disconnection of lines must have been known to his supervisors and other employers. If that is not true then Mr. Stott has to be lying.

All these are big names associated with big administration failures and deliberate subversion and perversion of justice, and, believe it or not, were quite successfully swept under the carpet.

IN THE MATTER of the murders of
Jeanette and Harvey Crewe
at Pukekawa, South Auckland
on or about 17th June 1970

AFFIDAVIT
DECLARATION OF DESMOND LANCE THOMAS

I, DESMOND LANCE THOMAS, contractor, makes oath and say:-

1. That I am the brother of Arthur Allan Thomas, who was convicted and then pardoned of the murders of Jeanette and Harvey Crewe at Pukekawa in June 1970.
2. Arthur's alibi for the night that Jeanette and Harvey Crewe were murdered, which was the 17th June 1970, was that he was with his wife Vivian, and his cousin Peter, attending to a sick cow.
3. Vivian and Arthur were trying to assist cow number 4 to stand on its feet. The cow suffered paralysis and had trouble calving.
4. Vivian and Arthur managed to help cow number 4 to calve, on the 17th June 1970, and didn't get home for tea until about 7pm.
5. The health of cow number 4 deteriorated and Arthur had to shoot it with his .22 rifle on the 23rd June 1970.
6. Between Arthur shooting cow number 4 and before his arrest for the Crewe murders on 11th November 1970, he also shot a blind dog with his .22 rifle.
7. Both of these animal carcasses were disposed of in the farm dump.
8. During Arthur Thomas's first trial evidence was presented to show that Jeanette and Harvey Crewe had been shot with lead bullets which contained a number 8 embossed in the rear of each bullet.
9. Det Stan Keith gave evidence at Arthur's trial that he found a live .22 bullet in a garage on Arthur's farm. When dissected it was found to have a number 8 embossed in its base.
10. This was the only number 8 bullet ever found on the Thomas farm.

11. Arthur's current use ammunition was also dissected by the police. None of the ammunition contained a number 8 in the base.
12. On the 2nd March 1971 Arthur Thomas was found guilty of the Crewe murders and was convicted to life in prison.
13. In August 1971 the Arthur Thomas Re-trial Committee was formed. The sole purpose of this committee was to obtain a re-trial. We believed Arthur would not be found guilty a second time.
14. This committee headed by Pat Vasey was successful in exposing police malpractice and corruption in this case. We informed the public and in turn they supported our cause.
15. The Re-trial Committee were seeking any new information or evidence that would help to secure Arthur Thomas's release.
16. One of the Re-trial Committee's first jobs was to search Arthur's farm dump and recover the .22 bullets in the cow and dog heads to see if they contained a number 8 bullets.
17. On the 15th August 1971 I was with a number of Committee members searching Arthur's farm dump. We found the carcasses of a cow and a dog, but no heads from these animals were found – **Photograph exhibit A.**
18. The Arthur Thomas Re-trial Committee helped to obtain a re-trial for Arthur Thomas.
19. On the 11th July 1973 Arthur Thomas was again found guilty for the murders of Jeanette and Harvey Crewe and convicted to life in prison.
20. There was no evidence given at either trial as to whether the police recovered the bullets from cow number 4 and the dog Arthur shot and discarded in the farm dump.
21. A.G. Thomas had been trying for years to obtain documents from the police that would help in Arthur Thomas's defence.
22. In a letter dated 10th April 1974 to the Minister of Police, Mr. Michael Connelly A.G. Thomas asked what had happened to the heads of the animals, sick cow number 4, shot on the 23rd June, six days after the Crewe's disappearance, and a blind dog shot several weeks later. These were in his dump until the police searched it. Now the heads have gone missing.
23. The bullets from these heads would have provided very interesting evidence and I believe critical evidence for the defence, as they would have indicated the type of ammunition used by Arthur at the time. Evidence was never given of their examination nor were they produced in evidence.



24. In a reply to A.G. Thomas's letter dated the 10th April 1974 Mr. Connelly replied 9th May 1974. He states the police assure me that they did not remove the heads of dead animals from the farm dump. The carcasses were examined with a view to recovering the bullets fired from your son's rifle, but without success.
25. I was working on Arthur's farm helping Vivian and I never saw any bone, skin, or head fragments from any cow or dogs head, which you would expect if the police were to split open these heads to recover the bullets.
26. On the 20th Oct 1970 Det Johnson jumped off the Thomas farm dump bank and landed on the two stub axles that matched each end of the axle found on Harvey Crewe's body.
27. On the 21 Oct the NZ Police mounted a large search of the Thomas farm dump looking for any other trailer parts that may have been returned from Rasmussen's.
28. This search involved six police officers and a photographer. During this search they must have found and removed the cow and dogs head from Arthur's farm dump.
29. In 1978 Chief Inspector Perry who was Head of the Auckland CIB at the time of the Crewe murder investigation in 1970, stated he was abreast of proceedings throughout the case. He also said the vital aspects of the Thomas case had still to be cleared up.
30. He stated one of the points he considered most important is the fact that Thomas's rifle was allegedly used by him to kill a cattle beast.
31. Inspector Perry then stated that beast has never been found or exhumed. One could suppose that if the beast ever existed it would contain the bullet from Thomas's rifle, having been fired just before or in close proximity to the alleged date of the murders.
32. A police photograph shows the remains of cow number 4 that Arthur shot on 23rd Oct 1970 – **Photograph exhibit B.**
33. Heads do not walk off tips. Quite clearly the police took the heads and found bullets in them but they were not the pattern 8.
34. A.G. Thomas conducted an experiment. He got three men to shoot bullets into cow's heads to see if they could be recovered.
April 1975 – David Allan Pye fired three bullets into a cows head.
May 1976 – R.W. Dudley fired four bullets into a cows head.
September 1976 – Raymond James Jones fired three bullets into a cows head.
All of these men have sworn statements confirming this evidence.
35. These cows heads had been left for a period of about four and a half months and only took these men from between one and two hours to extract all the bullets from the three cows heads. All bullets were found.

N
D.H.

36. The bullets in the head of cow number 4 and the dog Arthur shot have been deliberately withheld from the Thomas defence. This would have been crucial evidence and the police would have known this at the time.
37. Bruce Thomas Newton Hutton, the detective in charge of the Crewe murder inquiry has sworn an affidavit dated 25th January 1971. In paragraph 8 he states: 'I am aware of the obligations on the crown to make any material evidence not adduced by the prosecution available to the defence.' – **Exhibit C**.
38. The withholding of this evidence is a serious criminal act and should result in charges being laid on all the officers involved.

SWORN AT *Pukekohe*)
This *23rd* day of February 2012) *[Signature]*
Before me)

A SOLICITOR OF THE HIGH COURT OF NEW ZEALAND

Nicole West
Deputy Registrar
District Court
PUKEKOHE

A



" B "



This is the photograph **Exhibit B** referred to in paragraph 32 of the affidavit of DESMOND LANCE THOMAS, Contractor, of Pukekawa

~~SWORN AT
This day February 2012
Before me~~)
)
)

~~A SOLICITOR OF THE HIGH COURT OF NEW ZEALAND~~

This is a copy of the exhibit marked "B" referred to in the annexed affidavit of Desmond Lance Thomas sworn at Pukekohe this 23 day of February 2012

.....
Deputy Registrar
District Court Pukekohe
Nicole West
Deputy Registrar
District Court
PUKEKOHE

THOMAS
COMMISSION

EX 170

"C"

IN THE SUPREME COURT OF NEW ZEALAND

NORTHERN DISTRICT
(AUCKLAND REGISTRY)

C. NO 74

BETWEEN

HER MAJESTY THE QUEEN

A N D

ARTHUR ALLAN THOMAS
of Pukekawa Farmer

I BRUCE THOMAS NELSON HUTTON of Otahuhu Detective
Inspector make oath and say as follows:

1. THAT I am a Detective Inspector in the New Zealand Police Force and the Officer in Charge of the Police investigations and enquiries into the deaths of HARVEY CREWE and JEANNETTE LEHOVE CREWE. That I have been in charge of such enquiries and investigations since the disappearance of the abovementioned and, as a result, I am conversant with the extent and nature of all Police enquiries including the contents of all Police statements and reports obtained during Police enquiries.

2. THAT the Police enquiries into the deaths of Harvey and Jeannette Lenore Crewe extended over many months and included searches of the Waikato River and the lands adjacent thereto and also searches of the farm property owned by the Crewes at the time of their deaths as well as other farm properties in the area. That such searches were carried out by the Police in order to locate, if possible, any material which could assist in determining, particularly in the early stages of the Police investigation, the cause or reason for the disappearance of the Crewes and the weapon used to cause their deaths and the method used in the disposal of their bodies.

3. THAT during such searches, as referred to in the foregoing paragraph hereof, no schedule or inventory of objects found was kept. If an object was found by a searching Police officer, then such object was referred by him forthwith to the senior officer on duty at the time. In turn, if such senior officer considered that the object found was of any value or possible value whatsoever, it was referred to me and after I had examined it, if it was of no value I rejected it immediately and gave orders as to its disposal.

4. THAT no weapons whatsoever were recovered by the Police during the search of the Waikato River and during the land searches only one possible weapon - a knife - was found on the farm of the

This is a copy of the exhibit marked "C" referred to in the annexed affidavit of Desmond Lance Thomas sworn at Pukekohe this 22nd day of February 2012

Nicole West
Deputy Registrar
District Court Pukekohe

THOMAS COMMISSION PAPERS
NATIONAL ARCHIVES

witness Chitty directly opposite the wool shed on the Creves' property. This knife was examined for blood with negative results and from its state had clearly been left in the open for many months prior to its discovery. This knife is still in the possession of the Police and is available at any time for inspection by the defence.

5. THAT in the Waikato River, searchers did locate pieces of wire but these were disposed of almost immediately subsequent to their finding as gauges of the wire did not agree with any of the gauges of wire found on the bodies of the two deceased.

6. THAT in addition to searching as aforesaid, the Police test fired numerous rifles to which reference is made in my depositions. These rifles have all been returned to their respective owners but the Police have retained in their possession, the test shells fired from each of these rifles.

7. THAT a full inventory of all articles found in the house by the Police, was kept and a copy of this is available to the defence for perusal and copying.

8. THAT I am aware of the obligation on the Crown to make any material evidence not adduced by the prosecution available to the defence. That at no time has any request been made of me by the accused's solicitors or by his counsel, to advise them of the result of Police enquiries into any particular aspect of this investigation. That apart from any persons whose testimony is similar to that of evidence already given by witnesses at the hearing of depositions, such as further police officers who took part in searches, doctors who examined and supplied opinions on the condition of Rochelle Crewe and persons who can speak of the movements by either of the deceased or by the accused, I know of no other witnesses who can give evidence material to this case and I know of no material evidence whatsoever that has not been given.

9. THAT with particular reference to Paragraphs (4) and (5) of the affidavit sworn by the accused and dated the 22nd day of January 1971, no persons whomsoever have made statements to the Police as to facts that can prove or tend to prove that some person or persons other than the accused were implicated in the deaths of Harvey and Jeanette Lenore Crewe. That the Police have in their possession the names of persons who were managers or labourers on the Crewe property at various times and these are available to the defence.

10. THAT I will be absent from New Zealand in Australia from the 3rd day of March until about the 25th day of March 1971.

SWORN at Auckland by BRUCE THOMAS
KEPTON HUTTON this 26th day of
January 1971 before me:

Bruce Thomas

THOMAS COMMISSION PAPERS
NATIONAL ARCHIVES

A Solicitor of the Supreme Court of New Zealand

Inspector Bruce Parks - Thomas Commission

I'D LIKE TO SHOW YOU A SERIES OF PHOTOGRAPHS, YOU HAVE SEEN BEFORE, IN BK B 24 ONWARDS, IF YOUR WORSHIP PLEASES. THOSE PHOTOS, 24 AND 25 SHOW THE GENERAL TIP AREA, DONT THEY...YES THERE WERE 3 TIP SITES IF YOU LIKE WE NO. THEM 1, 2 AND 3 FROM RIGHT, AS MARKED ON THE CONES.

DO I TAKE IT FROM THE EVIDENCE, YOUVE GIVEN THAT YOU AT LEAST WERENT AWARE OF THE EXISTENCE OF THIS TIP BEFORE YOU CAME ACROSS IT IN YOUR SEARCH FOR WIRE.. NO I CERTAINLY WASNT.

CAN YOU GIVE US SOME IDEA PLEASE OF THE SIZE OF THE TIP...I DONT THINK I CAN ACCURATELY EST. DISTANCE ACROSS THE TOP. PHOTOGRAPH NO.26 AND 27 PHOTOGRAPHS OF THE - AND 28 - ARE PHOTO, OF THE RIGHT END OF NO.1 TIP WHICH WAS THE BIGGER OF THE THREE.

WLD YOU AGREE WITH THE IMPRESSION I AT LEAST FORMED FROM LKG AT THE PHOTO. IT IS QUITE A SIZEABLE TIP, IT IS NOT SMALL. YES IT IS QUITE A SIZEABLE TIP, PROB. AN AVERAGE SIZE FOR A FARM TIP.

HAD YOU AND MR JOHNSTON COME PREPARED TO DO A SEARCH OF THE KIND REQ. IN THE TIP... NO.

CAN YOU TELL ME PLEASE WHAT FORM YOUR SEARCH TOOK... I THINK I PRIMARILY STOOD ON THE BANK AND WATCHED, WHILE DET. JOHNSTON PRODDED AROUND THE NO.1 TIP WITH A SPADE.

WAS HIS PROBING CONFINED TO NO.1 TIP...YES.

CAN YOU TELL US I KNOW YOU ARE NOT DET. JOHNTON CAN YOU TELL WHAT WLD HAVE DRAWN HIS ATTN TO NO.1 TIP RATHER THAN NO.2 OR 3... I DONT KNOW, I AM NOT QUITE SURE WHY HE PICKED THIS ONE, SITE NO.3 HAD A DEAD COW ON IT, WHIC WLD HAVE MADE US RELUCTANT TO GO DOWN THERE INITIALLY.

CAN WE SEE THE DEAD COW IN ANY OF THE PHOTOGRAPHS...YES.

C2 PH.32.

MR CREW - IS THAT THE DEAD COW IN 32...YES SIR.

YOU SAY YOU STAYED UP ON THE BANK YOU DIDNT ACTUALLY GO DOWN INTO THE TIP... I MAY HAVE DONE, I CERTAINLY WASNT ENTHUSIASTIC ABOUT GETTING DOWN INTO THE TIP.

WHAT YOU HAVE TAKEN.

MR CREW - I'M JUST WONDERING WHETHER YOU WOULD AGREE WITH YOUR KNOWLEDGE OF POL WORK AND EXPERIENCE OF WHAT HAS COME OUT HERE, WLD YOU NOT AGREE THAT THE POL COULD WITH BENEFIT ADOPT THE PRACTISE OF GIVING RECEIPTS IN THESE CIRCUMSTANCES... I BELIEVE IT IS MORE COMMON THESE DAYS, ALTHOUGH I DO NOT KNOW IF IT IS A MANDATORY DIRECTION AT THIS STAGE.

ITS NOT IN THE GENERAL INSTRUCTIONS IN OTHER WORDS...NO.

C2 I WANT TO GO BACK ONE STEP. DID YOU HAVE ANY ROLE IN BUILDING UP THE MOCK UP OF THE TRAILER...YES.

YOU ARE NOT ABLE TO CERT. THAT ALL THE PARTS IN THAT TRAILER CAME OFF THE THOMAS FARM. PH. 33A..... I CANT CERTIFY FOR THE WOODEN DRAW BAR, AND THE THICKER PIECE OF WOOD AT THE BACK, THE PIECE OF 4 X 4, BUT THEY WERE PRODUCED AS AN EX. BY DET. JOHNSTON, HE SAID HE FOUND THEM ON 15 I THINK BY THE GARAGE OF THE HOUSE.

WHAT ABOUT THAT PIECE OF STEEL DRAW BAR IN THE FRONT, WHERE WAS THAT FOUND... THAT WAS FOUND IN THE TIP.

IT IS NOT IN EITHER PH. WHICH TIP 1 2 OR 3.... NO.1

IT IS NOT IN THE PH... I CANT PICK IT OUT.

I CERT. CANT. WHERE WAS NO. PLATE FOUND... I DONT KNOW DET. SGT. TOOTILL FD THAT I WASNT PRESENT WHEN HE FOUND IT.

DID HE RECORD WHERE HE FOUND IT... IT WAS SUBMITTED AS AN EX. AT THE TRIAL, IT SHLD BE IN HIS EVIDENCE.

AGAIN IT DOESNT LK AS THOUGH IT WAS ON THE TIP.. NO I CLDNT SEE IT THERE EITHER.

MR PARKES WAS IN CHARGE OF THE FARM SEARCH... ON 21 IT CARRIED ON THE 22 AND I WENT NORTH, I WASNT THERE THE FULL TIME.

Detective Andrew Lovelocks Police Report

Chapter 14 - Corruption Allegations

2323. The allegation that Detective Inspector HUTTON defeated the course of justice by suppressing the statements of Frank BENNETT, Joseph MacKAY and David FLEMING, has no evidential basis.
2324. The evidence of Frank BENNETT and Joseph MacKAY was not material to this allegation.
2325. The claim by Desmond THOMAS that David FLEMING's son saw sparks coming from the CREWE chimney on Friday 19 June 1970, is factually incorrect. (See Chapter 5 - Friday 19 June 1970)
2326. There is no evidence on the Police file to suggest that Police ever extracted bullets from a cow or dog's head on the THOMAS farm.
2327. If bullets were in fact extracted from a cow or dogs head, this was not done by Police. Certainly, there is nothing recorded in the Police file or any material available to the Review Team which establishes any such allegation.
2328. The allegation that Detective Inspector HUTTON conspired with Lenard DEMLER and Detective JOHNSTON to produce a firearm prior to the 1973 second trial of Arthur THOMAS and claim it to be the CHENNEL rifle, is factually incorrect as the rifle produced by Lenard DEMLER is in fact the CHENNEL rifle.

Concerning Detective Sergeant CHARLES

2329. Desmond THOMAS alleged that Detective Sergeant CHARLES attempted to pervert or defeat the course of justice by advising a civilian witness, Bruce RODDICK, during the depositions hearing, that his sighting at Court that day of a woman he had seen at the CREWE farm on Friday 19 June 1970, was not relevant.
2330. Desmond THOMAS alleged that Detective Sergeant CHARLES failed to disclose to the Magistrate and defence lawyers a statement he had taken from Ross EYRE, who claimed to have seen a woman driving the CREWE car on Highway 22 at 8.00am on the morning after the murders.
2331. Desmond THOMAS alleged that Detective Sergeant CHARLES failed to disclose to the Magistrate and defence lawyers that fresh milk had been found at the CREWE house when they arrived on Monday 22 June 1970.
2332. Desmond THOMAS also alleged that Detective Sergeant CHARLES failed to disclose to the Magistrate and defence lawyers the experiments carried out by Dr FOX which confirmed that this milk had been taken to the house after the murders and was thus relevant to the crimes.
2333. On 29 November 2012, Desmond THOMAS again wrote to Police Commissioner Peter MARSHALL wishing to make a formal complaint against former Detective Sergeant CHARLES. Again his letter contained documentation which Desmond THOMAS claimed provided evidence to substantiate his complaint.

D Thomas
56 Morrison Rd
RD1
Tuakau 2696

Mike and Jenny Kalaugher
5 Holmburn Street
Welcome Bay
Tauranga 3112

25 September 2017

Dear Mike and Jenny,

Good to see you both and exchange ideas.

Enclosed are four pages headed Justice v Lies, they were sent separately to each and every Politician with very little response.

Also enclosed are letters and some replies from Bill English's team. He hasn't replied to all of my letters, you can only regard these Politician's as gutless mongrels.

The letter I sent to Bill English on 8th August with Vivien's statement document has not been replied to. He's probably hoping to lose the election so he doesn't have to respond.

We have also sent John Key a large number of letters with the same response NONE.

You will note that some of these documents were also signed by Arthur as well.

They can't break our evidence of Police Corruption down so they go, Doggo!!!

Hope we can get a full open public enquiry so Justice can be seen to be done.

Eugene Bingham, Paul Penfold and Co are producing a story on our case with Justice V Lies and Vivien's statement so could you make sure you keep these out of the media.

You are welcome to expose the snitch evidence at Arthurs Commission of enquiry and the Karl Lobb evidence whenever you like.

Cheers,

Des. Thomas
For the Thomas family

At the Thomas Royal Commission of Inquiry

Judge Taylor, J Gordon and A Johnston

Stated we are satisfied that the prison confessions never took place and that the evidence of the two prisoners was a tissue of lies.

They regarded Karl Lobb's evidence as complete fabrication.

Detective Andrew Lovelocks Report

Stated that Karl Lobb's evidence has no weight and can be discounted.

He stated that the evidence of the Police informants can also be discounted.

David Jones QC

State the review finding that the claims by inmates that Arthur Thomas made confessions whilst in Prison should be disregarded is undoubtedly right.

The fact that all of these professionals have made the same finding that the police informers and Karl Lobb's evidence is fabrication proves beyond doubt that perjury has been proven.

October 2017

Detective Andrew Lovelock 2014 Police Report

Karl Lobb page 124

Detective Andrew Lovelock gives an account of Karl Lobb's evidence which he gave at the Thomas Commission of inquiry.

The review team consider that the assertion of Karl Lobb is questionable

Karl Lobb admitted he was wrong after work sheets were produced at the commission proving he didn't go past the Crewe house in 1970 at the time he stated.

This is a proven case of perjury, why haven't the New Zealand Police charged him.

How can Detective Lovelock dismiss this evidence so easily?

Thomas Commission Report

cunning, devious and manipulative, and a man who would go to considerable lengths to shorten his sentence. He made efforts to use the Commission's influence to have him transferred to one of the minimum security prison farms.

278. In addition, evidence we received established that he has been a police informer on other matters.

279. This second inmate would have had every reason to lie in support of the first. He must have hoped, realistically or not, that the Police would use their influence to shorten his sentence or improve conditions for him. The only possible disadvantage which his story could bring him would be a prosecution for perjury. It may be that he refused to give evidence before us because he feared just such a prosecution.

280. We are satisfied that the 'prison confessions' never took place, and that the evidence of the two prisoners 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 inmate, deluded evidence. It was but another instance of the Police being unwilling to accept the pardon.

281. The second category of evidence revolved around one witness. This man still lives in the South Auckland area and has a young family. We therefore, do not propose to report on his evidence in terms which could lead to his identification.

282. The substance of his evidence was that at 7 a.m. on the morning of 18 June 1970 (the morning after the murders, if the Crown case be accepted) he was driving past the Crewe farm. In a lay-by a short distance past their gate he saw, so he said, Mr Thomas's car and trailer. The trailer had in it two covered bundles.

283. This witness first came forward to the Police with this evidence only in 1980, after Mr Thomas had been pardoned and released from prison. He had, however, given a statement to the Police nearly 10 years earlier, on 24 June 1970. He had, curiously enough, omitted to mention this incident in that statement.

284. Documentary evidence which was produced to us revealed that the man could not have been in the vicinity of the Crewe farm until 9 a.m. on the morning of 18 June 1970. There is evidence which convinces us that Mr Thomas could not have been there at that time. Furthermore, his evidence revealed envy of Mr Thomas for the attention which his case has received from the news media and for the compensation which public opinion suggests that he will receive from the Government following our report. All of these factors, taken with the demeanour of the man as he gave evidence, lead us unhesitatingly to reject this man's evidence as a complete fabrication.

285. The evidence of the last witness to whom we have referred was the subject of a front page article in a newspaper called *Sunday News* on 28 September 1980, after our public hearings had concluded. That action was quite improper. The publication of the material, which is shown by the cross-examination recorded in the transcript to be wholly unreliable, seems to us to have been an act of calculated and callous cynicism on the part of the newspaper.

286. Our conclusion is that none of the additional evidence we have considered in paragraphs 267 to 285 supports the proposition that Mr Thomas may have been on the Crewe property on 17 June 1970 to deposit exhibit 350 there. There is in our view no evidence which suggests that Mr A. A. Thomas was on the Crewe property on 17 June 1970. There is

CREWE Homicide Investigation Review Key Findings

- The phenomena of dried mud observed by Detective Sergeant CHARLES and Detective Sergeant PARKES coming from inside the cartridge case (Police Exhibit 350) found in damp soil was consistent with observations of Rory SHANAHAN's in his experiment.
82. Police Exhibit 318, which represents cartridges purportedly produced in batch 4666, manufactured between 9 May 1966 and 12 May 1966 cannot be eliminated as being potentially consistent with Police Exhibit 350.
83. Christopher PRICE's research favoured Police Exhibit 350 coming from batch 4916, manufactured on 22 January 1968 or one close to it. He could not eliminate conclusively batches after 4470, manufactured between 7 May 1965 and 18 May 1965, as being the source of Police Exhibit 350.

Chapter 12 - Persons of Interest

84. When physical evidence was located that changed the focus of the investigation towards the THOMAS farm, insufficient priority was given to investigating the actions of other individuals who had equal access to Arthur THOMAS' rifle, the axle and wire linked to the THOMAS farm.
85. The first suspect interview of Arthur THOMAS, which was sanctioned by Detective Inspector HUTTON, was not afforded the desired level of importance.
86. DSIR scientists advised the investigation team on 19 August 1970 that neither Arthur THOMAS' rifle nor the 'EYRE' rifle could be eliminated as having fired the fatal bullet that killed Jeannette.
87. This new information should have led to a structured 'investigation phase' being conducted that identified all those who had access to these firearms and would have required research and planning prior to implementation. This did not occur and represents a significant missed opportunity.
88. At the time Harvey and Jeannette were murdered, Arthur THOMAS was allegedly at home with his wife, Vivien THOMAS, and cousin, Peter THOMAS. Vivien and Peter THOMAS both corroborate the alibi of Arthur THOMAS. His alibi has never been contradicted by other evidence.
89. Claims on the part of individuals that whilst in prison, Arthur THOMAS admitted involvement in the murders of Harvey and Jeannette, are not considered reliable or credible.
90. It is clear that Detective Inspector HUTTON suspected Lenard DEMLER of being responsible for the murders at an early stage in the investigation.

Chapter 5 – Area Canvas / General Enquiries

650. Harold REEVE disclosed to Police that he had considerable trouble with Harvey over the whole job and found him "...impossible to deal with."
651. There is no indication on the investigation file as to whether or not this account was ever paid.
652. The 1970 investigation file shows that an explanation was obtained from Harold REEVE as to his movements on 17 June 1970. He said that he would have been attending a church meeting at the Interdenominational Church at the Wiri Hall between 6:40pm and 9:15pm. There is nothing on the investigation file to suggest that his presence at the meeting was confirmed.

New information

653. On 30 April 1980, Karl LOBB made a statement to Police, claiming he had seen Arthur THOMAS' vehicle and trailer parked in the pull off by the CREWE woolshed at about 6:30am on Thursday 18 June 1970.
654. Karl LOBB further stated that although he did not see anyone with the vehicle, he did notice two bundles covered by old cow covers lying on the trailer, which he felt could have been bodies. These covers were held down with pieces of pipe.
655. On Wednesday 24 June 1970, at the time of the original investigation, Karl LOBB was first spoken to by Police. He made no mention of seeing Arthur THOMAS' vehicle and trailer.
656. The Review Team consider that the assertion of Karl LOBB is questionable.
657. He did not report his observations when interviewed by the investigation team in 1970.
658. In 1980, Karl LOBB claimed that when Constable WYLLIE originally interviewed him and asked him if he had seen anything strange, he thought Constable WYLLIE meant "...any foreign persons".
659. Karl LOBB said that he did not think to mention sightings of local people or vehicles. He further claimed that it did not register to him that a local person was involved in the disappearance of the CREWES.
660. The Review Team consider the arrest of Arthur THOMAS for the murder of the CREWES, would have prompted Karl LOBB to come forward to Police and disclose what he had seen if his account was correct. Accordingly, his 1980 statement has been discounted.
661. On 7 March 2006, Pukekawa Farmer, Ross EYRE, was spoken to by Police and disclosed that he had seen the CREWE motor vehicle on Thursday 18 June 1970 or Friday 19 June 1970.

Chapter 5 – Area Canvas / General Enquiries

662. As a 16-year-old school boy, Ross EYRE, said 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 CREWE motor vehicle.
663. Ross EYRE said that he waved out to her and the woman "...just looked straight through me." Ross EYRE thought this was unusual as both Harvey and Jeannette always waved.
664. Ross 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 CREWE vehicle, explaining that "...back then he knew everyone's vehicles."
665. On 25 January 2012, when the topic was again raised with Ross EYRE, he disclosed to the Review Team that the incident occurred at about 8:00am on the day in question. He added that the woman driving the vehicle hit a pot hole in the road, which caused the vehicle to veer across the road before she was able to correct it.
666. Ross EYRE suggested that the woman did not know the area, as local people knew that there was a pot hole in this point of the road. Ross EYRE said the woman continued driving in the direction of Tuakau.
667. Ross EYRE claimed that during the original investigation in 1970, he was interviewed by Police and told them of this sighting, however, no record of this interview can be found on the investigation file. Ross EYRE's best recall is that the Police Officer he had spoken to was Detective Sergeant CHARLES.
668. Retired Detective Sergeant CHARLES advised the Review Team that he could not recall going to the EYRE property for any reason, other than to uplift firearms. Detective Sergeant CHARLES could not remember being told by a young boy (Ross EYRE) anything about seeing the CREWE vehicle being driven past their property on a morning following the murders.
669. Detective Sergeant CHARLES stated that had he been made aware of this information, he would have taken a statement from Ross EYRE about what he had observed.

Conclusion

670. Since the outstanding directional jobsheets and suspect nominations have been in existence for four decades, no further action in advancing the matters is warranted.
671. An area canvas involving 16 households was conducted in the vicinity of the CREWE farmhouse. It appears that a consistent questionnaire format was followed to some degree.
672. There is no evidence that those spoken to at this time were asked to account for their movements during any specified time period, i.e. the evening of 17 June 1970.

Chapter 12 – Persons of Interest

1704. Peter THOMAS was interviewed by the 1970 investigation team about his recall of the night of 17 June 1970. He stated that Arthur THOMAS was on the farm and at home, which is consistent with the evidence he gave in Court proceedings and corroborated Vivien THOMAS' account of the evening's activities.
1705. The Review Team have spoken with Peter THOMAS. He confirmed having been interviewed by Detective Inspector HUTTON and Detective JOHNSTON on two occasions at the Tuakau Police Station.
1706. He mentioned that he was a 'tough 18-year-old' at the time, however, disclosed that he had been reduced to tears through persistent questioning. He also said that they were pressing him to confirm that he had seen the trailer axle on the THOMAS farm. He maintained that he had not.

Information post second trial

1707. Between 9 February 1978 and 19 January 1980, Prisoner 'A', who had been in prison with Arthur THOMAS, spoke to Police on a number of occasions and provided written accounts and statements of an alleged confession Arthur THOMAS made regarding the murders of Harvey and Jeannette. Prisoner 'A' also supplied Police with a number of sketches, which he claimed had been produced by Arthur THOMAS when explaining how he had carried out the murders and disposal of the bodies.
1708. Prisoner 'A' gave evidence on these matters at the RCOI; however, he was found not to be a credible witness due to his criminal history and mental health issues. Prisoner 'A's evidence was rejected as being unreliable and was suppressed.
1709. Subsequent handwriting analysis by Document Examiner, John WEST, confirmed that writing on the sketches was by Arthur THOMAS, although it is unclear exactly which of the sketches John WEST examined. (Refer [Appendix 17](#))
1710. Aspects of Prisoner 'A's claims regarding Arthur THOMAS confessing to the murders were supported by Prisoner 'B', who also spoke to Police and provided written accounts (between 1 April 1978 and 25 June 1978) of what he had heard Arthur THOMAS confess to.
1711. Prisoner 'B' was called to give evidence at the RCOI; however, he refused to do so.
1712. Prisoner 'B' was spoken to by the Review Team and stated that his written statements made in 1978 should not be relied upon and he did not hear Arthur THOMAS confessing to the murders.
1713. The Review Team note that most of the information given by Prisoner 'A' could have been sourced from public records or media commentary. There are, however, aspects to the information that were not commonly known, i.e. activities while at primary school with Jeannette which suggest that it is highly likely Arthur THOMAS did talk to Prisoner 'A' about the murders. Whether this was in the form of a confession, or simply an outline of the case against him, is not known.

Chapter 12 – Persons of Interest

1714. Prisoner 'A' is deceased.
1715. The investigation file reveals that in January 1980 and May 1980, Police received information concerning two prison inmates, Prisoners 'C' and 'D', who claimed that Arthur THOMAS had made confessions to them that he was responsible for the murder of the CREWES.
1716. Unlike prisoner 'A' and 'B' there was no corroboration of their claims and both sources of information were deemed to be unreliable.
1717. On 30 April 1980, in a statement made to Police, Karl LOBB claimed he had seen Arthur THOMAS' vehicle and trailer parked in the pull-off by the CREWE woolshed at about 6:30am on Thursday 18 June 1970.
1718. Karl LOBB further stated that although he did not see anyone with the vehicle he did notice two bundles covered by old cow covers lying on the trailer, which he felt could have been bodies. These covers were held down with pieces of pipe.
1719. On Wednesday 24 June 1970, during the original investigation, Karl LOBB had been spoken to by Police. He made no mention of seeing Arthur THOMAS' vehicle or trailer. His explanation for this has previously been addressed in Chapter 5.
1720. The Review Team question the reliability of Karl LOBB's assertions and as such place no weight on his 1980 account.
1721. Information has also been received from other sources, which indicates that Arthur THOMAS may have been involved in the murders; in other events at the CREWE property, i.e. burglary; or expressed a previous interest in discussing the risks involving committing a serious crime. Since the information from these sources cannot be corroborated, they have little or no evidential value.
1722. On 13 August 2013, Arthur THOMAS was approached by the Review Team for the purposes of inviting him to contribute any information that may be of assistance. Arthur THOMAS maintained that he was innocent of the murders and reiterated that he had been 'framed'. Efforts on the part of the Review Team to engage with Arthur THOMAS to enable an open exchange have proved unsuccessful.
1723. Arthur THOMAS suggested that Police make contact with Peter WILLIAMS QC, who would need to be present if an open conversation was to take place.
1724. The Review Team made contact with Peter WILLIAMS QC who advised that he did not believe that Arthur THOMAS could add anything to the review.

Chapter 12 – Persons of Interest

2036. At the precise time the CREWES were murdered in their home, Arthur THOMAS claimed to have been at home with his wife, Vivien THOMAS, and cousin, Peter THOMAS. Vivien and Peter THOMAS both corroborated Arthur THOMAS' alibi, which has never been contradicted by other evidence.
2037. It is indisputable that there is a clear link of physical evidence from the THOMAS farm to the murders. However, the number of persons who had potential access to these items is now unknown.
2038. Information from within the prison environment that Arthur THOMAS admitted being responsible for the murders of Harvey and Jeannette can be discounted.

Lenard DEMLER

2039. Lenard DEMLER was the main suspect for committing the murders from an early stage in the investigation. There was no clear evidence pointing to his guilt, other than his general persona, and a belief by the 1970 investigation team of a perceived ill-will towards Jeannette resulting from her mother's Will. This was not the case as Lenard DEMLER did not lose autonomy of his farm.
2040. Lenard DEMLER did not have the necessary access to the THOMAS farm that the offender would have needed to source the firearm, wire and axle needed to commit the crimes and / or the disposal of the bodies.
2041. The 1970 investigation team considered Lenard DEMLER a significant person of interest at an early stage. He was 'family' and the CREWES' next door neighbour, therefore, could come and go on the CREWE property at will, without attracting undue attention.
2042. Focussing on Lenard DEMLER negatively impacted the breadth of the investigation and led to a loss of objectivity on the part of Detective Inspector HUTTON and the 1970 investigation team, generally. Not considering other alternatives objectively represents an error of judgment.
2043. During this crucial time period, Lenard DEMLER claimed to have been at home alone. For this reason, his alibi cannot be corroborated.

Norma DEMLER

2044. There is no credible evidence that Norma DEMLER had any direct association to Pukekawa prior to, or at the time of, the CREWE murders in June 1970. Therefore, Norma DEMLER did not have any involvement in the murders.

Heather SOUTER

2045. There is no credible evidence to indicate that Heather SOUTER (or Robert SOUTER), was complicit in any way in the murder of Harvey and Jeannette.

David Jones Q C Commentary On The Review

Chapter 12 – Persons of Interest

Arthur Thomas

The Review identifies that when the focus of the investigation became the Thomas farm, insufficient priority was given to persons other than Arthur Thomas who had access to that property and items which may have been used in the homicides which originated from it. I agree with that finding. Regrettably it appears that the attitude behind the fixation of Police interest in Lenard Demler transferred to Arthur Thomas with equal, if not greater ferocity. It does not appear that there was any real inquiry by the 1970 investigation team into any persons other than Arthur Thomas who may have had access to the farm and thereby the wire, the axle and Arthur's Browning .22 rifle (if that was in fact the murder weapon).

An earlier interest by Arthur Thomas in "courting" Jeannette Crewe, which preceded his own wedding and indeed the homicides by a number of years, was elevated into an "infatuation" motive. A comment attributed to Arthur Thomas about the brush and comb set (namely that it may still be wrapped up for all he knew), was utilised as a possible admission that he had seen the item in the spare bedroom closet when looking through the house for coverings to wrap the bodies in. Notwithstanding his alibi for the night of 17 June 1970, he was convicted of the murders in two separate trials. Those verdicts are necessarily perverse given the pivotal effect Exhibit 350 must have had in the jury deliberations.

The Review finding that the claims by inmates that Arthur Thomas made admissions whilst in Prison should be disregarded is undoubtedly right.

As the Review concludes, the investigation phase relating to access to the forensic items linked to the farm should have been undertaken. This would have eliminated certain persons and identified others who may have had access to the relevant physical exhibits.

Lenard Demler

Mr Demler was the prime suspect for much of the initial investigation period and was the subject of unrelenting attention and suspicion by the police. There have been numerous publications over the years about Mr Demler and his supposed involvement in the homicides which have much of their genesis in the way that he acted both before and after the bodies were discovered.

The apparent motive for Mr Demler was meant to be dis-affection for his daughter as a result of his late wife's Will being perceived as more beneficial to her than him, notwithstanding that he retained a life interest in the property and would have likely carried on his normal life on the farm.

The actions of Mr Demler after he found his grand-daughter on 22 June 1970 have been the subject of much debate. The fact that he found Rochelle in a distressed and