

I said, "Did you do that the afternoon of the murder?" He said, "I've done that to this particular window, sure. I've done that, sussing out all the jewellery," and if I can refer to the photocopy that I have numbered 11, to this particular window, he referred to the window on the right-hand side of his drawing.

I said, "Did you do it that night?" He said, "I don't know. I don't know what I did."

I said, "Do you remember what the weather conditions were like at the time?" He said, "It was sunny the day I went in there and it was very stormy on the night of the murder. I can't remember what it was like when I just looked in the window. I don't remember but I didn't do the murder."

I said, "Andrew, do you recall what you were doing from when the taxi dropped you off at Bel Air until the time you got home to Michelle's?" He said, "I don't know. I can't remember. I was looking for drugs. I was trying to score drugs for this fucking bitch Michelle. She's always wanting drugs and I'm always trying to score drugs for her."

I said, "It's interesting you bring her up. Do you feel you have been under pressure over the last few weeks?"

Is that, "Do you feel you have been under extra pressures" - pressures, plural - "over the last few weeks"?---I will repeat that. I said, "It's interesting you bring her up. Do you feel you have been under extra pressures over the last few weeks?" He said, "Well, if you're talking about Michelle, yes. She's always wanting drugs and I'm the one who always had to go and get it."

I said, "And how does this affect you?" He said, "Well, I've gone from the point where I've been living on my wits looking after myself, to a point where I've had to look after Michelle too and it gets to you after a while."

I said, "How long has this been going on?" He said, "Since I moved into Michelle's, a week or so before the murder."

I said, "Are you saying this may have affected what you did?" He said, "I'm just saying she's hopeless, unorganised and has got no idea what to do. She wants drugs all the time. I go and get drugs. She wants food. I get food. She wants money. I get money."

I said, "Why are you telling me about this?" He said, "I just want you to see the pressures I've been

under. The bit of scamming I do, I've had to do twice as much to get by."

I said, "Is it because of Michelle then that you have done things you normally wouldn't do?" He said, "That's right, that's why I did all the fucking silly breaking and enterings and all that crap."

I said, "Andrew, what you say about that is true, I'm sure. I can understand that happening. Another person to look after brings on extra pressure and extra responsibilities, and I'm not lying to you when I say I understand." He said, "No, I'm listening to you."

I said, "Now, Andrew, can you remember anything about what you did after getting out of the taxi?" He said, "It's sketchy."

I said, "Go on?" He said, "Can I break for a shit now and then I'll come back and I want to have a few words with you about this whole matter when I come back?" The interview was suspended at 7.28 pm. The accused had a toilet break and the interview was recommenced 8 minutes later at 7.36 pm.

I said, "I know it's hard, mate. I know it's hard, but I only want to know the truth." He said, "Okay, if I tell you now about going into the shop that night, what happens then?"

I said, "What do you mean what happens then?" He said, "What are you going to do with me?"

I said, "Andrew, I can only act on the information you give to me. It is obviously a very serious matter which has occurred but if you can explain what happened, I'll listen to you." He said, "If I was to tell you that I went into the store and I know nothing about the murder, would you believe me?"

I said, "Andrew, it's not a matter of what I believe. It's a matter of what evidence there is to prove something." He said, "Look, I went into the shop that night to case it for a burglary."

I said, "What did you do?" He said, "I walked past, seen the lights on, couldn't see anybody in there. I tried the door. It was open. Walked in, went up there, looked behind there, looked behind there, then I heard someone at the back door so I ran outside." If I refer to a photocopy of a sketch that I have numbered number 12, he has gone, "Walked in, went up there, looked behind there" - sorry, "Went up there, looked behind there, looked behind there, then I heard something at the back door so I ran outside." So he has indicated to walking in up to the end of those two counters, looking behind in those areas and then heading outside. I said, "What time was this?" He said, "Would have been about 5 o'clock."

I said, "How does this fit in with the time you left the taxi?" He said, "I got out of the taxi, went into the main entrance of Bel Air. Sharp right past the elevator. Sharp left, then right past the laundry, out and up the back steps to the carpark, then across Ecclesborne up a laneway to Michelle's unit. Into the laundry, got my gloves out of the pockets of the leather jacket, put my cap on, grabbed my bike and rode down to Bel Air."

I said, "Continue." He said, "I left the bike near the post fence and went through to Dover Court up to flat 82 to see those guys, Shane and that other guy, but they weren't home."

I said, "Were you wearing the leather jacket?" He said, "No."

I said, "Did you go up to any of the flats in Bel Air?" He said, "No, just to number 82 at Dover Court and they weren't home."

I said, "Where did you go after that?" He said, "I was going to go and see Graham but I never got there. I walked around by Stirling Highway past Brett Dell's place and around to the carpark by Graham's flats."

I said, "Why did you go that way?" He said, "I didn't want the taxi driver to see me if he was still waiting on looking for me."

I said, "Continue." He said, "I walked to the front of the shop and looked inside. I couldn't see anybody. I was nervous because it's usually not my thing. I hung around a couple of minutes to see if anybody came in the

shop but they didn't. I would never have gone in if I thought there was a chance I would get caught."

I said, "Continue." He said, "I just walked in, looked behind here and here and here and I heard someone and I left." I refer to the photocopy of the original sketch, page 13, when he said he "looked behind here, here and here," he has referred to those three places, the variation from number 12 being he has also indicated to the very top right-hand side marked with the highlighter. I said, "Which way did you go into the shop from?" He said, "The front door."

I said, "Which way did you leave?" He said, "The front door."

I said, "Why did you leave so quickly?" He said, "Because I heard somebody at the back door."

I said, "Were you wearing your cap?" He said, "Yes."

I said, "How? Which way did you have it on" - sorry, "Which way did you have it?" He said, "Like this" and he went like that. I said, "On backwards?" He said, "Yes."

I said, "We have a witness who saw someone in the shop around 5 o'clock. Did you get seen whilst you were in the shop?" He said, "Yes."

I said, "By who?" He said, "By a girl in a car." I said, "Where was the car?" He said, "Here." I refer you to photocopy of the sketch number 14. He has indicated to where I have highlighted in the lower part of the sketch there.

MURRAY J: So there's perhaps a little rectangle with a cross in it, is there?---Yeah. Now, I'm not exactly sure which part of that he drew in at that time but that area there was what he - he has drawn that square there at the time. Now, I don't know whether he drew that cross at that time. I can't recall to be quite honest, your Honour. The other rectangle around it, I can't recall exactly when he drew that either. The drawings were continuous. He had the pen in his hand at the time I was talking him through this and he was adding things.

BATES, MR: When you asked him, "Where was the car?" and he said "Here," he indicated that position?---And he actually has drawn that small square, so to speak, or rectangle, if you want to call it - smaller one.

MURRAY J: I was just wondering whether that was the car or whether that was a position in the car?---I know exactly what you are getting at with that, and I have looked at that myself, but all I know is that when he said that he actually drew that part.

He did not elaborate?---No.

Yes. What about those arrows? They look as if they are directions of travel for vehicles on the road?---Yes.

Were they drawn then?---When he drew the original sketch he put in a lot of that detail. Remember I asked him to redraw the sketch and he drew in - he was drawing details, and I presumed as he was drawing that that he was talking about - that's the road and they are the different directions on the road. That is his indication that that's the roadway. That was my assumption.

Yes. I am sorry to interrupt. Go on, Mr Bates, please?

BATES, MR: Yes.

If you could continue, Detective Sergeant Caporn? We are up to the question, "Where was the girl?" - the second to the last question on that page?---Yes:

I said, "Where was the girl?" He said, "In the front passenger seat."

I said, "How do you know she saw you?" He said, "We locked eyes and I bobbed down like this and ran out."

I said, "Where were you when she saw you?" He said, "Here." If I can refer to the photocopy of sketch number 15, and where I have highlighted at the end of the counter on the right-hand side indicates where he indicated to me at the time. He said that.

I said, "What type of car was it?" He said, "A green one, not new."

I said, "What make?" He said, "I don't know; a Corolla maybe."

I said, "How did you being seen fit in with hearing someone at the back door?" He said, "At the same time the girl saw me I bobbed down, heard someone at the back door, didn't look around, just bolted straight out the front."

I said, "Did you see anyone at the back door?" He said, "No, it all happened at once and I just bolted."

I said, "Did you look back after you left the shop?" He said, "No, I wanted no part of it. I didn't want to get caught, no way."

I said, "Did you take anything from the shop?" He said, "No, I was going to but I didn't."

I said, "Why?" He said, "Because of the girl and whoever that was at the back door."

I said, "Where else did you go while you were in the store?" He said, "Just behind here and here and here. That's it." I refer to the photocopy numbered 16, just to the highlighted areas similar to what he had said to me before.

I said, "What about further back into the store, did you go out there?" He said, "No."

I said, "Are you sure?" He said, "No, I didn't and I didn't do what I just said I did either. I just said it to get you off my back and now you are trying to put me in further so it looks as though I killed her and I didn't."

I said, "So what are you saying now?" He said, "I didn't go into the store and I didn't murder Pamela Lawrence."

I said, "Well, what was all that about going into the store then?" He said, "I just made that up, sergeant, to get you off my back."

I said, "What about what you said in relation to the witness and locking eyes with her? What did you mean by that?" He said, "I made it up. I made it up like all the rest of it. I made it all up."

I said, "What were you to say if I said that was in case the fact that you did lock eyes with the witness?" He said, "I am a very intelligent man. I worked it out from the things you said to me."

I said, "But I mentioned nothing about locking eyes with the witness." He said, "Yes, but if you say a witness saw someone in the shop then she must have locked eyes with him, wouldn't she? It wasn't hard to work out."

I said, "Why do you say the witness is a female?" He said, "What do you mean?"

5/3/wm

90/95

I said, "Well, you keep mentioning that it was a girl who saw the person in the shop." He said, "It must have been in the papers."

I said, "What about the fact that you say this witness was sitting in the front passenger seat of the car? Why do you say that?" He said, "In the papers as well, or in the news, or you must know that I am good at working these things out. I should have been a copper. I should be doing what you do."

I said, "Why did you tell me all those things if they are not true?" He said, "To get you off my back, but I didn't go into the shop and I didn't kill Pamela fucking Lawrence."

7/11/95

CAPORN, D.J. XN

397

I said, "Andrew, I find it hard to believe you made up all what you just told me." He said, "I made it up from what you said, from the papers and from my own knowledge of the shop in Mosman Park."

I said, "Well, where did you go after leaving the taxi at Bel Air?" He said, "I don't know. I don't remember."

I said, "Don't you think it's a little convenient now to say you don't know, after all what you said?" He said, "I wouldn't be that stupid to kill anybody. That's why I got out of the army, because I didn't want to kill anybody."

I said, "Did you go into the shop that evening?" He said, "No, and I didn't kill Pamela Lawrence."

I said, "Andrew, why are you playing games with us then? All we want is the truth. Has Michelle, or your feelings for Michelle, anything to do with this?" He said, "Looking after that fucking slut is over for me. I did everything for her and got myself into twice as much trouble for it. If they didn't have cunts, you wouldn't talk to them."

I said, "So is that something to do with this? Were you out to get something for Michelle?" I must say that his demeanour was changing over this period. He was becoming quite aggravated. He said, "Yes, I'm out to get something. Yes, I was out to get some money by selling jewellery to this woman. That was my motive for being there. I was not there to case the joint. I've got to admit I thought about it for sure. I thought about, 'Gee, she leaves her windows open pretty unprotected. There's fuck all alarm systems. I could do a smash and grab here,' but that's stupid because I don't do things like that. It's too easy to get caught."

I said, "Are you saying then that it was the night of the murder that you went to sell jewellery?" He said, "No, it wasn't. It was about a week before. Smash and grabs aren't my style. My style is to scam, is to con. That's how I do it. I con people. I get their confidence, then I just take it under their noses just like I did with the badges. I'm a good con artist."

I said, "Are you trying to con me now, Andrew? Is this what this is all about?" He said, "I was not in the shop and I did not kill Pamela Lawrence. I'm not trying to con you." By this time he had already settled down again and his demeanour had come down to what it started off to be just about.

I said, "When you returned to Michelle's on the Tuesday morning, did you give her any money?" He said, "Yes".

I said, "How much?" He said, "About \$12."

I said, "Where did you get that money from?" He said, "From a bag at the school, not Iona, the other one, schoolgirl Chan. That was the name of the student."

I said, "What did you take from the bag?" He said, "Just money, \$18."

I said, "What did you do with the other \$6?" He said, "Bought smokes and chocolates."

I said, "I'm very concerned about some of the things you have told me today, Andrew, things you say you guessed or picked up from me or the news reports. What is the truth, Andrew?" He said, "Your witness must be reliable and the identikit photograph that was on the television looked nothing like me at all. It doesn't look like me whatsoever."

I said, "Why do you believe that the identikit has come from that witness?" He said, "Well, she must be your only witness otherwise you would have this person who'd done this."

I said, "You seem to know a lot about this case, Andrew." He said, "I do. I told you I'm an intelligent man."

I said, "Andrew, how have you been coping with this, looking after Michelle?" He said, "Very difficult. Look at me? I'm skinny as shit. I'm normally a lot heavier than this."

I said, "Have you been eating regularly?" He said, "I've eaten fuck all. She's a vegetarian."

I said, "I understand things haven't been easy, Andrew, but it appears to me that you're not telling me the truth." He said, "If I was to tell you I was in the shop again, I would be telling you lies. I do not do grabs unless I reckon I can get away with it. I'm an opportunist and I only do things if I can get away with them. That's the whole truth, so help me God."

I said, "Andrew, I don't think that is entirely true. We have a situation here where Monday you can account for yourself very well in the morning - with the morning and the lockup. You then described the taxi driver very well at great detail which made it very easy for us to find him. Your relating of events concerns Michelle's place is substantial in most detail. Your events from Tuesday check out no problems. Then it comes down to the point where from the time you get out of the taxi at Bel Air to the time you arrive home at Michelle's, approximately 1 hour and 50 minutes later, it all goes blank." He said, "I think I was on top of Dover Court."

I said, "What do you mean?" He said, "I got up on top of Dover Court and Bel Air" - sorry, I will start that again. He said, "I go up on top of Dover Court and Bel Air all the time. I once even hung a crap off Bel Air just for laughs."

I said, "When you mean the top, are you talking about the roof?" He said, "Yeah, on top. I was on top of Dover Court."

I said, "How does this fit in with the sequence of events?" He said, "I got out of the taxi, through the main entrance of Bel Air, right past the lifts, sharp left, sharp right out to the carpark. Waited a few minutes, then through the pool area to Dover Court. Up to the roof. Stayed there for an hour or so, at least an hour, then back down up Murray Avenue to Michelle's."

Is that last alibi recorded then as alibi number 10 on 10 June 1994?---Yes, it is.

Thank you. If you could just take us through that? ---Simply to Bel Air at number 2 Murray Avenue. Then he has gone through Bel Air and into the Dover Court building and up onto the roof of Dover Court, and later returning to unit 3, number 10 Murray Avenue.

Being Michelle Engelhardt's unit?---That's correct.

Yes, thank you?---I said, "Why didn't you tell us this before?" He said, "I just remembered."

I said, "Did you see anyone else" - sorry, I said, "Did anyone see you?" He said, "Probably not. I was trying to hide from the taxi driver."

I said, "But this was the night of the storm. What would it have been like on the roof?" He said, "It was wet but that was part of the attraction. I go up there all the time. Gives me time to think things out."

I said, "Andrew, you don't really expect me to believe that you were on the roof of some building for an hour or so during that wild storm?" He said, "You probably don't believe me but that's where I was. I need to have another drink and go to the toilet please."

I said, "Fine. Just have a good think about what you just told me. It doesn't make sense to me, Andrew." The interview was suspended at 8.08 pm. He was - had a drink and a toilet break and the interview was recommenced at 8.14 pm. He didn't get to finish the drink in that time but it was left there. I said, "Have we had a think about this now?" He said, "I don't want to say anything to incriminate myself with this."

I said, "Are you saying you want some advice?" He said, "No, I don't need advice. I need to be helped through this."

I said, "How can we do that?" He said, "I don't know."

I said, "Are you prepared to tell me the truth?" He said, "If I was going to tell you what happened, what is going to happen from here now?"

I said, "You asked me that before, Andrew. I told you I have to act on what you tell me. But I know there's always a story to be told and I don't know what your story is yet." He said, "I want to know where I stand."

I said, "If you have committed an offence, I have to deal with it, Andrew, but you can see we have done our homework and there's not a lot we don't know." He said, "Okay. I went into the store, no-one around. I quickly ducked down behind the counter around here, no-one around. Couldn't see anybody. Some people come in so I fucked off." I refer to photocopy of the sketch, the original sketch, numbered 17 and the area highlighted as the area he referred to in that passage. I said, "Is that the truth?" He said, "Yep, that's it. All that stuff about the witness, that's all bullshit. I didn't even see the witness. I made that up, all of it. I just guessed. I went to the shop to steal something. I heard someone come in the back door and I left."

I said, "What time was it that you went to the shop?" He said, "About 5 o'clock, just after I got out of the taxi."

I said, "How did you get there?" He said, "Went to Michelle's, not inside but to the laundry. Got my gloves, got my cap and went straight up towards Graham's place."

I said, "Did you go to Graham's place?" He said, "No."

I said, "What did you do?" He said, "I saw that there was no-one in the shop and I thought it would be a good chance to get something that I could sell. She wasn't in the shop, otherwise I wouldn't have gone in there. I had a wander around. I quickly ducked down behind the counter having a look to see what I could get. Heard the back door go and took off."

I said, "How did you get into the shop?" He said, "Front door. I've never been around the back."

I said, "This shop you're now talking about was Flora Metallica jewellery shop, wasn't it?" He said, "Yes, the jewellery shop where the woman was murdered and I did not murder her. I just went to steal something."

I said, "Did you steal anything?" He said, "No." I said, "What were you wearing at the time?" He said, "I wore that red sports jacket, green silk shirt, black-blue pants, Doc Martens."

I said, "Anything else?" He said, "I had my cap on."

I said, "Were you telling me the truth before when you said you wore the cap backwards?" He said, "Yeah, that's the way I wear it when I'm working."

I said, "What do you mean by 'working'?" He said, "You know, doing scams, burgs, just being an opportunist."

I said, "Again, is the cap you're talking about the one we found in your property, the one with the gold band?" He said, "Yes."

I said, "Where did you get the cap from?" He said, "From the laundry at Michelle's. That's where I had the leather jacket and the cap stashed."

I said, "Whereabouts in the laundry?" He said, "There's a closet in there. The gloves were in the pocket of the jacket."

7/4/ems

90/95

I said, "Did you wear the leather jacket?" He said, "No."

I said, "When you went to the shop was there anything at the front of the store?" He said, "Not that I noticed."

7/11/95

CAPORN, D.J. XN

403

I said, "Were the lights on?" He said, "Yeah."

I said, "You say you went and looked behind the counter. Did you go any further than that?" He said, "Where do you mean?"

I said, "The rear of the shop." He said, "I have never been in the backyard."

I said, "No, I mean inside but towards the rear." He said, "I was in a rush, in a hurry, maybe I did."

I said, "Did you see anyone in the shop at all?" He said, "No. I heard a noise at the back door and I didn't have time to have a look. I ran out."

I said, "What about the witness you told us about before?" He said, "I don't know about the witness."

I said, "But you told me before that you were seen by a girl in the shop. You said that made you duck down behind the counter." He said, "Look, this is getting hard. I only said that as a lucky guess and now you are making it look like I murdered Pamela Lawrence."

I said, "I haven't said that. I am just asking you about what you told me before." He said, "You are just trying to trap me and I wasn't even in the store. I am just bullshitting to you because I didn't kill Pamela Lawrence."

I said, "What are you saying now then, Andrew?" He said, "I didn't go into the shop that night and I did not murder Pamela Lawrence."

I said, "Why did you tell me you had been into the shop?" He said, "To get you off my back."

I said, "Well, where were you between 4.45 and 6.40 pm that evening?" He said, "I don't remember."

I said, "What about the story you told me concerning the roof of Dover Court?" He said, "I said that because that is where I might have been but I don't remember."

I said, "What's going on, Andrew? I have heard many versions from you today about what you did that afternoon and evening. Why?" He said, "Because I'm sick of this bullshit. I tell you what I did and you come back with some evidence as to it being another night or some reason why I couldn't have done what I know I did. This is bullshit. I didn't kill anybody. I'm innocent. I am so clever, I was able to work everything out from the papers and talking to you; everything, and it's all bullshit. I thought, 'Fuck it. I'll just tell them that I was in the

shop,' but you weren't satisfied with that. You just keep on digging and digging. Well, I'm sick of it. I didn't go into the shop and I didn't murder Pamela fucking Lawrence." Obvious from what he said in that passage that he is becoming aggravated again.

I said, "You are a very convincing man at times, Andrew, but you can't tell me things and expect me to believe them if I have evidence to the contrary." He said, "Do what you want. You can't prove anything otherwise you wouldn't be talking to me for so long. You would have charged me and that would be it but, no, all the time, digging, digging, pushing, pushing. I can't remember where I was. Maybe I was nowhere; just sitting on top of Dover Court minding my own fucking business; that's it; minding my own fucking business. Why don't you do the same?"

I said, "There is no need to get upset with us, Andrew. You must understand that we can't be happy with your alibi in this matter." He said, "Alibi; what alibi? The way you are talking, everything is bullshit; that I am saying I say something" - if I can just start that again, "Alibi; what alibi? The way you are talking, everything is bullshit that I am saying. I say something, no, that's not right because he said that or Shane said it was Sunday or I said something, then I changed my mind. There is always something; something you know; something I don't, mate."

I said, "These things were only brought up because we have been able to prove they happened or didn't happen as the case may be." He said, "But what am I going to do. How am I going to cope with this? If it is not one thing; it's the other. I am trying to keep on track. You are fucking me around. Michelle's fucking me around. It is murder and that's not me. There is a rush; people get scared; don't want to get caught. It doesn't mean anything in the end. In the end it doesn't mean anything; nobody cares."

I said, "We will help you if we can." He said, "Help me; help me. How are you people going to help me? You don't understand. It is all very sketchy; so sketchy. Even I don't know everything."

I said, "What do you know?" At this point the accused broke down and started crying.

I said, "What do you know, Andrew?" He said, "I know there is a lot of blanks - all blanks. He was very scared. He didn't want to get caught. He was evil." The accused's tone became very, very low, almost to a whisper and I moved from sitting opposite to him to actually sitting on the table in front of him, right next to him and I lowered my tone as well.

8/3/cst

90/95

I said, "Who, Andrew? Who are you talking about?"
He said, "This person that did this thing."

I said, "What thing, Andrew? Are you talking about
Pamela Lawrence?" He said, "It was evil. He was scared.
He just kept on hitting her. He couldn't stop."

I said, "How did this happen?" He started crying
further. I then give him the full caution the same as I
had before at Graylands. I then said, "Can you tell me
more about this, Andrew?" He said, "He murdered her.
He's very scared. He doesn't want to get caught."

I said, "Who are you talking about?" He said, "This
person - the evil person."

I said, "What's his name?" He said, "I don't know
his name."

I said, "What happened?" He said, "Just looking to
steal something; just something to get by."

I said, "How did he get into the shop?" He said,
"Back door; up the stairs to the back door."

7/11/95

CAPORN, D.J. XN

406