2015

Law Week
Clued up Kids Competition

Brief of Evidence

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SENIOR CONSTABLE WILL GETU
My name is Will Getu and I am a Senior Constable of Police stationed at Paradise Point Police Station. I have been a police officer for 16 years.

On 14 March 2014 at 6.58pm I was patrolling the Paradise Point area in a marked police car. I was travelling north on Beach Parade which is a residential street. Speed is limited to 50km per hour. I observed a black Hyundai I30 registered number BZI76W travelling in a southerly direction. The vehicle had been reported stolen earlier in the evening so I did a u-turn and activated my flashing lights and siren. The driver did not stop.

I observed 3 persons in the vehicle; namely driver, front passenger and a rear passenger seated in the centre. They were all wearing dark coloured, hooded tops, with their heads covered. I was not able to determine the gender of any of the vehicle occupants.

I advised my intention to commence pursuit via police radio. The traffic was moderate. Weather conditions fine, though earlier rain made the road surface slightly damp. My speedometer indicated I was travelling at 72km per hour. I estimated the Hyundai was travelling at over 85km per hour as it was pulling away from my car and increasing the distance between us.

I increased my speed to 85km per hour and continued the pursuit. The Hyundai driver made a left turn and commenced heading east on Surf Street, losing traction and crossing to the wrong side of the road. The driver of waste recycling truck travelling west along Surf Street took evasive action to avoid a collision.

The Hyundai driver accelerated and proceeded to make a right hand turn to travel south along Pacific Street. I estimated the Hyundai was now travelling in excess of 95km per hour in a 50km zone.
As traffic on Pacific Street was moderate and the manner of driving was becoming increasingly dangerous for other road users, I terminated the pursuit. The Hyundai continued travelling South on Surf Street and I lost sight of it.

At 7.13pm, after receiving information via police radio, I attended a bush location at the end of Anfield Close Paradise Point and saw black Hyundai I30 registration BZI76W had collided with a large gum tree. There was damage to the front end of the vehicle and the air bags had been deployed. The driver’s and both passenger doors were open. I felt the bonnet of the car and observed that the engine was very hot, indicating the car had been recently driven. Loose wires were hanging below the dashboard.

The ground immediately around the vehicle was soft, and partial footprints leading from each open door were visible. These footprints led towards bushland, then stopped when the ground became firmer.

Using police radio I called for assistance from the Dog Squad and Forensic Services Group. I noted it was 7.16pm.

Senior Constable Al Sayshon and Police Dog “Biscuit” later attended the location. I had a conversation with Senior Constable Sayshon and saw him follow “Biscuit” into the bush. I noted it was 7.24pm.

At 7.28pm I heard a dog barking loudly. I headed into the bush location towards the sound and quickly located Senior Constable Sayshon and Biscuit. Three young persons stood together, with their hands raised and visible in front of them. I noticed that all 3 were wearing dark hooded sweatshirts with their heads covered by the hoods. Two of the youths were male whilst the third was female.
I said “I am Senior Constable Getu from Paradise Point police. You fit the description of 3 persons who were travelling in a stolen car a short time ago. That vehicle has collided with a tree in the near vicinity of this location. What are your names and ages?”

The first male replied “Jack Carrs. I’m 15”

The female replied “Robyn Holdens. I’m 15 too.”

The second male answered “Nick Ferraris. 15”

I observed that Jack Carrs had a smear of blood from his nose, across his right cheek.

I said “Were any of you hurt in the accident?”

Nick Ferraris replied “What accident?”

I said “What happened to your face Jack? You’re bleeding”

Jack Carrs shrugged his shoulders and said “Dunno”

I said “As you are all under the age of 18, you will now be taken to Paradise Point police station for..."
questioning. A parent or guardian will be present while that happens. You do not have to answer any questions. Anything you tell me will be recorded. Do you understand?”

Nick Ferraris and Robyn Holdens replied “yes”. Jack Carrs nodded his head.

The 3 young people were conveyed by police vehicle to Paradise Police station. Their parents attended shortly after. Each youth, in the presence of at least 1 parent, declined to make a statement and refused to answer any further questions.

After obtaining a forensic procedure order, I photographed each of the young persons. Those photos are attached.

Each young person was directed to empty their pockets. I photographed the contents of each and labelled those photographs P1 P2 and P3. Those photographs are attached.

I took swabs of the hands of each youth and sealed and labelled them for forensic examination. The swabs were labelled X1, X2 and X3

On Monday, 17 March 2014 I delivered X1, X2 and X3 to Professor Mike Roscope.
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Nick Ferraris

Jack Carrs
Robyn Holdens
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P3
CARA SMINE
My name is Cara Smine. I am 23 years old. I reside at 38 Pacific Street Paradise Point.

On Friday, 14 March 2014 I arrived home from work and parked my car, a black Hyundai I30 in my driveway. There was no noticeable damage to my vehicle. I’m pretty sure I locked my car, but cannot be absolutely certain. I know it was 4.30pm as the Bold and Beautiful was just starting.

At 6.25pm I left my house to go to pilates class. I noticed that my car was no longer in the driveway and immediately called the police.

I only have 2 keys to my car. I checked straight away and saw that the first key was on my teddy bear key ring. The spare key was located in the kitchen drawer, where I always keep it.

At about 8.00pm I received a call on my mobile. I attended Anfield Close Paradise Point, where I was met by Senior Constable Gunnar Catchim.

I followed Senior Constable Catchim a short distance down a dirt track and observed my car crashed against a large tree. It was getting dark, but the policeman had a torch which helped me see. There was a large amount of damage to the bonnet, and I could see that the front airbags had gone off.

I looked through the drivers side front window and saw that the seat had been moved back quite a long way. I would not have been able to reach the accelerator and brake from that location as I am 1.61 metres tall. I also saw some loose wires hanging down from below the dashboard.

I signed documents and cried as my car was loaded onto a tow truck.

Four weeks later my car was assessed by my insurance company. The damage was deemed too costly to repair and the vehicle was written off.
SEYMOUR DEEDS
My name is Seymour Deeds and I am 78 years old. I reside at 4 Anfield Close Paradise Point.

On Friday, 14 March 2014 at just after 7pm I was watering the petunias in my front garden. I could hear emergency vehicle sirens in the distance. They seemed to be getting closer but then stopped quite suddenly.

A few minutes later I could hear a vehicle approaching. The engine was revving and the tyres were squealing. I saw a black Hyundai come around the corner from Ocean Street, on the wrong side of the road. It was travelling very quickly. When it was directly across from my house, the driver braked heavily and steered back towards the correct side of the road. I could see there were 3 people in the car, but I could not see their faces. They all had dark coloured, jacket hoods covering their head. The rear passenger was sitting in the middle of the seat.

The car continued to the end of Anfield Close where it mounted the gutter. That is a distance of about 45 metres. It headed towards the bushland and I lost sight of it.

Less than 1 minute after the car passed my house I heard a loud bang. I looked down towards the end of the cul-de-sac and saw the car had crashed into a tree.

I went as quickly as I could to the accident site. I saw three people exit the vehicle – one via the drivers door, 1 via the front passenger’s door and the third via the rear passenger’s door.

The three people who got out of the car were all wearing black hooded tops, and all had their heads covered. They all ran further into the bushland at the end of the cul-de-sac and I lost sight of them.

I hurried home and telephoned the police. I then returned to the location of the crash and waited until the police arrived, which was within a few minutes.
SENIOR CONSTABLE AL SAYSHON
My name is Al Sayshon and I am a Senior Constable of police, attached to the regional dog squad.

On Friday, 14 March 2014 I was travelling in a marked police vehicle with my police dog “Biscuit”. At 7.24pm, following instructions via police radio, I arrived at a bushland location just off Anfield Close Paradise Point. I observed a black Hyundai i30, which appeared to have recently collided with a tree. The driver’s and both passenger doors were open. I noticed a few partial footprints leading from each door towards the bushland.

After a conversation with Senior Constable Will Getu, Biscuit and I headed into the bush.

Within a few minutes, Biscuit began to strain on his lead and commenced barking loudly. I allowed Biscuit to lead me towards a dense cluster of trees surrounding a rocky outcrop.

I heard rustling from behind the rocks and yelled “Police. Put your hands up where I can see them, and stand up slowly”

I watched 3 teenagers stand up as I directed. Two were male, the other female. They were all wearing dark hooded jumpers, with their heads covered. One male had what appeared to be blood smeared on his left cheek and nose area.

I called for assistance using my police radio. Senior Constable Getu attended a short time later.

Getu said “You fit the description of 3 people who were seen in a stolen car a short time ago. That vehicle has collided with a tree near this location. What are your names and ages?”
The first boy, who had the blood on his face, said “Jack Carrs. I’m 15”

The female, replied “Robyn Holdens. I’m 15 too.”

The second male said “Nick Ferraris. 15”

Senior Constable Getu said “Were any of you hurt in the accident?”

Nick Ferraris said “What accident?”

Getu said “What happened to your face Jack? You’re bleeding”

Jack Carrs replied “Dunno”

Getu said “As you are all under 18, you will be taken to the police station for questioning. A parent or guardian will be present while that happens. You do not have to answer any questions. Anything you tell me will be recorded. Do you understand?”

Nick Ferraris and Robyn Holdens said “yes”. Jack Carrs nodded.

In company with Senior Constable Getu I escorted the three young people to the marked police vehicle. I then left the location with Biscuit to attend to other duties.
SENIOR CONSTABLE GUNNAR CATCHIM
My name is Gunnar Catchim and I am a Senior Constable of police attached to the Forensic Services Group. I have a degree in Forensic Science and specialise in fingerprint analysis.

On 14 March 2014 at 7.35pm I attended a bush location at the end of Anfield Close Paradise Point. I observed a black Hyundai I30 which had collided with a large gum tree. The front of the vehicle had sustained damage. The air bags had been deployed. Three of the vehicle doors were ajar. Loose wires were hanging down from underneath the dashboard.

I observed new, partial footprints on the ground near each open door. I photographed and measured those prints. The photographs, labelled F1, F2, F3 are attached.

At 8pm I had a conversation with the vehicle's owner, Cara Smine. I supervised as the vehicle was loaded on to a tow truck for transport to Forensic Services for further examination.

On Monday, 17 March 2014 I conducted a further examination of the vehicle with the following observations:

There were a large number of smudged partial fingerprints on the steering wheel, dash board, door handles and all seatbelts in the vehicle. None of these prints were discernible.

There were traces of what appeared to be blood on the deployed passenger air bag. I photographed the airbag. That photograph is labelled F4. I took a sample for forensic testing. This sample was sealed and labelled S1.

There were no discernible fingerprints on the loose wires hanging down from the dashboard.
There was a scrap of torn white paper caught in the centre rear seatbelt. I photographed the paper in situ. That photograph is labelled F5. I removed and photographed that item. That photograph is labelled F6. I sealed and labelled the paper S3.

There was a piece of leather-look braid, 1mm in diameter x 91mm in length, caught on the seat adjuster below the driver’s seat. I photographed the braid in situ. That photograph is labelled F7. I removed and photographed that item. That photograph is labelled F8. I sealed and labelled the braid S2.

There were small traces of a soft brown substance on the drivers seat belt clip. I took a sample of that item which I sealed and labelled S3.

On 25 March 2014 I delivered exhibits S1 and S2 to professor Mike Roscope for the purpose of forensic examination.
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F4
F1. Located next to drivers door
F2.
Located next to drivers rear passenger door
F3. Located next to Front passenger door
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F5

F6
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F7

F8
PROFESSOR MIKE ROSCOPE
My name is Mike Roscope and I am a chemical analyst at the State Analytical Laboratory. I have a Doctorate in chemistry and a degree in pharmaceuticals.

On 17 March 2014 I took possession of swabs in sealed evidence containers, individually labelled X1, X2 and X3, from Senior Constable Will Getu.

On 25 March 2014 I took possession of exhibits labelled S1 and S2 from Senior Constable Gunnar Catchim.

I examined each exhibit with the following results:

X1 sample swab from human hand indicated human perspiration and skin cells

X2 sample swab from human hand indicated human perspiration, skin cells and human blood from group A positive.

X3 sample swab from human hand indicated human perspiration, skin cells and a mixture of beeswax, camphor, lanolin, paraffin, petrolatum and flavouring which is consistent with lip balm

Exhibit S1 was a sample of human blood from group A positive.

Exhibit S2 was a piece of braided material measuring 1mm in diameter x 91mm in length. S2 is consistent with “leatherette” a synthetic leather look material commonly used in clothing, book binding and some fashion jewellery items. The leatherette contained traces of human perspiration and skin cells.
Exhibit S3 contained traces of cocoa, vegetable fat, sweeteners, peanut oil, glucose and sugar. This is consistent with chocolate containing nuts.

I did not conduct DNA testing of any items due to cost factor and unacceptable time delays.
POLICE DOG “BISCUIT”